AGENDA

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

Tuesday, April 26, 2022
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we ***Live*** in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

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.

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If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7000.

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.

Information Regarding Public Comment

Members of the public may address the Council on items of interest that are within the City's jurisdiction. In compliance with State law, the council may not take actionor have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. 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 seated in the Council Chamber **prior to the agenda item being called**. The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at https://www.ci.oakley.ca.us/online-public-comment-card/.

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 and Special Meeting of the Oakley Public Financing Authority

1.2 Pledge of Allegiance to the Flag

1.3 Proclamation Recognizing May 2022 as Building Safety Month
Proclamation

1.4 Proclamation Proclaiming April as National Sexual Assault Awareness Month

Proclamation

1.5 Presentation of the Oakley 27+ Strategic Plan (Joshua McMurray, City Manager)

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.

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 from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting held April 12, 2022 (Libby Vreonis, City Clerk)
Minutes 04-12-22

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

3.3 Adopt a Resolution to Reappoint Michael Krieg to the Contra Costa Mosquito and Vector Control District Board (Libby Vreonis, City Clerk)
Staff Report
1. Application
2. Proposed Resolution

3.4 Approving the Agreement with Oakley Senior Housing, LP for "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" for DR 02-19 Twin Oaks Senior Residence and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Location Map
3. Landscape Maintenance Agreement

3.5 Approve the Parcel Map for Minor Subdivision MS 21-976 for the Diablo Water Corporation Yard located at 3990 Main Street (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Reduced Size Parcel Map

3.6 Approving the Agreement with Oakley Senior Housing, LP for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the DR 02-19 Twin Oaks Senior Residence project located at 2605 Main Street and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Exhibit
3. Stormwater Agreement

3.7 Consideration of a Resolution Authorizing the City Manager or his Designee to Execute any Necessary Amendments to the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc. and Adopting a Budget Amendment Allowing for the Purchase of the Six (6) GMC Pickups that are Currently being Leased from Enterprise Fleet Management, Inc. (Tim Przybyla, Finance Director)

Staff Report
1. Resolution

4.PUBLIC HEARINGS

4.1 Honey Creekside Subdivision 9579 (RZ 03-21, TM 02-21, DR 08-21) - Request for approval of a Rezone to P-1 (Planned Unit Development) District, a Vesting Tentative Map to subdivide approximately 10.6 acres into 57 single family residential lots, and Design Review. APNs 033-030-028 and 033-030-032. (Ken Strelo, Planning Manager)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation, 9) Waive the First Reading and Introduce the Ordinance and 10) Adopt the Resolution.

Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Applicant's Plans (received January 14, 2022)
4. Proposed Rezone Ordinance
5. Proposed Vesting Tentative Map and Design Review Resolution
5a. Exhibit "A" Mitigation Monitoring Program

5.REGULAR CALENDAR

5.1 Consideration of a Cooperative Agreement with Contra Costa County for the Demolition of the former County Sheriff's Office Delta Substation Located at 210

O'Hara Avenue and Authorizing the City Manager to Execute the Agreement (Joshua McMurray, City Manager)
Suggested Action: Staff recommends that the City Council approve and authorize the City Manager to execute a cooperative agreement with Contra Costa County for the demolition of the former County Sheriff's Office delta substation located at 210 O'Hara Avenue.
Staff Report
Site Map & Photos
Contra Costa County Library Partnerships
Board of Supervisors C.131 Item, September 7, 2021
Agreement

6.REPORTS

6.1 CITY MANAGER
(a) City Manager

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

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

(b) Requests for Future Agendas

7.WORK SESSION

8.CLOSED SESSIONS

8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6(a)

City Designated Representatives: Joshua McMurray, City Manager and Jeri Tejeda, Human Resources Director

Unrepresented Employees: Accounting Assistant (1), Accounting Manager (1), Administrative Assistant (5), Assistant to the City Manager (1), Building Inspector I (2), Capital Projects Engineer (1), Chief of Police (1), City Clerk/Paralegal (1), Code Enforcement Officer I (1), Code Enforcement Technician (2), Community Development Director (1), Custodian (1), Deputy City Clerk (1), Economic Development Analyst (1), Engineering Technician (1),

Events Coordinator (1), Finance Director (1), Human Resources Director (1), Management Analyst (1), Office Assistant (1), Parks and Landscape Maintenance Tree Worker, (1) Parks and Landscape Maintenance Worker (2), Parks and Landscape Foreman (1), Parks and Landscape Manager (1), Park Ranger (1), Permit Center Technician I (1), Permit Technician II (1), Planning Manager (1), Planning Technician (1), Police Lieutenant (2), Police Records Assistant (3), Police Services Assistant (4), Principal Engineer (1), Public Works Administrative Specialist (1), Public Works Director/City Engineer (1), Public Works Maintenance Worker (1), Public Works Inspector II (1), Recreation Aide (4), Recreation Director (1), Recreation Leader (9), Senior Accounting Technician (1), Sports Field Laborer (1), Streets Maintenance Foreman (1).

8.2 CONFERENCE WITH LEGAL COUNSEL--INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
One potential case.

9.ADJOURN

OAKLEY
CALIFORNIA

Proclamation

Building Safety Month — May, 2022

Whereas, *the* City of Oakley is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disaster strikes, and;

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians such as building safety and fire prevention officials, along with architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry, who work year-round to ensure the safe construction of buildings and structures, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

Whereas, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, and on which the Michigan Codes are based, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

Whereas, these modern building codes include safeguards to protect the public from natural disasters and hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; as well as man made disasters caused by sub standard construction practices, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety, our local code officials, who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas, "Safety for All: Building Codes in Action," the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable construction; career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply to all of our benefit, and;

Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

Now, Therefore, I, Randy pope, Mayor of the City of Oakley along with the members of the Oakley City Council, hereby proclaim the month of May 2022 as Building Safety Month. Accordingly, we encourage our citizens to recognize the importance of the Building Department and its role of ensuring safe and code compliant buildings and structures within our community.

April 26, 2022

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Randy Pope, Mayor

OAKLEY
CALIFORNIA

P R O C L A M A T I O N

National Sexual Assault Awareness Month-2022

WHEREAS, In California there were 13,439 forcible rapes in 2020 and 283 forcible rapes reported in Contra Costa County in the same year; with an increasing number affecting adolescents; and

WHEREAS, sexual assault affects every person of Contra Costa County as a victim/survivor or as a family member, significant other, neighbor or co-worker of a victim/survivor; and

WHEREAS, many citizens of Contra Costa County are working to provide quality services and assistance to sexual assault survivors; and dedicated volunteers help staff 24-hour crisis hotlines, respond to emergency calls and offer support, comfort and advocacy during forensic exams, criminal proceedings, and throughout the healing process; and

WHEREAS, staff and volunteers of Community Violence Solutions and its Rape Crisis Center, Children's Interview Center, Prevention Department., HOPE Therapy Services and Anti-Trafficking Project programs in Contra Costa County are promoting education by offering training to schools, churches, and civic organizations, as well as medical, mental health, law enforcement, education, and criminal justice personnel regarding sexual assault issues; and

WHEREAS, it is vitally important that continued educational efforts to provide information about prevention and services for sexual assault be supported and enhanced; and

WHEREAS, it is critical to intensify public awareness of sexual assault, to educate people about the need for citizen involvement in efforts to reduce sexual violence, to increase support for agencies providing sexual assault services, and to increase awareness of the healing power of creative expression; and

WHEREAS, Community Violence Solutions Requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation.

NOW, THEREFORE BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, join with the members of the Oakley City Council in proclaiming April as Sexual Assault Awareness Month in the City of Oakley and support service programs in the belief that all community members must be a part of the solution to end sexual violence.

April 26, 2022

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Randy Pope, Mayor

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held April 12, 2022

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 Randy Pope called the meeting to order at 6:31 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Aaron Meadows and Councilmembers Anissa Williams, George Fuller and Sue Higgins were also in attendance.

1.2 Pledge of Allegiance to the Flag

Mayor Pope led the Pledge of Allegiance to the Flag.

1.3 Proclamation Recognizing April 3 - 9, 2022 as National Library Week (Lisa Cano-Loomis, Library Manager)

Mayor Pope presented the proclamation to Lisa Cano-Loomis, Library Manager.

1.4 National Library Week Presentation (Lisa Cano-Loomis, Library Manager)

Oakley Library Manager Lisa Cano-Loomis thanked the City Council for recognizing National Library Week. She provided a visual presentation including information regarding frequency of use of library services, new digital resources, virtual events, and upcoming events. She shared the library goes beyond books to offer resources such as a seed library, outdoor explorer backpacks, California State Library Park Pass (coming soon), and Discover & Go passes. She mentioned the library provides technology such as computer stations, mobile wi-fi, laptops, and a printer-copier. She briefly reviewed the most popular books in Oakley.

Mayor Pope thanked her for her presentation and called for public comments.

Public Comments

Liz Fuller commented she is retired after working for the CCC Library and managing the Oakley Library and Brentwood Library. She mentioned she is now working with Friends of the Oakley Library. She invited everyone to become members of the Friends and shared information regarding membership cost, member benefits, Friends' support of the Library's mission, and she provided membership forms.

Arnold Fitzpatrick, Jr. thanked the City Council for its work and invited the Council to stop by the Oakley Library Tuesday-Friday at 3pm. He shared his objective is to support and thank Lisa and her staff for the outstanding job they do which is so much with so little, and it is so much appreciated.

1.5 Contra Costa County Library Commission Update (Yolanda Pena-Mendrek, Commissioner)

Mayor Pope announced Ms. Mendrek is unable to attend this evening so her update will be postponed and rescheduled.

1.6 Presentation by American Rivers on Marsh Creek (Sarah Puckett, Director, California Central Valley River Conservation)

Sarah Puckett, Director, California Central Valley River Conservation, provided a presentation. She shared she helped found Friends of Marsh Creek Watershed in 2004. She provided an overview of Marsh Creek Watershed and shared there is not a lot of shade, it is habitat to many species, and it is a great resource for the community to enjoy nature. She mentioned to make it better, the channel can be excavated to make it wider so it holds more water, and they can plant trees to provide shade. She indicated the City received a $1 million grant to widen the channel near Creekside Park, adjacent to the Honey Creekside housing development. She shared photos from 2007, 2012, 2014 and 2021 for comparison. She indicated the developer of Honey Creekside is working with their team to make room for creek widening. She mentioned options for the Oakley Creekside Park Restoration Project include relocating the existing bridge upstream to Honey Lane, replacing the existing 70-foot bridge with a 140-foot bridge, or relocating the existing bridge downstream to Laurel Road. She shared they are in the design phase of the project and next steps include soliciting input from the surrounding community and people using the trail and park, obtaining input and approval from the City Council, modeling and design the bridge, and then looking for and applying for implementation funding.

2) PUBLIC COMMENTS

Public Comments

Randi Adler shared she is a victim of identity theft through Facebook and Messenger; someone opened two accounts with her name through Chase online. She shared, a deposit is not required to open an account online with Chase Bank. She encouraged everyone to look at credit reports and lock everything if they are not using it. She also shared fraud alerts can be placed on credit reports so if something doesn't seem right you can dispute it and comment. She mentioned it is also important to contact the IRS because hackers will file tax returns before you do and have it sent to them when you're responsible for that money. She recommended notifying the IRS and all other agencies who handle fraud through the Attorney General's Office.

Gwyn Gabe, father of 24-year old Alexis Gabe whose disappearance occurred in Oakley, commented she has been missing since January 26. He shared there is an indescribable feeling of helplessness a parent feels when their child is missing because no matter how much they do, it doesn't seem to be enough, but he and his family have hope she is out there and will be found and returned safely to them. He appealed to the City Council to join in their efforts to bring Alexis back home. He mentioned they have lived in Oakley for 8 years, his youngest son goes to Freedom High School, their eldest son and Alexis both worked in the area, Alexis worked at Rite Aid on Main Street for over 2 years and was loved by customers for her cheery, upbeat demeanor. He shared for the past 2 months they have been distraught over her disappearance. He mentioned they have tried hard to keep her safe and this is a parent's worst nightmare. He

shared this is an amazing community we live in; neighbors, friends, family, and strangers have given time and resources to support their endeavors, they have canvassed and conducted searches, put information on billboards, spoken with The Press, posted on social media, held events to support the cause, and they hope to offer a reward for anyone with information to come forward. He mentioned his appeal to the Council is for $10k to assist in the search for their daughter. He mentioned the community is like family and when one of your own is in need, they come together to support and the Council can demonstrate they truly have their backs in the worst of times. He commented they know Alexis is out there and they want her to feel through their actions she is loved and not alone. He mentioned they will keep looking for her however long it takes. He concluded with a quote from Loretta Scott King, “The greatness of a community is most accurately measured by the compassionate actions of its members”.

Mayor Pope inquired if the City has funds to donate toward the effort to find Alexis Gabe.

City Manager Joshua McMurray responded that staff is exploring options available to them.

Chief Beard also commented staff is exploring options.

Online Public Comments

Gwyn Gabe requested to speak (supra).

Christine Fuller requested the City Council consider aiding funding for a monetary reward for information or continued search efforts for Alexis Gabe.

Jacqueline de Guzman commented on a sideshow occurred in her neighborhood on April 2, with over 60 cars at the intersection of Cypress and Sellers Avenue. She mentioned she learned an Oakley Police car was attacked, shots were fired from a participant, and people were hiding out in yards in the Delaney Park neighborhood. She mentioned multiple burnouts occur in her neighborhood weekly as well as people speeding up and down Sellers Avenue throughout her neighborhood. She urged the City Council to look into this more closely and direct Oakley Police to investigate these crimes more thoroughly.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Special City Council Meeting held March 22, 2022 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting held March 22, 2022 (Libby Vreonis, City Clerk)

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

3.4 Consideration of a Resolution Approving a Lease Agreement Between the City and Mulehead Growers, LLC for City-Owned Property Located at 1785 Walnut Meadows Drive, Oakley (APN 037-141-006) and Authorizing the City Manager to Execute the Agreement (Felicia Escover, Assistant to the City Manager)

3.5 Reimbursement Agreement with Ironhouse Sanitary District related to Sewer Improvements Associated with Capital Improvement Project (CIP) Number 253 - Police Department Parking Lot Extension Project (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.6 Approve the purchase of five (5) Electric Vehicle Charging Stations from ChargePoint associated with Capital Improvement Project (CIP) Number 215 - Downtown Parking Lot (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Consideration of a Resolution Approving the $100,200 Purchase of a Scan Station Forensic 3-D RTC 360 Laser Scanner System and Related Training and Support from Precision Survey Supply (Tim Przybyla, Finance Director)

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

4) PUBLIC HEARINGS

4.1 The Ranchettes at Neroly Design Review (DR 06-21) (Ariana Ruiz, Planning Technician)

Planning Technician Ariana Ruiz presented the staff report and shared a PowerPoint presentation. She mentioned the applicant is available to present if there are any questions.

Councilmember Fuller mentioned he is confused about the gate and requested more information.

Ms. Ruiz mentioned the gate was part of the original Conditions of Approval to be installed at the entry of Almondwood Place, if feasible. She commented that to meet the fire code, the gate must be 30 feet away from the adjacent roadway which would have placed the gate in front of the residence at 2990 Almondwood Place.

Councilmember Fuller mentioned he was confused because there is a handwritten note to indicating to remove the gate and the staff report has the gate in there, so if approved tonight, he wants the motion and resolution to be clear if the gate will be there.

Ms. Ruiz confirmed the gate has been removed.

Councilmember Fuller suggested it be made clear the gate will not be there because the reports keep mentioning it will be there.

Mayor Pope opened the public hearing and called for public comments.

Public Comments

Rick Brown commented he lives on the corner of Almondwood Place. He inquired if any provision can be made for residents to get boats and RVs out of their driveways. He mentioned it is difficult to get out of their driveways now before the road is widened; they are using the vineyard to back into. He expressed his concern is if any parking will be on the street, they will not be able to get boats and RVs out of their driveways. He suggested red curbing.

Pat Leiser inquired if any members of the City Council have been down Almondwood Place to see the grading of the elevations. He mentioned part of this is promises made and promises kept; residents were told they would have a gate and that is now no longer going to happen. He explained his lot is on the right side and there is 6 feet of fill along the left side of his house that looks into his side yard and backyard; the adjacent foundation will be at the eaves of his roof. He mentioned he spoke with Jackie and Brian, and they explained they can't fit the houses in if they don't do this elevation. He shared a photo with the Council. He mentioned he requested on the south side of that lot to have a retaining wall and fence built so the resident can't see into his backyard, and put trees between the fences, and they agreed, but he wants to put it on the record so it gets done. He mentioned the developer also said they would put a 7-foot fence on the lot and replace his 6-foot fence with a 7-foot fence. He commented he would appreciate if the Council drives by and looks at it. He shared he wasn't expecting anything like that. He mentioned Brian shared with them there will be an HOA for the development. He requested they include there will be no overnight parking on the street in the HOA so they are not stuck to get in or out with their RVs and/or boats. He mentioned Brian was going to look into it.

Councilmember Fuller inquired who Jackie and Brian are.

Mr. Leiser responded they are Jackie Seeno and Brian Kessler.

Jackie Seeno, property owner and builder, mentioned she is available to answer any questions as well as Brian Kessler, Project Manager, and their architect. She shared that she spoke with the neighbors regarding the gate and as she mentioned previously on the record at the prior hearing, she would explore it if feasible and practical. She mentioned the plan did not initially include a gate and the gate does not meet the fire code because it requires a 30-foot clearance which they don't have (it would land in the middle of the neighbor's driveway); however, they are agreeable to put in the retaining wall, fence and landscape screening. She indicated the HOA language can address overnight parking and she would recommend if the Council should include something in the resolution that it provide for an exception should someone have a backyard wedding or event at their home where guests may be staying overnight and parking on the street.

Councilmember Fuller commented he prefers the developer go back to the drawing board and all of the neighbors are reassessed. He mentioned the residents from Almondwood and Ms. Seeno have been discussing this project for over a year and they might be stepping on some toes. He commented one part of Almondwood is private and he would like to see her and City staff reconcile with the neighbors regarding some of the things he is hearing about. He commented he is not sure if he would be happy with someone's roof line in his backdoor. He shared he is hesitant to say no or yes; he would like to see some of these issues reconciled and staff provide direction. He mentioned the staff report has handwritten notes and promises, but it would be nice to have it cleaner and codify it in the 4 corners of the document.

Councilmember Williams inquired if they could write it into the resolution so they get that fence and there is no confusion and there is some protection. She also inquired if they could also include language for the curbing so residents could have some recourse if it is not put into the HOA.

Mr. McMurray responded they can add it in the resolution if the Council approves and includes in its motion to have those additional conditions. He shared as drafted now, page 4 of the resolution, Condition of Approval 12 indicates the prior Condition of Approval which was

Condition 22 regarding the potential installation of the gate at Almondwood Place, would no longer remain in effect, with approval of the resolution as drafted.

Ms. Seeno explained there are a lot of different restrictions to the grading because of the septic; it doesn't connect to City sewer because at the time it was approved, it was over 3,000 feet to the nearest sewer. She mentioned to make the site work and stay within restrictions, they had to grade differently or higher than might occur on another site. She shared they have worked with engineers to try and figure it out and it has taken 10 years to get to this point.

Mayor Pope suggested to add a Condition of Approval for overnight parking if the majority of the Council is in favor of it. He mentioned he is not sure how they address both sides of the street.

Mr. McMurray explained they can only address the north side because the south side is not property owned by the developer.

Mayor Pope commented another Condition of Approval would be for the 7-foot fence on the higher side.

Councilmember Williams commented landscaping should also be included.

Mayor Pope inquired whose land falls between the two fences and who maintains it (the land between Mr. Leiser's property and the lot adjacent to his with the high grading he mentioned).

Ms. Seeno offered to prepare an exhibit to memorialize it.

Brian Kessler, Project Manager, responded that the wall will meet Mr. Lieser's fence and the triangle in between is part of the front yard for Lot 13; it will be landscaped consistent with the front yard and they will add taller landscape screening.

It was moved by Councilmember Williams and seconded by Councilmember Higgins to adopt the resolution with an additional Conditions of Approval. Motion was unanimous and so ordered. (5-0)

Mayor Pope gave kudos to everyone for being good neighbors and working together.

4.2 Quick Quack Car Wash at Laurel Plaza Conditional Use Permit (CUP 02-20) and Design Review (DR 08-20) – Request for approval to construct and operate a 3,595 square foot drive-through car wash facility; APN 035-510-009 (Ken Strelo, Planning Manager)

Planning Manager Ken Strelo presented the staff report and shared a PowerPoint presentation. He recommended Condition of Approval #10 require additional sound studies after the business is fully operational.

Vance Shannon, PreConstruction Manager with Quick Quack Car Wash and Applicant, provided a PowerPoint presentation including information on water conservation, minimizing sound, how they mitigated sound further by rotating their building 180 degrees, traffic flow and safety, how they mitigated impact to safety further by changing hours of operation to start after school is in session, Oakley codes allowing the business in this location, and a car wash and vacuums previously allowed and planned. He mentioned no CEQA issues have been presented and the Superintendent and Laurel Elementary School Principal are not opposed to the

development of Laurel Plaza as proposed. He also mentioned a school crossing guard is on duty to ensure children get to school safely and the site is consistent with site characteristics at the Arco Gas Station at Cypress Road and Main Street. He shared they will perform all traffic mitigation recommendations listed in the Traffic Study provided by Fehr & Peers such as high visibility crosswalks with advanced stop bars for all crosswalks at Laurel and Mercedes, modifying the signal phasing to include leading pedestrian intervals at the Laurel and Mercedes intersection, and install blank out "No Turn on Red" signage to increase pedestrian safety for eastbound and southbound approaches at the Laurel and Mercedes intersection which should be operational during school pick-up and drop-off hours.

Claire Pincock, Acoustical Consultant, MD Acoustics, commented that they look at existing data, and manufacture data to create a model and they project that. She referenced the other study done which took manufactured data and used that to create their model. She mentioned in their case, they have been working with Quick Quack for a while and they have gone out to multiple sites and have taken real-life data. She shared for this particular model, she took 48 different points of calibration to make sure their model is accurate, specifically focusing on the entrance as it was switched around to make sure that it will not exceed at the property line. She addressed concerns regarding the second story on residences and indicated the model included looking at the second story to ensure it meets the noise ordinance. She mentioned they try to make it as accurate as possible and no one has as much Quick Quack data as they do and no one can make a Quick Quack model the way they can without their data. She explained when she makes these models she leans toward being loud because it is very important for Quick Quack and them not to disturb residents because if they are over the noise level allowed by ordinance, they run risk of complaints and shutting down. She commented that she edges on the loud side, assumes silencers will only provide a 4-decibel reduction rather than the full 7 decibels, and she uses the loudest measurement to calibrate it to determine what is the absolute worst that can happen. She mentioned they have real-life data at 3 locations and applied that to the model.

Ben Huie, P.E., Kimley Horn and Associates, commented he looked at the Fehr & Peers study and summarized that at the intersection of Laurel and O'Hara, existing levels of service are acceptable, the previous study analyzed the entire Laurel Plaza, and even with additional traffic, it was only going to add five seconds of delay so it still meets the criteria for the City to have no additional traffic improvements. He mentioned this project would have even fewer trip because it is just the Quick Quack, not the entire Laurel Plaza. He added there is minimal traffic and with Quick Quack adjusting the hours of operation to begin at 8:30 a.m., there will be even fewer trips than shown in the study. He mentioned the peak hours of use are 4 p.m. to 6 p.m. so it will not coincide with school traffic times for drop-off or pick-up.

Councilmember Fuller asked Ms. Pincock what methodology was used for gathering data.

Ms. Pincock shared they went to four Quick Quack Car Wash locations and Moreno Valley most closely resembled the design for Oakley except that it has a shorter tunnel and the opening/exit is not quite as closed. She mentioned she takes measurements from those locations and when she makes her model, she sticks blowers in there and she runs the model. She indicated she places receivers on all of the areas where she took measurements to see how close the receivers match the real-life measurements they took and sees which is the loudest. She mentioned for these tunnels there were no silencers. She mentioned rather than just dropping 7 decibels, she calibrates without silencers and looks at every point, and if she is ever 5 decibels quieter than any point she has measured, she turns it up just to be safe.

Councilmember Fuller commented he is hearing she went to different Quick Quack Car Washes. He inquired if they are all uniform, if they are all built the same, and if they are all in the same area as this one will be located.

Ms. Pincock asked if he could clarify his question.

Councilmember Fuller inquired if the sound decibel level is the same as it will be in Oakley and if so, what is the premise.

Ms. Pincock responded the Quick Quacks use the same equipment so if the Oakley site lays it out the same, it will be the same. She mentioned this is why they average four and the Moreno Valley calibration is the most similar; it has the same liner, same number of blowers, and very similar length, just shorter, which means it actually is going to be louder so it was a conservative measurement for her to compare the Oakley location with Moreno Valley. She mentioned the opening will be a little bigger so a conservative way is to compare.

Councilmember Fuller inquired about the median measurement of the four locations.

Ms. Pincock responded that she took measurements at 12 different locations around each car wash so the median depends on where the measurements were taken; for example, at the entrance it is 102 decibels and at the exit it is 86 decibels.

Councilmember Fuller inquired if after she took noise levels if mufflers were installed and it was remeasured or mufflers are deemed to guarantee up to 7 decibels reduction and they are placed in those points.

Ms. Pincock responded mufflers provide a 70 dB reduction. She shared the other study lowered it by 7. She mentioned other data from consultants and manufacturers indicate between 5 and 7 decibels are lowered. She mentioned after she is done with her model from data taken at the four Quick Quacks, she ensures that no point is quieter than 5 decibels to account for those mufflers so she has a 5 decibel buffer; she knows the mufflers are going to provide at least 5 dB reduction so at that point she knows she is 5 decibels under the one at Moreno Valley and it is going to do at least that well, if not better.

Councilmember Fuller inquired if she is licensed as a sound expert.

Ms. Pincock responded, “Yes”.

Councilmember Fuller inquired as a sound expert, what the sound decibel is within a school.

Ms. Pincock responded there are no set standards for outdoors; indoor standards in California are not to exceed 65 decibels in a place where children will be, but there is no set law.

Councilmember Fuller inquired if there is any way of determining what the decibel level would be inside Laurel Elementary from the car wash site.

Ms. Pincock responded she can do that; it will take a study so she is unable to just give numbers.

Councilmember Fuller inquired as a licensed professional, what would be the recommendation for first through third graders to endure for decibels on an ongoing basis, especially if they are in special education or disabled and wear hearing aides.

Ms. Pincock indicated the interior standards are based more on mechanical noise and reverberation time and less based on noise from the exterior. She shared some standards she has seen say 45 decibels.

Councilmember Fuller inquired if there is any data if a child is disabled, wearing double hearing aids or wearing a cochlear implant.

Ms. Pincock mentioned research is still being done and brick and mortar schools offer quite a bit of reduction because they tend to be hefty buildings.

Councilmember Williams asked the applicant to provide the Council an idea of how many cars are going through the car wash per hour in a similar location.

Mr. Shannon responded that there are 350 cars on average per day with more in the evening and the car washes open and close as cars go through the conveyor. He mentioned the school is far enough away that there will be no sound effect from the car wash that they can prove with a study.

Councilmember Fuller commented there is no data.

Mr. Shannon mentioned they can present data, but the school is too far from the car wash.

Vice Mayor Meadows inquired how many cars can run through the car wash in one hour.

Efrain Corona, Vice President of Development, Quick Quack Car Wash, responded that if ran at full speed, it can accommodate up to 162 cars per hour; however, the most washed in 1 hour ever was just under 100 in any location. He mentioned usually the busiest hours are 4 p.m.-6 p.m. and data is measured at the property line which should be sufficient data when considering there in no impact to the school.

Councilmember Fuller commented he recalls when props went to jets and at LAX and Playa del Rey they demolished apartments then at O'Hare in Illinois they finally said jets have to be muffled. He mentioned he doesn't know what the decibel level was at Playa del Rey, but people couldn't live there; the foundations are still there.

Mayor Pope called for a brief recess at 8:05 p.m.

The City Council reconvened at 8:14 p.m.

Public Comments

Shelly Fitzgerald presented on behalf of residents and property owners of Woodglen Estates, and the surrounding community. She mentioned they are requesting the Council deny the CUP to operate a Quick Quack Car Wash at Laurel Plaza. She indicated they want to make it clear they have no issue with Quick Quack specifically or car washes in general; the problem with this application is the site selection. She mentioned car washes are not listed in the retail business zoning. She expressed they do not believe the City can make the findings required to authorize

this CUP. She mentioned 2 out of 3 noise studies indicate Quick Quack Car Wash will violate Oakley's noise ordinance. She shared 900 residents have signed a petition opposing a car wash, or any drive-through uses at this location. She indicated this type of use conflicts with multiple elements of the General Plan. She mentioned car washes are not allowed by right in retail business zoning nor are they listed as conditionally permitted. She mentioned the last sentence in paragraph 2 of page 1 of the staff report for tonight mentions, "Uses that are incompatible with residential uses due to noise, vibration, or other characteristics are not permitted in locations that may impact existing or future residential development." She shared this site exists within a school zone as defined by California Penal Code Section 626 as "any area within 1,000 feet of a school" and this site abuts a residential zone which is to be protected against "intrusion of any incompatible land uses and disruptive traffic". (References supporting quoted material are provided for in the hard copy of the presentation, made part of the meeting record). She mentioned the first sound study done by MD Acoustics in March 2021 for Quick Quack did not consider Table 1 of the noise ordinance which requires the allowable noise levels to be lowered by 5dB for simple tone noises such as blowers which are associated with car washes. She mentioned this study accurately indicates that the nearest receptor sites have two floors and reportedly the project would exceed the allowable noise level at 50 decibels at sensitive receptor sites, with a projected project noise at 55 decibels, and total noise level of 58 decibels. She referred to the second study done by MD Acoustics in December does take into consideration Table 1; however, it curiously only considers one floor of the receptor sites and although they purport the project noise level will comply, being at the maximum threshold of 50 decibels, the total combined noise level will exceed the ordinance at 57 decibels. She mentioned they should keep in mind that the majority of homes near the site are two-story homes, with many of them being tri-level, putting their primary living quarters on the second floor. She mentioned the third sound study conducted by CSDA found that noise generated by the planned Quick Quack Car Wash at Laurel Plaza is expected to exceed the 50-decibel noise limit by being up to 60 decibels at the residences directly to the north. She shared that this study took into consideration these elements, Table 1, elevation changes between the properties-approximately a 5-foot difference in elevation. Current fence height, orientation of the car wash tunnel going from north to south, and the potential for future shops. She mentioned another component of the MD study requiring evaluation is they conducted at 24/7 study of ambient noise by placing their receptor out at Laurel Road next to the gas station pumps and recorded that the lowest level of sound was at 55 decibels from a reading taken between 9-10 p.m. on a Friday night. She shared a video of current ambient noise levels at the property line of a sensitive receptor; the recording was taken on a Saturday afternoon, precisely when a car wash will be its busiest. She compared how studies compare to the reality of living behind a car wash. She shared a study done by Bollard Acoustics for Quick Quack at Watt Avenue in Sacramento and that it indicated the predicted noise levels produced by Quick Quack at the nearest residential property lines from the car wash would be 54dB which would comply with Sacramento's daytime noise level criteria. She played a video of the noise taken by Monica Wilcoxon from her backyard. She shared that she and her husband have taken a couple of trips and have spoken with property owners west of and adjacent to the Calvine Road Quick Quack where they installed silencers, they narrowed the opening and closing, they flipped the tunnel 180 degrees, and these residents were ready to sell their property that had been in their family for 100 years and move. She mentioned they also spoke with residents behind the SuperClean which is one mile away at Empire and Laurel, and the Quick Quack in Brentwood which is 3 miles away, and they all had similar things to say, that the noise is terrible. She mentioned they should keep in mind that vacuums and blowers are not the only noise that comes with a car wash; there are slamming doors, people yelling, loud music, aging and breaking parts of equipment, etc. She shared a video someone took in a backyard of loud music playing from the other side of the wall. She mentioned they have spent the better part of the past year trying to

get the 7-Eleven to comply with idling laws, only to get intermittent peace. She inquired if they will be held responsible to ensure compliance with whatever conditions the City might impose on Quick Quack as well. She shared that 900 people signed a petition opposing the joint McDonald's and Quick Quack proposal, mentioning concerns regarding safety, traffic, noise, blight, environmental, auto-oriented, not pedestrian-friendly, not neighborhood serving, and inappropriate zoning. She indicated that if the CUP is approved, in the Land Use Element, the following items will be violated: Policy 2.1.4 "promote the placement of the most intensive non-residential development (commercial, business park and light industrial) in the Northwest Oakley Planning Area", Policy 2.1.8 "discourage development that results in land use incompatibility", Policy 2.2.3 "protect existing residential areas from intrusion of incompatible land uses and disruptive traffic", and Policy 2.2.9 "consider the cumulative effects of development on community facilities and services, such as transportation and schools, throughout the planning process". She mentioned the first goal of Oakley's Noise element is to "Protect residents from the harmful and annoying effects of exposure to excessive noise", and (Id, 9-11 to 9-12) industrial uses generally associated with fixed-source noise issues are "generally confined to the north end of the City of Oakley". She added, in general, these uses are separated from residential uses and do not result in noise related complaints." She mentioned they understand the intent of the noise ordinance and it is not to allow incompatible uses to push the limit of allowable decibels, but rather to protect the sensitive uses from intrusion of those incompatibilities, and by allowing car intensive uses in this neighborhood and in a school zone, they are discouraging walking and bicycling, they are not supporting safe routes to schools, and they are compromising pedestrian safety for the hundreds of children who use this route to get to and from school.

Diane Merritt commented she lives in the nearest home where the Quick Quack would be located, she is retired, and her health cannot tolerate the loud noises and car music that would occur if the Quick Quack is allowed to be built behind their homes. She shared that the sound wall is not tall enough to absorb the noises coming from the other side of her backyard. She mentioned she mostly lives on the second story of her tri-level home; it is where the kitchen, living room and backyard deck are located. She mentioned the sound study is based on the first level of her home which she is primarily not using. She mentioned truck have been inappropriately idling behind her sound wall for lengths of time which resonates about 100 times louder over the sound wall into her home. She shared that an idling car with loud music recently was on the other side of the sound wall so she rattled her wind chimes and tree until he left. She shared another incident was an idling sweeper truck for at least 30 minutes so she drove around, took a picture of the truck, and asked the driver if he was waiting for someone. She mentioned he responded he was warming his truck up for work and she explained their homes are greatly affected by noise which is magnified by the wall. She mentioned homelessness, trash, fights, car racing, drinking, drug dealing, and abandoned vehicles mixed in with neighbors and children trying to walk through this area is not a safe environment. She shared a Core-Mark truck idled behind her sound wall for 80 minutes. She mentioned these are the daily occurrences she encounters living behind the 7-Eleven and they restock 2-3 times weekly. She shared once a semi-truck laid on its horn 5 times in a row and the sound blew as loud as a train; any respect for their privacy and enjoyment is out the window and this proves it. She mentioned the 7-Eleven was clearly a mistake to the quiet neighborhood and should never have been approved. She commented with a car wash there, they might as well put in a mini amusement park with strobe lights, light shows, sounds, bels and whistles, flashing signs, water spraying, heaters blowing, vacuum sucking and complete utter noise, not discreet at all. She mentioned it would be so distracting and would draw the same kind of people the 7-Eleven draws. She mentioned their property values will fall, they will not feel comfortable of having a party of any size in their backyards as it would be a total embarrassment to them.

Roberto Estrada commented it is important for the Council to deny the CUP as that is no place for that type of noise and the kids walk through there so this drive-through is no different from McDonald's. He shared he works for Safeway on Ygnacio Valley Road and nearby is a California Fish Grill, Starbucks, Mod Pizza, other restaurants, and Pet Smart and none of them paid for it. He mentioned they built out the property and the industry came. He suggested Blackhawk build and business will come.

Donna Chaddock requested the Council not be fooled by the applicants' plans. She mentioned they claim they are changing lives for the better, but the Council should not be fooled by that statement; Quick Quack is not going to change lives for the better. She mentioned Mayor Pope said the problem with Laurel Plaza is one thing, but it is actually 3 things--location, location, location. She mentioned they will not give up fighting; there are 140 trees planted there to create a beautiful plaza. She encouraged the Council to walk the property and take a look at the leaves; that is what this is intended for. She shared her home is 700 feet west of Laurel Elementary and before they vote on this item, they should come to her home, sit on her front patio and listen to announcements at Laurel Elementary. She mentioned she can hear them clearly each day; it is one person, one voice on a speaker; and she can hear it on her front patio and in her backyard.

Bud Chaddock commented there were a lot of good points brought up earlier. He mentioned noise carries and it will sound like a concert down the street. He shared that in front of City Hall someone did a burn out and nothing is being done about it, but that is another issue. He mentioned safety for kids—the location is too busy and there are drugs and needles in the parking lot of which the City has cleaned some up, and there are 6-packs on the ground from 7-Eleven customers. He commented that a small restaurant might promote that in a different environment. He mentioned with decibels at the 180-mark with 7 less, sounds definitely will carry. He indicated the video shared earlier sounded like a jet plane taking off and the person earlier mentioned there could be up to 162 cars per hour which may sound like this. He mentioned he hears enough drag racing and that is not being stopped. He indicated this is like watching *Waterworld*; let it all go, tear itself up, and deal with it later. He referred to the chemicals that would be used, 18-23 gallons per car, and inquired what happens to the waste and what the toxins in the chemicals do.

Alicia Torres commented that this is a well-established neighborhood, one of most desirable, with most homes being owner-occupied and owners take pride in their homes; it is a beautiful area. She mentioned if the City approves the CUP, there will be idling cars creating pollution for homeowners, it will impact homeowners and kids walking to school, ingress/egress to the car wash will contribute to traffic in the area, the continual droning noise will be consistent 8:30am-9pm, as well as constant music going on to try and get over the noise of the vacuums that will be a nuisance. She commented that homeowners wanting to sell will have to disclose these things that will bring down home values. She asked the Council to say no to the CUP.

Mary Roney commented she has been a Woodglen resident for 35 years and she agrees with everything in Shelly Fitzgerald's presentation. She shared she is opposed to the CUP; it is incompatible with residential uses due to noise, vibrations and other characteristics as stated on the first page of the CUP staff report. She indicated it doesn't fit within the 2008 definition of Laurel Plaza, a walkable, residential plaza, and the City never should have allowed a gas station and 7-Eleven at the plaza. She requested the City not continue to put businesses in that mimic the same traffic flows. She mentioned if they build out the area, business will come.

Jaime Spohn commented she is a long-time resident of Woodglen Estates from its beginning. She mentioned Shelly Fitzgerald provided an excellent presentation. She expressed it is a public safety concern to have a drive-through in an urban area; children are at greater risk of being in a vehicle collision in proximity of a drive-through and children and pedestrian safety will be impacted by traffic generated for any drive-through business at the plaza, including the existing 7-Eleven. She mentioned they have property rights without commercial development adversely impacting livability and value of their homes. She shared the can hear coyotes near the canal outside and that will no longer exist with this. She mentioned this business is not compatible with Laurel Plaza and should not be near schools and their neighborhood. She requested the Council deny the CUP and look to Blackhawk to provide a plaza worthy of development for the betterment of the City.

Paul Seger commented he believes the Council received a letter from Greenfire Law providing how and why they can deny the CUP. He shared his observation before a private property rights discussion. He mentioned in 2011, during the Citywide Rezone, there were over 850 homes involved and Mayor Pope didn't question that people were saying they didn't receive notification; he seconded every motion to change the zoning for them and made no effort to have the City reach out further to have property owners informed. He mentioned Mayor Pope also supported a number of eminent domain cases; taking people's homes makes the City different. He mentioned Mayor Pope also voted to rezone the Bistro which is probably the best-looking building in the City. He indicated that private property rights are unequally applied to the community. He commented that Councilmembers Higgins and Williams were making an attempt to limit the number of gas stations and undesirable businesses last year, but Mayor Pope took the position of developers, to get developers together to have a conversation, and did not consider the stakeholders which are the community residents. He mentioned it seems to always lean in favor of a few extra bucks.

Randi Adler inquired if the company was required to do an EIR because of all of the carbon monoxide in the air of all of the cars going through. She shared that 4 years ago, she almost died from pulmonary embolism and was on oxygen for a very long time. She mentioned all those cars will impact breathing of people on oxygen and will impact the neighborhood. She mentioned when she first moved from Los Angeles to the Bay Area, she was a teacher in an elementary school with ADHD students and any noise--planes cars, etc. would impact their learning to pay attention. She mentioned this car wash is less than a mile away and questioned why the City needs another and how many the City needs that will affect children, people and lives. She shared that Mayor Pope lives next to this location and it impacts him. She indicated she would demand an EIR before considering it.

Tosha Grey urged the Council to deny the application for the CUP. She mentioned Shelly Fitzgerald did a great job presenting reasons the CUP should be denied. She indicated there is a difference between studies and reality; the applicant's inconsistent sound study makes her question the integrity of the study and if they are manipulating data for desired results, results at the maximum allowed. She mentioned she questions the integrity of the study and intention of the applicant, and what kind of neighbor they will be down the road. She mentioned it was shared that the car wash is busiest in the evening when residents are more likely enjoying their quiet backyards. She mentioned the study didn't account for noise attracted by this business. She mentioned the original plan for this site included a bank, Rite Aid and grocery store and now it's a 7-Eleven and talk of a McDonald's and car wash, a far cry from a walkable outdoor center. She questioned what type of businesses a McDonald's and Quick Quack would attract to complete the plaza. She inquired why the City is trying so hard to fit a square peg into a

round hole. She encouraged the City to bring businesses to benefit the community and this is not one of them. She commented that residents don't oppose every applicant the developer brings forward, they don't have group of people that oppose every project, and they have a community that cares. She mentioned it is a seller's market and residents in the neighborhood are not selling because they care about their community; they are here to try and protect the life they have built in Oakley and what more could the City want other than residents committed to their community to uphold its quality. She mentioned the noise won't affect students in class, but they will be impacted by it traversing to and from school, as well as the traffic. She requested that the City not continue to build upon one bad decision of allowing the 7-Eleven. She implored the City to continue to work with the developer to bring something that will benefit the adjacent neighborhood and surrounding community.

Matt Beinke with Blackhawk Properties, commended Quick Quack for agreeing to a post-construction condition as most businesses would not agree to it. He explained that being able to prove they do conform to the CUP is a huge value because it is their risk, not yours; they get shut down. He mentioned there are discrepancies in the sound studies, but it doesn't matter because once in place, the proof is in the pudding; they are going to conform or they get shut down. He indicated Quick Quack is complying with the City's rules, its General Plan, its zoning which allows drive-throughs and car washes, one of which was already approved, and they are in compliance with City ordinances.

Online Public Comments

John Stanley commented the noise ordinance should be 70 decibels to the street. He mentioned they (Quick Quack) can even install sound damping equipment in the blower section. He mentioned the wash will only be active if there is a vehicle in que for washing; it's not just continuously on.

Paula Kemp commented that a car wash should not be put in on Laurel near the elementary school. She mentioned as a small city with limited expansion space and a rural feel, she thinks the City should be very judicious about what businesses are brought in and where they are placed. She encouraged the City to look for different businesses that will enhance the City's feel and not more of the same.

Andrea Wacker commented she lives in the Woodglen neighborhood directly behind Laurel Plaza and she is adamantly against the car wash for reasons including increased car traffic to the school zone area, increased car emissions, queue Line, and the incredibly loud speakers and equipment, and this plaza was supposed to be a pedestrian-friendly center. She mentioned with another proposed car-centric business, this is exactly opposite from the intended goal of the plaza. She mentioned they live in a neighborhood and want it to remain a neighborhood feel, low noise level, and reduce cars to their local businesses. She mentioned all concerns presented for the McDonald's remain valid concerns for the car wash at this plaza. She requested the Council vote no to the car wash.

Russ Fitzgerald requested denial of the Quick Quack CUP. He explained the elevation variance between Laurel Plaza and the residents of Woodglen Estates is significant, making the wall between them basically non-existent, leaving these residents highly vulnerable to any noise produced from Laurel Plaza. He mentioned as they have experienced in the past year, the noise produced from one idling truck at the 7-Eleven can impact their quality of life and having to fight for compliance of the CUP issued to them to have their trucks shut down during delivery has been exhausting. She mentioned the thought of a car wash tunnel operating 7 days a week is

unthinkable and a project of this intensity does not belong at this highly noise sensitive location. He requested the Council help protect one of Oakley's most highly desirable neighborhoods and the place he has called home for the past 25 years, Woodglen Estates. He requested the Council deny the CUP for Quick Quack Car Wash. He mentioned Oakley has many building sites that are more suitable for this type of business.

Lindsay Waters requested the Council consider denying approval of the Quick Quack Car Wash and mentioned it is a safety concern as an auto-focused use near the elementary school, there is a noise issue for the adjacent neighborhood, and a private sound study was conducted and findings conflicted with the sound study that the developers had done. She requested the Council not take away their right to enjoy their property by approving a business that violates sound ordinances.

Monica Wilcoxon commented that she used to live in Arden Manor in Sacramento for 25 years close to Watt Avenue and knew she would have to deal with that noise, but it was never an issue for her until the Quick Quack Car Wash opened up. Prior to the Quick Quack opening, she shared she enjoyed backyard barbeques with neighbors. She mentioned they were hoodwinked by Quick Quack and the County in that they told them what they wanted to hear and made promises that were not kept, including a sound wall that ended up being a man-made, fake stone fence with holes that could be seen through and was about 5 feet too low. She shared that every day from 7am to 10pm, they lived in noise pollution hell, the worst being the vacuums and reverberating bass from car stereos, so loud, it made their windows shake. She mentioned there is no sound wall that will mask that no matter what studies show. She explained that they tried to fight it for over a year with no help from Quick Quack or the County and finally moved, selling their home for about $50k below property values in their area because of the Quick Quack. She mentioned she tells everyone she knows that she takes it as a personal insult if they even become a customer.

Jessica Taylor with Greenfire Law, PC submitted a letter indicating she represents Shelly and Russell Fitzgerald who are working together with a community of concerned neighbors and citizens who share a fence line with Laurel Plaza in Oakley. Her letter, along with an attached carwash noise study prepared by CSDA Design Group, were made part of the meeting record.

Liz Elias commented that the Quick Quack Car Wash is yet another in a string of bad ideas being considered by the Council. She mentioned it is not needed because there are numerous car washes in the area, including the Arco at Main and Cypress, the new Quick Quack in Brentwood, and a third on Laurel. She also mentioned it is not a good fit for the location based upon the exact same criteria that resulted in denial of the CUP for a drive-through at the McDonald's including same traffic and noise issues, same lack of being pedestrian-friendly, etc. She commented it is time to stop filling up Oakley with gas stations, car washes and storage facilities. She mentioned the City's street signage invites people to "live, discover, enjoy" or similar wording, however, there is not much to enjoy here; aside from Big Break there is basically nothing to do in Oakley; there are a ton of under-used green space parks and not much else. She added she is in favor of green space but Oakley already has enough and it needs actual recreational spaces as well, for example, a roller skating rink, ice skating rink and a place to rent boats or kayaks. She suggested a recreational park representing the agricultural history of the area as a tourist draw, with docents in period costumes, a blacksmith, general store, old time school, a few cabins/cottages, field of crops, etc., similar to what has begun at the East County Historical Museum with the Byer/Nail house and grounds. She suggested it is time to think outside the box and make Oakley a destination.

Kevin Tiernan commented he stands firmly against this “heavy vehicle traffic” opposite a school on an already overloaded road. He urged the Council to only allow what that property is zoned. He mentioned the continued degradation of their community sits squarely on the Council and with fresh members and the strong community they continue to build, it will assist the community in appropriate growth. He added that Oakley should not be a dumping ground for other cities.

Marilyn Tiernan commented the same as Kevin Tiernan.

Diane Merritt requested to speak (supra).

Roberto Estrada requested to speak (supra). His written comment indicated he objects to any consideration of the Council’s approval of a CUP for Quick Quack at Laurel Plaza. He mentioned Quick Quack exceeds the noise level allowable within100 feet of a residential community and it is still unsafe to allow any drive-through where school children are walking through. He mentioned the unlawful manipulation of sound studies performed by Quick Quack do not address 2nd story homes and a 3-foot sound wall.

Alfred Zaragoza requested the Council not accept the application from Quick Quack Car Wash. He mentioned Oakley does not need another car wash in a residential neighborhood. He suggested putting it on the north side of Rose Avenue on Main Street.

Rebecca Mears commented she feels like this is a dead-end subject and doesn’t know why they continue revisiting something that is not aiding the community. She suggested finding a local business or something actually beneficial and needed. She mentioned another car wash is not needed as there are several in less than a 5-mile radius of this location. She opposes this car wash being in that area for multiple reasons and previously commented that something kids and families should be able to access would be more beneficial.

Eve Dooms commented she has zero respect for Quick Quack and they obviously have no respect for the people that would be affected by the noise and pollution they will be creating. She asked the Council to consider the surrounding neighbors to the proposed Quick Quack will be robbed of their quiet enjoyment of, not only their yards, but inside their very homes, especially 2 story homes that are not protected by an ineffective sound wall. She also asked the Council to consider the water shortage; it is ridiculous to allow a water hog company to build anywhere when residents are having to let their lawns die because they don’t have enough water. She requested the Council stop the Quick Quack.

Councilmember Williams commented that the video they just heard was taken in someone’s backyard and she can’t imagine those decibels are acceptable. She expressed she appreciates all of the yields Quick Quack has made; she just has a lot of concerns how they go back. She inquired who conducts the sound study 14 days after if they don’t comply. She mentioned she is not so much concerned about safety but it does go against the intent of walkable businesses in that retail district for the plaza. She mentioned there are 3 new people on the Council because people didn’t agree with the 7-Eleven and direction it was going in. She mentioned she needs someone to say the noise from the backyard is within acceptable sound levels.

City Attorney Derek Cole commented that the Council may allow the applicant time for a rebuttal, they have sound experts here, and it would behoove the applicant to respond to those statements and videos or tell us they don’t want that opportunity.

Mayor Pope commented he will allow it if the Council requests.

Councilmember Fuller commented that this is what he has always envisioned for a city; the community comes together to have a City that thrives. He shared he has gotten the message the community wants no more car washes, fast-food or storage. He expressed concern it just doesn't fit; the sound study measurements of 105 to 84, a number of times over 50 decibels. He shared he just heard they are going to give it a try and if it doesn't work, they will shut it down; they are not convinced it will be within. He mentioned delivery trucks are idling behind 7-Eleven when the CUP says not to. He commented that this is a several million-dollar investment for Quick Quack and if they don't meet noise levels, he doesn't think it would get shut down; they would have to come to a compromise. He mentioned until jet engines in communities started having to silence engines they did not, and the noise can do damage to a community. He commented that it was a very professional presentation given by Ms. Fitzgerald, but he can't use it scientifically because the data is not there. He mentioned if they could see his service dog when the videos were playing, he didn't like noise. He shared he is not swayed by the school and does not want anyone going back there with the expense. He indicated Ms. Fitzgerald is correct; school zones are given extra protection and kids come first. He mentioned there are kids there that are young, with hypersensitivity or in special education with hyper hearing aids and they are saying the school is too far away but no one has measured it. He also mentioned the sound expert indicated 45 decibels is the highest and we're talking about 50. He shared nothing has changed in regard to traffic; it is the same as McDonald's. He mentioned they cannot mitigate the noise, traffic and disruption to the community and therefore his preference is to vote no to the CUP.

Councilmember Higgins thanked Councilmember Fuller for saying it so eloquently. She shared she can hear Freedom High School bells from her home that is 2.5 long city blocks away; sound carries. She mentioned she visited the Quick Quack in Brentwood and sat near the exit by the vacuums and had a headache within 10 minutes. She indicated the vibration gets to you; it is awful and deadly. She agreed the property is an eyesore and wants to lead our youth to do a trash pick-up. She indicated development would help, but not this development, and she is not going to okay it.

Councilmember Williams commented she would like for the applicant to have an opportunity to rebut the sound in the video.

Ms. Pincock commented that the sound is not the same and she took measurements all around the car washes. She explained when you stand under the blowers, sound is at 102, when you stand at the entrance, it is at 84, at the property line it is 46, and at the second-story windows you get 50. She mentioned she doesn't know in the video where they took the measurement, but these residences are 250-feet away from the entrance and it seems from the video to have been a lot closer than that. She explained that sound dissipates once further away; it will be 50 decibels at the property line based on calibrations of multiple measurements. She mentioned they would only agree to a post-mitigation survey because they are confident in what they are going to do and because if they are wrong, the car wash won't be able to function. She mentioned the difference with the study is the model because there is not a car wash currently there. She indicated they are doing their best to estimate and they are overestimating to be safe. She mentioned a post-mitigation survey will involve someone going out there with a sound meter and saying if it is over the allowed amount and they welcome staff to go with them or the City is always welcome to direct an independent study instead to ensure compliance.

Councilmember Williams expressed she does not want a situation where they have thrown up their hands. She mentioned the people in Sacramento sold their house so they must have had complaints. She indicated this project is different from the intent of the retail business district.

Vice Mayor Meadows inquired who would conduct the post-construction sound study.

Ms. Pincock responded that generally they would do it, but some cities have had someone else to conduct the study or a code compliance officer would come with them to conduct it.

City Manager Joshua McMurray mentioned another option to bolster the condition is the City could contract out directly to an acoustical consulting firm to ensure measurements are taken accurately. He shared that he heard the applicant is requesting continuance so the Council may want to hear from the applicant and the reason why they are requesting it.

Councilmember Fuller commented he is opposed to a continuation. He mentioned he appreciates what they have provided; the people have worked diligently for years to protect Laurel Plaza and are entitled to a decision tonight.

City Attorney Derek Cole commented that he didn't hear a reason for the continuance and he is not aware why they are asking for it unless they want to step up and offer the reason.

Mayor Pope commented if it is the pleasure of the Council, he will give them an opportunity.

Efrain Corona, Vice President of Development with Quick Quack, commented that on Friday they were given new information and they didn't have enough time to review the data and provide an accurate and appropriate response.

Mayor Pope inquired what additional data he is referring to.

Mr. Corona responded it was the sound study and letter from the attorney representing the group.

Mayor Pope commented that there are no teeth to the post-construction condition. He inquired what if it is built and it is not to standard. He mentioned if the CUP is approved, he would insist on stronger consequences if conditions are not met to impose immediate shut down or surrender of right to operate. He inquired if the vacuums are in a centralized station inside a building.

Mr. Corona responded that the vacuum system is a single system enclosed in masonry.

Mayor Pope commented that he walks and rides his bikes with his kids on the Delta DeAnza Trail and doesn't remember hearing a car wash running, but he is hearing Councilmember Williams' heater under her seat and he is sure the decibels of that is not the same as we're talking about here; he understands how sound can be different and how it carries. He shared they have to rely on scientific experts for data. He mentioned they met with the applicant and property owner before at the site and he recommended more mitigation measures, but doesn't see any of those implemented here. He commented that the report says the existing ambient is 55 decibels which already exceeds City standards so he doesn't see how they can expect it to be lower. He shared he drove to the Quick Quack in Brentwood and was across the street and it is incredibly loud and unacceptable. He mentioned the City has 5 car washes and he doesn't know how many are needed; the market dictates this, not the City Council, and he would make

the same argument for self-storage. He inquired what other businesses would this business attract, a symbiotic partnership or business. He responded to comments made earlier during public comment and mentioned he recalls things differently. He recalled the Council bending over backward to allow property owners to have zoning and grandfathered existing uses during the Citywide rezoning. He recalled the eminent domain cases mentioned were apartments and he doesn't know what is worse--eminent domain or the landlord knowing for 20 years that the City planned to take the property and rented to tenants without informing them; it is unfortunate tenants got stuck in the middle. He recalled the zoning for gas stations and car washes and mentioned he was one of three to ask for that and ask people for solutions. He mentioned he already knows concerns as they live around it too. He commented that he recalls it differently than was mentioned during comments.

Councilmember Fuller commented he will be the first to deny the CUP for the Quick Quack.

City Attorney Derek Cole commented that if it is the Council's pleasure to deny the project, similar to the McDonald's item, the Council would make a tentative motion to deny the CUP and instruct staff to bring back findings in June that the Council can then consider for approval to finalize its decision.

Councilmember Fuller agreed and submitted his motion as Mr. Cole stated.

City Manager Joshua McMurray suggested to bring the item back in May.

Mr. Cole commented he meant May, not June.

City Manager Joshua McMurray suggested a date certain.

Mr. Cole commented it would be the first meeting in May.

Mayor Pope confirmed it would be May 10 and asked Councilmember Fuller if that would be the date indicated in his motion.

Councilmember Fuller confirmed it is.

Councilmember Higgins seconded the motion to tentatively deny the CUP.

AYES: Fuller, Higgins, Pope and Williams. NOES: Meadows. The motion passed to tentatively deny the CUP and direct staff to bring back findings for the Council to consider approving on May 10. (4-1)

5) REGULAR CALENDAR

5.1 Approve an Agreement between the City of Oakley and ACD-TI OAKLEY, LLC Concerning Reimbursement for Construction of Improvements Related to the Grand Cypress Preserve Project (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

Councilmember Fuller commented that this was not an easy transaction which shows that they made the right selection to have Joshua McMurray as City Manager. He mentioned City

Attorney Derek Cole and staff have worked hard along with him to put this together. He inquired if the previous City Manager had followed a different course a few years ago, if the City would be in this position now of having to ensure $28 million for the E. Cypress development.

Mr. McMurray responded in his opinion, “no”.

Councilmember Williams mentioned the public comment from DeNova and inquired what their letter is referencing.

Mr. McMurray explained that the City will try to recoup some of the investment made by future development within the Specific Plan. He mentioned there are parcels yet to be entitled, the City will be working with the developer(s) when the developments are presented to the City, and they will proceed in a fair and equitable matter in implementing the Specific Plan and requirement of that. He mentioned he can’t give detail because it is unknown, but they will work in good faith to ensure the intent of the Specific Plan is met.

Mr. Cole mentioned Section 8, pages 9 and 10, was drafted to provide flexibility; at this time it is hard to identify specific sources, and entitlements could be years in the future. He added they will work with future developers to ensure they are only conditioned to the extent that they generate fair share obligations. He mentioned there are nexus requirements, and federal and state requirements, and all of those will be followed. He shared they worked very hard to create flexibility for the City and a mechanism to ensure this developer would be fairly compensated.

Councilmember Williams inquired when they can expect some real-world improvements there.

Mr. McMurray explained that the trigger there is the issuance of the levee plans and there is still some work to be done on that, but he ensured he will work with the developer to issue as soon as possible. He indicated there is a 24-month trigger on the first section to complete the full-widening of E. Cypress Road from the canal to the Bethel Island Road intersection which would provide 2 lanes of travel both east and west with a median that would significantly help the City’s ability to evacuate the area if needed.

Councilmember Higgins inquired if they could start buying into the fair-share rate now because 10 years from now that price triples; if DeNova doesn’t like having to do a fair-share rate on its frontage; if they bought now, they could help the City pay for it and not wait 10 years when it goes up three times or more.

Mr. McMurray commented he is happy to entertain discussing it with the developer.

Mayor Pope commented it is a tough situation. He shared they were in a meeting two weeks ago with the County Supervisor and County traffic staff and they showed them agreements including provisions for developers to pay and when Oakley incorporated, none of the provisions were followed and now they are cleaning it up. He gave kudos to staff for their efforts to find a solution. He shared he is fully in favor of it as they need a solution for public safety.

Vice Mayor Meadows shared he was also on the call with the County and most of the hours spent were okay, although certain members wanted to deflect back to the City. He pointed out that they approved a scanner tonight that will speed up response if there is an accident out there.

It was moved by Vice Mayor Meadows and seconded by Councilmember Williams to adopt the resolution to approve the agreement. Motion was unanimous and so ordered. (5-0)

5.2 Adopt the Oakley Strategic Plan SP27+ (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report and a PowerPoint presentation.

Councilmember Williams requested they consider under 5.5 policy framework, since she was skipped at the workshop meeting and was not able to voice her opinions about it, that it could be a Brown Act violation if they are getting things before the public receives the agenda. She suggested omitting it and that she is in favor of a heat sheet, but the Council should get agendas the same time as the public so there are no meetings happening before they are in front of the public at the scheduled meeting.

Councilmember Fuller inquired which page and section she is referring to.

Councilmember Williams responded it is page 14, the last page, and the last bullet point.

Councilmember Fuller commented he would not want that omitted.

Councilmember Williams asked if legal counsel could weigh in.

City Attorney Derek Cole requested clarification as to which section.

Councilmember Williams mentioned it refers to advance circulation of agendas and discussion with Council; if she wants an item pulled off, for example, and another Councilmember wants to know why it was pulled, then they start having meetings ahead of scheduled public meetings which feels like a slippery slope to her.

Mr. Cole explained it is not a violation to have a discussion about an agenda item if it stops there. He explained a serial meeting occurs when information is shared between 3 or more Councilmembers directly or indirectly as to what other Councilmembers are thinking, what their positions may be, what their questions are, or what their deliberative process is. He indicated a strict wall of separation is made to ensure Councilmembers understand agenda items and they are not learning of other Councilmembers thoughts or decisions before the meetings so they are not considered defacto meetings. He mentioned the other issue is materials. He shared there is a provision in the Brown Act that discusses materials delivered at the same time to the Council and public. He mentioned a court case invalidated action taken where the public received their set of documents after the Council received it. He mentioned he is comfortable with the language here and staff members reaching out to Councilmembers as long as it is about what the item is and not sharing what other Councilmembers are thinking or their deliberation process.

Councilmember Fuller commented in his 12 years on a dais, Oakley is one of the few cities that does not give an advanced copy of agendas to Councilmembers. He expressed it is bothersome because they get it and it is in public play. He mentioned he can go to the City Manager and say he likes it or doesn't, but Mr. McMurray can't say specifically who likes it or not, but Mr. McMurray can talk to others without saying what he said. He also mentioned when the agenda comes out, he can talk to the City Manager about what he thinks and have further consideration if he wants it to be pulled before it goes public.

Mr. Cole did not disagree that many agencies may have followed that process and explained the court case recently came out in August 2021. He mentioned in that case, there was a clear discrepancy when the Board of Supervisors got their copies when the office was closed at that time as to when the public got it. He mentioned Councilmembers can have discussion with the City Manager but staff has to be clear not to share comments of other Councilmembers and are vigilant about it. He added if the Council is concerned about an item, they can share it with staff in advance of meetings but it has to be process oriented where it can be in an open session like this. He indicated they should be very clear where to draw the line when they start sharing their positions or concerns because it could result in a serial meeting.

Councilmember Fuller commented he can live without advance staff reports, but he wants to know what is coming up and talk to the City Manager before it gets out to the public. He mentioned when staff sends out the agenda, he can't call on anyone on the Council but can express his concern to the City Manager. He indicated the City Manager can say the reason we are doing this and he can take that information and talk to others or pull it, but the way it is being done now is breaking down a communication barrier between him and the City Manager. He mentioned he wants to be able to talk to the City Manager about his concerns. He shared he likes the way it is worded, "considered" ; it enhances communication with the City Manager which is very important, similar to his communication with the City Attorney.

Mr. Cole mentioned when a Councilmember talks to them, they know what to present to the Council because they know concerns and issues, so they can present that and the Council can have better dialogue, and the public can hear that; it is a way to provide a better open session discussion. He indicated if they share concerns and ideas with him, it is always about what the process is when an item comes forward. He mentioned if Councilmembers are going to share information in advance, the focus should be on how they can communicate their concerns and issues so the Council can have a better, more informed discussion, and discuss items in front of the public.

Mayor Pope mentioned he is going to pause the discussion for a public comment.

Public Comment

Paul Seger submitted a written comment but had to leave. Mayor Pope read his comment which indicated core values, transparency, accountable partnerships, even for this exercise, there are no community groups, advocacy groups, nor servicing special districts were contacted or invited to the table. He also indicated many, many suggestions were made regarding the General Plan update, including a letter suggesting outreach and fostering stakeholder engagement. He urged a continuance and more inclusion.

Councilmember Fuller suggested on page 6, item 2.3, to add "and the 4-lane bottleneck" or other similar wording after "to complete the Laurel Road extension".

Mayor Pope recalled that from the discussion and suggested, "including the overpass".

Councilmember Fuller suggested on page 9, item 1.2, regarding face-to-face dialogue and to replace one-sided social media, he doesn't like the word "replace". He suggested "alternative" to one-sided social media communication.

Mayor Pope suggested using the word "supplement" instead.

Councilmember Fuller agreed that would be good too.

Councilmember Fuller suggested on page 14, item 5.1, replace "accountable" with "create measurable partnerships", and on the same page, item 5.2, he doesn't want the Council included in “Team Oakley”. He mentioned on the other one, “celebrating successes and communicating obstacles for full transparency” means you’re looking for obstacles. He suggested, "reinforce Team Oakley, Council and staff by celebrating successes to create a positive learning environment."

Councilmember Higgins commented that if the Council gets the agenda 2 business days prior to the public, Councilmembers shouldn’t be able to put it on social media/NextDoor to say this is what is coming up because residents don’t have same opportunity to see the full background and the City should be releasing it, not the Councilmembers. She mentioned consider, but she doesn’t support it.

Vice Mayor Meadows commented it would have been nice to see some of these suggestions in writing so they could try and digest them together, but he is okay with most of what Councilmember Fuller mentioned. He mentioned the second to the last one he is okay with and the first one he is not so sure.

Mayor Pope commented he is on the same page as Councilmember Williams on advanced communication. He shared he thinks the practical application is fraught with problems. He mentioned he is fine with text amendments that he commented on, but others where he did not say anything, he does not feel the same way.

Mr. McMurray suggested since there are 4 or 5 items, they could address them one by one.

Councilmember Fuller mentioned the revision on page 6, item 2.3, "complete Laurel Road including the intersection widening at Laurel and O'Hara."

Mr. McMurray suggested, “complete the Laurel Road widening which also includes the extension and overcrossing over the railroad track”. All Councilmembers were in favor of this revision.

Mayor Pope mentioned the revision to page 9, item 1.2, "as a supplement to one-sided social media”. All Councilmembers were in favor of this revision.

Councilmember Fuller mentioned the revision to page 14, item 5.1, replace "accountable" with “measureable". All Councilmembers were in favor of this revision.

Mayor Pope mentioned the revision to item 5.3, remove "communicating obstacles for full transparency" and replace with "celebrating successes to create a positive learning environment.” Mayor Pope, Vice Mayor Meadows, and Councilmembers Higgins and Williams were not in favor of this revision. Councilmember Fuller was in favor of the revision.

Mayor Pope referred to 5.5 regarding advance circulation and inquired if Councilmember Fuller wants to keep it.

Councilmember Fuller confirmed he wants to keep it.

Mayor Pope indicated a thumbs up would indicate they want to remove it. Mayor Pope and Councilmembers Higgins and Williams were in favor of removing it. Councilmember Fuller wanted to keep it. Vice Mayor Meadows abstained.

Vice Mayor Meadows referred to page 3, item 3.5. He mentioned the second bullet point and third bullet point conflict. He commented if they are doing a park, they should get rid of the third bullet point.

Mayor Pope mentioned he thought the discussion was they were going to be combined.

Mr. McMurray commented that he recalls the discussion was in essence if they constructed a park and wanted to license it out to a coffee kiosk or something like that. He mentioned they can structure it in a way that talks about a park but also exploring other opportunities to program that park.

Vice Mayor Meadows commented that a coffee kiosk can only be between 5th and DelAntico.

Mr. McMurray responded that they can remove the third bullet point and include a statement under the second bullet point that would allow them to explore programming opportunities.

Mayor Pope suggested, “Explore potential development of the area from 2nd to DelAntico including business opportunities and a park.”

Vice Mayor Meadows commented he doesn’t agree with that. He mentioned the previous Council approved Nature Properties to develop the property and it was not built; he thinks they couldn’t get financing because the project was obsolete before it was built because it looked like a pencil and was not feasible. He mentioned they are not going to run retail width wise, it is depth, so the project doesn’t work. He shared a lender called him about property further east on Main because a landowner wanted to do a project and wanted his opinion; it was the same thing because it was a linear project and would not be successful. He shared he pushed for the park to bring people there, he is okay with coffee, but he doesn’t agree with the building. He indicated he can go with Mr. McMurray’s proposed language in the second bullet.

Mr. McMurray suggested to remove the third bullet and under the second bullet, “Consider a park with potential opportunities for programming on north 2nd Street to Rose Avenue.” He mentioned this is not committing them, but they can consider all options available to them.

Vice Mayor Meadows suggested they further define programming.

Mr. McMurray suggested they include “economic development” before “programming”. All Councilmembers were in favor of this revision.

It was moved by Vice Mayor Meadows and seconded by Councilmember Williams to adopt the Oakley Strategic Plan 27+ with amendments that were approved. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray announced the City will hold a Housing Element Update workshop April 20th beginning at 6:30 p.m. at the Oakley Recreation Center. He shared a flyer on the monitor that included a QR code for a survey in relation to the Housing Element Update, and he invited the community to attend. He mentioned there is a dedicated webpage for the Housing Element Update.

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

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

Councilmember Fuller reported he attended the Delta Protection meeting and the Water Commissioner indicated they are at 39% of snow melt which places us in an extreme drought and we should expect consequences, all irrigation contracts, except some leases, will not be filled by the State this year, and expects the Governor will issue an emergency order soon to allow use of only 5% of normal consumption of water. He expressed it is upsetting the Delta balance; they are not going to take down the salinity barrier, but will build another; they are worried about ecological balance of the Delta and Bay. He mentioned reservoirs are at a record low and they can expect a lot of lawns to go brown during the summer. He shared the tunnel EIR is coming out soon and the recommendation is to get the resolutions in before the EIR comes out. He mentioned the tunnel is viewed as not fit for those on the Delta and the Delta historic preservation is becoming more active. He shared Eric Vink is leaving which is sad because he knows the Delta well. In relation to Lookout Slough, he mentioned the Delta Protection Commission wanted recreation and John Vance from Solano County Board of Supervisors provided 75 min of acrimony so he called for the question and they voted, otherwise they might still be there. He shared that is his last meeting and the Mayor of Rio Vista will step in; they share it with Solano County. He mentioned Diablo Water District is working on a rate increase and Prop 218 allows them to gain access to parcels for reimbursements. He shared he is waiting for more material on it.

Councilmember Higgins thanked Ellen Cross for helping them get through the Strategic Plan. In regard to Alexis Gabe, she mentioned she helped with flyers, walked a grid, financially contributed to shirts to help support, and she likes the idea of the City working toward a reward. She shared she supports a stop the tunnel resolution. She mentioned she is excited for the Taste of Oakley on May 14 at the Oakley Recreation Center as Spinkl Cookies will be there; it is $12 per ticket. She mentioned Helping One Woman, Little League is underway so there are more cars around the parks; she encouraged everyone to go slower. She announced Chalk in the Park will be held April 23 in Civic Center Park.

Vice Mayor Meadows reported he and Mayor Pope sat in with Mr. McMurray for a meeting with the County Supervisor, County Administrator and Public Works staff to discuss E. Cypress and Bethel Island Road. He mentioned they need to keep pushing it along; he doesn't think they made much progress with that meeting, but at least they are talking. He suggested staff keep

pushing the County as they need to come to the table and participate, and possibly pay their fair share.

Councilmember Williams reported that Helping One Woman is a national organization with a chapter in Discovery Bay where women can help other women who may be going through a rough time. She mentioned during each dinner of the chapter, someone is nominated to help and she nominated a friend who lost a second son recently to suicide. She explained she is the sponsor and it is a lot of work, but it is rewarding. She shared the community came together in Oakley to support and Brentwood businesses provided support.

Mayor Pope reported he attended the Mayors' Conference and they are talking about going back to in-person meetings. He mentioned they discussed the constraints and limitations electrification of the transportation network. He shared everybody loves the idea, but what happens when everyone plugs in because there is not enough power now; a network of power distribution is needed. He also reported he attended Friday Night Bites and there are typically 8-10 food trucks. He mentioned as the weather warms up, there will be free concerts, dancing and food. He suggested supplemental lighting at the event until it becomes lighter out later. He reported the meeting with the County that Vice Mayor Meadows mentioned involved some pointing of the finger. He shared a glaring issue for him is that the County received an offer of dedication for the land for the bridge they need to build for the southern exit out of the area and they have not acted on it, and they are not going to, although they would support the City doing it which he thinks is problematic and more work needs to be done with the County on that.

(b) Requests for Future Agendas

Councilmember Williams commented that kids have great mental struggles, and her friend found that their insurance cut them off from care they need; therapy is understaffed, and she would like to explore some form ad-hoc committee with neighboring cities to address solutions. She mentioned Oakley should be a leader and influencer to get regional support.

Randi Adler suggested she could look into Kaiser; it is outsourcing.

Councilmember Williams responded they are on six-month wait list with Kaiser.

Councilmember Fuller commented he has Councilmember Higgins support for a resolution to support stopping the tunnel. He requested support for a resolution for 1383, refuse collection, to help cities with funding for changes that are mandated. He also requested to recognize Police Memorial Day in May.

Mayor Pope mentioned there are Police Week events in May locally, at the state capitol, and the national capitol. He shared Oakley is sending a contingent to the national event, but it would be nice to have something locally.

7) WORK SESSIONS

8) CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One potential case.)

Mayor Pope announced the closed session item.

The City Council held closed session in its antechambers.

9) ADJOURN

There being no further business, the meeting was adjourned at 10:55 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

OAKLEY
CALIFORNIA

MEMORANDUM

Office of the City Attorney

Date:	April 14, 2022
To:	Mayor and Members of City Council
From:	Derek P. Cole, City Attorney
Cc:	Joshua McMurray, City Manager
Subject:	Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF APRIL 26, 2022

Background and Analysis

The City Council considered the following closed session item during its regular meeting held April 12, 2022:

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One potential case.)

Direction was provided to staff. There was no reportable action.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk

SUBJECT: A Resolution of the City Council of the City of Oakley to Reappoint Michael Krieg as Trustee to the Contra Costa Mosquito & Vector Control District Board

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Background and Analysis

Michael Krieg is currently serving as Trustee to the Contra Costa Mosquito & Vector Control District Board for a four-year term expiring May 6, 2022. Staff sought applicants to fill the next term through press releases and social media. The deadline to apply was April 14, 2022. Staff received one application from Michael Krieg, current Trustee and Board President. Mr. Krieg has served in the position for the City of Oakley since 2012 and has provided regular updates to the City Council to keep it informed of current events and of the status of the District. Mr. Krieg has been invited to attend the meeting this evening should the Council have any questions or comments.

Consistency with the Oakley Strategic Plan 27+

Community and collaborative partnerships are a primary goal within the City of Oakley Strategic Plan 2027+. Appointments to local agencies provides an opportunity for Oakley residents to be involved in the process to build partnerships with other agencies, provide information to the community, and collaborate with other agencies for the needs of the Oakley community.

Fiscal Impact

None.

Staff Recommendation

Staff recommends the City Council adopt a resolution to reappoint Michael Krieg as Trustee to the Contra Costa Mosquito & Vector Control District Board for a four-year term.

Attachments

1. Application
2. Proposed Resolution

OAKLEY
CALIFORNIA

APPLICATION for APPOINTMENT to the Board of Trustees for Contra Costa Mosquito & Vector Control District

Background Information

The Contra Costa Mosquito and Vector Control District Board is dedicated to preserving the health and welfare of residents by reducing the risk of diseases spread by insects and animals and offers services to the public to control insects and animals in a responsible, environmentally-conscious manner.

The term of the current trustee to the Contra Costa Mosquito and Vector Control District Board will expire May 6, 2022. The City of Oakley is accepting applications for a trustee to the Board until Thursday, April 14, 2022 at 12 p.m.

An applicant must be a Contra Costa County taxpayer and at least the voting age of 18 with an interest in any of the following areas: public health, public policy, wetlands, farming, community education, finance, personnel or land development. The member of the Board appointed by the City shall be an elector and resident of the City of Oakley.

Meetings are typically held the second Monday evening of every other month at the District office, 155 Mason Circle, Concord, California; however, currently meetings are being conducted remotely on Zoom. Trustees may also serve on committees which meet approximately twice a month or as needed.

Trustees may be appointed for terms of two years or four years. If appointed to serve a first term, the trustee may serve for two years and may serve additional terms of two years or four years.

Trustees serve without compensation but are allowed limited expenses for actual travel in connection with meetings or business of the Board.

Application

Please type or print clearly on this application and return it to the City Clerk's Office **prior to 12 p.m., Thursday, April 14, 2022**. It is anticipated that an appointment will be considered by the Oakley City Council April 26, 2022 during the City Council meeting scheduled to begin at 6:30 p.m. at the Oakley City Council Chamber located at 3231 Main Street, Oakley, California. All applicants are encouraged to attend this meeting to be interviewed.

Applicants should be aware that upon appointment, disclosure documents may be required to be completed for the County. For details, please contact the District office at (925) 685-9301.

All information contained in this application is public data and will be made available for public review and copying for anyone requesting it and may be posted on the website of the City of Oakley. All information in this application will be provided to the Oakley City Council in a public forum and will be reviewed in public. It will therefore be part of the public record. Although you are not legally required to provide any of the information requested in this application, the information may be used to determine your suitability for appointment to the committee.

1. **Applicant Name:** Michael Krieg

2. **Home Address:** [redacted]

   Oakley, CA 94561

3. **Phone Number:** [redacted]

4. **E-Mail Address:** [redacted]

5. **How long have you lived in the City of Oakley?** 39 years

6. **In 300 words or less, please explain why you would like to represent Oakley and serve on the Contra Costa Mosquito & Vector Control District Board of Trustees.**

My goal is to make a positive contribution to the community I have lived in for nearly 40 years by helping to ensure that Oakley is getting the best possible protection against vector-borne diseases. I have a long-standing interest in public policy, particularly regarding local and environmental issues such as habitat preservation, endangered species, and Delta protection. The invasive mosquitoes now threatening our county pose a serious public health danger and I believe I'm the best choice to continue supporting the District staff in preventing or at least minimizing their impact. I will continue helping to ensure that Oakley is getting the best possible protection against West Nile Virus and other vector-borne diseases such as Zika, Chikungunya, Dengue that may become established in our city in the future.

7. **In 300 words or less, describe your qualifications and educational, work and other experience which would make you a valuable addition to the District Board of Trustees.**

I've been involved in community education at the Antioch Dunes National Wildlife Refuge for more than 20 years and at Big Break Regional Shoreline since 2016. I am very familiar with the problems posed by invasive species and the challenges inherent in them. As Oakley's current Trustee I am well equipped to represent our city on the Board of Trustees. In my ten years on the CCM&VCD Board I've served on the Budget, Audit, and Executive committees and I'm currently serving my second term as President of the Board. I have a solid understanding of the District's financial status and the business aspects of District operations.

8. **What do you feel are the most pressing matters for the District?**

The most pressing matter for the District is to prepare for the impending invasion of our area by the Yellow Fever Mosquito (Aedes egypti), a mosquito originally from tropical areas that has evolved to be successful in California and is expected to arrive in our county soon. This mosquito is well adapted to living near humans and transmits Yellow Fever, Zika Virus, Dengue Fever, Chikungunya Virus, and numerous other diseases. As the cost of dealing with a well-established infestation may be beyond the financial resources of the District, it's critically important that we maintain an aggressive monitoring program and prepare for suppression efforts. Because A. egypti behaves quite differently than our native mosquitoes, it's essential that we be ready to adapt quickly and prepare both the District staff and the community at large for dealing with this threat.

9. **Please attach a current resume.**

Please mail, hand-deliver or email this completed application in a sealed envelope to:

CITY OF OAKLEY
City Clerk's Office
3231 Main Street
Oakley, CA 94561
vreonis@ci.oakley.ca.us

~ Applications *must* be received prior to 12 p.m., Thursday, April 14, 2022. ~

Michael M. Krieg

[redacted]
Oakley, CA 94561
Phone: [redacted]

Objective

My objective is to make a positive contribution to our community using the skills and knowledge gained from decades of private sector employment and years of various volunteer positions.

Background

I have a long standing interest in public policy, particularly regarding local and environmental issues such as habitat preservation, endangered species, and Delta protection. I'm a longtime volunteer at the Antioch Dunes National Wildlife Refuge and also at Big Break Regional Shoreline where I help teach students from local schools about the Delta ecosystem.
I hold a Bachelor's degree in Anthropology from UC Santa Barbara and am a veteran of the U.S. Navy. During the first part of my career I worked primarily in sales, mostly in the computer industry; over time I transitioned to an IT manager role and retired as vice president of a software development company. As Oakley's representative to the Contra Costa Mosquito & Vector Control District, an agency committed to integrated pest management and minimal usage of pesticides, I've acquired an understanding of the complexities inherent in balancing human needs, a growing economy, and environmental responsibility.

Public Service

I am currently engaged in several public service activities including:

- Docent and stewardship volunteer at Antioch Dunes National Wildlife refuge and other Bay Area refuges operated by the U.S. Fish & Wildlife Service (since 2002)
- Docent with East Bay Regional Park District, primarily assisting with nature-oriented school science programs at Big Break Regional Shoreline (since 2016)
- Trustee to the Board of the Contra Costa Mosquito & Vector Control District (since 2012)
- Participant in the Oakley Community Emergency Response Team (since 2019)
- Volunteer with the You Me We Oakley! citizenship drive program (since 2015)

RESOLUTION NO. _____-22

RESOLUTION OF THE OAKLEY CITY COUNCIL TO REAPPOINT MICHAEL KRIEG AS TRUSTEE TO THE CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT BOARD

BE IT RESOLVED by the City Council of the City of Oakley that Michael Krieg is hereby reappointed as Trustee to the Contra Costa Mosquito & Vector Control District Board for a 4-year term.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 26th day of April, 2022, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Approving the Agreement with Oakley Senior Housing, LP for "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" for DR 02-19 Twin Oaks Senior Residence and authorizing the City Manager to execute the agreement

Background and Analysis

On October 8, 2019, the City Council adopted a Resolution approving the Twin Oaks Senior Residence project Design Review (DR 02-19) that is located at 2605 Main St (APN 035-011-030). The project will be a mixed-use affordable senior community including 130 apartment units and 5,667 sq. ft. of commercial space.

Condition 55 A and B of the Conditions of Approval require the project to submit and install landscaping, including planting and irrigation within the project right-of-way.

Condition 55 C of the Conditions of Approval requires the property owner(s) to enter into an agreement with the City for the maintenance of landscaping within the public right-of-way at the owner's expense.

Fiscal Impact

There is no fiscal impact associated with the agreement since all inspection, operations, and maintenance costs are the responsibility of the property owner.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" for DR 02-19 Twin Oaks Senior Residence and authorizing the City Manager to sign the agreement on behalf of the City.

Attachments

1) Resolution

2) Location Map
3) “Agreement of Property Owner for Provision of Landscaping in the Public Right of Way” for DR 02-19 Twin Oaks Senior Residence

RESOLUTION NO. __-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING THE AGREEMENT WITH OAKLEY SENIOR HOUSING, LP, (APN 035-011-030) FOR "AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL" FOR DR 02-19 TWIN OAKS SENIOR RESIDENCE LOCATED AT 2605 MAIN STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, On October 8, 2019, the City Council adopted a Resolution approving the Twin Oaks Senior Residence project Design Review (DR 02-19) that is located at 2605 Main St (APN 035-011-030). The project will be a mixed-use affordable senior community including 130 apartment units and 5,667 sq. ft. of commercial space.

WHEREAS, Condition of Approval No. 55 A and B requires the project to submit and install landscaping, including planting and irrigation within the project right-of-way; and

WHEREAS, Condition of Approval No. 55 C sets the requirement for the property owners to execute this agreement to maintain right-of-way landscaping adjacent to the site at the owner's expense; and

WHEREAS, execution of this agreement will satisfy the requirements of Condition of Approval No. 55 C; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby approve the "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way Pursuant to Conditions of Approval" for DR 02-19 Twin Oaks Senior Residence project in the form attached hereto as Exhibit A and authorizes the City Manager to execute the agreement.

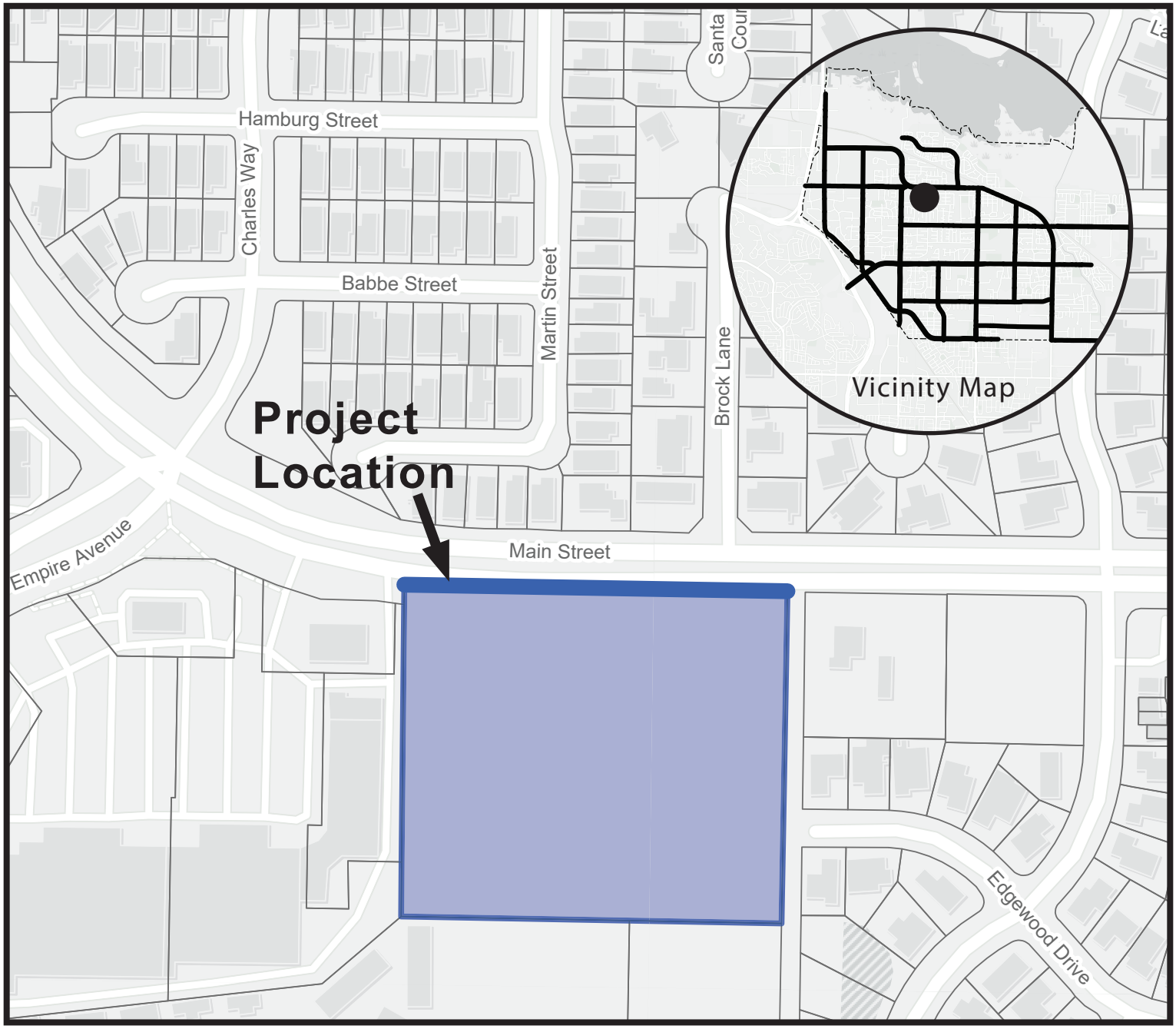
PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of April, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST: _____
Randy Pope, Mayor

_____ _____
Libby Vreonis, City Clerk Date



OAKLEY
CALIFORNIA

Landscape Maintenance

Main Street Frontage

Twin Oaks Senior Residence (DR 07-19)

Attachment 2

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
TO:
City of Oakley
3231 Main Street
Oakley, CA 9461
Record without fee subject to
Government Code 6103

APN 035-011-030 Space above this line for Recorder's Use

AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL

THIS AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL (this "Landscaping Agreement") is dated as of April 26, 2022 and evidences the agreement by and between (i) Oakley Senior Housing, LP (the "Property Owner"), as the owner of certain property with an address of 2605 Main Street, Oakley, California and Assessor's Parcel Number 035-011-030 within the City of Oakley, County of Contra Costa, which property that is the subject of this Landscaping Agreement (the "Property") and (ii) the CITY OF OAKLEY, a municipal corporation and general law city of the State of California (the "City").

THE PROPERTY OWNER AS THE OWNER OF THE PROPERTY AND THE CITY HEREBY AGREE AS FOLLOWS:

Section 1. Obligations of Property Owner:

(a) This Landscaping Agreement is entered into between the parties pursuant to Condition of Approval No. 55 of those certain land use entitlements as described in Resolution No. 113-19 of the Oakley City Council, and other applicable law, for the purpose of providing for the private maintenance and operation of certain landscaping within agreed upon areas of the public right of way. Exhibit "A" as attached hereto and incorporated herein illustrates the Property and the areas of the public right of way that are the subject of this Landscaping Agreement which are intended to be maintained by the Property Owner (the "Property Owner Landscaping Areas").

(b) Property Owner shall comply with the requirements of this Landscaping Agreement, including the landscape maintenance requirements described in Section 2. Upon a default by the Property Owner of any material obligation incurred pursuant to this Landscaping Agreement or termination of this Landscaping Agreement by the City, the Property Owner shall be obligated to reimburse City for costs incurred by the City for the default of the Property Owner as to the Property Owner Maintenance Areas. Such reimbursement to the City shall be in an amount to fully reimburse the City for all costs incurred by the City resulting from the default by the Property Owner including the costs of the annual maintenance and servicing of the landscaping and administration and collection of reimbursement during the City fiscal year in which the default occurs and in each subsequent City fiscal year. Such costs shall be considered a debt to the City and shall constitute a lien or, in the alternative, a special assessment against the Property.

Section 2. Landscape Maintenance.

The Property Owner shall be required to perform landscape maintenance and servicing within the Property Owner Landscaping Areas. As used herein, the words "maintenance and servicing" mean and refer to the furnishing of services and materials for the ordinary and usual maintenance, operation of the landscaping including providing for the growth, health, cultivation, irrigation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste and the cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti and costs reasonably incidental thereto.

Section 3. Default by Owner; Termination by City.

The City shall have the right to terminate this Landscaping Agreement in the event the Property Owner shall have failed to perform the maintenance or the furnishing of services described in Section 2 above within the Property Owner Maintenance Areas or any portion thereof following at least thirty (30) days' prior written notice from the City Engineer to the Property Owner ordering the Property Owner to perform the maintenance or furnishing of the services described in such notice as required by this Landscaping Agreement. Upon the expiration of such 30-day notice and cure period, in the event the Property Owner has not cured the default, the City Engineer shall have the right at any time thereafter to terminate this Landscaping Agreement effective upon the receipt of notice of termination by the Property Owner (as provided in Section 5(b) herein). The City Engineer shall also have the right to terminate this Landscaping Agreement in the event the Property Owner shall have failed to perform the maintenance or furnishing of the services described in Section 2 within the Property Owner Maintenance Areas or any portion thereof which results in a hazardous safety situation in the professional opinion of the City Engineer, following at least 48 hours prior written notice to the Property Owner to completely cure said hazardous safety situation, and the Property Owner has failed to so completely cure (or to have commenced such cure with diligent efforts to cure) upon the expiration of such 48-hour notice and cure period. Any termination of this Landscaping Agreement may be appealed by the Property Owner to the City Manager, who shall be presented with the facts and circumstances of any alleged default together with any recommendations for the termination of this Landscaping Agreement. Upon the termination of this Landscaping Agreement by the City Engineer, the City shall thereupon undertake the regular periodic landscape maintenance and seek collection of the annual landscape maintenance amount against the Property in the same manner described above in Section 1(b).

Section 4. Reserved.

Section 5. Notices and Communications Between the Parties.

(a) Any and all notices, demands or communications submitted by either party to another party pursuant to or as required by this Landscaping Agreement shall be proper if in writing and dispatched by messenger for immediate personal delivery, or by registered or certified United States mail, postage prepaid, return receipt requested, or transmitted by FAX and confirmed by the sender by First Class United States Mail postage prepaid or by personal delivery and in each case, addressed to the principal office of the parties, as applicable, as designated below.

To City:
Public Works Director
3231 Main Street
Oakley, CA 94561

To Property Owner:
Oakley Senior Housing, LP
c/o Highridge Costa Development Company, LLC
330 West Victoria Street
Gardena, CA 90248
Attn: Legal Department

(b) Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate as provided in this Section. Any such notice, demand or communication shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender on the date set forth on such return receipt, on the day that it is dispatched by messenger for immediate personal delivery, the date sent by FAX and confirmed by First Class United States Mail or two (2) calendar days after it is placed in the United States Mail or personal delivery as heretofore provided.

(c) Either party may change its address for notice by giving written notice of such change to the other party not less than ten (10) days prior to the effective date of such address change. If a party has not provided an address for notice, any other party may deliver notice to such party at the address shown as the address for the owner of the property in question in the county tax records.

Section 6. Acceptance of Assessment Lien.

The Property Owner for itself and its successors and assigns hereby acknowledges and consents to the collection of any special assessments as may hereafter be assessed by the City under either Section 1(b) or Section 3, at the same time and in the same manner as County of Contra Costa general property taxes are collected against real property and all the laws providing for the collection and enforcement of County of Contra Costa property taxes shall apply to the collection and enforcement of any such assessments. Nothing shall prevent the City from accelerating the foreclosure of any assessment lien and independently pursuing judicial remedies for the enforcement of any assessment lien in the manner as may be available to the City pursuant to the Municipal Code or other applicable California law.

Section 7. Term of Agreement.

This Landscaping Agreement shall remain in full force and effect unless terminated as permitted in this Landscaping Agreement.

Section 8. City Confirmation.

On request from time-to-time of the Property Owner, the City Engineer shall confirm in writing, addressed as requested by the Property Owner, the existence of this Landscaping Agreement and the existence or non-existence of any defaults hereunder then known to the City Engineer.

Section 9. Non-discrimination.

In performing this Landscaping Agreement, Property Owner shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, age, physical handicap, medical condition, marital status, sexual gender or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code. Violation of this provision may result in the imposition of penalties referred to in Labor Code, Section 1735.

Section 10. Entire Agreement Amendment and Termination.

This Maintenance Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. The terms of this Landscaping Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Landscaping Agreement. This Landscaping Agreement may be amended or terminated only by written agreement, signed by the parties in interest at the time of such amendment or termination, except as also provided in Section 3, regarding termination.

Section 11. Attorneys' Fees.

In the event that litigation is brought by any party in connection with this Landscaping Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof. The costs, salary and expenses of the City Attorney and members of his or her office in connection with that action, shall be considered as "attorneys' fees" for the purposes of this Landscaping Agreement.

Section 12. Governing Law.

This Landscaping Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Landscaping Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Contra Costa County, California.

Section 13. Indemnification and Hold Harmless.

Property Owner shall protect, defend, indemnify and hold harmless City and its elected and appointed officials, officers, and employees from any and all claims, liabilities, expenses, including attorneys' fees, damage to property or injuries to or death of any person or persons or

damages of any nature including, but not limited to, all civil claims or workers' compensation claims, arising out of or in any way connected with the acts, errors or omissions of Property Owner, its employees, agents or subcontractors in the performance of this Landscaping Agreement.

Section 14. No Third Party Beneficiary Rights.

This Landscaping Agreement is entered into for the sole benefit of City and Property Owner and no other parties are intended to be direct or incidental beneficiaries of this Landscaping Agreement and no third party shall have any right in, under or to this Landscaping Agreement.

Section 15. Headings.

Paragraphs and subparagraph headings contained in this Landscaping Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Landscaping Agreement.

Section 16. Construction.

The parties have participated jointly in the negotiation and drafting of this Landscaping Agreement. In the event an ambiguity or question of intent or interpretation arises with respect to this Landscaping Agreement, this Landscaping Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Landscaping Agreement.

Section 17. Waiver.

The delay or failure of either party at any time to require performance or compliance by the other of party of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Landscaping Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy with respect to any occurrence or event shall not be deemed a waiver of any right or remedy with respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

Section 18. Severability.

Every provision of this Landscaping Agreement is and shall be construed to be a separate and independent covenant. Without limiting the generality of the foregoing, if any provision of this Landscaping Agreement is found to be invalid or unenforceable for any reason, then the remainder of this Landscaping Agreement shall not be affected and shall be enforced to the extent permitted by law and the parties shall negotiate in good faith for such amendments to this Landscaping Agreement as may be necessary to achieve its intent, notwithstanding such invalidity or unenforceability.

Section 19. Counterparts.

This Landscaping Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

Section 20. Corporate Authority.

The persons executing this Landscaping Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Landscaping Agreement on behalf of said parties and that by doing so, the parties hereto are formally bound to the provisions of this Landscaping Agreement.

Section 21. Covenant running with the Land.

The provisions of this Landscaping Agreement shall run with the Property and any portion thereof or interest therein, and shall be binding upon and inure to the benefit of all persons having or acquiring any interest in the Property or any portion thereof, and their respective successive owners and assigns.

Section 22. Recording.

The City Clerk shall cause a copy of this Landscaping Agreement to be recorded with the Office of the County Recorder of Contra Costa County, California, within ten days following the execution of this Landscaping Agreement.

Section 23. Consent.

[Lender] on behalf of itself and certain other lenders (collectively, the "Lenders"), will consent to this Landscaping Agreement and the rights created hereunder and will subordinate all liens and security interests against the Property securing any and all indebtedness owed to Lenders, to this Landscaping Agreement and to all rights created hereunder as evidenced by the Consent and Subordination attached hereto.

[Signatures Follow On Next Page]

AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL

CITY OF OAKLEY

_____
Joshua McMurray, City Manager

ATTEST:

_____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

OWNER

_____
Graham Espley-Jones, President of its MGP

_____
Mohannad H. Mohanna, President of its AGP

[Acknowledgement]

[Exhibit A]

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Approve the Parcel Map for Minor Subdivision MS 21-976 for the Diablo Water District Corporation Yard Office and Shop Building located at 3990 Main Street (Portions of APNs 037-191-006 and 037-191-034)

Background and Analysis

On February 9, 2021, an application was filed by Dan Muelrath, General Manager of Diablo Water District, requesting approval of a Tentative Parcel Map (TPM 01-21) to subdivide off an approximate 1.42-acre parcel from an approximately 67.22-acre parcel (APN 037-191-034) to be developed with an approximately 0.55-acre portion of APN 037-191-006. The project would install a 14,600 square foot building to house the corporation yard offices, shop space, and covered work bays for Diablo Water District, in addition to a 5,785 square foot unenclosed covered area for equipment storage and fleet parking.

On July 13, 2021, the City Council of the City of Oakley approved the Tentative Parcel Map of the project known as “Diablo Water District Corporation Yard Office and Shop Building Tentative Parcel Map TPM01-21 (MS 21-976)”.

Minor Subdivision MS 21-976 was prepared at the request of the applicant, Diablo Water District, a County Water District, in preparation of the construction of their Corporation Yard Office and Shop Building project. Iron House Sanitary District is the owner of APN 037-191-034 and Diablo Water District is the owner of APN 037-191-006.

The City Engineer has reviewed the parcel map and found it to be in substantial conformance with the approved tentative parcel map.

The City Surveyor has reviewed the parcel map and has found it to be technically correct.

Fiscal Impact

There is no fiscal impact associated with this action to the City.

Staff Recommendation

Staff recommends that the City Council adopt the attached resolution approving the Parcel Map entitled “PARCEL MAP MS 21-976” prepared by Bellecci & Associates, Inc.

Attachments

1) Resolution for Parcel Map
2) Reduced size copy of MS 21-976 Parcel Map

RESOLUTION NO. __-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CALIFORNIA, APPROVING THE PARCEL MAP TITLED "PARCEL MAP MS 21-976" TO SUBDIVIDE OFF 1.42 ACRES FROM PARCEL APN 037-191-034 TO COMBINE WITH PARCEL APN 037-191-006

WHEREAS, on February 19, 2021, an application was filed by Dan Muelrath, General Manager of Diablo Water District, requesting approval of a Tentative Parcel Map (TPM 01-21) to subdivide off an approximate 1.42-acre parcel from an approximately 67.22-acre parcel (APN 037-191-034) to be developed with approximately 0.55-acre portion of APN 037-191-006. The project would install a 14,600 square foot building to house the corporation yard offices, shop space, and covered work bays; and a 5,785 square foot unenclosed covered area for equipment storage and fleet parking.; and

WHEREAS, July 13, 2021, the City Council of the City of Oakley approved the Tentative Parcel Map of the project known as "Diablo Water District Corporation Yard Office and Shop Building Tentative Parcel Map 01-21 (MS 21-976)"; and

WHEREAS, Minor Subdivision MS 21-976 was prepared at the request of the applicant, Diablo Water District, a County Water District, in preparation of the construction of their Corporation Yard Office and Shop Building project. Iron House Sanitary District is the owner of APN 037-191-034 and Diablo Water District is the owner of APN 037-191-006; and

WHEREAS, the City Engineer has determined that the Parcel Map is in substantial compliance with the approved tentative parcel map; and

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the parcel map labeled "PARCEL MAP MS 976-21", as prepared by Bellecci & Associates, Inc. is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of April 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST: _____
Randy Pope, Mayor

_____ _____
Libby Vreonis, City Clerk Date

PARCEL MAP

MS 976-21

PORTIONS OF SECTIONS 13, 24 AND 25 IN TOWNSHIP 2 NORTH, RANGE 2 EAST, AND OF SECTIONS 18 AND 19 IN TOWNSHIP 2 NORTH RANGE 3 EAST, M.D.B.&M. AND LOT 10, MAP OF OAKLEY PARK TRACT FILED FEBRUARY 5, 1912, MAP BOOK 6, PAGE 137, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

DATE: MARCH 2022

BELLECCI & ASSOCIATES, INC.
CONCORD, CA

OWNER'S STATEMENT

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

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT ORDER NUMBER 0147024311-DJ, DATED OCTOBER 26, 2021 PREPARED BY OLD REPUBLIC TITLE COMPANY AND PRELIMINARY TITLE REPORT ORDER NUMBER 0147024312-DJ, DATED JUNE 22, 2020 BY OLD REPUBLIC TITLE COMPANY.

THE UNDERSIGNED FURTHER RELINQUISHES TO THE CITY OF OAKLEY ALL INTEREST IN SUB-SURFACE WATER RIGHTS BELOW 300 FEET THAT THEY MAY HAVE.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD.

IRONHOUSE SANITARY DISTRICT, A COUNTY SANITARY DISTRICT WHICH ACQUIRED TITLE AS OAKLEY-BETHEL ISLAND WASTE MANAGEMENT AUTHORITY, A PUBLIC ENTITY.

DIABLO WATER DISTRICT, A COUNTY WATER DISTRICT WHICH ACQUIRED TITLE AS OAKLEY COUNTY WATER DISTRICT, A COUNTY WATER DISTRICT.

BY: _____ DATE: _____

BY: _____ DATE: _____

ACKNOWLEDGEMENT

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

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

ON _____ , 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: _____

ACKNOWLEDGEMENT

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

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

ON _____ , 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: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION (AND WAS COMPILED FROM RECORD DATA) (AND IS BASED UPON A FIELD SURVEY) IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF IRONHOUSE SANITARY DISTRICT ON NOVEMBER 2021. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DATE: _____ _____

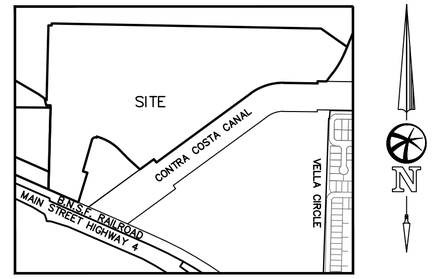
LICENSED LAND SURVEYOR
ALEXANDER VICTORIO FONG
No. 9252
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP MS 976-21", THAT SAID PARCEL MAP AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE PARCEL MAP IF REQUIRED, AND ANY APPROVED ALTERATION THEREOF: AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP, IF REQUIRED WAS APPROVED HAVE BEEN COMPLIED WITH.

DATED: _____ _____

KOUROSH ROHANI
CITY ENGINEER, CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
RCE NO. 51138



VICINITY MAP
NOT TO SCALE

CITY SURVEYOR'S STATEMENT

I, TRACY L. GIORGETTI, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP MS 976-21" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATED: _____ _____

TRACY L. GIORGETTI
CITY SURVEYOR, CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
LS 8720

LICENSED LAND SURVEYOR
TRACY L. GIORGETTI
No. 8720
STATE OF CALIFORNIA

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: _____

MONICA NINO
CLERK OF THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

RECORDER'S STATEMENT

THIS MAP, PARCEL MAP MS 976-21, IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY OLD REPUBLIC TITLE COMPANY, DATED THE _____, DAY OF 20 _____ ; AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAW AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

FILED AT THE REQUEST OF IRONHOUSE SANITARY DISTRICT, AT _____ A.M./P.M. ON THE _____ DAY OF _____ , 20 _____ , IN BOOK _____ OF MAPS, AT PAGE _____ , IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

DEBORAH R. COOPER
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

A.P.N. 037-191-034 & 006

PARCEL MAP

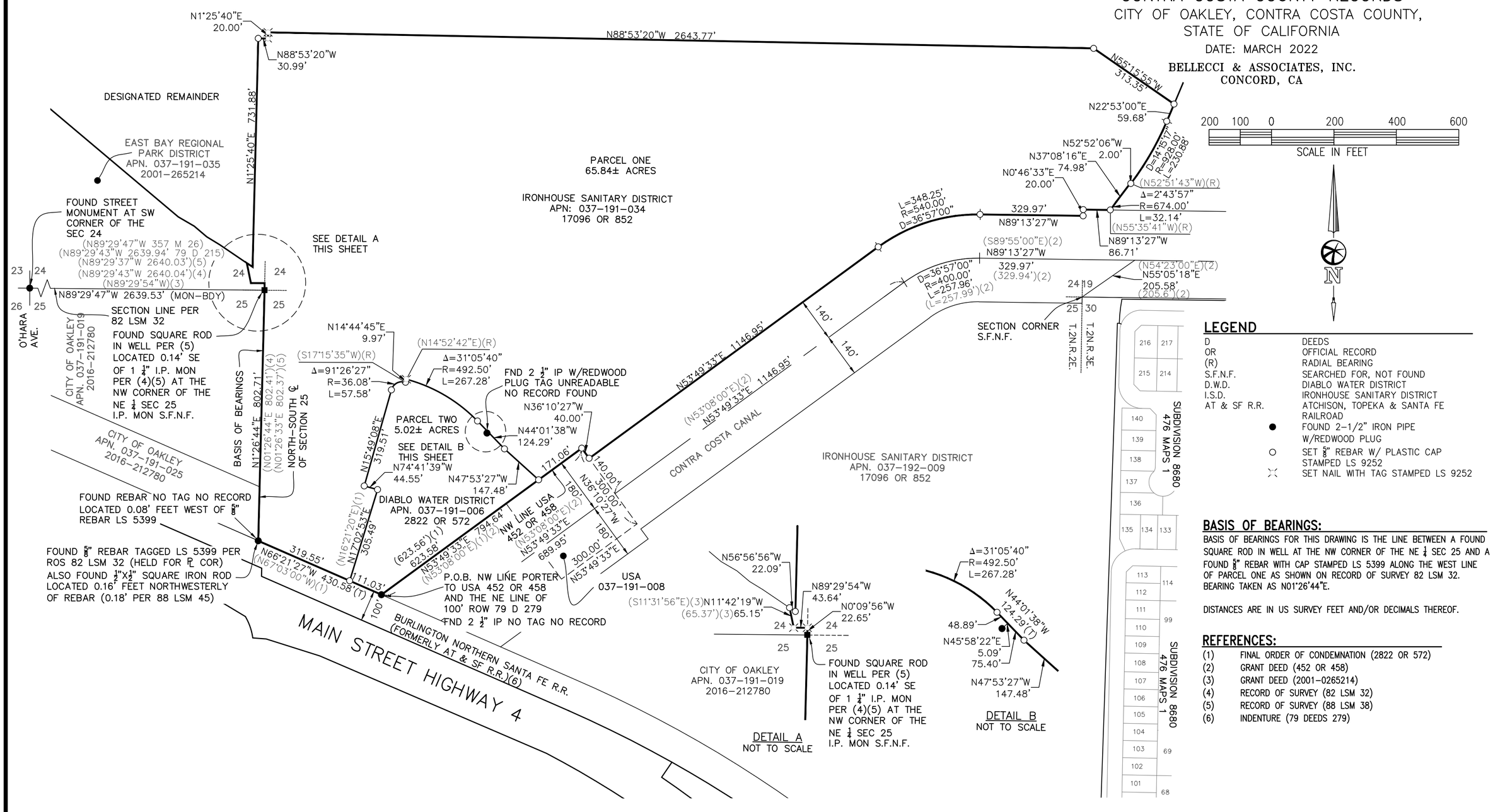
MS 976-21

PORTIONS OF SECTIONS 13, 24 AND 25 IN TOWNSHIP 2 NORTH, RANGE 2 EAST, AND OF SECTIONS 18 AND 19 IN TOWNSHIP 2 NORTH RANGE 3 EAST, M.D.B.&M. AND LOT 10, MAP OF OAKLEY PARK TRACT FILED FEBRUARY 5, 1912, MAP BOOK 6, PAGE 137, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA

DATE: MARCH 2022

BELLECCI & ASSOCIATES, INC.
CONCORD, CA



LEGEND

D	DEEDS
OR	OFFICIAL RECORD
(R)	RADIAL BEARING
S.F.N.F.	SEARCHED FOR, NOT FOUND
D.W.D.	DIABLO WATER DISTRICT
I.S.D.	IRONHOUSE SANITARY DISTRICT
AT & SF R.R.	ATCHISON, TOPEKA & SANTA FE RAILROAD
●	FOUND 2-1/2" IRON PIPE W/REDWOOD PLUG
○	SET 5/8" REBAR W/ PLASTIC CAP STAMPED LS 9252
⨯	SET NAIL WITH TAG STAMPED LS 9252

BASIS OF BEARINGS:

BASIS OF BEARINGS FOR THIS DRAWING IS THE LINE BETWEEN A FOUND SQUARE ROD IN WELL AT THE NW CORNER OF THE NE 1/4 SEC 25 AND A FOUND 5/8" REBAR WITH CAP STAMPED LS 5399 ALONG THE WEST LINE OF PARCEL ONE AS SHOWN ON RECORD OF SURVEY 82 LSM 32. BEARING TAKEN AS N01°26'44"E.

DISTANCES ARE IN US SURVEY FEET AND/OR DECIMALS THEREOF.

REFERENCES:

(1) FINAL ORDER OF CONDEMNATION (2822 OR 572)
(2) GRANT DEED (452 OR 458)
(3) GRANT DEED (2001-0265214)
(4) RECORD OF SURVEY (82 LSM 32)
(5) RECORD OF SURVEY (88 LSM 38)
(6) INDENTURE (79 DEEDS 279)

A.P.N. 037-191-034 & 006

PARCEL MAP

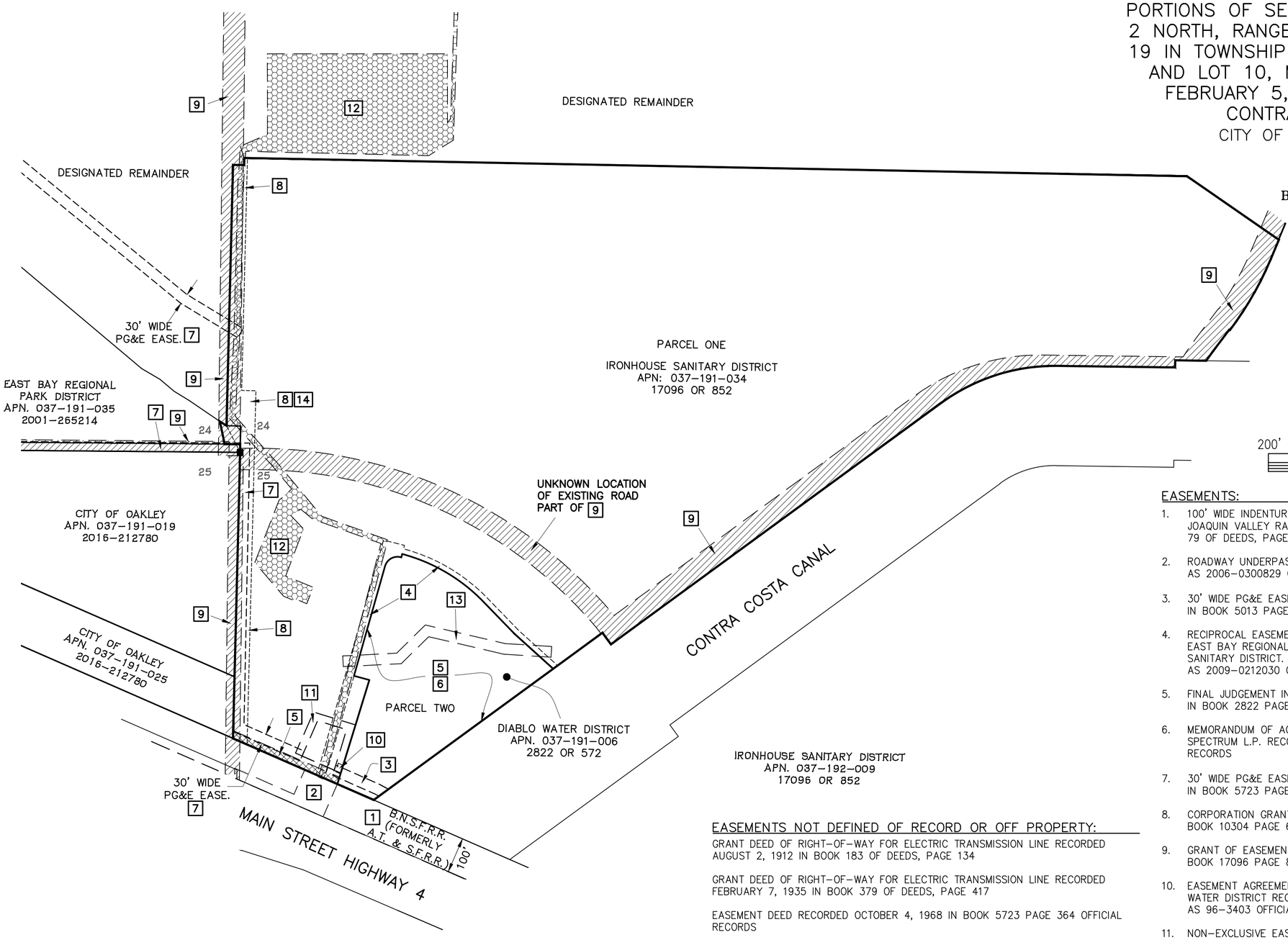
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PORTIONS OF SECTIONS 13, 24 AND 25 IN TOWNSHIP 2 NORTH, RANGE 2 EAST, AND OF SECTIONS 18 AND 19 IN TOWNSHIP 2 NORTH RANGE 3 EAST, M.D.B.&M. AND LOT 10, MAP OF OAKLEY PARK TRACT FILED FEBRUARY 5, 1912, MAP BOOK 6, PAGE 137, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA

DATE: MARCH 2022

BELLECCI & ASSOCIATES, INC.
CONCORD, CA



EASEMENTS:

1. 100' WIDE INDENTURE BETWEEN B. PORTER AND SAN FRANCISCO AND SAN JOAQUIN VALLEY RAILWAY COMPANY. RECORDED SEPTEMBER 3, 1898 IN BOOK 79 OF DEEDS, PAGE 279
2. ROADWAY UNDERPASS EASEMENT RECORDED SEPTEMBER 22, 2006 AS 2006-0300829 OFFICIAL RECORDS
3. 30' WIDE PG&E EASEMENT RECORDED DECEMBER 14, 1965 IN BOOK 5013 PAGE 431 OFFICIAL RECORDS
4. RECIPROCAL EASEMENT AGREEMENT BETWEEN CONTRA COSTA WATER DISTRICT, EAST BAY REGIONAL PARK DISTRICT, DIABLO WATER DISTRICT AND IRONHOUSE SANITARY DISTRICT. RECORDED SEPTEMBER 3, 2009 AS 2009-0212030 OFFICIAL RECORDS
5. FINAL JUDGEMENT IN CONDEMNATION RECORDED AUGUST 9, 1956 IN BOOK 2822 PAGE 572 OFFICIAL RECORDS
6. MEMORANDUM OF AGREEMENT BETWEEN DIABLOE WATER DISTRICT AND SPIRIT SPECTRUM L.P. RECORDED MARCH 17, 2000 AS 2000-0053420 OFFICIAL RECORDS
7. 30' WIDE PG&E EASEMENT AGREEMENT RECORDED OCTOBER 4, 1968 IN BOOK 5723 PAGE 342 OFFICIAL RECORDS
8. CORPORATION GRANT DEED RECORDED APRIL 30, 1981 IN BOOK 10304 PAGE 69 OFFICIAL RECORDS
9. GRANT OF EASEMENTS RECORDED DECEMBER 20, 1991 IN BOOK 17096 PAGE 864 OFFICIAL RECORDS
10. EASEMENT AGREEMENT BETWEEN IRONHOUSE SANITARY DISTRICT AND DIABLO WATER DISTRICT RECORDED JANUARY 8, 1996 AS 96-3403 OFFICIAL RECORDS
11. NON-EXCLUSIVE EASEMENT DEED TO PG&E RECORDED SEPTEMBER 28, 2007 AS 2007-0273970 OFFICIAL RECORDS
12. MEMORANDUM OF SOLAR POWER SERVICES AGREEMENT RECORDED OCTOBER 11, 2013 AS 2013-0242914 OFFICIAL RECORDS
13. POLE LINE EASEMENT NOT OF RECORD
14. QUITCLAIM DEED RECORDED DECEMBER 20, 1991 IN BOOK 17096 PAGE 860 OFFICIAL RECORDS

EASEMENTS NOT DEFINED OF RECORD OR OFF PROPERTY:

GRANT DEED OF RIGHT-OF-WAY FOR ELECTRIC TRANSMISSION LINE RECORDED AUGUST 2, 1912 IN BOOK 183 OF DEEDS, PAGE 134

GRANT DEED OF RIGHT-OF-WAY FOR ELECTRIC TRANSMISSION LINE RECORDED FEBRUARY 7, 1935 IN BOOK 379 OF DEEDS, PAGE 417

EASEMENT DEED RECORDED OCTOBER 4, 1968 IN BOOK 5723 PAGE 364 OFFICIAL RECORDS

GRANT OF EASEMENT RECORDED JUNE 19, 1987 IN BOOK 13721 PAGE 64 OFFICIAL RECORDS

EASEMENT AGREEMENT RECORDED AUGUST 15, 2003 AS 2003-0404197 OFFICIAL RECORDS

GRANT DEED TO OAKLEY BETHEL ISLAND WASTEWATER MANAGEMENT AUTHORITY RECORDED DECEMBER 20, 1991 IN BOOK 17096 PAGE 852 OFFICIAL RECORDS

A.P.N. 037-191-034 & 006

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Approving the Agreement with Oakley Senior Housing, LP for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the DR 02-19 Twin Oaks Senior Residence project located at 2605 Main Street and authorizing the City Manager to execute the agreement

Background and Analysis

The installation of the Permanent Stormwater Pollution Prevention Measures (BMP's) for the DR 02-19 Twin Oaks Senior Residence project will be constructed with the improvements associated with the project. The City's Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the permanent BMP's by the respective property owners. The "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" memorializes the owner's maintenance, operations and inspection obligation under the City's Ordinance and the approved plans.

Under the Contra Costa Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, projects "deemed complete" after February 15, 2005 are to comply with the provisions of the Permit. The City adopted an Ordinance, as required by the Permit, to enable this activity within the City of Oakley. A requirement of the permit is that each property implement stormwater treatment devices, fund the perpetual maintenance of those devices, and enter into an agreement with the City stating that the property owner will maintain the devices, grant a right of entry to City staff for inspections, and agree to pay the cost of City inspections.

Fiscal Impact

There is no fiscal impact associated with the agreement since all inspection, operations, and maintenance costs are the responsibility of the property owners.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the "Stormwater Management Facility Operations and Maintenance Agreement and

Right of Entry" for the DR 02-19 Twin Oaks Senior Residence project and authorize the City Manager to sign the agreement on behalf of the City.

Attachments

1) Resolution
2) Exhibit
3) "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" for the DR 02-19 Twin Oaks Senior Residence project

RESOLUTION NO. __-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING THE AGREEMENT WITH OAKLEY SENIOR HOUSING, LP (APN 035-011-030) FOR "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY" FOR THE TWIN OAKS SENIOR RESIDENCE (DR 02-19) PROJECT LOCATED AT 2605 MAIN STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakley's Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the Permanent Stormwater Pollution Prevention Measures installed for the DR 02-19 Twin Oaks Senior Residence project; and

WHEREAS, the "Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry" memorializes the owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved plans; and

WHEREAS, the installation of the Permanent Stormwater Pollution Prevention Measures for the DR 02-19 Twin Oaks Senior Residence project will be consistent with the approved improvements plans; and

WHEREAS, Oakley Senior Housing, LP, the current owner of the parcel described in Exhibit A, desires to execute the "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY"; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby approve the "STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY" for the DR 02-19 Twin Oaks Senior Residence project in the form attached hereto as Exhibit A and authorizes the City Manager to execute the agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of April 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

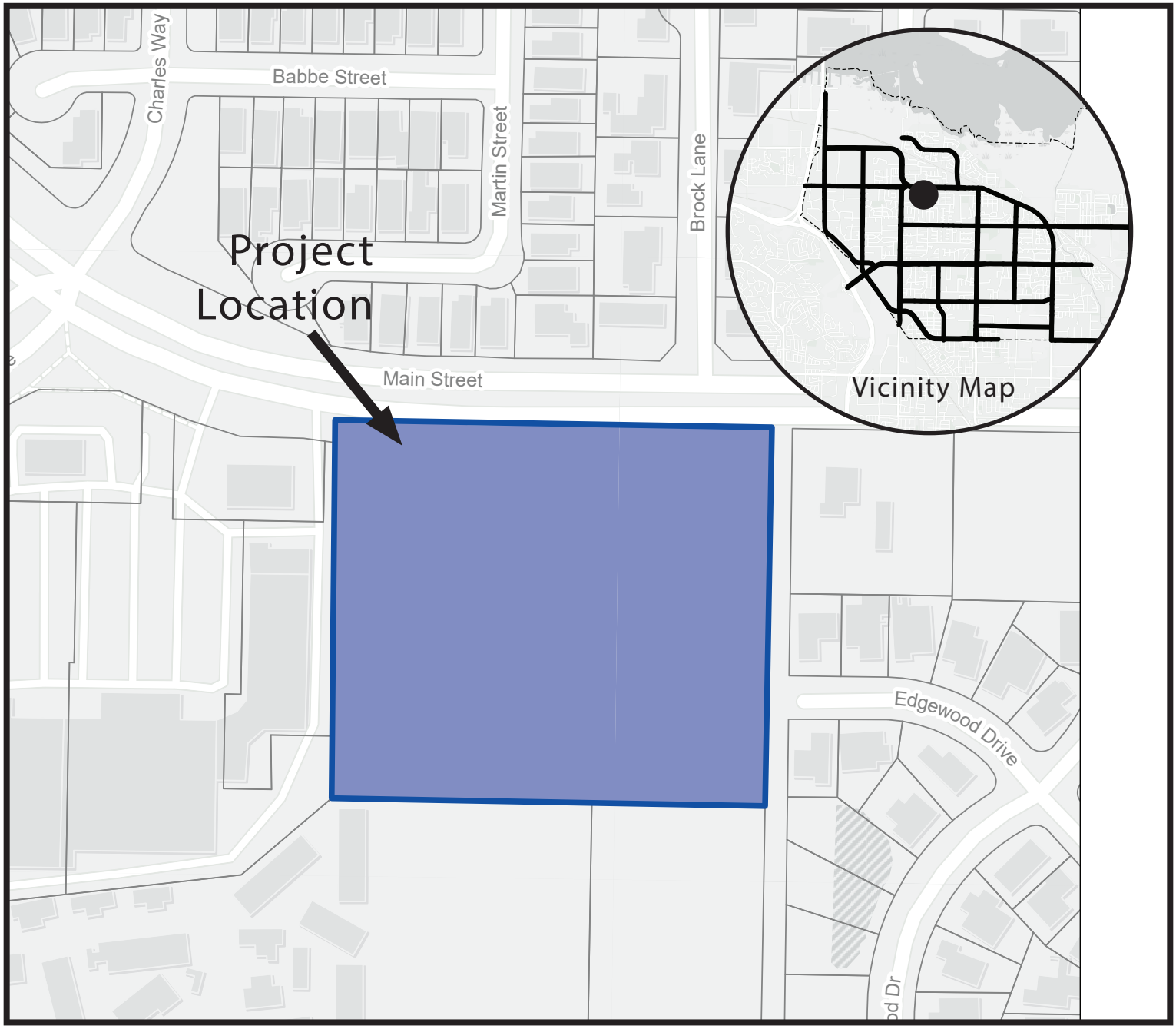
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____

Libby Vreonis, City Clerk Date



OAKLEY
CALIFORNIA

Stormwater Bioretention

2605 Main Street (DR 07-19)

Attachment 2

04/29/2021
Recording Requested By:
CITY OF OAKLEY

Return to: **CITY OF OAKLEY**
City Clerk
3231 Main Street
Oakley, CA 94561

Document Title

CITY OF OAKLEY

COVENANT RUNNING WITH THE LAND, STORMWATER MANAGEMENT FACILITY OPERATIONS AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY (Single Parcel)

PROJECT: TWIN OAKS SENIOR RESIDENCE MIXED-USE (DR 02-19)

OWNERS NAMES: OAKLEY SENIOR HOUSING, LP

ASSESSOR'S PARCEL NUMBER: 035-011-030

COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT,
AND RIGHT OF ENTRY

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this 26th day of April, 2022, by and between Oakley Senior Housing, LP, (hereinafter referred to as "Property Owner") and The City of Oakley, a municipal corporation ("City").

The following terms used in this Agreement shall have the meanings specified below:

DEFINITIONS

Maintain: The term "**Maintain**" or "**Maintained**" shall mean taking all actions reasonably necessary to keep the Stormwater Facility in first class operation, condition and repair, which actions include but are not limited to regular inspections, painting, cleaning, maintenance, refinishing, repairing, replacing and reconstructing the Stormwater Facility, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term shall also include the routine maintenance, and the annual inspection and reporting described in the Stormwater Control Operation and Maintenance Plan, and the payment of any applicable City fees.

NPDES Permit: The term "**NPDES Permit**" shall mean the San Francisco Bay Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0029912 (issued to the City of Oakley) as amended, and as may be superseded by subsequent NPDES permits that are reissued from time to time.

Ordinance: The term "**Ordinance**" shall mean Chapter 11 of Title 6 of the Oakley Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time.

Property Owner: The term "**Property Owner**" and "**Property Owners**" shall mean Oakley Senior Housing, LP and all heirs, successors, executors, administrators and assigns of interest in the Property, it being the intent of the parties hereto that the obligations undertaken in this Agreement, as provided in Civil Code section 1468, run with the Property described in Exhibit A and constitute a lien against the Property.

Property: The term "**Property**" shall mean that certain real property located at 2605 Main Street, Oakley, CA 94561, and more particularly described in Exhibit A which is attached hereto and hereby incorporated herein by reference.

Plan: The term "**Plan**" or "**Operation and Maintenance Plan**" means the City-approved Stormwater Control Operation and Maintenance Plan prepared by Wilsey Ham Engineering and approved by the City Engineer in writing, which may be subsequently modified from time to time with City Engineer's written approval.

Stormwater Facility: The term "**Stormwater Facility**" means the permanent stormwater management facilities located and constructed on the Property.

RECITALS

This Agreement is made and entered into with reference to the following facts:

A. The Property Owner is the owner of the real property more particularly described on the attached Exhibit A.

B. The City is the owner of Main Street and its storm drains that are adjacent to the Property, and the City is required to ensure that stormwater run-off from the Property into its storm drains meets the requirements of its NPDES Permit.

C. To meet its obligations under its NPDES Permit the City has required the Property Owner to construct the Stormwater Facility on the Property.

D. To meet its obligations under its NPDES Permit the City has approved the Property Owner's Operation and Maintenance Plan for the Stormwater Facility.

E. To meet its obligations under its NPDES Permit the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facility constructed on the Property.

F. The Plan includes an annual inspection and reporting requirement for the Stormwater Facility constructed on the Property.

G. This Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: No portion of the Stormwater Facility may be altered, in any way, by the Property Owner without the prior written consent of the City Engineer of the City of Oakley. The Property Owner shall Maintain the Stormwater Facility in first class operating condition, and in compliance with all applicable state, county and city laws and regulations. Applicable regulations include, but are not limited to, the City-approved Stormwater Control Operation and Maintenance Plan, and the provisions of the Ordinance, as they may be amended from time to time.

The Property Owner shall engage a landscape contractor or other licensed contractor to Maintain the Stormwater Facility. The City Engineer, in her or his sole absolute discretion, may approve an alternate method for the maintenance of the Stormwater Facility. The City Engineer, also in her or his sole

absolute discretion, may revoke the approval of a previously approved alternate method for the maintenance of the Stormwater Facility.

SECTION 2

Inspection by Property Owner: The Property Owner shall cause its contractor to conduct annual inspections during the month of September of each year. The annual inspection report shall include completion of the checklist described in the approved Operation and Maintenance Plan. The Property Owner or its contractor must submit the inspection report to the City Engineer within 30 days after the annual inspection. A Management and/or Inspection fee established in the City's standard fee schedule shall accompany the annual inspection report.

SECTION 3

Right of Entry and Stormwater Facility Inspection by the City: The Property Owner hereby grants permission to the City, its authorized agents and employees, and Ironhouse Sanitary District, the East Contra Costa Fire Protection District, County Environmental Health Department, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board to enter the portion of the Property where the Stormwater Facility is located, and to inspect the Stormwater Facility whenever any of the forgoing entities deems necessary to enforce provisions of the City's Ordinance. These entities may enter the premises at any reasonable time to inspect the Stormwater Facility's maintenance and operation, to inspect and copy records related to compliance with stormwater regulations, and to collect samples and take measurements. Whenever possible, these entities will provide notice prior to entry.

SECTION 4

Failure to Perform Required Stormwater Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fails to Maintain the Stormwater Facility in good working order and in accordance with the approved Plan and the City's Ordinance, the City, with prior notice, may enter the Property to return the Stormwater Facility to good working order. The City is under no obligation to Maintain or repair the Stormwater Facility, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the Stormwater Facility to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City, including administrative costs. The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may secure a lien against the real property of the Property Owner in the amount of such costs. In addition the City may make the cost of abatement of the nuisance caused by the failure to Maintain the Stormwater Facility a special assessment against the Property that may be collected at the same time and in the same manner as ordinary municipal taxes are collected as provided in Government Code section 38773.5. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Indemnity: The Property Owner agrees to defend, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences, claims, penalties or fines which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the Stormwater Facility by the Property Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Section 3 or 4.

SECTION 6

Successors and Assigns: The covenants of the Property Owner set forth in numbered Sections 1 through 5 above shall run with the land, and the burdens thereof shall be binding upon each and every part of the Property and upon the Property Owner, its successors and assigns in ownership (or any interest therein), for the benefit of Main Street and its storm drains and each and every part thereof and said covenants shall inure to the benefit of and be enforceable by the City, its successors and assigns in ownership of each and every part of the Street and storm drains.

SECTION 7

Severability: Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Recommended for approval:

_____
City Engineer, Kevin Rohani

Reviewed by:

_____
City Attorney, Derek Cole

City of Oakley:

_____
City Manager, Joshua McMurray

Attest:

_____
City Clerk, Libby Vreonis

Property Owners:

_____
Graham Espley-Jones, President of its MGP

_____
Mohannad H. Mohanna, President of its AGP

Attachments: Acknowledgements
Exhibit A

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

State of California
County of Contra Costa

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
Witness my hand and official seal.

Signature_____
Signature of Notary Public

EXHIBIT A
Legal description

EXHIBIT A

Description of Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLEY IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID SECTION 26, DISTANT THEREON WESTERLY 33 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE FROM SAID POINT OF BEGINNING, WESTERLY ALONG SAID NORTH LINE, 550 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, 513 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID SECTION 26, 550 FEET; THENCE NORTHERLY, PARALLEL WITH AND 33 FEET WESTERLY OF THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, 513 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

ALL OF THAT PORTION THEREOF ACQUIRED BY CONTRA COSTA COUNTY PURSUANT TO THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA LIS PENDENS AND SUBSEQUENT FINAL ORDER OF CONDEMNATION BEARING CASE NO. C95-00236, AND RECORDED ON JANUARY 26, 1995, AS INSTRUMENT NO. 95-13110, AND FEBRUARY 13, 1996, AS INSTRUMENT NO. 96-25942, RESPECTIVELY, IN THE OFFICIAL RECORDS OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO HARRY W. TASSEL, ET UX, RECORDED JANUARY 15, 1980, IN BOOK 9695, AT PAGE 784 OF CONTRA COSTA COUNTY OFFICIAL RECORDS DESCRIBED AS:

ALL OF SAID TASSEL PARCEL LYING NORTH OF A LINE 50.0 FEET SOUTHERLY (MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 26, SAID LINE EXTENDING FROM THE WEST LINE TO THE EAST LINE OF SAID TASSEL PARCEL.

ALSO EXCEPTING THEREFROM:

ALL OF THAT PORTION THEREOF ACQUIRED BY THE CITY OF OAKLEY, A POLITICAL SUBDIVISION, IN THAT CERTAIN "OFFER OF DEDICATION – ROADWAY PURPOSES RECORDED DECEMBER 10, 2009, AS INSTRUMENT NO. 2009-0289889-00 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO HARRY W. TASSELL AND HELEN SATHER TASSELL BY DEED RECORDED JUNE 3, 1991, IN DOCUMENT NO. 1991-1127 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF SAID PARCEL OF LAND; THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCEL OF LAND, SOUTH 00° 53’ 10” WEST (THE BEARING OF SAID EASTERN LINE BEING TAKEN AS SOUTH 00° 53’ 10” WEST FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 14.49 FEET; THENCE, LEAVING SAID EASTERN LINE, SOUTH 89° 49’ 31” WEST 147.05 FEET; THENCE, ALONG THE ARC OF A TANGENT 2,000.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00° 14’ 24”, AN ARC DISTANCE OF 8.38 FEET; THENCE, NORTH 89° 56’ 05” WEST 154.14 FEET; THENCE, ALONG THE ARC OF A TANGENT 2,000.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00° 23’ 40”, AN ARC DISTANCE OF 13.77 FEET; THENCE, SOUTH 89° 40’ 15” WEST 110.02 FEET; THENCE, ALONG THE ARC OF A TANGENT 732.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09° 09’ 44”, AN ARC DISTANCE OF 117.05 FEET TO A POINT ON THE WESTERN LINE OF SAID PARCEL OF LAND; THENCE, ALONG SAID WESTERN LINE, NORTH 00° 55’ 29” EAST 15.14 FEET TO THE NORTHWESTERN CORNER OF SAID PARCEL OF LAND; THENCE, FROM SAID NORTHWESTERN CORNER, ALONG THE NORTHERN LINE OF SAID PARCEL OF LAND, SOUTH 89° 07’ 39” EAST 550.00 FEET TO SAID POINT OF BEGINNING.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

FROM: Tim Przybyla, Finance Director

SUBJECT: **Consideration of a Resolution Authorizing the City Manager or his Designee to Execute any Necessary Amendments to the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc. and Adopting a Budget Amendment Allowing for the Purchase of the Six (6) GMC Pickups that are Currently being Leased from Enterprise Fleet Management, Inc.**

Background and Analysis

On December 8, 2020, the City Council adopted a resolution approving a Master Equity Lease Agreement with Enterprise Fleet Management and authorizing the City Manager to execute that agreement and any amendments between the City of Oakley and Enterprise Fleet Management, Inc. In that staff report, it was stated that: "If this vehicle lease plan proves to be as successful as anticipated, an additional seven (7) or eight (8) Fleet vehicles can be put into the program to nearly double the savings, allowing us to further improve our entire Fleet." To date, this program seems to be very successful, and staff is requesting permission to add ten (10) more vehicles to the six (6) vehicles that are currently in the lease program. After the resolution was adopted, the City ordered eight (8) GMC pickups that were expected to be delivered in July of 2020. Due to a shortage of vehicles at GMC at that time, only six (6) of the eight (8) vehicles ordered were delivered, and they arrived on March 31st, rather than in July. We accepted the deliveries because funds were available in the Budget to cover the lease payments for April, May and June of 2020. Staff has been very pleased with the new vehicles, and maintenance costs for those vehicles have been minimal.

On September 28, 2021, the City Council adopted a Resolution, Authorizing the Interim City Manager or his Designee to Execute any Necessary Amendments to the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc. and adopting a budget amendment allowing for the sale of fleet vehicle number 101 and the purchase of a new vehicle to replace vehicle number 101.

Due to the shortage of vehicles created by the lack of computer chips and the delay in manufacturing and shipping of vehicles created by the COVID-19 Pandemic, staff was not able to locate new reasonably priced vehicles to replace any of the vehicles mentioned above. If new vehicles were available with government incentives from the manufacturers, the lease plan would work even better than anticipated as we would currently be able to sell the six (6) leased vehicles and vehicle number 101 for much higher amounts, as it's been reported that used vehicle pricing has increased by up to forty percent over the past year. Unfortunately, replacement vehicles are not currently available, and we need vehicles for our staff provide services to the community.

After ordering ten (10) Ford pickups through Enterprise, for which Ford was offering governmental incentives, Ford cancelled those orders. So, our options for replacing the existing six (6) GMC pickups and expanding the number of leased fleet vehicles have dried up at this time, and staff now believes that it would be better to purchase those vehicles rather than extend the leases on them for another year. Doing so will reduce the fees and financing charges related to these vehicles. And, we will be able to purchase these nearly-new vehicles at a much lower cost than is available to others, at this time.

To buy out the six (6) GMC pickups will cost the City $126,322, which averages $21,064 per vehicle, plus tax. If we were to sell these vehicles now, we would receive between $37,000 and $38,000 each, which is $12,000 to $13,000 more than we paid for them new. We have paid roughly $39,100 in total lease costs so far. So, our total cost per vehicle including the purchase price and the lease costs will be about $165,500, or $27,583 per vehicle, which is still about $10,000 less per vehicle than we could sell them for, at this time.

This program has helped us to provide reliable vehicle for City staff and will clearly help to keep Fleet costs down when replacement vehicles are available to lease and when the manufacturers are producing enough new vehicles to meet demand and are providing government incentives, such as the $10,800 incentives that we received on each of the GMC pickups that we have been leasing. Therefore, staff would like to keep the lease agreement open, as we monitor the situation and watch for our best options to replace City vehicles in the future.

Fiscal Impact

The fiscal impact to the General Fund for Fiscal Year 2021/2022 Budget will be a slight savings from budgeted lease payments, due to the termination of the leases, for which a budget amendment will not be necessary. The impact to the Fiscal Year 2021/2022 Budget for Fleet (Fund 503) would be a $138,000 increase in capital outlay (including estimates sales tax), if the proposed budget amendment is approved by the City Council. Fund 503 has sufficient funds available in its Fund Balance for these purchases, and the General Fund departments will begin paying into Fund 503 for the future replacement of these vehicles, in future fiscal years.

Staff Recommendation

It is recommended that the City Council adopt the attached Resolution, Authorizing the City Manager or his Designee to Execute any Necessary Amendments to the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc. and Adopting a Budget Amendment Allowing for the Purchase of the Six (6) GMC Pickups that are Currently being Leased from Enterprise Fleet Management, Inc.

Attachments

1. Resolution

RESOLUTION NO._____

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AMENDMENTS TO THE MASTER EQUITY LEASE AGREEMENT BETWEEN THE CITY OF OAKLEY AND ENTERPRISE FLEET MANAGEMENT, INC. AND ADOPTING A BUDGET AMENDMENT ALLOWING FOR THE PURCHASE OF THE SIX (6) GMC PICKUPS THAT ARE CURRENTLY BEING LEASED FROM ENTERPRISE FLEET MANAGEMENT, INC.

WHEREAS, the City of Oakley maintains a fleet of vehicles, many of which vehicles are reaching the point where the cost of repairing and maintaining them may be greater than their value; and

WHEREAS, the City Council of the City of Oakley previously approved the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc.; and

WHEREAS, the City Manager was authorized to execute any amendments to the Master Equity Lease Agreement between the City of Oakley Enterprise Fleet Management, Inc.; and

WHEREAS, the City of Oakley has been leasing six (6) GMC pickups that were ordered from GMC through Enterprise Fleet Management, Inc. for approximately one year; and

WHEREAS, Enterprise Fleet Management, Inc. and staff have not been able to identify new vehicles to replace the six (6) GMC pickups at the end of the one-year leases; and

WHEREAS, the City of Oakley can purchase these GMC pickups for approximately $21,064 per vehicle at a time that the City could see these GMC pickups for between $37,000 and $38,000 each; and

WHEREAS, the City of Oakley has funds available in the Fleet Fund Balance and would like to purchase the six (6) GMC pickups at a cost of approximately $138,000, including estimated sales tax.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Oakley hereby authorizes the City Manager or his designee to execute any necessary further amendments to the Master Equity Lease Agreement between the City of Oakley and Enterprise Fleet Management, Inc. to complete the purchase of the six (6) GMC pickups and approves a $138,000 amendment to the City of Oakley Fiscal Year 2021/2022 Fleet Budget, providing for the purchase of said GMC pickups.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 26th day of April 2022 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Randy Pope, MAYOR

ATTEST:

_____
Libby Vreonis, CITY CLERK Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City*

FROM: Kenneth W. Strelo, Planning Manager

SUBJECT: **Honey Creekside Subdivision 9579 (RZ 03-21, TM 02-21, DR 08-21) – Request for approval of a Rezone to P-1 (Planned Unit Development) District, a Vesting Tentative Map to subdivide approximately 10.6 acres into 57 single family residential lots, and Design Review. APNs 033-030-028 and 033-030-032.**

Summary

This is an application by Nuvera Homes ("Applicant") requesting approval of: 1) a Rezone (RZ 03-21) of an approximately 10.6-acre project site from R-6 (Single Family Residential) District to P-1 (Planned Unit Development) District; 2) a Vesting Tentative Map (TM 02-21) subdividing approximately 10.6 acres into 57 single residential lots, street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area; and 3) Design Review (DR 08-21) for floor plans, elevations, colors and materials detail, preliminary site plan, and conceptual landscape plans ("Project"). Proposed homes consist of three two-story house plans each with three elevations ranging from 2,518 to 2,777 square feet of livable area. The project site is located at 463 and 560 Honey Lane and is zoned R-6 (Single-Family Residential) District. (APNs: 033-030-028 and 033-030-032).

Background

General Plan

Residential Low/Medium (RLM) – This designation provides for moderately dense single-family residential development that is consistent with suburban uses. This designation will allow for a higher density suburban neighborhood with smaller lots that are commonly seen in traditional urban and suburban neighborhoods. Primary land uses include detached single-family homes and accessory structures. Public and semi-public uses and similar and compatible uses are also allowed. This designation allows for a minimum of 3.8 and a maximum of 5.5 dwelling units per acre.

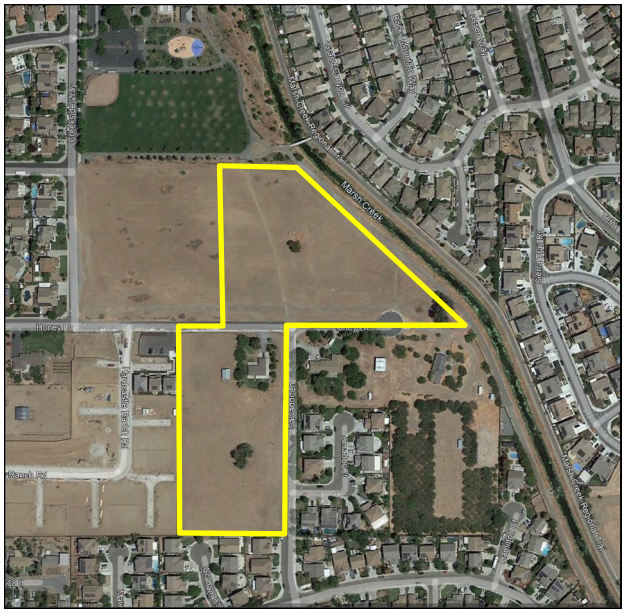
Zoning

R-6 (Single Family Residential) District - The purpose of the single-family residential district regulations is to allow a designated area for single-family residential district

development designed to provide as much compatibility as possible with nearby zoning. Intense agricultural uses which create strong or obnoxious odors, or which might disturb adjacent or nearby residential areas with noise or vibration, are not appropriate for the single-family residential zoning districts. The City of Oakley Residential Design Guidelines should also be referred to as they contain additional information regarding mandatory and suggested guidelines for residentially zoned areas (Excerpt from Oakley Municipal Code section 9.1.404).

Existing Conditions and Surrounding Land Uses

Figure 1. Project site and surrounding properties (Google Earth, June 29, 2021)



The project is located at 463 and 560 Honey Lane, which make up two parcels on the south and north side of Honey Lane, respectively. 463 Honey Lane (APN 033-030-028) is an approximately 5-acre site with an existing home and accessory structure. 560 Honey Lane (APN 033-030-032) is an approximately 5.6-acre site with no buildings and is undeveloped. Existing single-family homes are to the south of 463 Honey Lane and to the east across Salvador Lane. An existing rural-lot single family home sits at the southeast corner of Honey Lane and Salvador Lane, which is south of 560 Honey Lane and east of 463 Honey Lane. The Acacia residential subdivision is currently under construction to the west of 463 Honey Lane. That project includes smaller lots and is a denser single family residential development than what is proposed for this project. It will result in six side yards and three rear yards abutting the proposed project's western property line. Marsh Creek runs along the east side of 560 Honey Lane, with Creekside Park abutting its northern property line, a vacant 5.24-acre parcel of the same General Plan and current zoning to the west, and Honey Lane to the south. Figure 1 shows the two parcels, including the Honey Lane right of way that separates them, surrounding properties, Marsh Creek, and a portion of Creekside Park.

Project Description

Rezone (RZ 03-21)

The project application includes a request for approval of a rezone from R-6 District to a P-1 District, which is unique to the underlying project. In this case, it is being requested in conjunction with an infill development project that is required to accommodate a 75-

foot stream setback and on-site stormwater collection and treatment. The applicant has requested the P-1 District to allow for flexibility in the development standards. A P-1 District has no impact on the allowable density of the underlying General Plan Land Use Designation. Table 1 provides a comparison of the project's P-1 District and the conventional R-6 District relative development standards.

Table 1. Comparison of Project's P-1 District and R-6 District Development Standards

	Min. Lot Size (sf.)	Front Yard Setback (ft.)	Side Yard Setback (ft.)	Corner Side Yard Setback (ft.)	Rear Yard Setback (ft.)
Project's P-1 District	Per the VTM (3,786 smallest lot)	20 (garage) 15 (living) 10 (porch)	4 (no aggregate)	10	13-18 (per site plan) 10 (lot 27 only)
R-6 District	6,000	20 (all)	5 (15 aggregate)	15	15

Vesting Tentative Map (TM 02-21)

The proposed project would result in the subdivision of approximately 10.6 acres made up of two parcels into a new single-family residential subdivision of 57 lots, including street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area. As proposed, the gross density (includes all area before dedication, parks, landscaping, etc.) would be approximately 5.39 dwelling units per gross acre (du/ga), with lot sizes ranging between 3,786 (Lot 36) and 10,068 (Lot 46) square feet (sf). Access to the neighborhood streets could be from either Honey Lane or Salvador Lane. Salvador Lane can be accessed by either Honey Lane to the north or Malicoat Avenue, Douglas Road, and Hill Avenue to the south.

The general layout of the development includes two separate parcels on opposite sides of Honey Lane. The northern parcel includes Lots 1-27 (27 total lots), is accessed directly from Honey Lane, and includes two cul-de-sacs. Ten of the 27 lots front onto Honey Lane, and another four of the lots are adjacent to the Marsh Creek setback. The northern boundary of the northern parcel abuts Creekside Park, and it is planned to include a pedestrian trail/sidewalk to provide access to the park. The southern parcel includes Lots 28-57 (30 total lots) and is accessed via a circle-type road off Salvador Lane. Six lots front onto Honey Lane and four front onto Salvador Lane.

Water quality treatment areas are located throughout the development on Lots 3, 12, 15, 21, 27, 33, 34, 49, 50, 54, and 57. All of these areas are covered by a drainage easement, are accessible from the adjacent street and are proposed to be maintained by a maintenance area assessment to be established by the applicant.

The project is required to implement a 75-foot buffer from the Marsh Creek top of bank to comply with the East Contra Costa County Habitat Conservation Plan/Natural

Communities Conservation Plan ("HCP/NCCP"). Approximately 50 feet of those 75 feet are on the project site with the remaining area already in the flood control channel. The result of this setback is proposed "Parcel A" of approximately 31,007 sf. which will contain no impervious improvements or house footprints. Parcel A covers a portion of a future creek restoration project and maintenance road for Contra Costa County Flood Control and Water Conservation District ("Flood Control District"). Although the applicant is not directly involved in the creek restoration project, they have been working with the creek restoration consultants to share their plans and redesign to accommodate future bridge work. Proposed conditions of approval address dedication of Parcel A. It is anticipated that the City would not accept dedication until a time it can be deeded to the Flood Control District.

Design Review (DR 08-21)

As part of the Design Review application, the applicant is proposing house floor plans, architecture, and color schemes, street tree plan, lot landscaping plans, and fence plans. For the homes, there are three different floor plans ranging from 2,518 sf. to 2,777 sf. of livable area. All plans include a front-facing 2-car garage. Table 2 provides a summary of the proposed floor plans.

Table 2. Summary of Proposed Floor Plans

	Livable sf.	Livable sf. by Floor (1st/2nd)	Bedrooms	Bathrooms	Garage (sf./cars)
Plan 1	2,518	1,137 / 1,381	3 (with opt. 4 or loft)	2.5	417 / 2
Plan 2	2,687	1,663 / 1,024	4 (with opt. 5 or loft)	3	416 / 2
Plan 3	2,777	1,264 / 1,513	4 (with opt. 5 or loft)	3	416 / 2

In addition to the three floor plans are three architectural styles, referred to as Prairie, Modern Farmhouse, and Orinda Ranch elevations. Each of the three architectural styles has three color and material themes tied specifically to that style. Some more noticeable aspects of each style are:

- Prairie including hip roofs with concrete tile, brick veneer, and horizontal siding;
- Modern Farmhouse including shingled roofs with gables featuring horizontal siding accents, and board and batten siding; and
- Orinda Ranch including hip roofs with concrete tile, brick veneer, and board and batten siding.

Figure 2 shows the conceptual streetscape per the Applicant's Plans.

Figure 2. Conceptual Streetscape per Applicant's Plans



Conceptual Landscape Plan

A preliminary landscape plan has been submitted with the application packet and it includes a Master Street Tree Plan, Fencing Plan, Typical Lots [landscaping], Production Planting, Bio-Retention Area Planting, a Hydrozone Plan, and Production Planting Palette. In regard to tree installation, the applicant is proposing to install 86 street trees of 24" box size, plus an additional 56 accent trees of 15-gallon size. The remainder of the front and corner side yards and stormwater treatment areas will be landscaped in accordance with the City's water efficiency landscape ordinance, or the applicable stormwater control plan guidelines, whichever apply.

In addition to landscaping throughout the subdivision, the applicant is proposing a parkway strip along the west side of Salvador Lane and A Street, which connects the pedestrian park entrance to Honey Lane. The parkway strip on A Street is six-feet wide and will include an eight-foot-wide sidewalk. Typically, both the parkway strip and sidewalk would be 5-feet wide. The applicant has done this to provide a more comfortable and welcoming path to the park for residents south of Honey Lane. The parkway strips will include trees and plants to act as a visual and physical barrier between the street and sidewalk.

A Preliminary Arborist Report conducted by HortScience/Bartless Consulting was submitted as part of the project application in November 2021. The conclusion of that report was that a total of 23 trees existed on the two parcels, and of those 23 trees, four trees, all located on the northern lot, met the criteria for heritage trees in the Oakley Municipal Code's Heritage and Protected Trees Ordinance (OMC section 9.1.1112). The four trees consist of three silver dollar gum eucalyptus (*Eucalyptus polyanthemos*) and one Monterey pine (*Pinus radiata*). The arborist report recommends preserving three silver dollar gum eucalyptus trees, two of which were defined as heritage trees. The mitigation measures as further described in the California Environmental Quality Act section of this Staff Report require a certified arborist to develop a tree preservation plan for the protected trees in accordance with the recommendations in the original Arborist Report prepared for the project.

Fences

Fencing is proposed to consist of 6-foot-tall wooden good neighbor fences between residential lots and along corner side yards, except as otherwise noted in the plans. For example, the fencing between the treatment areas on Lots 12 and 15 and the creek area is proposed to be 5-foot tall, welded wire mesh. Other fencing along the treatment areas and the internal improvements of the subdivision, as well as adjacent to the park connection are proposed to be 3-foot-tall split rail fencing. Sheet L2 of the Applicant's Plans shows the locations of each type of proposed fence.

Environmental Review

California Environmental Quality Act Compliance

An Initial Study ("IS") and Mitigated Negative Declaration ("MND") have been prepared for this project pursuant to the California Environmental Quality Act ("CEQA"). Raney Planning and Management conducted the CEQA analysis survey on behalf of the City of Oakley. The Notice of Intent ("NOI") to Adopt an MND and IS was circulated for public review and comment from March 25, 2022 to April 13, 2022. It was filed with the County Clerk and Governor's Office of Planning and Research ("OPR"), emailed, or mailed out to over 60 public agencies and parties requesting such notice, and posted in the same manner as a Notice of Public hearing, which is at locations throughout the City and at the project site. The NOI provided a summary of the project as well as methods to access the Draft IS/MND for review and comment.

Analysis in the IS found six of the 21 impact categories to require mitigation to reduce the potential impacts to a less than significant level. All other 15 impact categories were found to have either no impact, or a less than significant impact. The bullet list below summarizes the impact category and mitigation proposed to be adopted in order to reduce any potentially significant impacts to a less than significant level.

- Biological Resources: Two of the 20 trees proposed to be removed are heritage trees as defined by the Oakley Municipal Code (neither are oak species). Two other heritage trees are proposed to remain. This mitigation measure requires a certified arborist to develop a tree preservation plan for the protected trees in accordance with the recommendations in the original Arborist Report prepared for the project.

- Cultural Resources: Procedures in the event resources or remains are discovered onsite during activities, including immediate halting of activities, and notification of the City and/or Contra Costa County Coroner.

- Geology and Soils: Ensure construction plans adhere to all engineering recommendations in the project's Geotechnical Investigation.

- Hazards and Hazardous Materials: Applicant shall ensure the existing domestic/irrigation well is removed/abandoned in accordance with County and State regulations and in cooperation with Contra Costa Health Services Agency, and then provide proof to the City prior to the issuance of a grading permit.

- Noise: Limit construction hours to 7:30 A.M. to 7:00 P.M. Monday through Friday, and 9:00 A.M. to 7:00 P.M. on Saturdays, Sundays, and holidays. Other measures for construction equipment and how it is handled. (Note: The City's standard condition of approval, which is included in the proposed resolution, is stricter that the construction hours allowed by this measure. The standard condition reads as follows: 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.)

- Tribal Cultural Resources: Implement the measures for Cultural Resources.

The City Council must adopt the MND in order to approve the project. Adoption of the MND is included in the proposed resolution for the Vesting Tentative Map approval. The NOI and IS/MND are included as electronic attachments to this Staff Report and are available under the project title heading at: https://www.ci.oakley.ca.us/ceqa-documents/.

Habitat Conservation Plan/Natural Community Conservation Plan

This project is subject to the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP" or "HCP Plan"). Projects that are subject to the HCP Plan are required to submit a Planning Survey Report ("PSR") as part of the project application. The contents of the PSR help guide the project through compliance with both the California and Federal Endangered Species Act by assuming presence of certain plant and animal species, and requiring additional surveys to be done prior to any ground disturbance. In addition, whether species are found or not, the project must pay development impact fees for each acre, or fraction thereof, of disturbed land not already considered "urban" under the HCP Plan. Those development impact fees are used to help create, install, and maintain habitat outside of the Urban Limit Line, as well as administer the HCP Plan. In addition to development impact fees, this project is required to abide by a 75-foot stream setback from the top of bank of Marsh Creek. That equates to approximately 50 feet of the eastern portion of the northern parcel unable to be developed. Under the HCP impact fees current as of the date of this staff report, the project would contribute $182,561.84 to the HCP/NCCP program

Analysis

Rezone

When approving an application for a rezone to P-1 District, the City Council shall be satisfied that the following are true (summarized from OMC section 9.1.1002):

- The applicant intends to start construction within two years from the effective date of the zoning change;
- The development is consistent with the General Plan;
- If residential, it has sustained desirability and stability, and is in harmony with the character of surrounding neighborhoods; and
- The development of a harmonious, integrated plan justifies exceptions from the normal application of the OMC.

In the case of this project, the Applicant has stated they intend to continue moving forward with plan checks and then development following a project approval. The density and type of development is consistent with the General Plan, and the project integrates connectivity to the park and fluidity of the local road network, as well as visual openness to Marsh Creek. The type of development is expected to be desirable and with a Maintenance Area Assessment should remain stable for many years to come. It falls somewhere in the middle of the density ranges of nearby residential neighborhoods. Higher than some of the larger lot neighborhoods, and lower than the adjacent Acacia development to the west. When considering the creek setback, need for on-site stormwater treatment and creativity in creating smaller treatment areas that are not under the maintenance responsibility of the City of Oakley, the project justifies relaxation on lot sizes and setbacks to still build within the allowable range of the General Plan land use designation of RLM.

For the proposed project, the Applicant's Plans contain the information that would be required for a Final Development Plan, including the information on the Vesting Tentative Map, the preliminary site plan, landscaping plans, and house floor plans and architectural designs. Staff recommends approval of the Rezone application.

Vesting Tentative Map

The Vesting Tentative Map ("VTM") has been reviewed against all applicable codes including the Subdivision Map Act, General Plan, and the Zoning Ordinance. The VTM's gross density (apx. 5.39 du/ga) falls within the gross density range of the Residential Low/Medium (RLM) General Plan Land Use Designation of 3.8-5.5 du/ga. The VTM is tied to a P-1 District, which sets its own development regulations, such as required yard setbacks and lot sizes.

The site is physically suitable for the project in that it is accessible, not physically constrained other than the requirement to not develop with the 75-foot creek setback, is similar to surrounding uses, and it is also able to accommodate the proposed density of development in a manner consistent with the underlying land use designation. The subdivision is not expected to result in any serious public health problems. Public improvements are proposed and conditioned to occur as a result of the subdivision, which is a benefit to the public and surrounding residents and property owners of the vicinity. Staff recommends approval of the proposed Vesting Tentative Map application.

Design Review

Analysis for Design Review refers to the Standards for Review as laid out in OMC section 9.1.1604(f), which looks at site planning, architecture, landscaping and site elements, and streetscapes. With these standards in mind, the proposed plans were analyzed for consistency with the adopted City of Oakley Residential Guidelines ("Guidelines").

Neighborhood Layout and Design

Although this is a small residential project without any opportunity for hierarchy of streets within itself, other elements of neighborhood layout were achieved. Namely, the project has been designed to provide houses that front on Honey Lane to continue that element seen further west of the project. Also, some houses front on Salvador Lane, which is seen further south, while other have corner side yards on Salvador Lane such as seen directly to the east of the project. The interior streets have been aligned with existing streets (i.e., internal street in norther parcel aligns within Honey Lane and entrance into southern parcel aligns with Amador Court). Lots 26 and 27 are set back from the front property line which must be improved as a cul-de-sac bulb for emergency vehicle turnaround. There is a chance, depending on timing, that another project to the south could be approved and developed by the time Lots 26 and 27 are developed. Staff has included a condition of approval providing flexibility to the developer to possibly straighten those front lot line out and rearrange each house footprint on each lot.

Residential Siting and Lot Design

The applicant has designed the homes so that even though most of the lot do not allow for large variations in front yard setbacks to the garages, there is still variation in setbacks to the living areas and porches. For example, given a 20-foot setback to the garage, Plan 1 has a 25-foot setback to the living area and 16-foot setback to the porch, Plan 2 has a 15-foot setback to the living area and 11-foot setback to the porch, and Plan 3 has a18-foot setback to the living area and 12-foot setback to the porch. Rear yard setbacks vary depending on the lot, and the applicant implemented an additional design element by creating deeper lots adjacent to the existing residential properties to the south of the project where the side yards of three homes abut. Those four lots (Lots

46-49) are proposed with rear yard setbacks to the main homes of 44 feet, 40 feet, 40 feet, and 35 feet, respectively.

Building mass is an element of lot siting and design and can greatly affect the aesthetics of the overall neighborhood. For the proposed project, changes in roof plans among the same floor plan assist in giving the overall neighborhood more visual variety. For example, the Prairie and Orinda Ranch tend to have more hip-style roofs and at times include clipped gables at the top sides. The Modern Farmhouse has more exposed gables. Also, although all three floor plans include a second floor, the Plan 2 is designed with a limited square footage on the second floor that allows for most of it to be concentrated above the center of the first floor (from front to back), which reduces it's massing from the front and back. Since there are no true one-story homes, the project does not meet the guidelines of including one-story homes on a minimum of 20% of the total lots and 50% of the corner lots of a new development. This is typically difficult to do when dealing with P-1 Districts since they often include lot sizes under the more conventional R-6 District, which requires minimum development standards of 6,000 sf. lots, 60-foot lot widths, and 80-foot lot depths.

Architectural Character

The architectural character and design of the proposed homes meets several of the design guidelines. There is variation in materials between architectural styles, such as roofing, veneer, and siding, and often more than one secondary exterior material is proposed. 360-degree architecture is used on all the homes. The three color schemes for each architectural style complement each other while allowing for uniqueness to any given home with the eyesight of another. Unique garage doors are provided for each style, ad is driveway scoring.

Areas for small improvements and better implementation of the design guidelines are summarized below and have been included as conditions of approval that will be subject to the review and approval of the Community Development Director:

- Exterior lighting specific to each architectural type;
- Increased use of false shutters on more of the front elevations, and rear elevations of those homes; and
- The inclusion of window muntin specific to architectural types on front elevations and additional second story windows on rear elevations.

Staff recommends approval of the proposed Design Review application.

Findings

Draft findings for the Rezone can be found in the proposed ordinance. Draft findings for the Vesting Tentative Map and Design Review can be found in the proposed resolution.

Fiscal Impact

The approval of these entitlements will not impact the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account and paid for by the developer.

Staff Recommendation

Staff recommends the City Council approve the project titled, "Honey Creekside Subdivision 9579 (RZ 03-21, VTM 02-21, DR 08-21)," as conditioned.

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Applicant's Plans (received January 14, 2022)
4. Proposed Rezone Ordinance
5. Proposed Vesting Tentative Map and Design Review Resolution
   a. Exhibit "A" Mitigation Monitoring Program

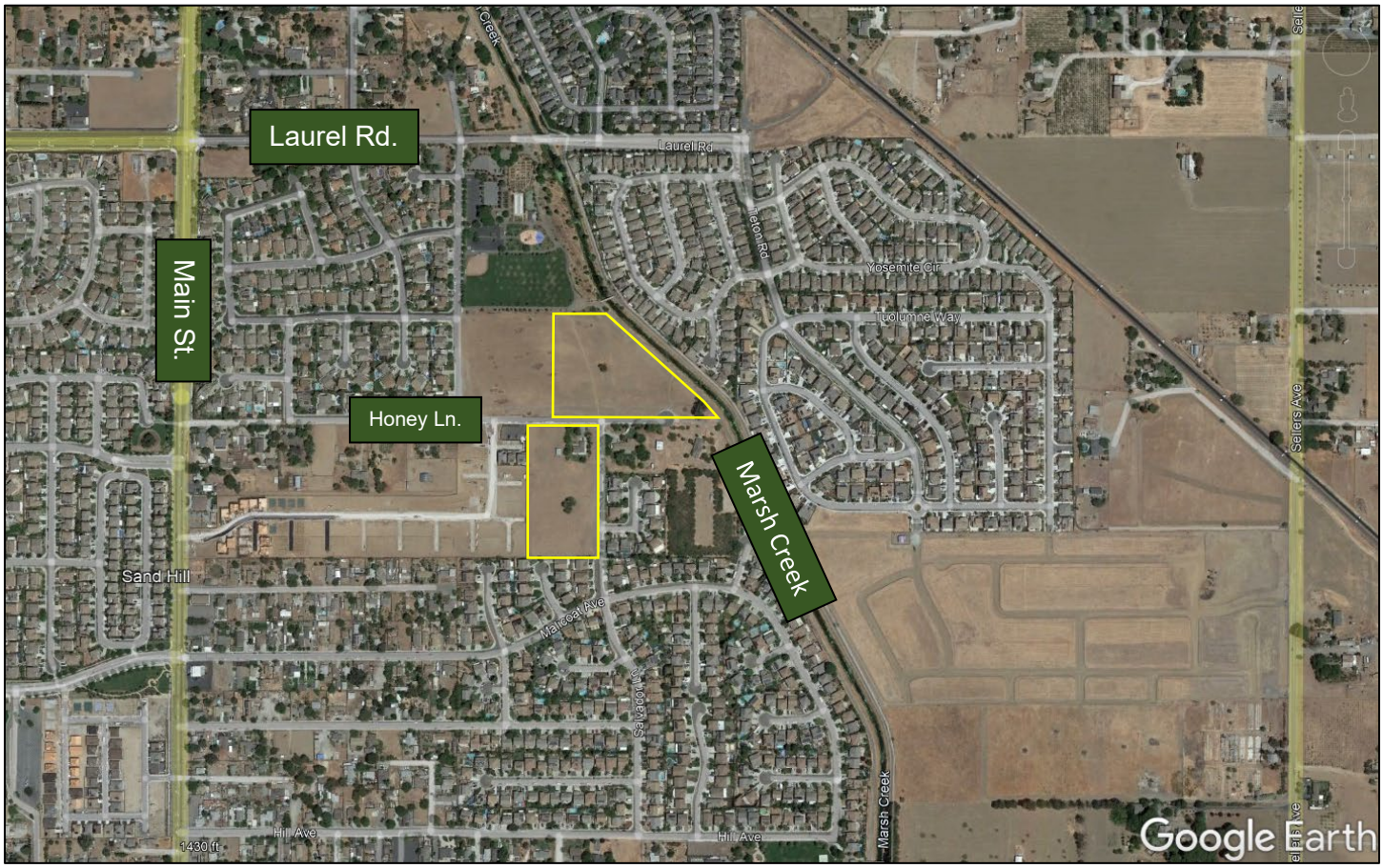
Online Attachments

1. Honey Creekside Subdivision 9579 – Notice of Intent to Adopt a Mitigated Negative Declaration (https://www.ci.oakley.ca.us/wp-content/uploads/2022/03/Honey-Creekside-Subdivision-9579_Notice-of-Intent-to-Adopt-a-Mitigated-Negative-Declaration.pdf)

2. Honey Creekside Subdivision 9579 – Initial Study (https://www.ci.oakley.ca.us/wp-content/uploads/2022/03/Honey-Creekside-Subdivision-Initial-Study.pdf)

Vicinity Map

Honey Creekside Subdivision 9579 (RZ 03-21, TM 02-21, DR 08-21)
463 and 560 Honey Lane (APNs: 033-030-028 and 033-030-032)





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **April 26, 2022** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application for a **Rezone, Tentative Map, and Design Review** as described below:

Project Name: Honey/Creekside Subdivision 9579 (RZ 03-21, TM 02-21, DR 08-21).

Project Location: 463 and 560 Honey Lane, Oakley, CA 94561. APNs 033-030-028 and 033-030-032.

Applicant: Nuvera Homes, 7041 Koll Center Parkway, Pleasanton, CA 94566. (Jeff Lawrence jlawrence@nuverahomes.com)

Request: Application by Nuvera Homes ("Applicant") requesting approval of: 1) a Rezone (RZ 03-21) of an approximately 10.6-acre project site from R-6 (Single Family Residential) District to P-1 (Planned Unit Development) District; 2) a Vesting Tentative Map (TM 02-21) subdividing approximately 10.6 acres into 57 single residential lots, street right of ways, common area landscaping, storm water detention treatment areas, and Marsh Creek setback area; and 3) Design Review (DR 08-21) for floor plans, elevations, colors and materials detail, preliminary site plan, and conceptual landscape plans ("Project"). Proposed homes consist of three two-story house plans each with three elevations ranging from 2,518 to 2,777 square feet of livable area. The project site is located at 463 and 560 Honey Lane and is zoned R-6 (Single-Family Residential) District. (APNs: 033-030-028 and 033-030-032).

How to Review: The Staff Report and its attachments will be available for public review, on or before **April 21, 2022** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **April 26, 2022** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to and may testify at the public hearing. Written comments may be submitted to Kenneth W. Strelo, Planning Manager at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelo@ci.oakley.ca.us.

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













HONEY/CREEKSIDE

OAKLEY, CA

JANUARY 7, 2022

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PRELIMINARY SITE PLAN

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L4 PRODUCTION PLANTING
L5 PRODUCTION PLANTING
L6 BIO-RETENTION AREA PLANTING
L7 HYDROZONE PLAN
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CIVIL
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TM-2 EXISTING CONDITIONS
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TM-4 PRELIMINARY UTILITY PLAN
TM-5 PRELIMINARY STORMWATER CONTROL PLAN

WESTGATE VENTURES
2551 San Ramon Valley Blvd., Suite 224
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925.480.7305

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7041 Koll Center Pkwy, Suite 170 | Pleasanton, CA 94566
925.309.8888

City of Oakley
Planning Division

JAN 14, 2022

RECEIVED

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Brentwood, CA 94513
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NUVERA HOMES

HONEY/CREEKSIDE ILLUSTRATIVE SITE PLAN

Oakley, CA
January 3, 2022

CREEKSIDE PARK

TRAIL CONNECTION

GRAND CANYON CIRCLE

CRATER LAKE COURT

MARSH CREEK

EXISTING TOP OF BANK

FUTURE ACCESS ROAD RELOCATION (BY OTHERS)

DRAINAGE EASEMENT

W.Q.

TRAIL

(SLOPE)

EX TREE TO REMAIN

EX TREES TO REMAIN

EX TREE TO BE REMOVED

PARCEL A
83 PM 8

HONEY LANE

EX 14' TRAVEL

10' TRAVEL

8' PARKING

12' TRAVEL

35:1 TRANSITION

28' DRAINAGE EASEMENT

20' DRAINAGE EASEMENT

38' DRAINAGE EASEMENT

SALVADOR LANE

AMADOR COURT

ACACIA
TRACT 9498

(UNDER CONSTRUCTION)

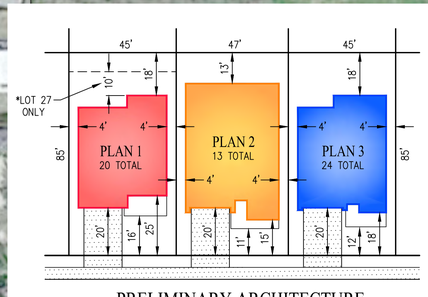
LOT 13
448-M 5

PARCEL D
58 PM 46

MARSH CREEK

GRAHAM COURT

SUBDIVISION 8727



PRELIMINARY ARCHITECTURE

MINIMUM SETBACKS	
FRONT YARD	
LIVING	15'
PORCH	10'
GARAGE	20' (FRONT LOAD)
REAR YARD	
MINIMUM	10' (LOT 27 ONLY)
TYPICAL	13'-18' PER PLAN
SIDE YARD (INTERIOR LOT)	
MINIMUM	4'
SIDE YARD (CORNER LOT)	
MINIMUM INTERIOR	4'
MINIMUM STREET SIDE	10'

HONEY / CREEKSIDE

PRELIMINARY SITE PLAN

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 40' DATE: JANUARY 4, 2022

0 40 80 120

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

F:\3365-000\ACAD\EXHIBITS\XB_PRELIMINARY SITE PLAN.DWG



PLAN 1 MODERN FARMHOUSE | PLAN 1 PRAIRIE | PLAN 2 ORINDA RANCH | PLAN 3 MODERN FARMHOUSE

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

CONCEPTUAL STREETSCAPE
A00

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PRAIRIE LEFT ELEVATION



PRAIRIE RIGHT ELEVATION

PRAIRIE ELEVATION

- HORIZONTAL SIDING
- WOOD WINDOW TRIM
- STUCCO o/ FOAM WINDOW TRIM
- CONCRETE ROOF TILES
- WOOD PORCH COLUMNS w/ STONE VENEER



PRAIRIE REAR ELEVATION



PRAIRIE FRONT ELEVATION

0 1' 2' 3' 4' 8'

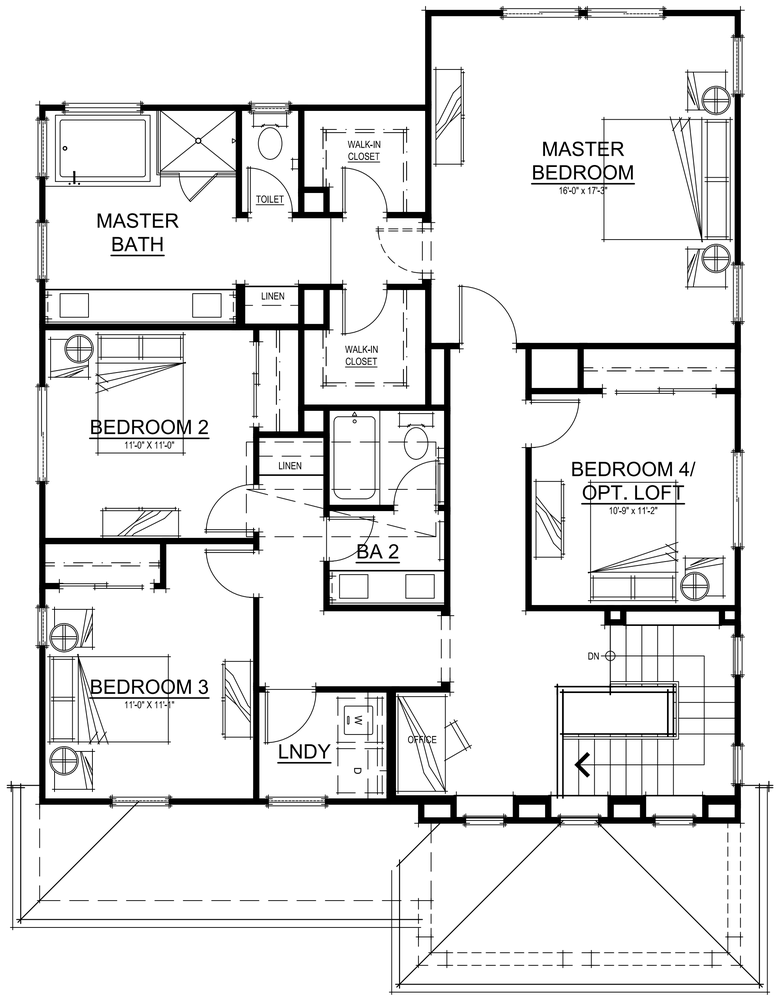
PLAN 1 PRAIRIE EXTERIOR ELEVATIONS
A01

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

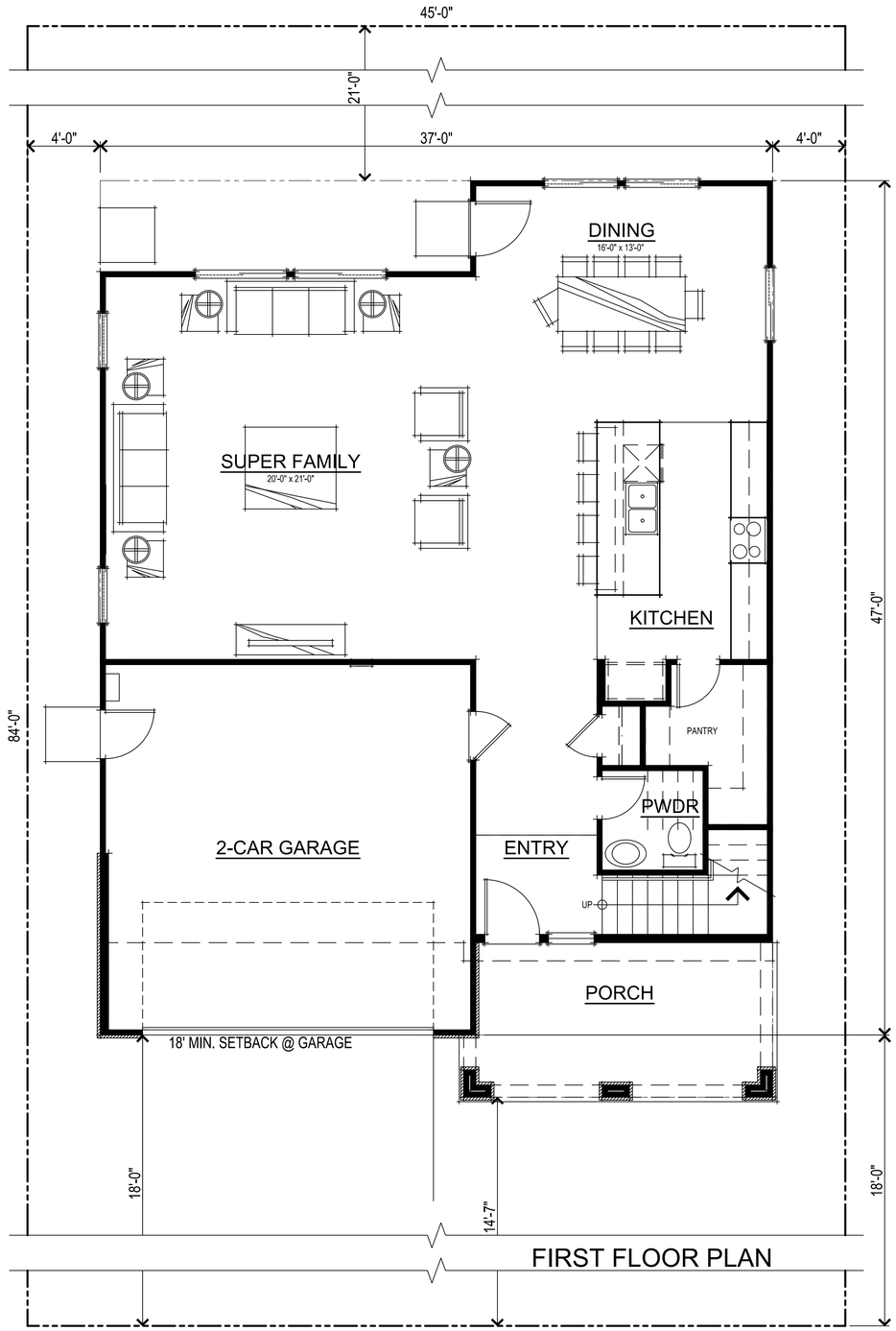
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1137 SQ. FT.
SECOND FLOOR	1381 SQ. FT.
TOTAL LIVING	2518 SQ. FT.
2-CAR GARAGE	417 SQ. FT.

PLAN 1 PRAIRIE FLOOR PLANS

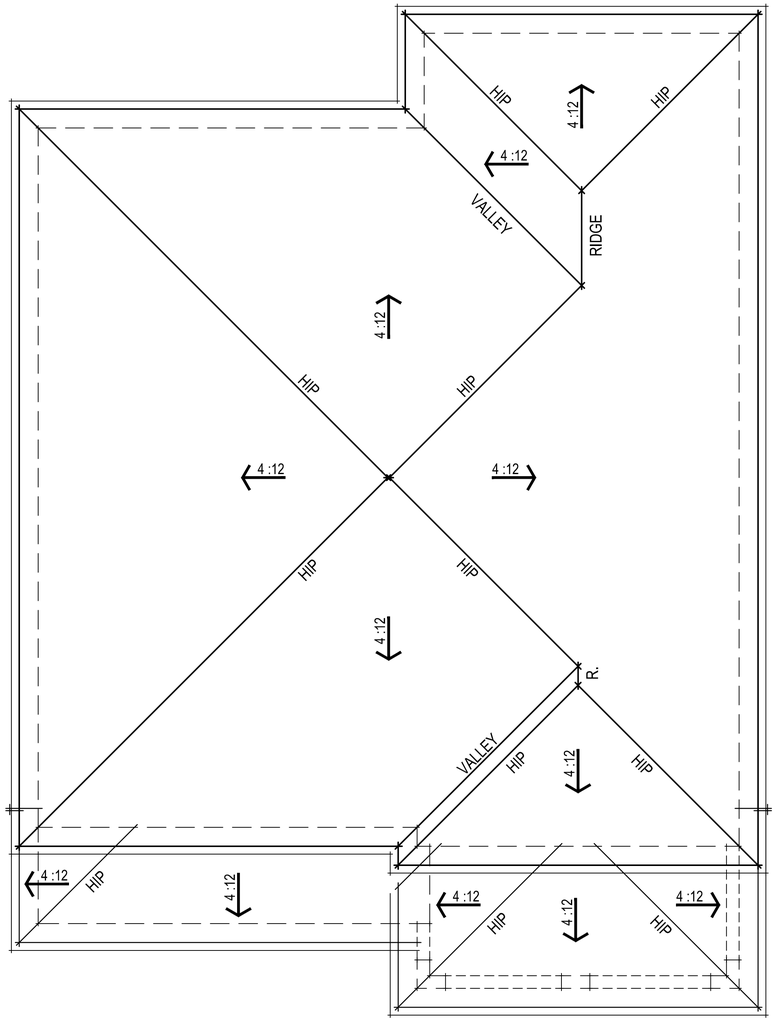
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367.003 Honey/Creekside
Oakley, CA
January 7, 2022

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PRAIRIE ROOF PLAN

0 1' 2' 3' 4' 8'

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 1 PRAIRIE ROOF PLAN
A03

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FARMHOUSE LEFT ELEVATION



FARMHOUSE RIGHT ELEVATION

MODERN FARMHOUSE ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- WOOD WINDOW TRIM
- ASPHALT COMPOSITION SHINGLE ROOF
- METAL ROOF AT PORCH
- WOOD PORCH POSTS w/ WOOD TRIM



FARMHOUSE REAR ELEVATION



FARMHOUSE FRONT ELEVATION

0 1' 2' 3' 4' 8'

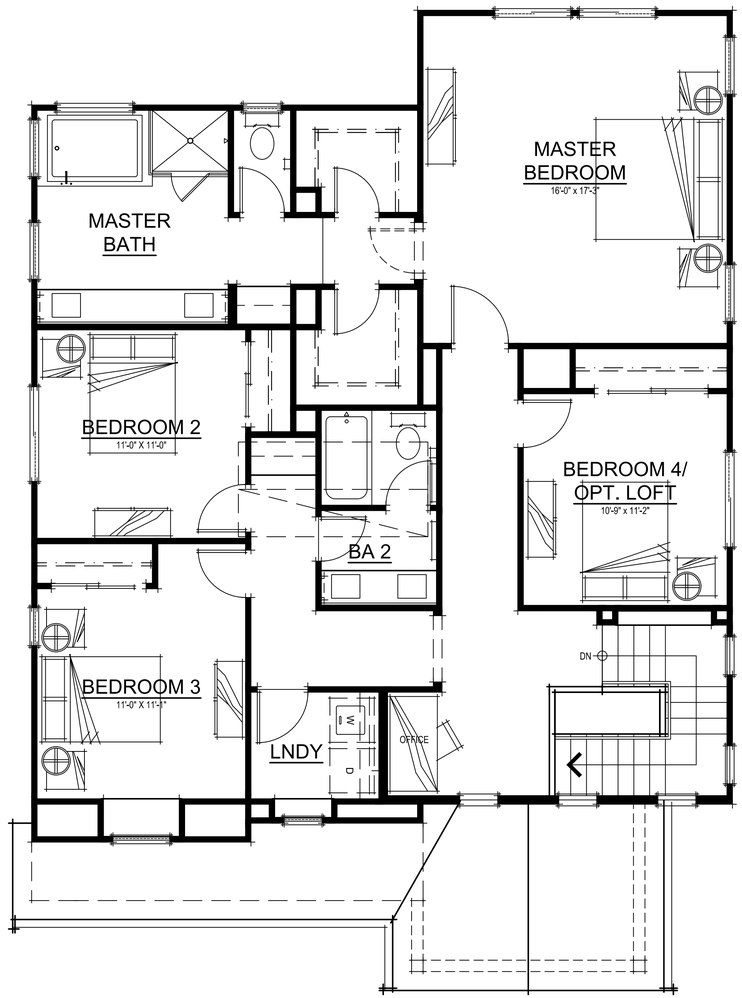
PLAN 1 FARMHOUSE EXTERIOR ELEVATIONS
A04

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

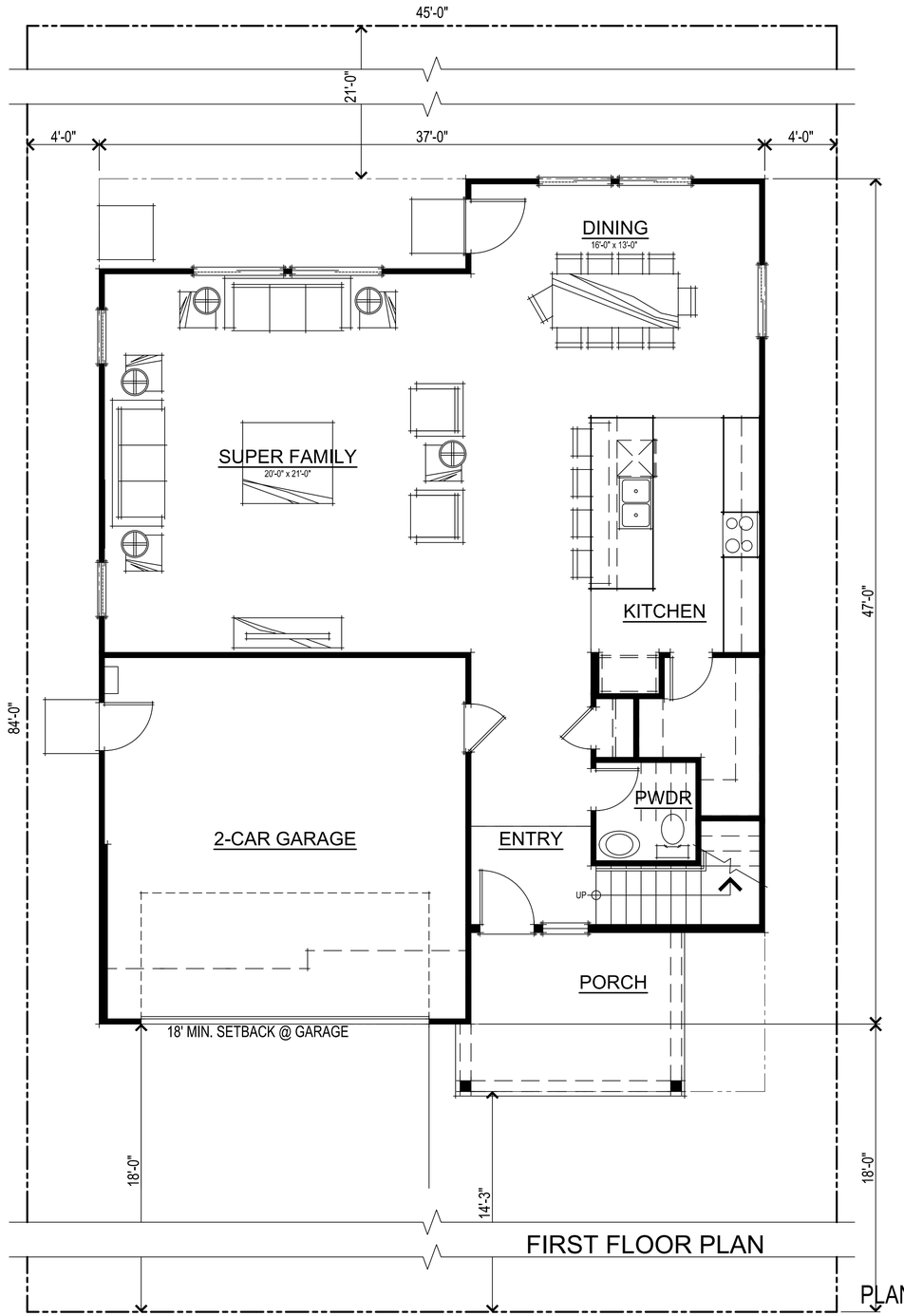
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1137 SQ. FT.
SECOND FLOOR	1381 SQ. FT.
TOTAL LIVING	2518 SQ. FT.
2-CAR GARAGE	417 SQ. FT.

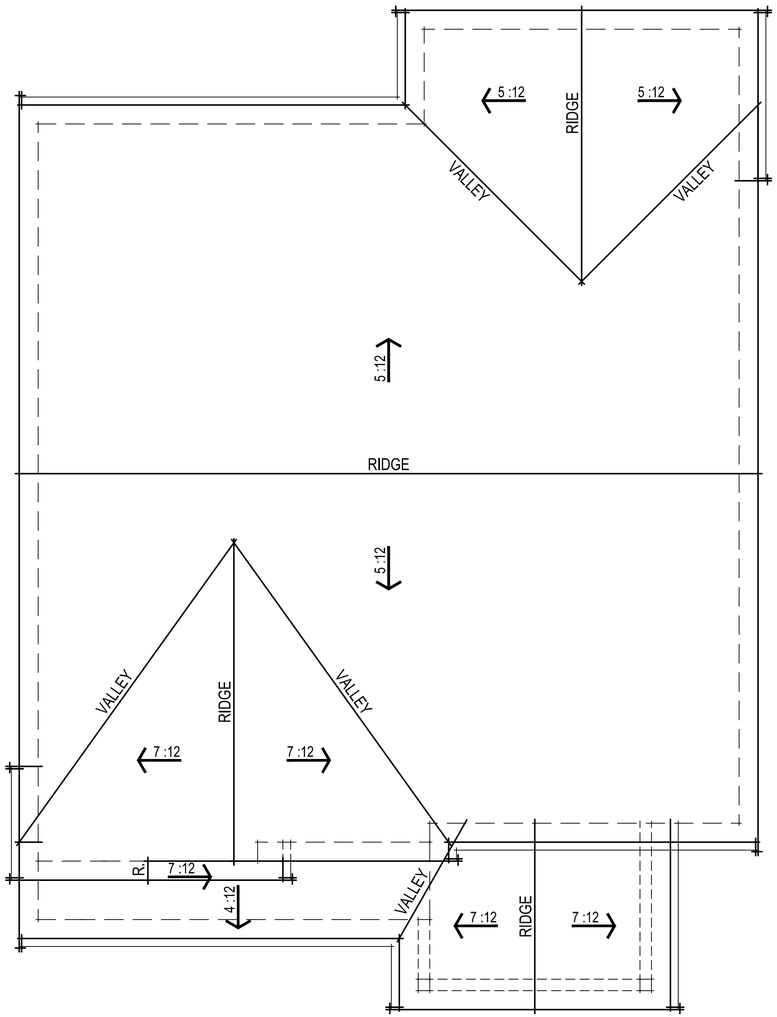
367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 1 FARMHOUSE FLOOR PLANS
A05

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FARMHOUSE ROOF PLAN

0 1' 2' 3' 4' 8'

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 1 FARMHOUSE ROOF PLAN
A06

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ORINDA RANCH LEFT ELEVATION



ORINDA RANCH RIGHT ELEVATION

ORINDA RANCH ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- WOOD WINDOW TRIM
- CONCRETE ROOF TILES
- STUCCO PORCH COLUMNS w/ BRICK VENEER



ORINDA RANCH REAR ELEVATION



ORINDA RANCH FRONT ELEVATION

0 1' 2' 3' 4' 8'

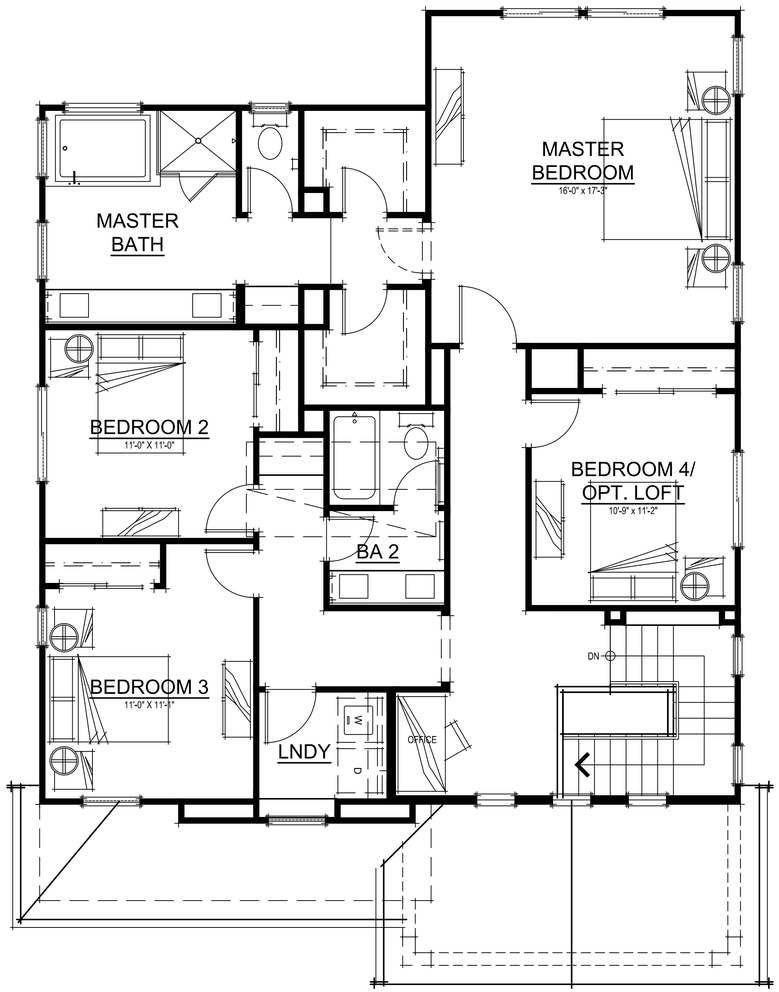
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January 7, 2022

PLAN 1 ORINDA RANCH EXTERIOR ELEVATIONS
A07

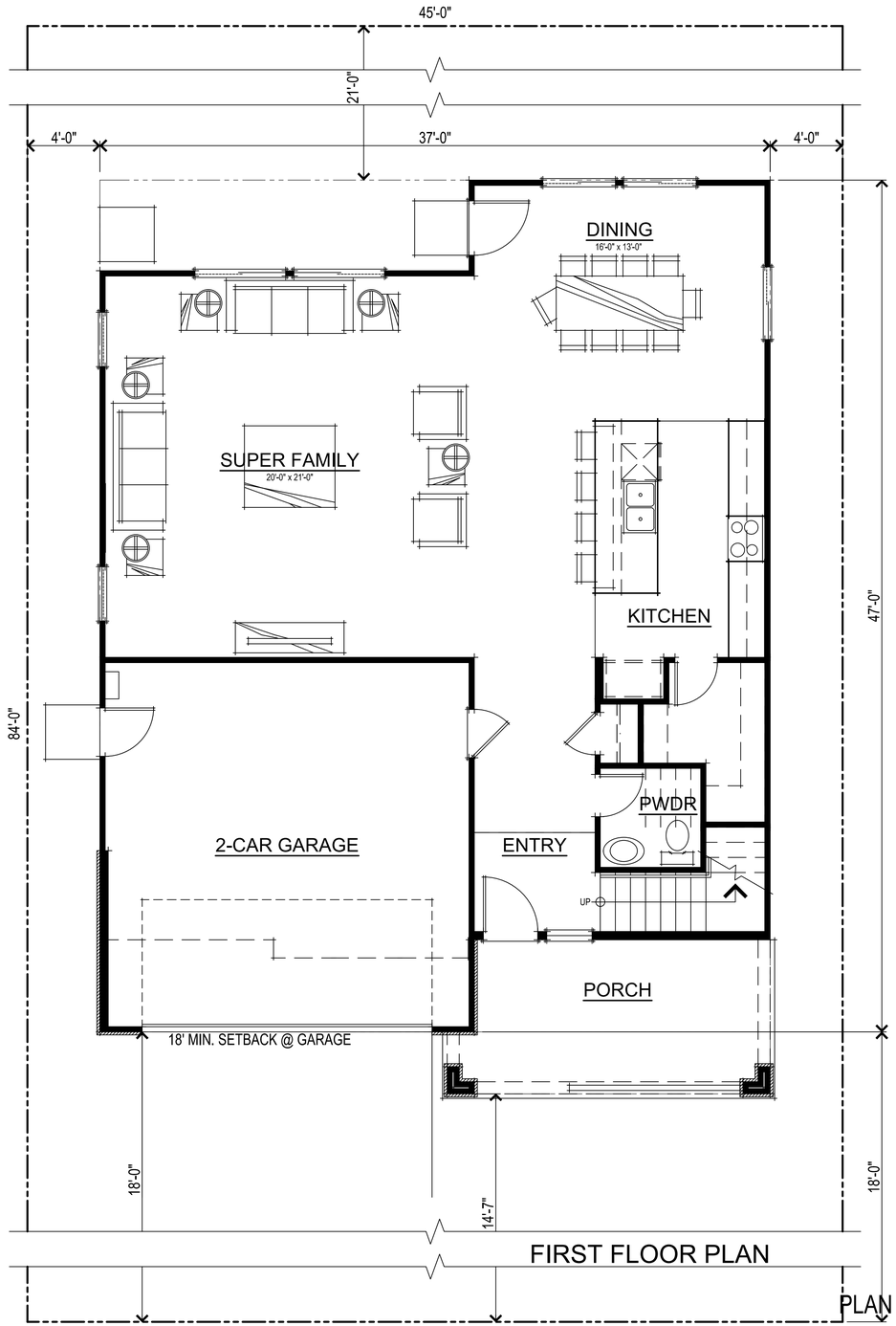
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1137 SQ. FT.
SECOND FLOOR	1381 SQ. FT.
TOTAL LIVING	2518 SQ. FT.
2-CAR GARAGE	417 SQ. FT.

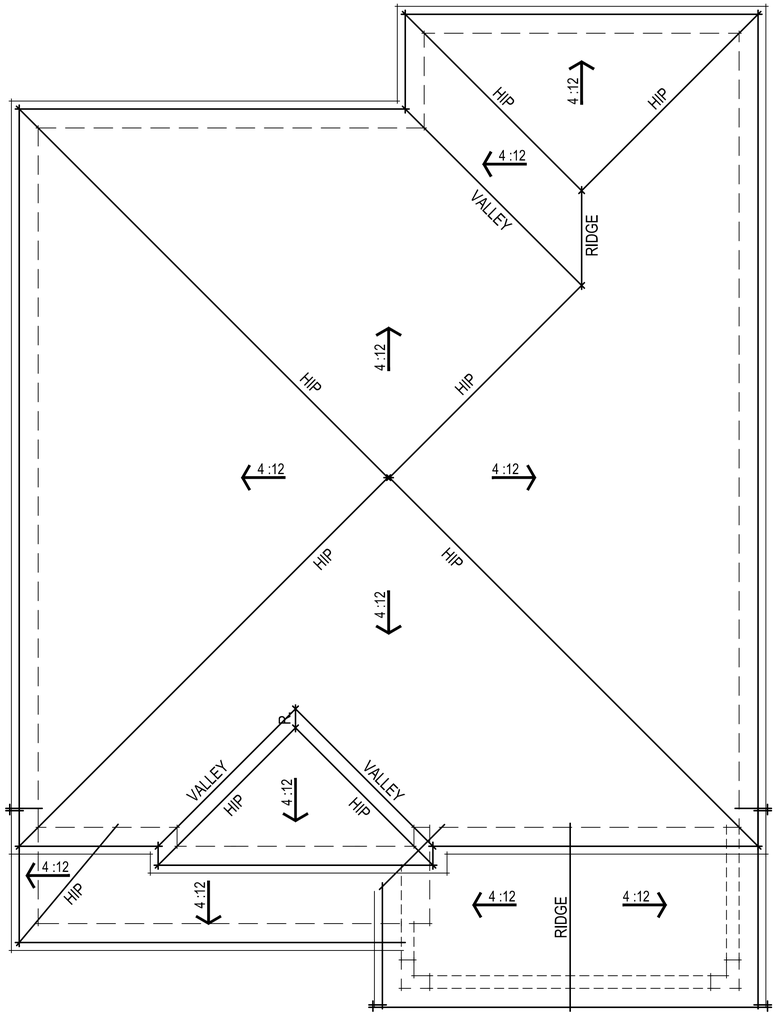
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January 7, 2022

PLAN 1 ORINDA RANCH FLOOR PLANS
A08

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ORINDA RANCH ROOF PLAN

0 1' 2' 3' 4' 8'

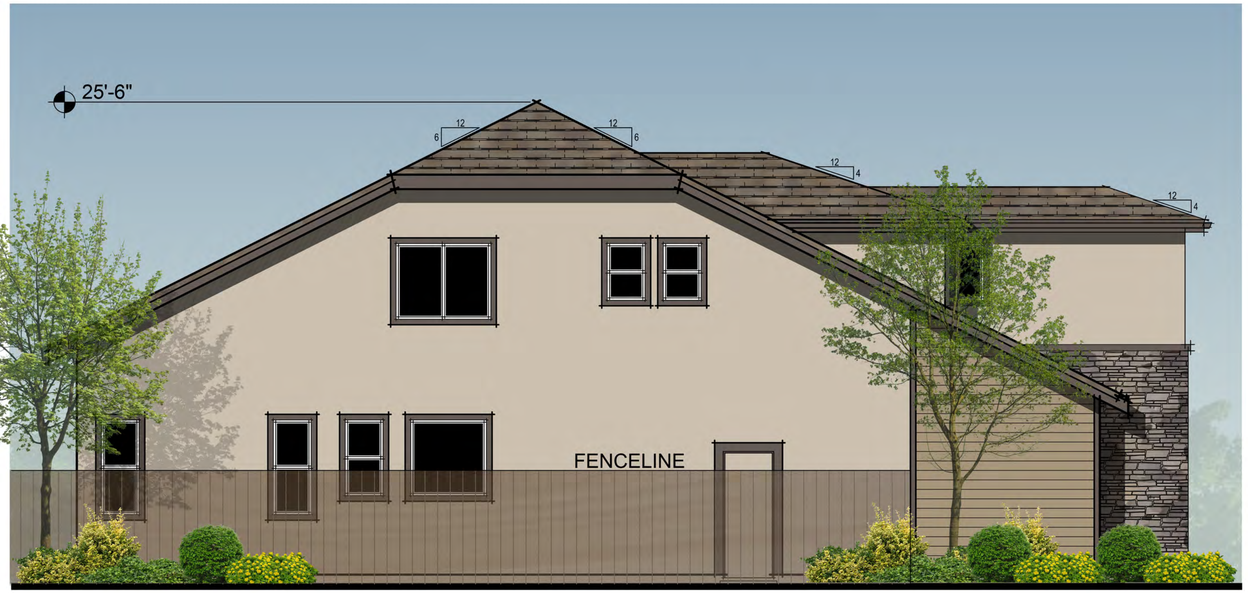
367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 1 ORINDA RANCH ROOF PLAN
A09

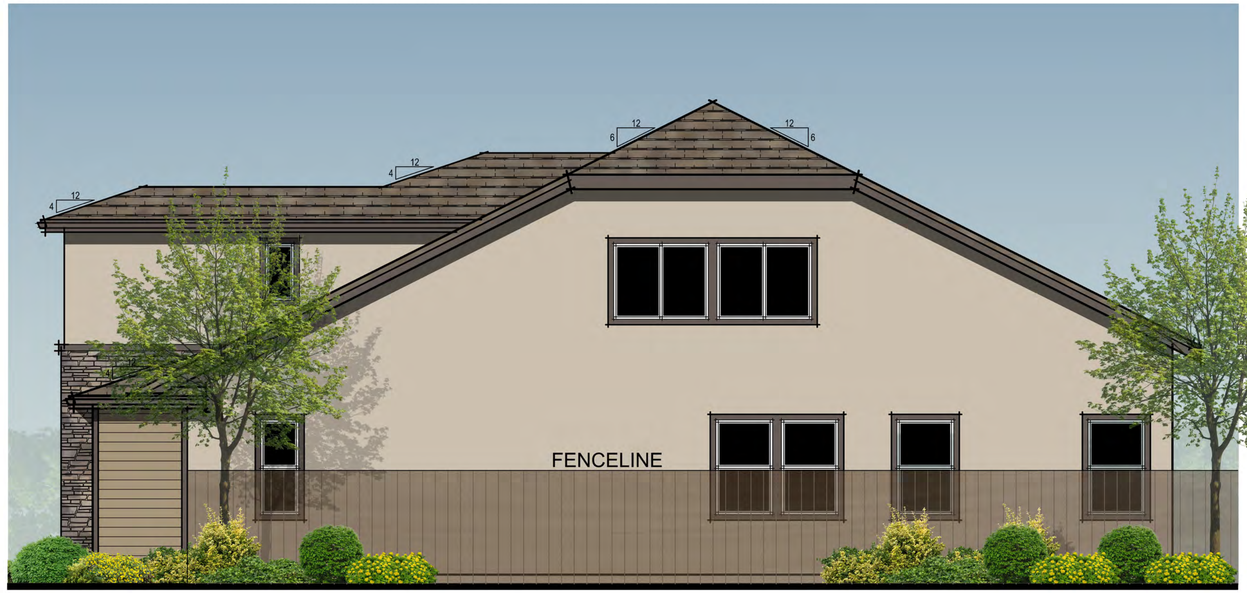
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PRAIRIE LEFT ELEVATION



PRAIRIE RIGHT ELEVATION

PRAIRIE ELEVATION

- HORIZONTAL SIDING
- WOOD WINDOW TRIM
- STUCCO o/ FOAM WINDOW TRIM
- CONCRETE ROOF TILES
- STONE VENEER COLUMNS



PRAIRIE REAR ELEVATION



PRAIRIE FRONT ELEVATION

0 1' 2' 3' 4' 8'

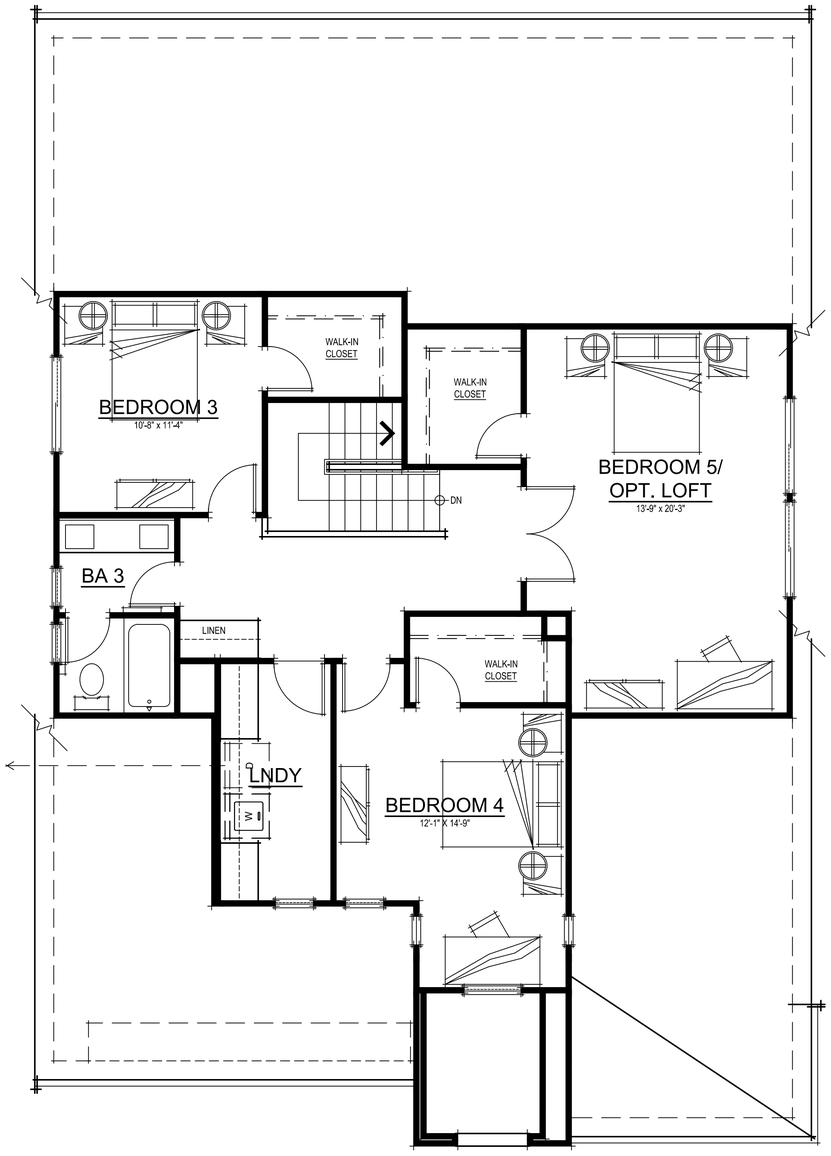
367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 2 PRAIRIE EXTERIOR ELEVATIONS
A10

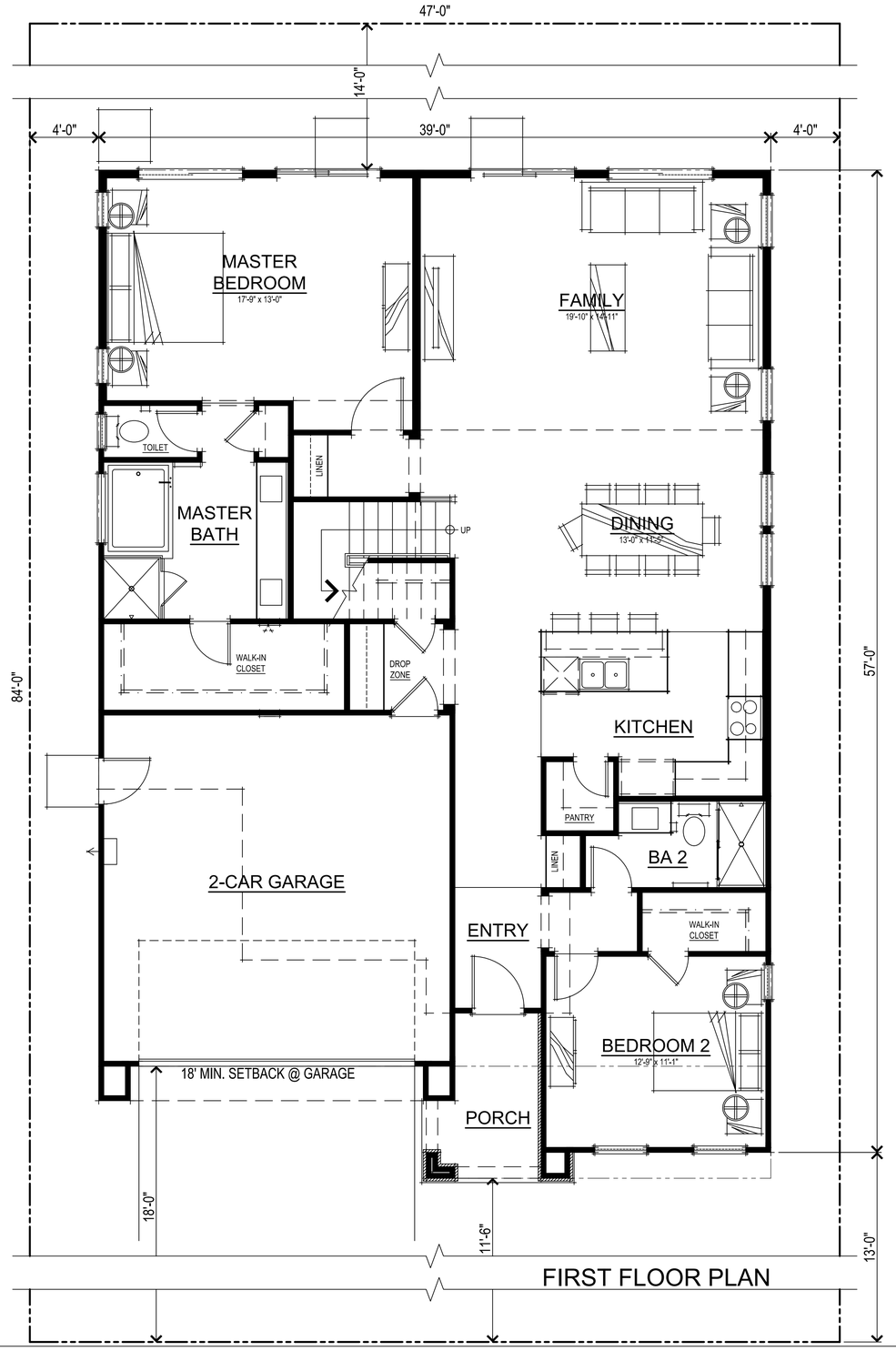
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Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1663 SQ. FT.
SECOND FLOOR	1024 SQ. FT.
TOTAL LIVING	2687 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

PLAN 2 PRAIRIE FLOOR PLANS

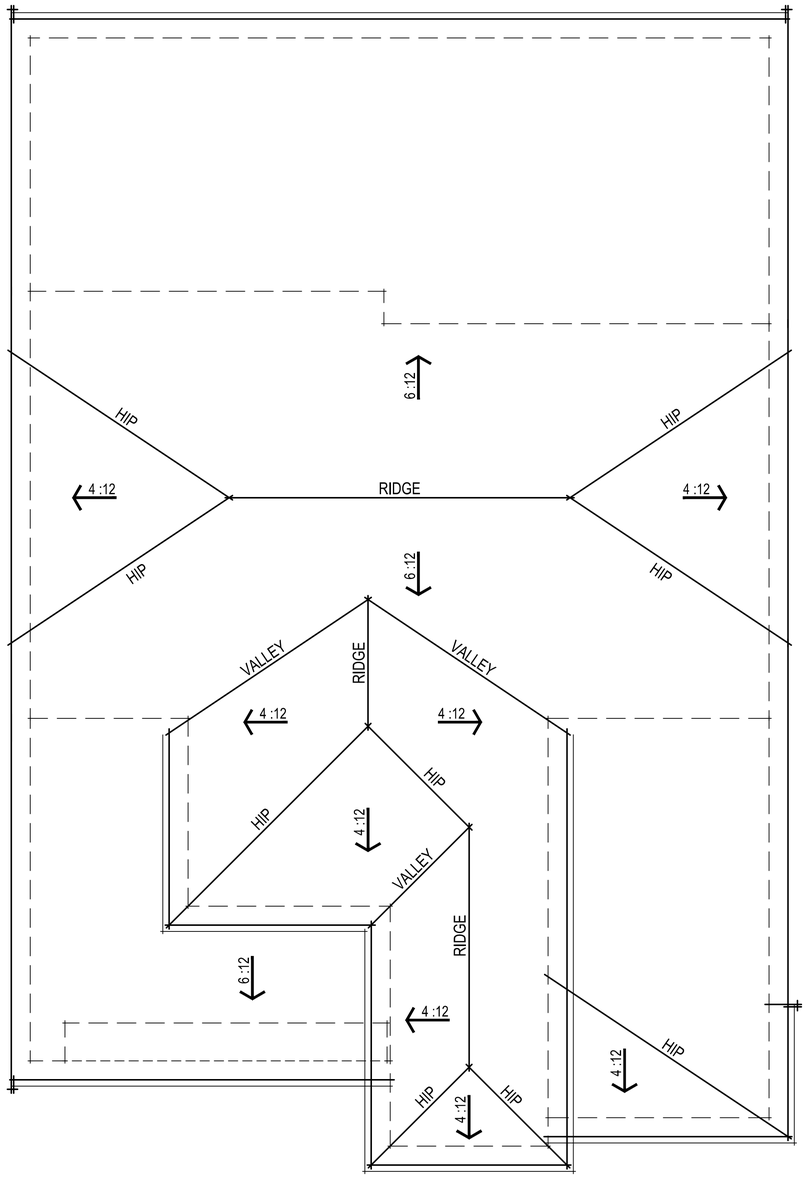
A11

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

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0 1' 2' 3' 4' 8'

PRAIRIE ROOF PLAN

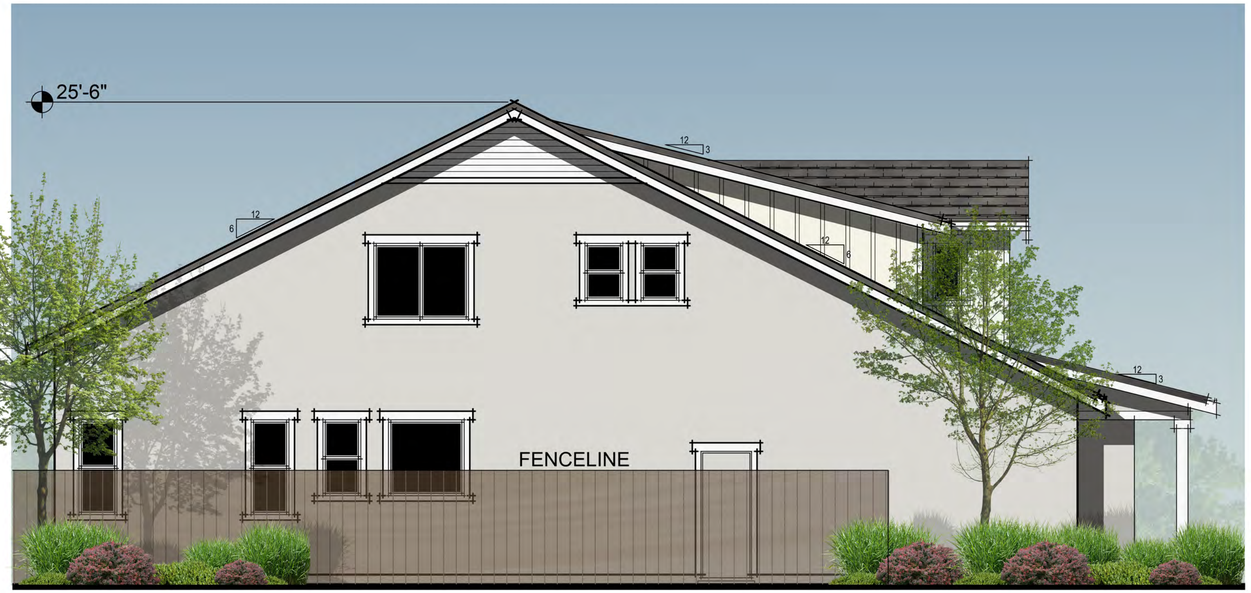
367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 2 PRAIRIE ROOF PLAN
A12

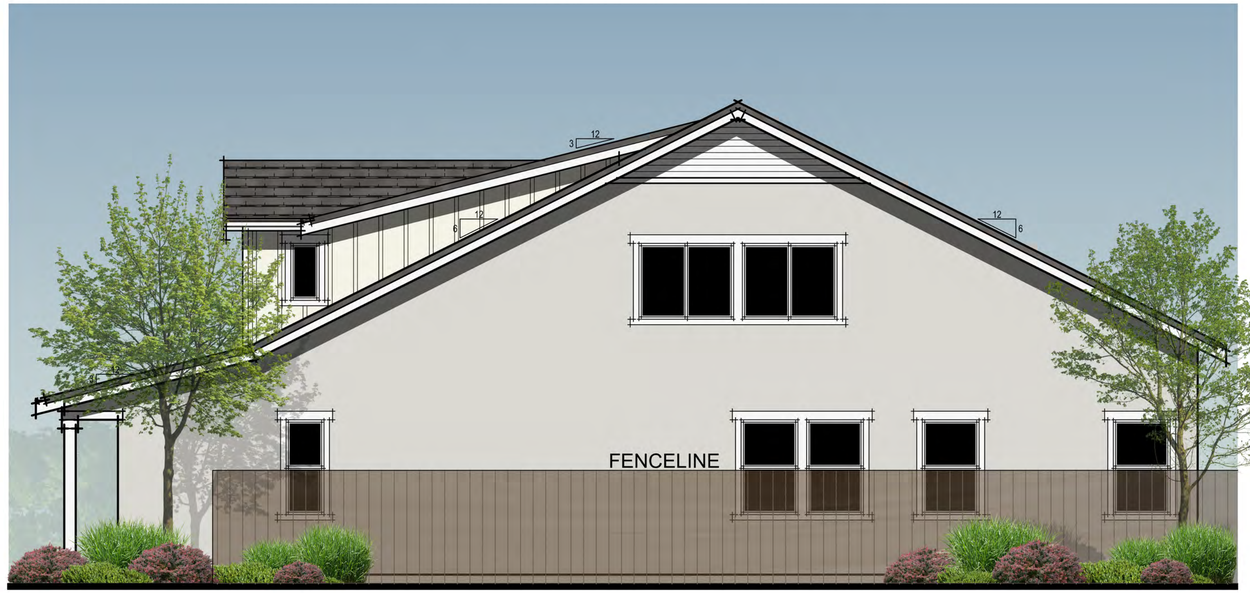
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FARMHOUSE LEFT ELEVATION



FARMHOUSE RIGHT ELEVATION

MODERN FARMHOUSE ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- WOOD WINDOW TRIM
- ASPHALT COMPOSITION SHINGLE ROOF
- METAL ROOF AT PORCH
- WOOD PORCH POSTS w/ WOOD TRIM



FARMHOUSE REAR ELEVATION



FARMHOUSE FRONT ELEVATION

0 1' 2' 3' 4' 8'

PLAN 2 FARMHOUSE EXTERIOR ELEVATIONS

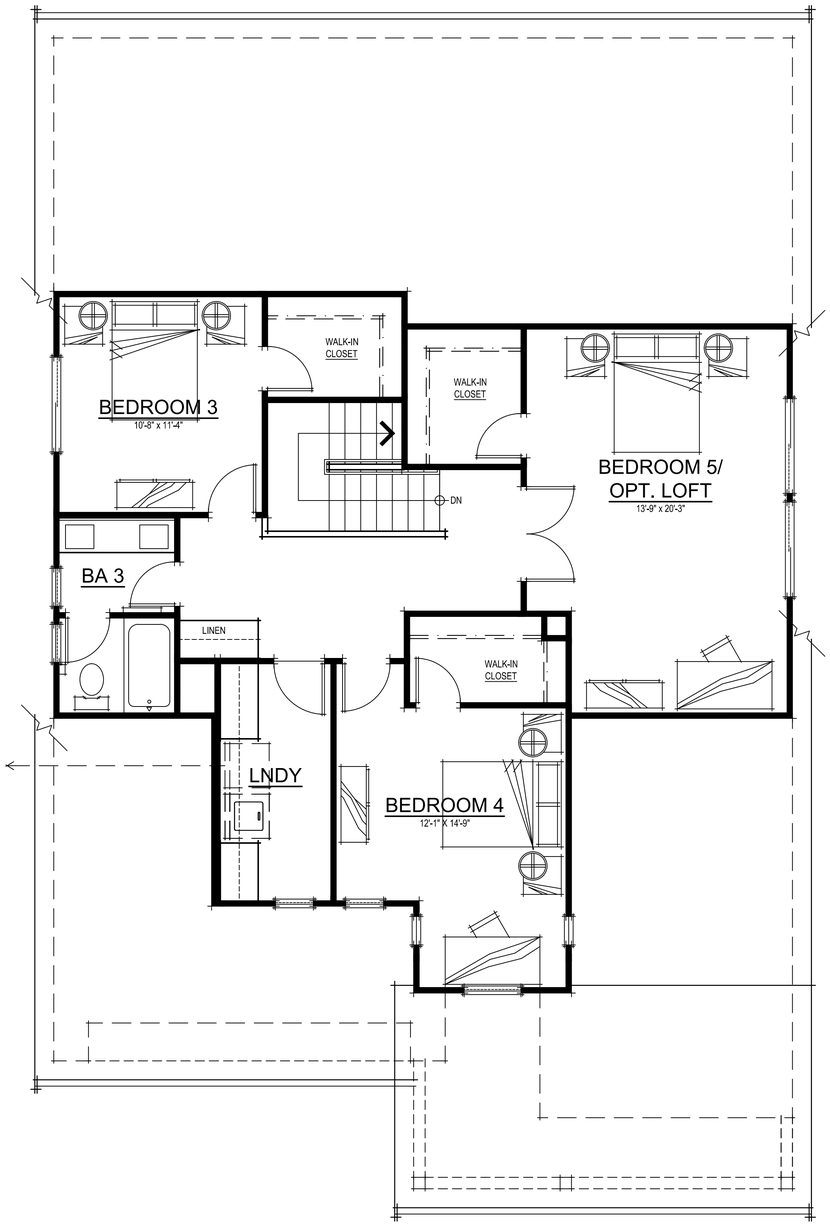
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Oakley, CA
January 7, 2022

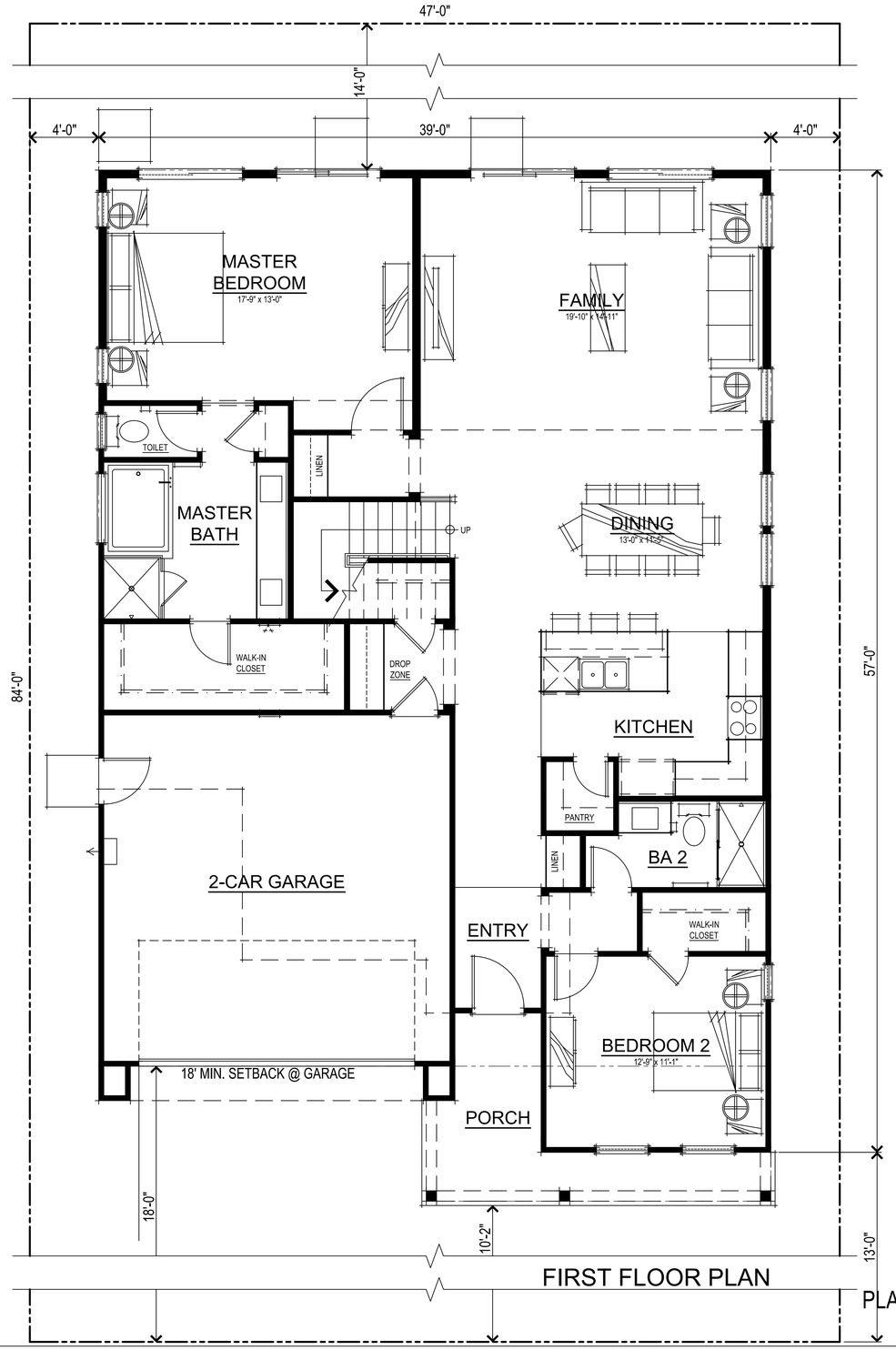
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1663 SQ. FT.
SECOND FLOOR	1024 SQ. FT.
TOTAL LIVING	2687 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

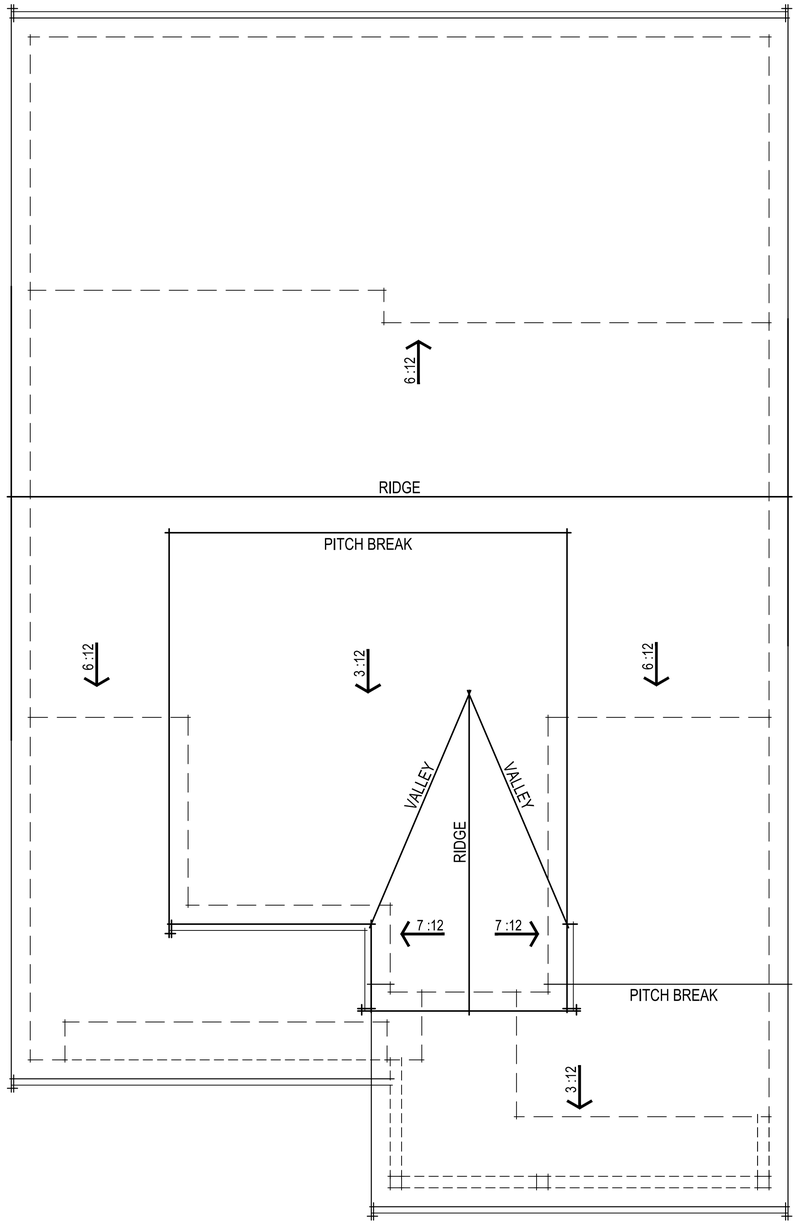
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PLAN 2 FARMHOUSE FLOOR PLANS
A14

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FARMHOUSE ROOF PLAN

0 1' 2' 3' 4' 8'

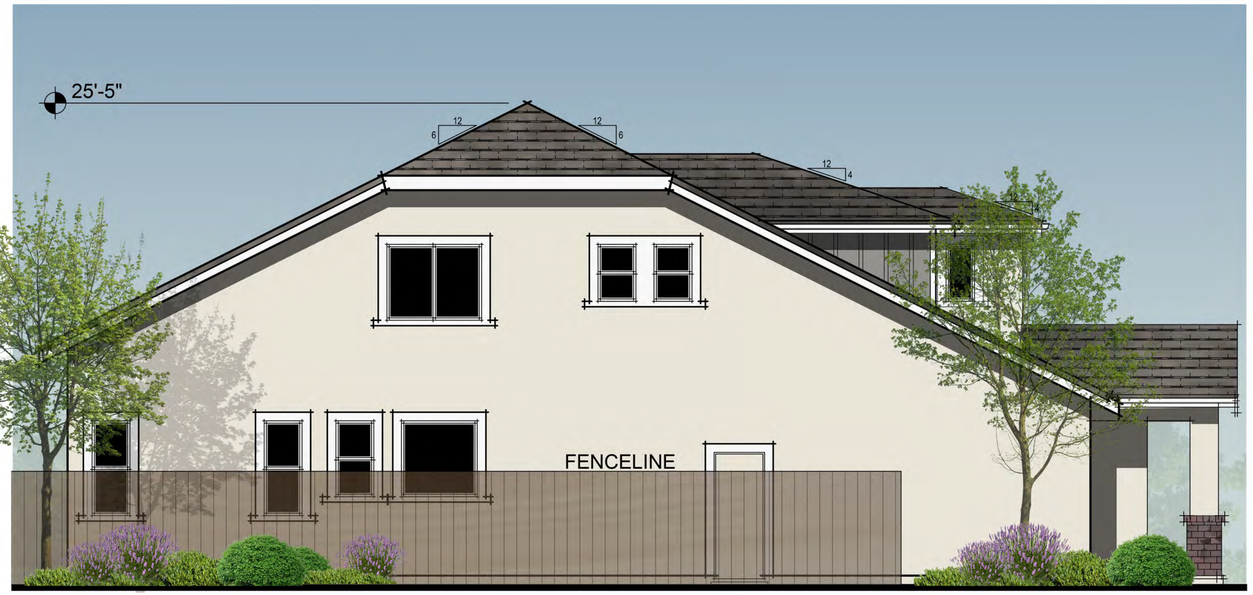
367.003 Honey/Creekside
Oakley, CA
January 7, 2022

PLAN 2 FARMHOUSE ROOF PLAN
A15

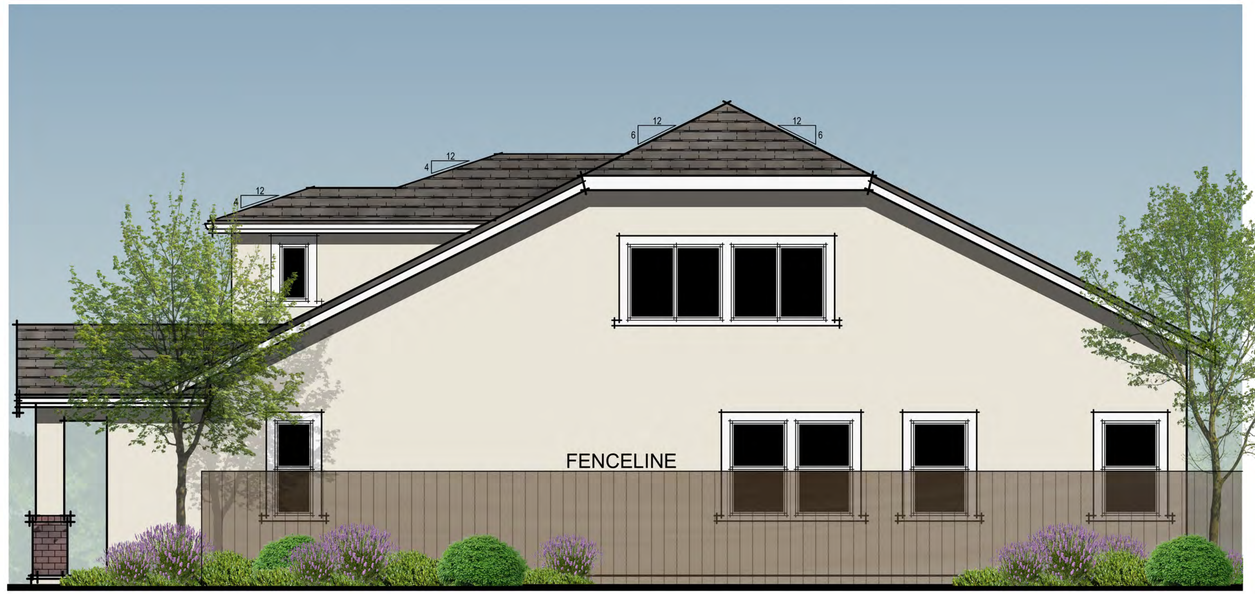
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ORINDA RANCH LEFT ELEVATION



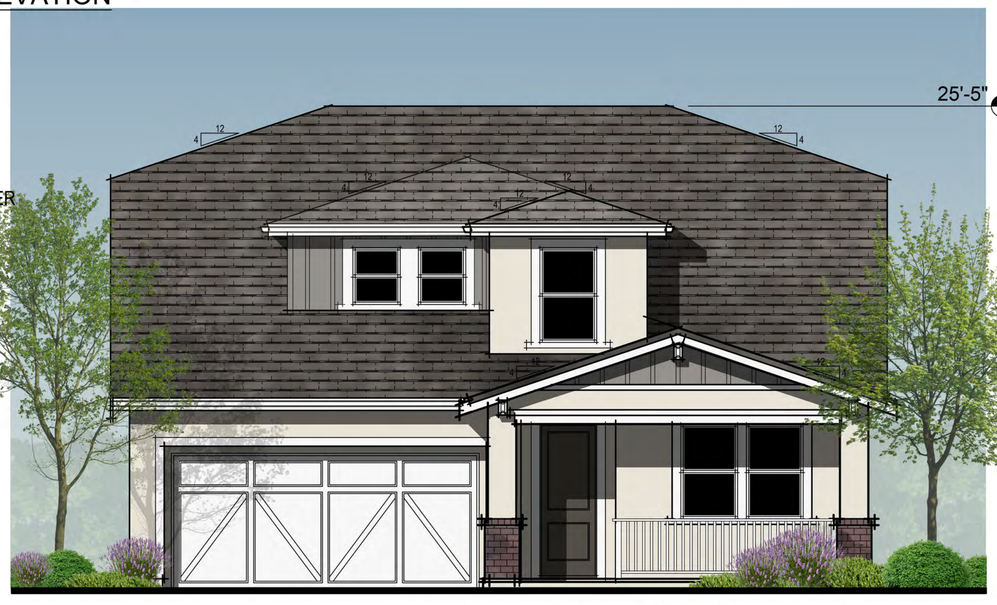
ORINDA RANCH RIGHT ELEVATION

ORINDA RANCH ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- WOOD WINDOW TRIM
- CONCRETE ROOF TILES
- STUCCO PORCH COLUMNS w/ BRICK VENEER



ORINDA RANCH REAR ELEVATION



ORINDA RANCH FRONT ELEVATION

0 1' 2' 3' 4' 8'

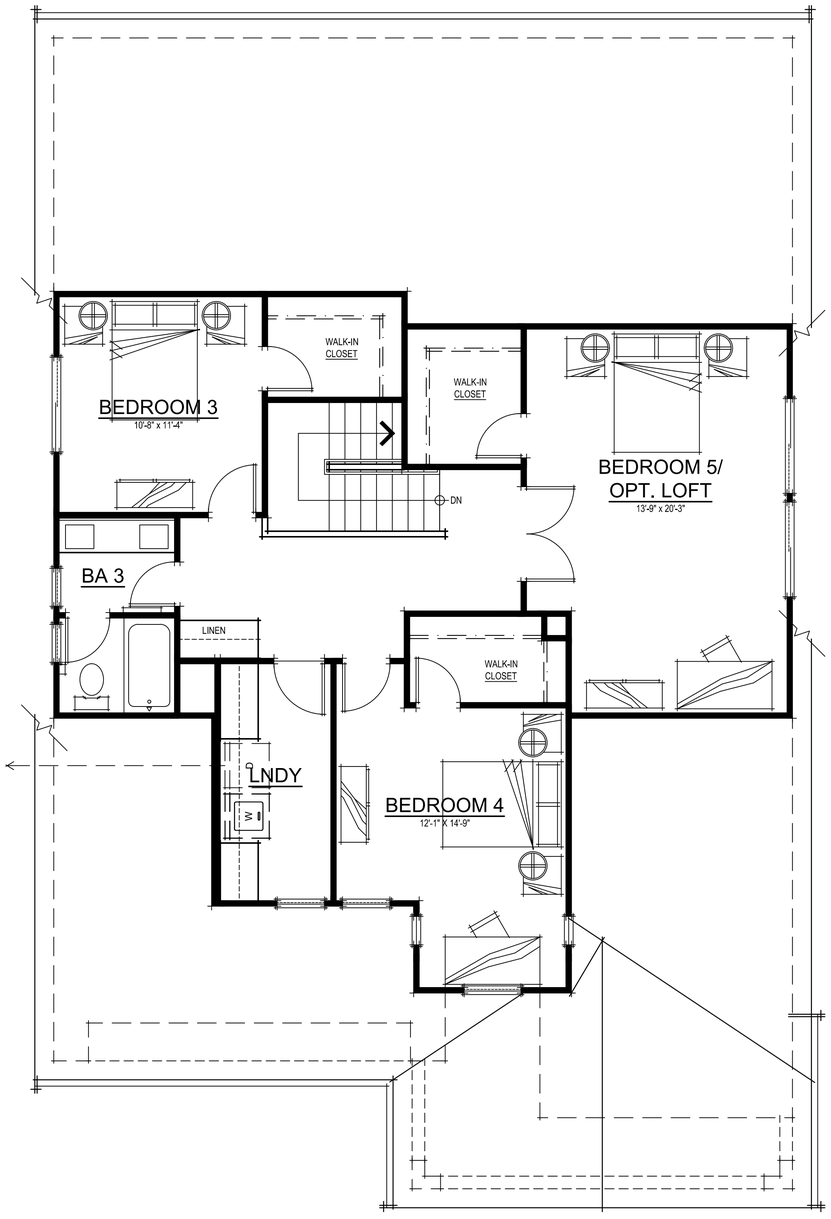
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January 7, 2022

PLAN 2 ORINDA RANCH EXTERIOR ELEVATIONS
A16

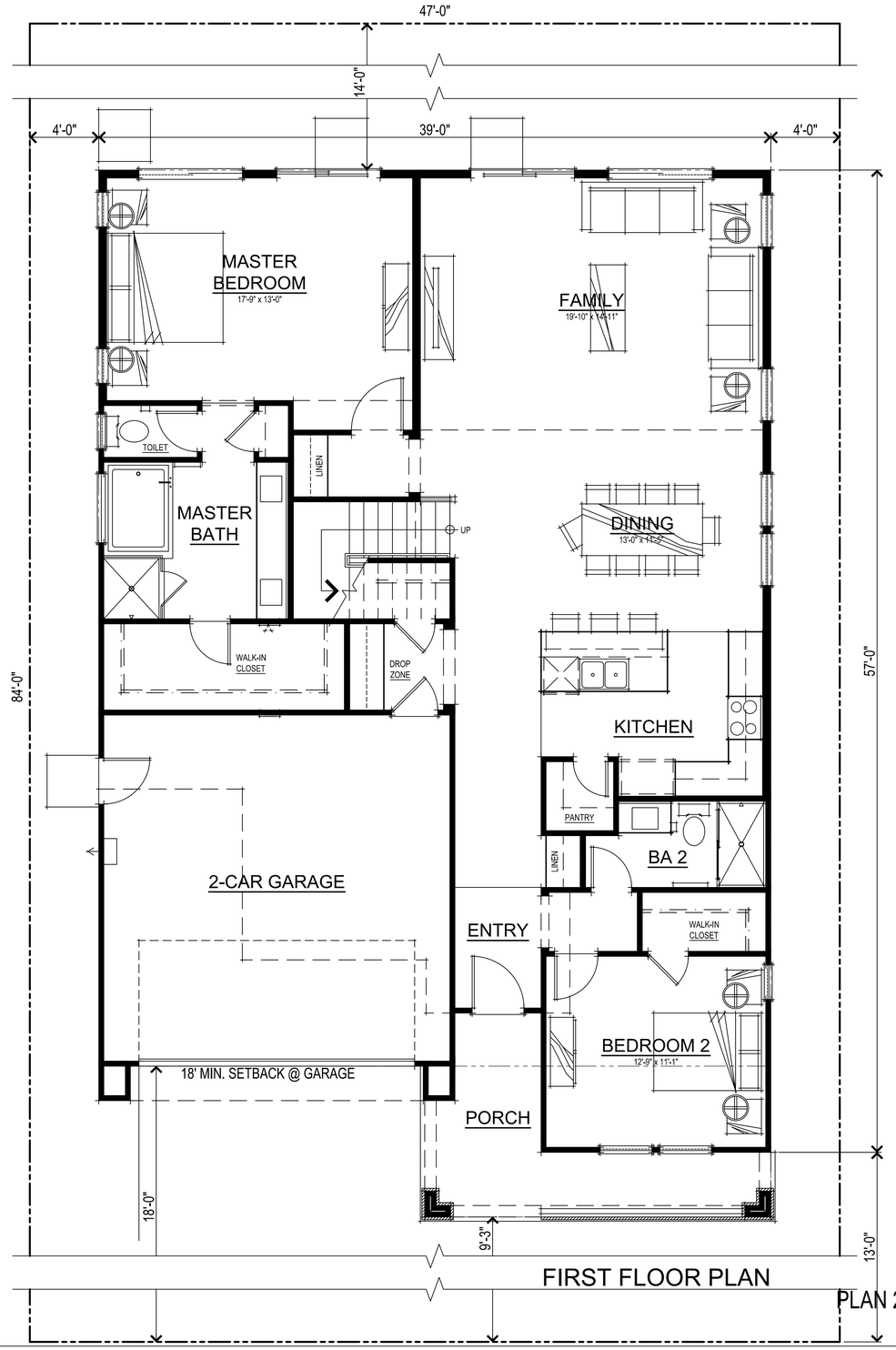
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1663 SQ. FT.
SECOND FLOOR	1024 SQ. FT.
TOTAL LIVING	2687 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

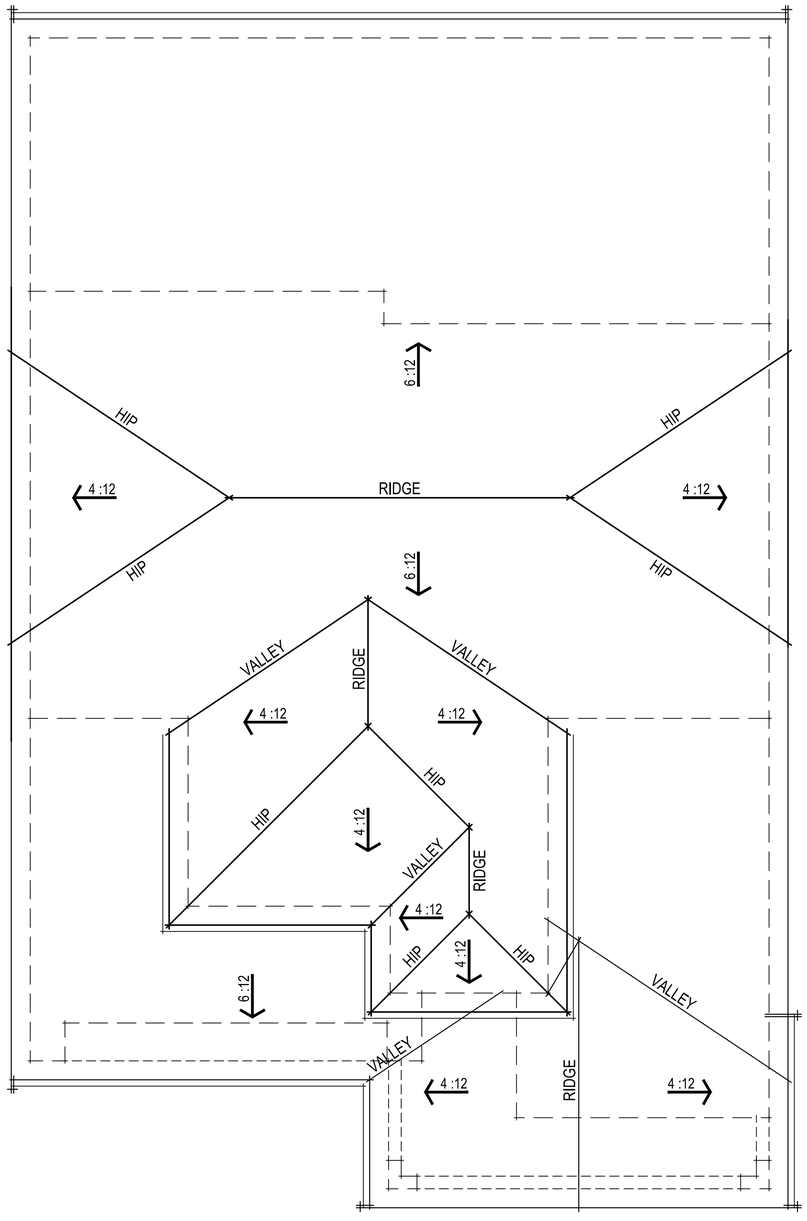
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January 7, 2022

PLAN 2 ORINDA RANCH FLOOR PLANS
A17

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ORINDA RANCH ROOF PLAN

0 1' 2' 3' 4' 8'

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January 7, 2022

PLAN 2 ORINDA RANCH ROOF PLAN
A18

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PRAIRIE LEFT ELEVATION



PRAIRIE RIGHT ELEVATION

PRAIRIE ELEVATION

- HORIZONTAL SIDING
- WOOD WINDOW TRIM
- STUCCO o/ FOAM WINDOW TRIM
- CONCRETE ROOF TILES
- WOOD PORCH COLUMNS w/ STONE VENEER



PRAIRIE REAR ELEVATION



PRAIRIE FRONT ELEVATION

0 1' 2' 3' 4' 8'

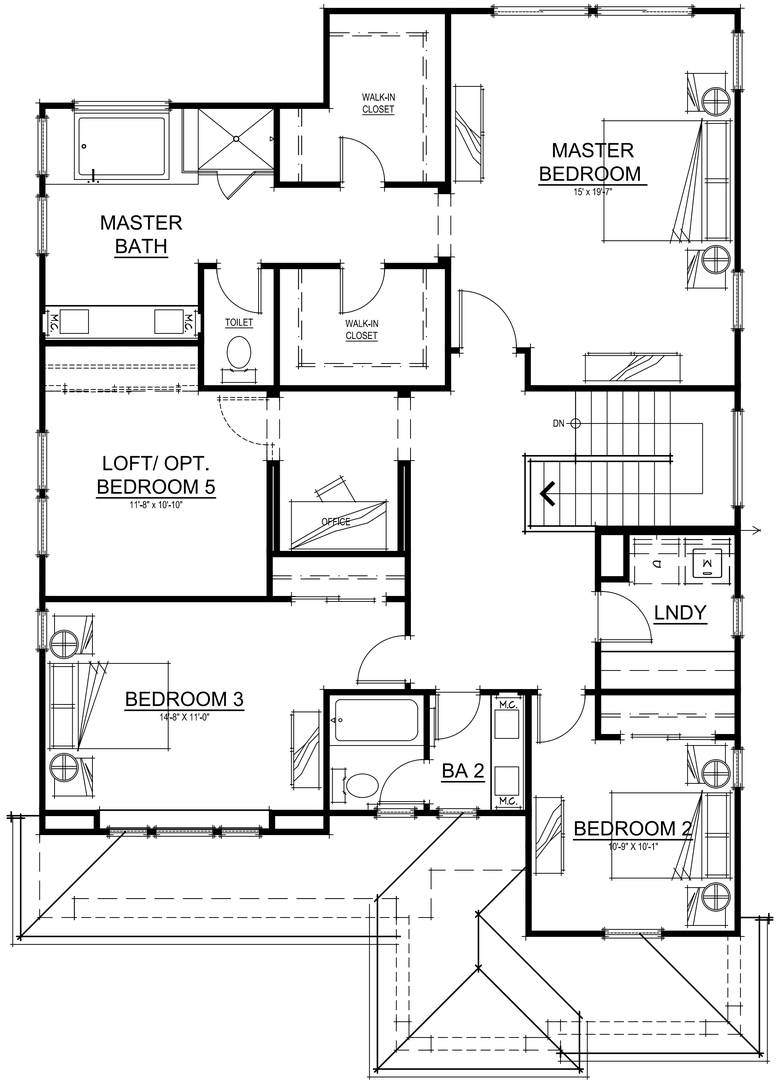
PLAN 3 PRAIRIE EXTERIOR ELEVATIONS
A19

367.003 Honey/Creekside
Oakley, CA
January 7, 2022

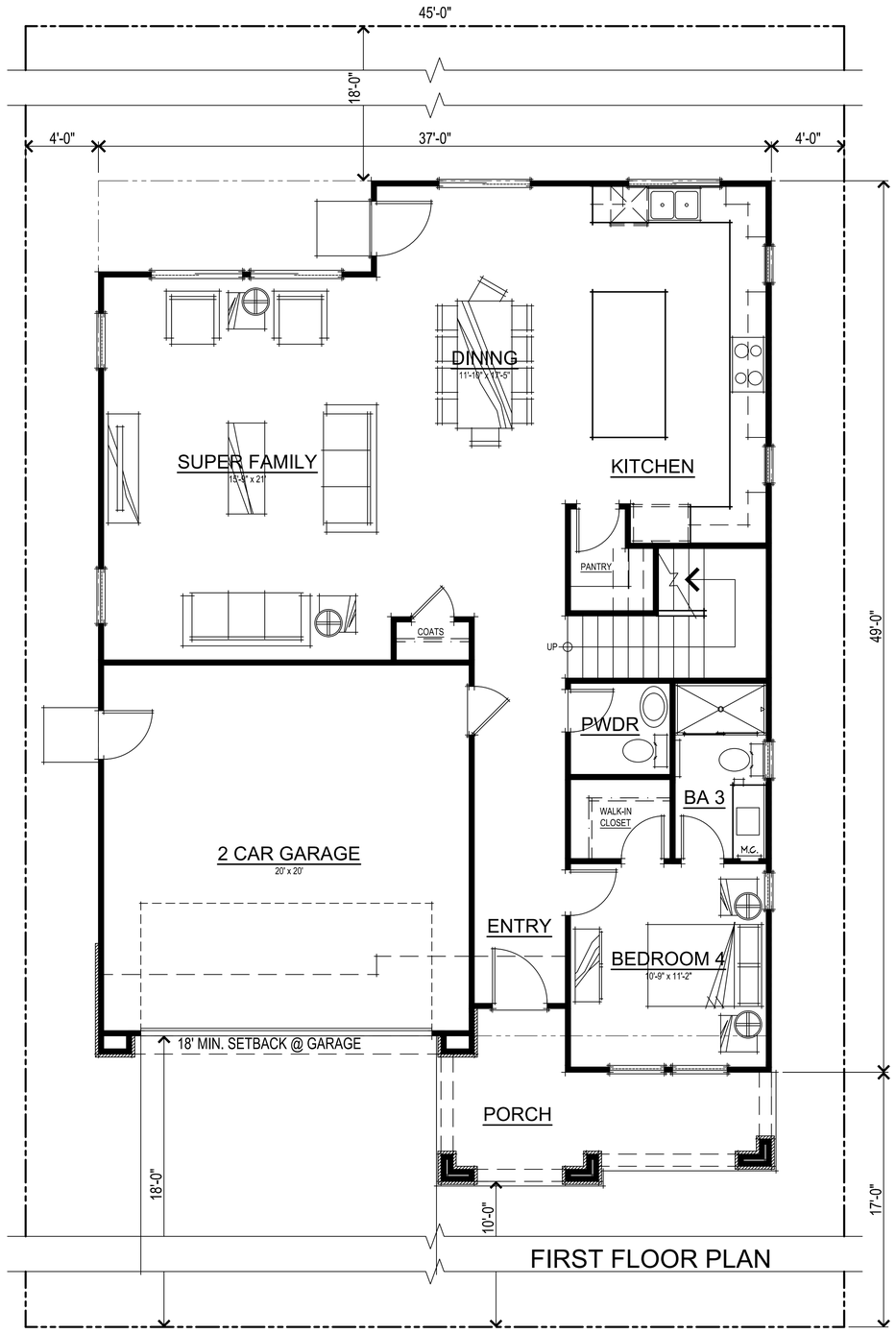
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1264 SQ. FT.
SECOND FLOOR	1513 SQ. FT.
TOTAL LIVING	2777 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

PLAN 3 PRAIRIE FLOOR PLANS

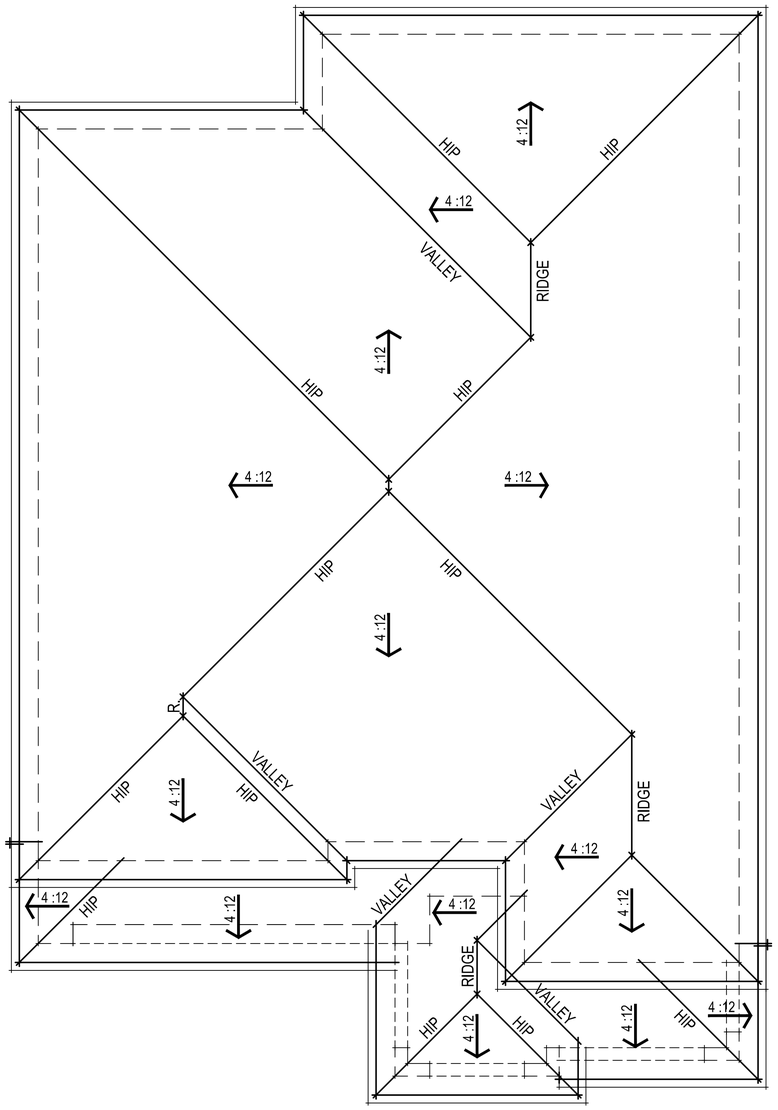
A20

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PRAIRIE ROOF PLAN

0 1' 2' 3' 4' 8'

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Oakley, CA
January 7, 2022

PLAN 3 PRAIRIE ROOF PLAN
A21

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FARMHOUSE LEFT ELEVATION



FARMHOUSE RIGHT ELEVATION

MODERN FARMHOUSE ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- DECORATIVE SHUTTERS
- WOOD WINDOW TRIM
- ASPHALT COMPOSITION SHINGLE ROOF
- METAL ROOF AT PORCH
- WOOD PORCH POSTS w/ WOOD TRIM



FARMHOUSE REAR ELEVATION



FARMHOUSE FRONT ELEVATION

0 1' 2' 3' 4' 8'

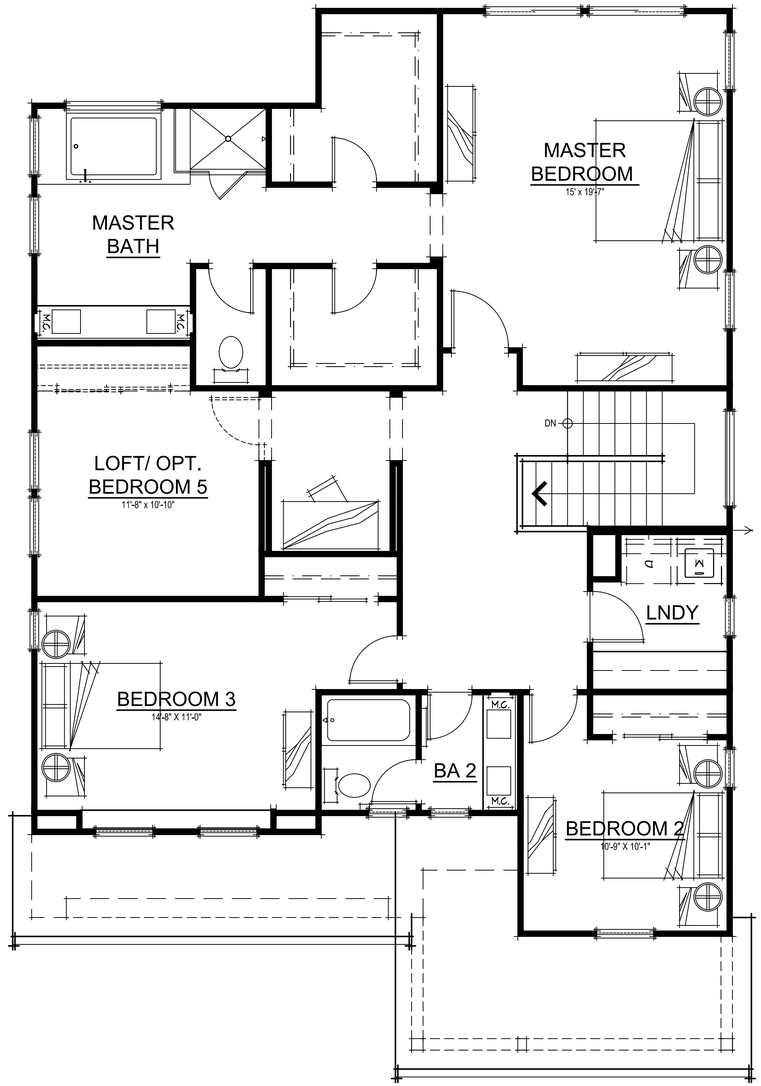
PLAN 3 FARMHOUSE EXTERIOR ELEVATIONS
A22

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January 7, 2022

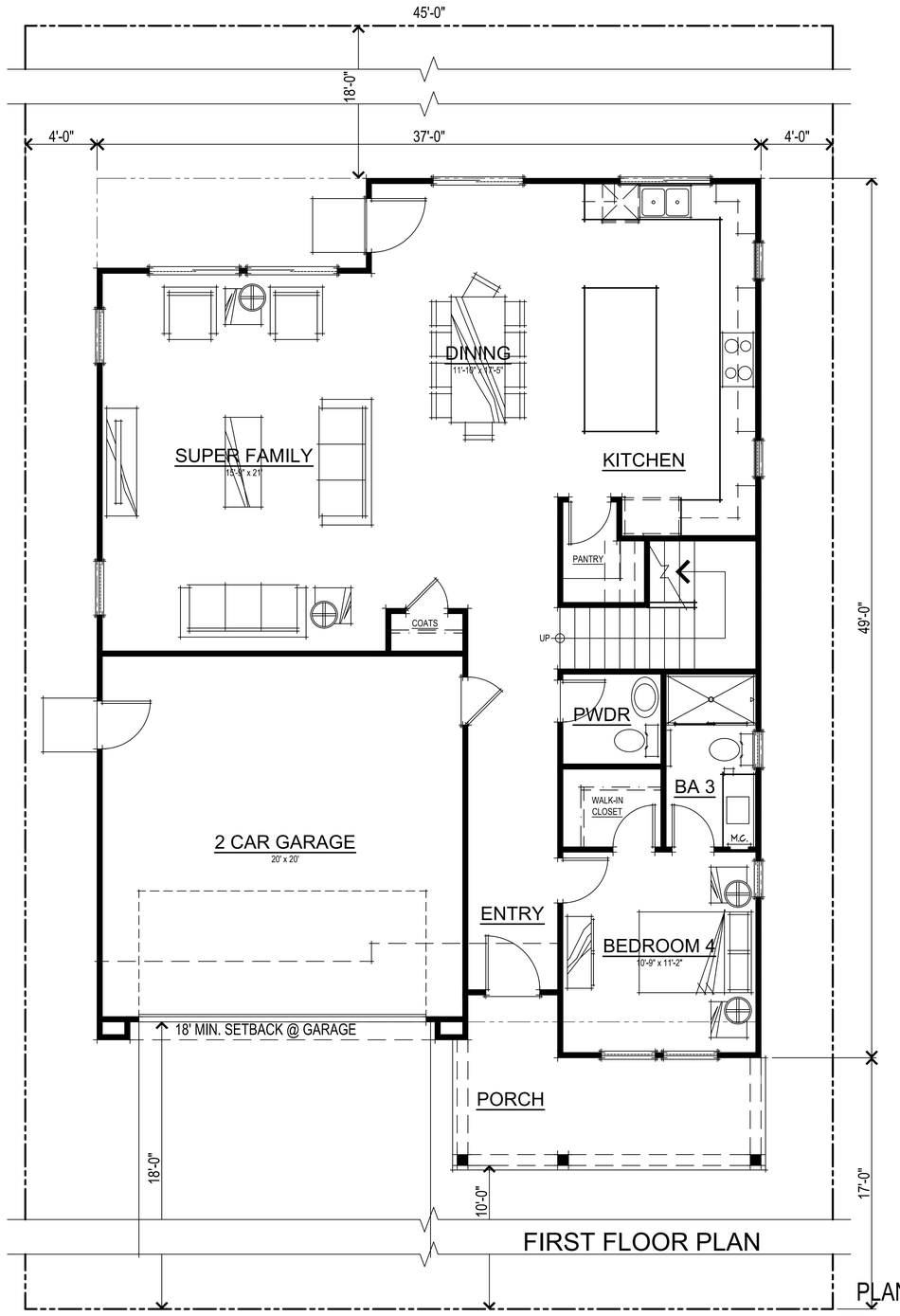
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1264 SQ. FT.
SECOND FLOOR	1513 SQ. FT.
TOTAL LIVING	2777 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

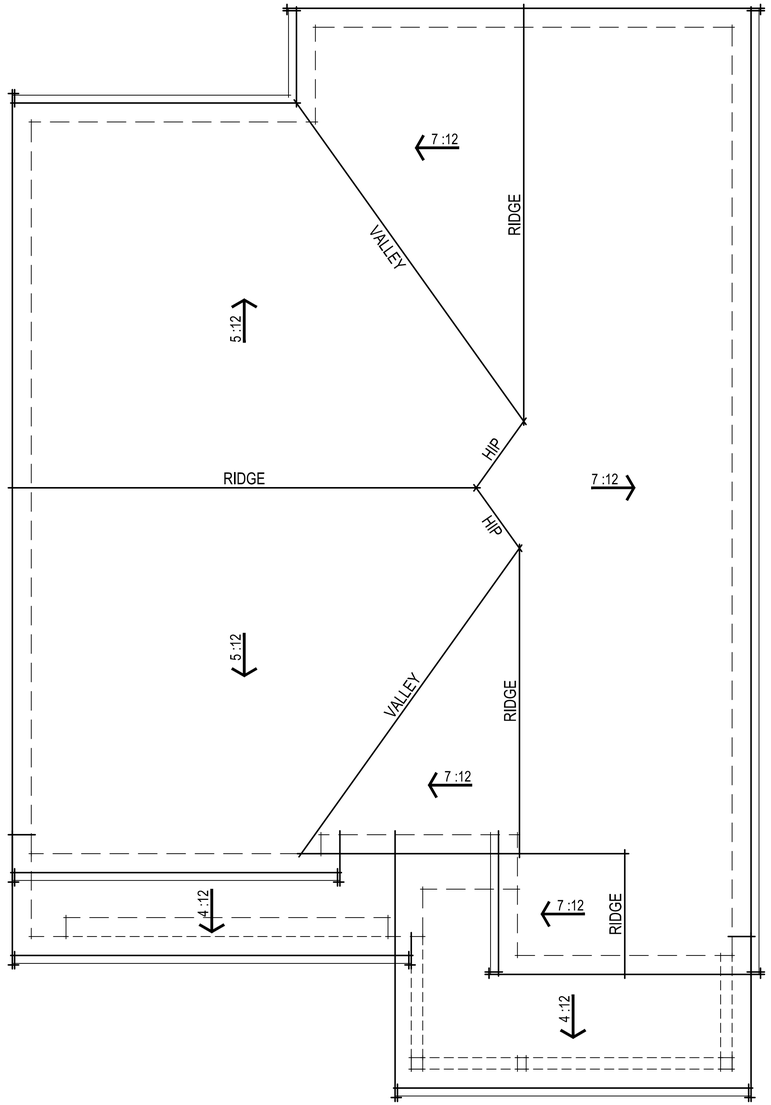
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PLAN 3 FARMHOUSE FLOOR PLANS
A23

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FARMHOUSE ROOF PLAN

0 1' 2' 3' 4' 8'

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PLAN 3 FARMHOUSE ROOF PLAN
A24

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ORINDA RANCH LEFT ELEVATION



ORINDA RANCH RIGHT ELEVATION

ORINDA RANCH ELEVATION

- STUCCO WALL FINISH
- STUCCO o/ FOAM WINDOW TRIM
- BOARD AND BATT SIDING
- DECORATIVE SHUTTERS
- WOOD WINDOW TRIM
- CONCRETE ROOF TILES
- STUCCO PORCH COLUMNS w/ BRICK VENEER



ORINDA RANCH REAR ELEVATION



ORINDA RANCH FRONT ELEVATION

0 1' 2' 3' 4' 8'

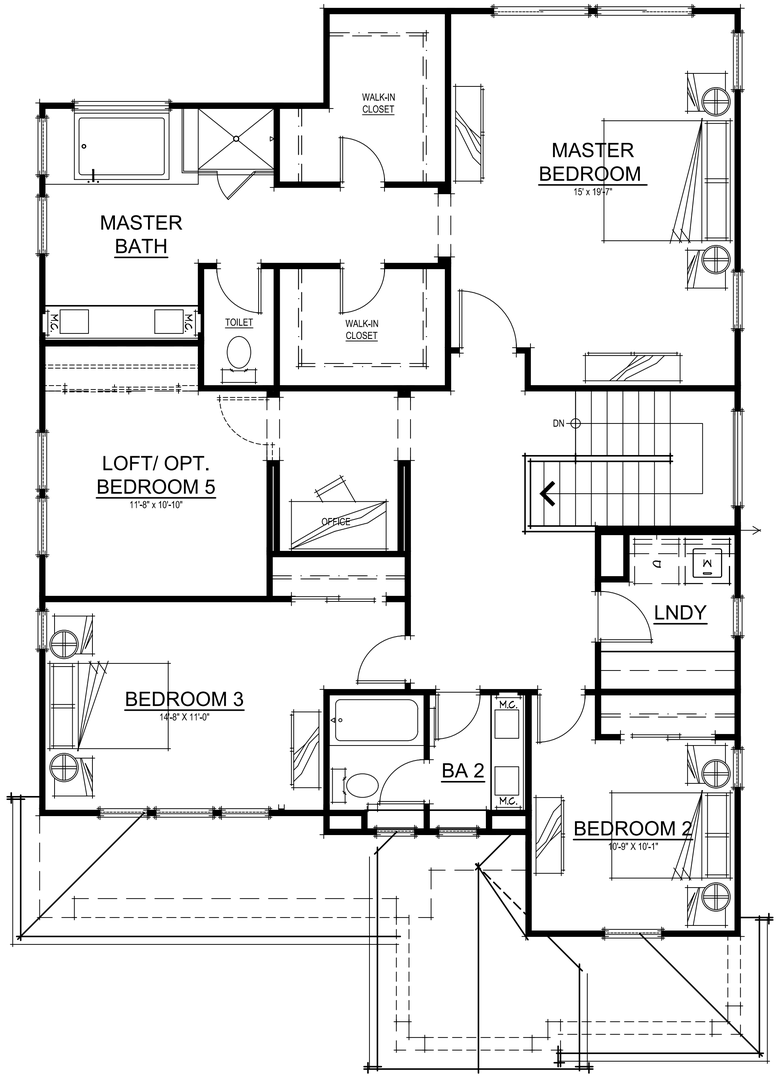
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PLAN 3 ORINDA RANCH EXTERIOR ELEVATIONS
A25

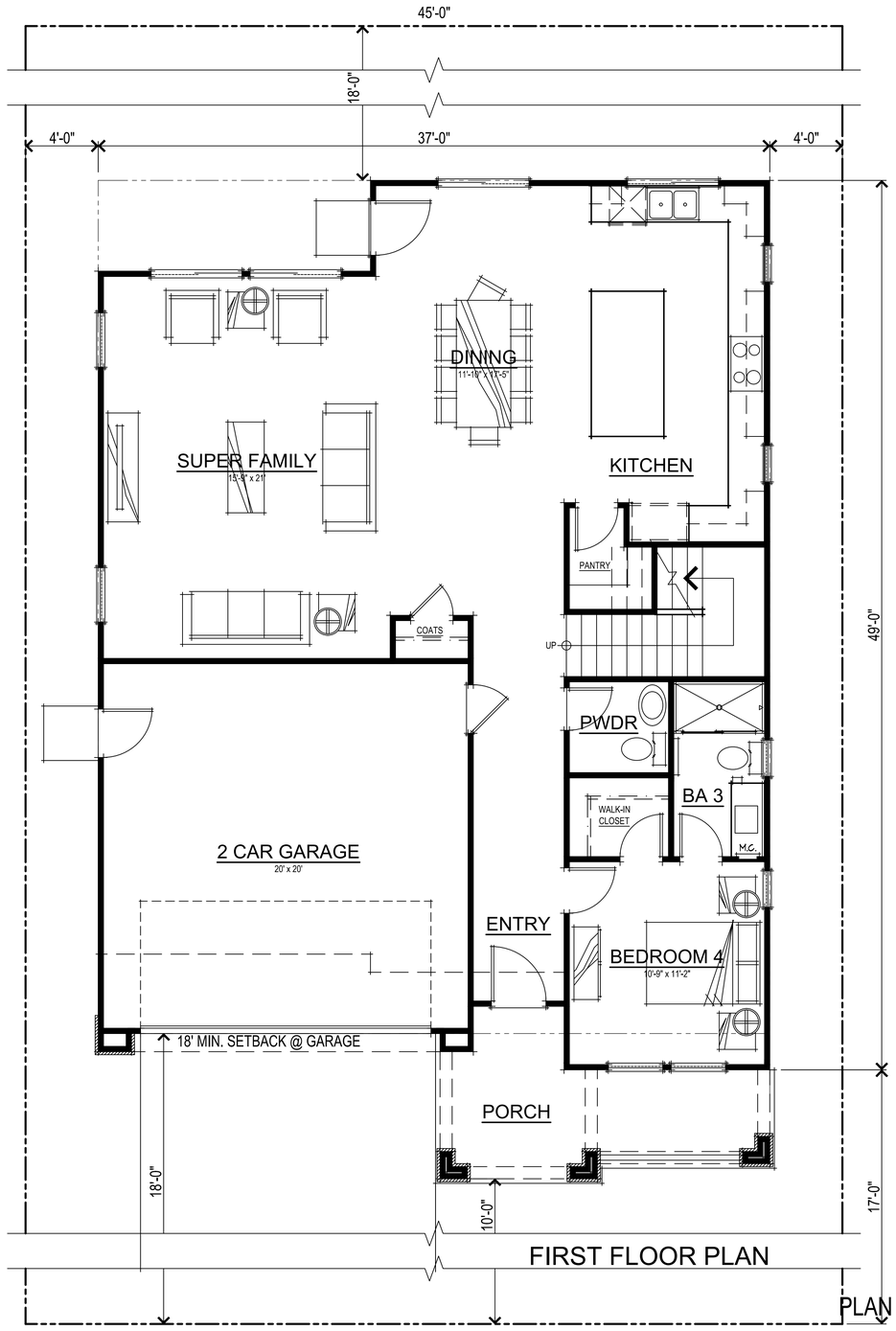
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 1' 2' 3' 4' 8'

SQUARE FOOTAGES	
FIRST FLOOR	1264 SQ. FT.
SECOND FLOOR	1513 SQ. FT.
TOTAL LIVING	2777 SQ. FT.
2-CAR GARAGE	416 SQ. FT.

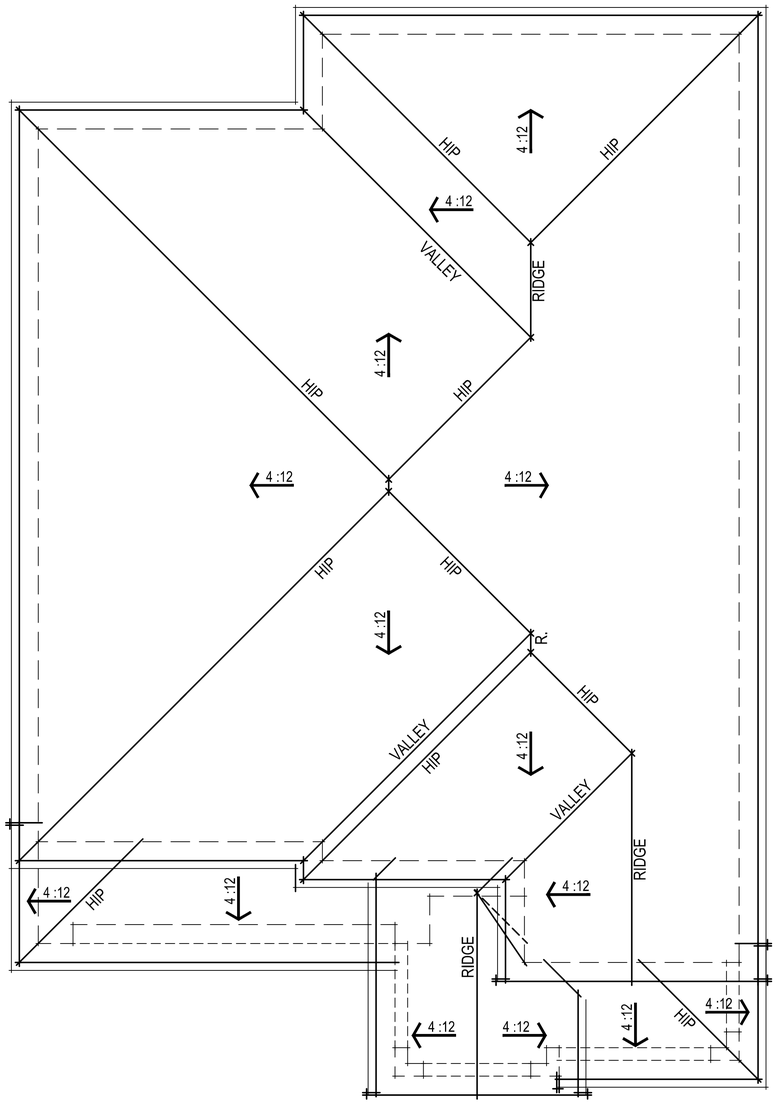
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PLAN 3 ORINDA RANCH FLOOR PLANS
A26

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ORINDA RANCH ROOF PLAN

0 1' 2' 3' 4' 8'

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PLAN 3 ORINDA RANCH ROOF PLAN
A27

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PRAIRIE SCHEME 1

Roofing
CertainTeed
Landmark
Heather Blend



Horizontal Siding
KM 171 Sand Pebble

Accent
KM 5800 Sausalito Ridge

Stucco
KM 216 Malibu Beige

Trim
KM 5789 Shadow Cliff

Stone
Environmental Stone Works
Wildgrass Tuscan Ledge



PRAIRIE SCHEME 2

Roofing
CertainTeed
Landmark
Thunderstorm Gray



Horizontal Siding
KM 5760 Windmill Park

Accent
KMA 72 Barnwood

Stucco
KM 5827 Union Station

Trim
KMW 45 Feather White

Stone
Environmental Stone Works
Eagles Nook Mountain Ledgestone



PRAIRIE SCHEME 3

Roofing
CertainTeed
Landmark
Weathered Wood



Horizontal Siding
KM 4895 Distant Thunder

Accent
KM 4904 Balsamic Reduction

Stucco
KM 4585 Lover's Hideaway

Trim
KM 4576 Yang Mist

Stone
Environmental Stone Works
Absaroka Tuscan Ledgestone



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PRAIRIE COLOR SCHEMES
A28

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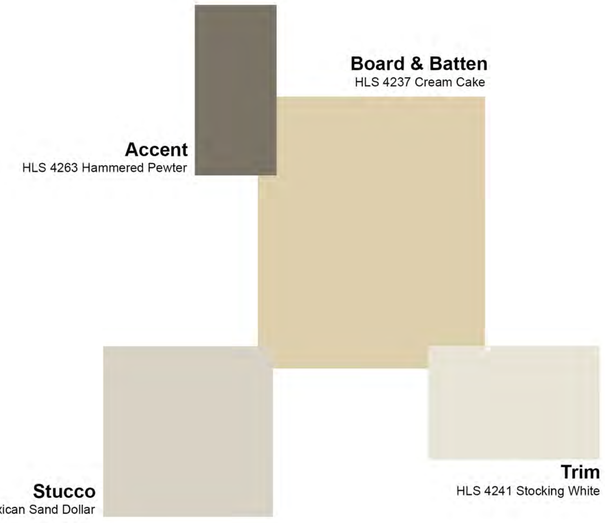
FARMHOUSE SCHEME 4

Roofing
CertainTeed
Landmark
Weathered Wood





Metal Roofing
Custom-Bult Metals
Standing Seam Rofing
Zinc Gray



Board & Batten
HLS 4237 Cream Cake

Accent
HLS 4263 Hammered Pewter

Stucco
KM 4598 Mexican Sand Dollar

Trim
HLS 4241 Stocking White

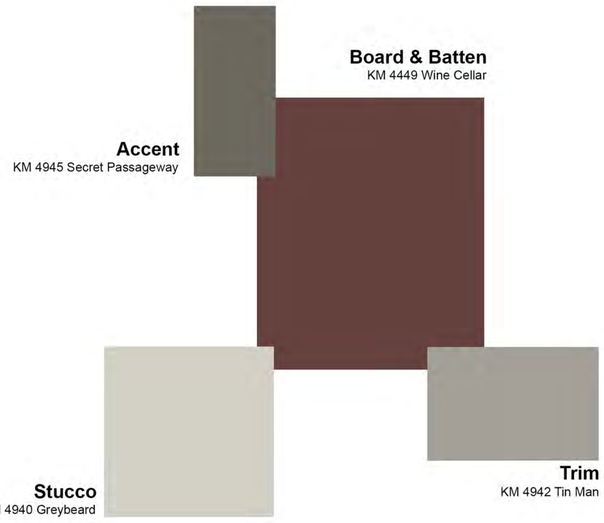
FARMHOUSE SCHEME 5

Roofing
CertainTeed
Landmark
Moire Black





Metal Roofing
Custom-Bult Metals
Standing Seam Rofing
Zinc Gray



Board & Batten
KM 4449 Wine Cellar

Accent
KM 4945 Secret Passageway

Stucco
KM 4940 Greybeard

Trim
KM 4942 Tin Man

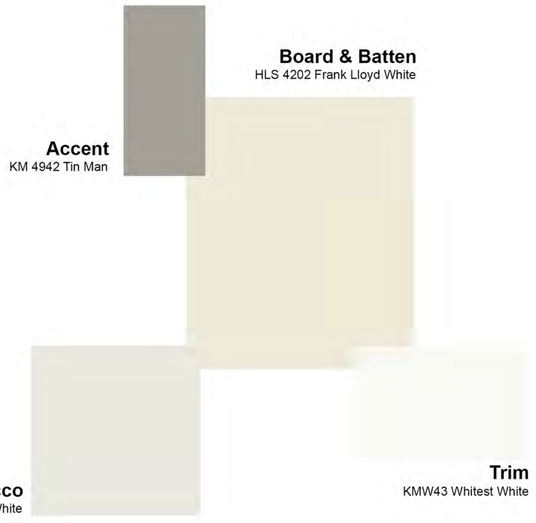
FARMHOUSE SCHEME 6

Roofing
CertainTeed
Landmark
Thunderstorm Gray





Metal Roofing
Custom-Bult Metals
Standing Seam Rofing
Old Town Gray



Board & Batten
HLS 4202 Frank Lloyd White

Accent
KM 4942 Tin Man

Stucco
KMW49 Great White

Trim
KMW43 Whitest White

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ORINDA RANCH 7

Roofing
CertainTeed
Landmark
Thunderstorm Gray



Board & Batten
KM 46 Acoustic White

Accent
KM 4847 Mississippi River

Stucco
KM 4786 Fresh Linen

Trim
KM 46 Acoustic White

Stone
Environmental Stone Works
Antique Red Tumbled Brick



ORINDA RANCH 8

Roofing
CertainTeed
Landmark
Thunderstorm Gray



Board & Batten
KM 178 Plymouth Gray

Accent
KM 4588 Never Cry Wolf

Stucco
KM 14 Frost

Trim
KM 23 Swiss Coffee

Stone
Environmental Stone Works
Antique Red Tumbled Brick



ORINDA RANCH 9

Roofing
CertainTeed
Landmark
Thunderstorm Gray



Board & Batten
KM 4567 Dinosaur Bone

Accent
KMA 81 Evening Cityscape

Stucco
KM 4580 Foggy Night

Trim
KM 4786 Fresh Linen

Stone
Environmental Stone Works
Antique Red Tumbled Brick



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ORINDA RANCH COLOR SCHEMES
A30

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San Ramon, CA 94566
925.480.7305

NUVERA HOMES
7041 Koll Center Pkwy, Suite 170 | Pleasanton, CA 94566
925.309.8888

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

STREET TREE INSTALLATION STANDARDS

TREES TO BE PLANTED A MINIMUM OF:

A. 35'-0" FROM ANY STREET CORNER
B. 8'-0" FROM ANY FIREHYDRANT
C. 4'-0" FROM DRIVEWAYS
D. 5'-0" FROM UTILITIES, ELECTRIC, WATER & SEWER LINES
E. 4'-0" FROM CONCRETE CURBS AND SIDEWALKS
F. 12'-0" FROM STREETLIGHTS

BIO-RETENTION AREA, SEE TYPICAL PLANTING, SHEET L6

FUTURE CREEK WIDENING AND ENHANCEMENT (BY OTHERS)

ACCENT TREE, TYP.

MARSH CREEK

FUTURE ACCESS ROAD RELOCATION (BY OTHERS)

EXISTING TREE TO BE REMOVED

HONEY LANE

STREET TREE, TYP.

EXISTING TREES TO REMAIN, TYP.

BIO-RETENTION AREA, SEE TYPICAL PLANTING, SHEET L6

SALVADOR LANE

SPECIAL PAVING AT PROJECT ENTRY, TYP.

PROPERTY BOUNDARY

GRAPHIC SCALE

0 40 80 120

(IN FEET)
1 inch = 40 ft.

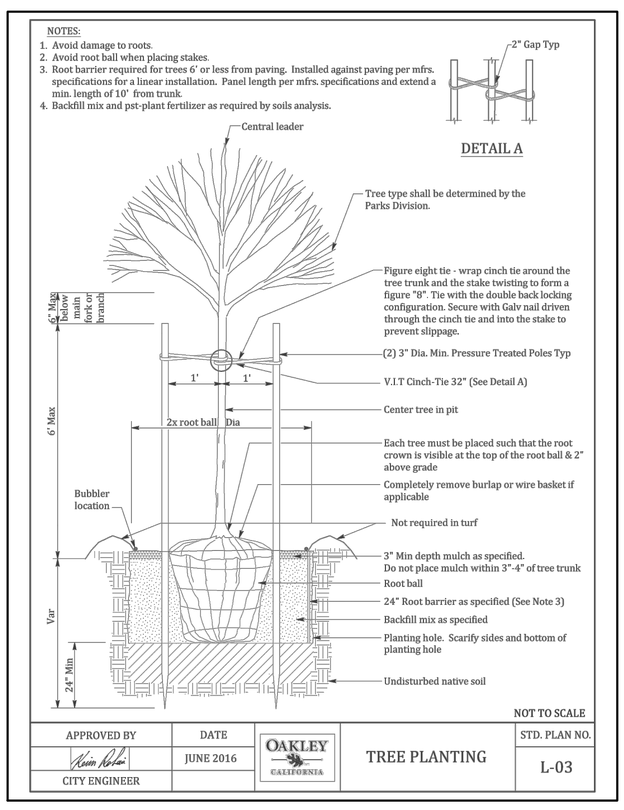
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PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
EXISTING TREES TO BE REMOVED			
EXISTING TREES TO REMAIN			
STREET TREES			
ACER RUBRUM 'RED SUNSET'	RED MAPLE	24" BOX	MEDIUM
CELTIS SINENSIS	CHINESE HACKBERRY	24" BOX	LOW
PRUNUS SARGENTII	SARGENT CHERRY	24" BOX	MEDIUM
QUERCUS LOBATA	VALLEY OAK	24" BOX	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	LOW
TRISTANIA CONFERTA	BRISBANE BOX	24" BOX	LOW
ULMUS PARVIFOLIA	CHINESE ELM	24" BOX	MEDIUM
MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
ACCENT TREE			
ARUTUS UNEDO	STRAWBERRY TREE	15 GALLON	LOW
CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GALLON	LOW
LAGERSTROEMIA INDICA 'MUSKOGEE'	CRAPE MYRTLE	15 GALLON	LOW
OLEA EUROPA	OLIVE	15 GALLON	LOW

NOTES:

1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE REQUIRE ROOT BARRIERS INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
6. AN AUTOMATIC WEATHER-BASED IRRIGATION CONTROLLER WITH SOIL MOISTURE AND/OR RAIN SENSOR SHALL BE USED.
7. SHRUBS AND TREES SHALL BE IRRIGATED ON SEPARATE VALVES AND PLANTS SHALL BE HYDROZONED.



RIPLEY DESIGN GROUP

LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
www.ripleydesign.com

HONEY/CREEKSIDE

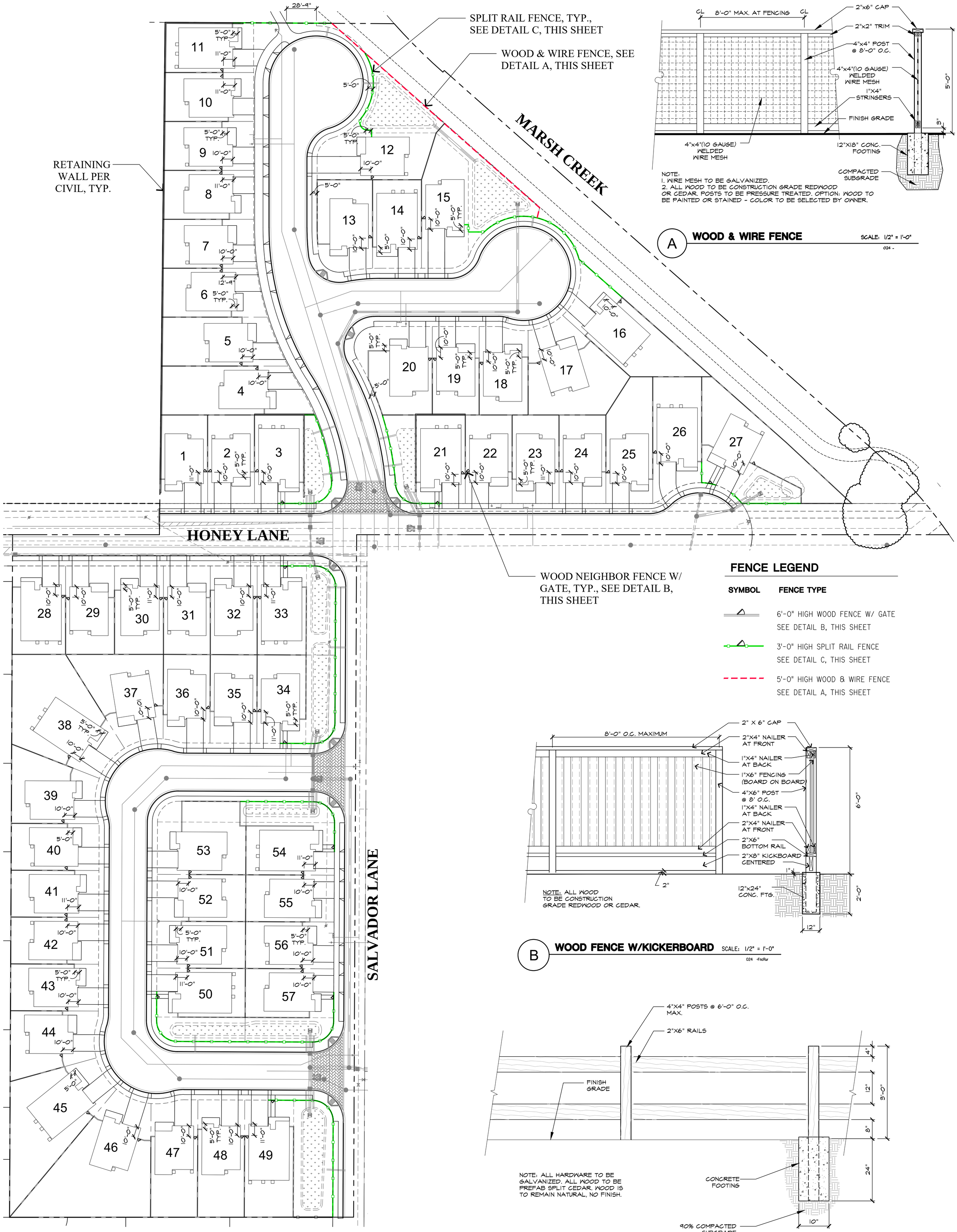
Oakley

January 3, 2022

Preliminary Landscape

Master Street Tree Plan

L1



NOTE:
1. WIRE MESH TO BE GALVANIZED.
2. ALL WOOD TO BE CONSTRUCTION GRADE REDWOOD OR CEDAR. POSTS TO BE PRESSURE TREATED. OPTION: WOOD TO BE PAINTED OR STAINED - COLOR TO BE SELECTED BY OWNER.

A WOOD & WIRE FENCE

SCALE: 1/2" = 1'-0"

024 -

FENCE LEGEND

SYMBOL	FENCE TYPE
	6'-0" HIGH WOOD FENCE W/ GATE SEE DETAIL B, THIS SHEET
	3'-0" HIGH SPLIT RAIL FENCE SEE DETAIL C, THIS SHEET
	5'-0" HIGH WOOD & WIRE FENCE SEE DETAIL A, THIS SHEET

NOTE: ALL WOOD TO BE CONSTRUCTION GRADE REDWOOD OR CEDAR.

B WOOD FENCE W/KICKERBOARD

SCALE: 1/2" = 1'-0"

024 -FncRur

NOTE: ALL HARDWARE TO BE GALVANIZED. ALL WOOD TO BE PREFAB SPLIT CEDAR. WOOD IS TO REMAIN NATURAL, NO FINISH.

C SPLIT RAIL FENCE

SCALE: 3/4" = 1'-0"

016 -

GRAPHIC SCALE

0 40 80 120

(IN FEET)
1 inch = 40 ft.

N

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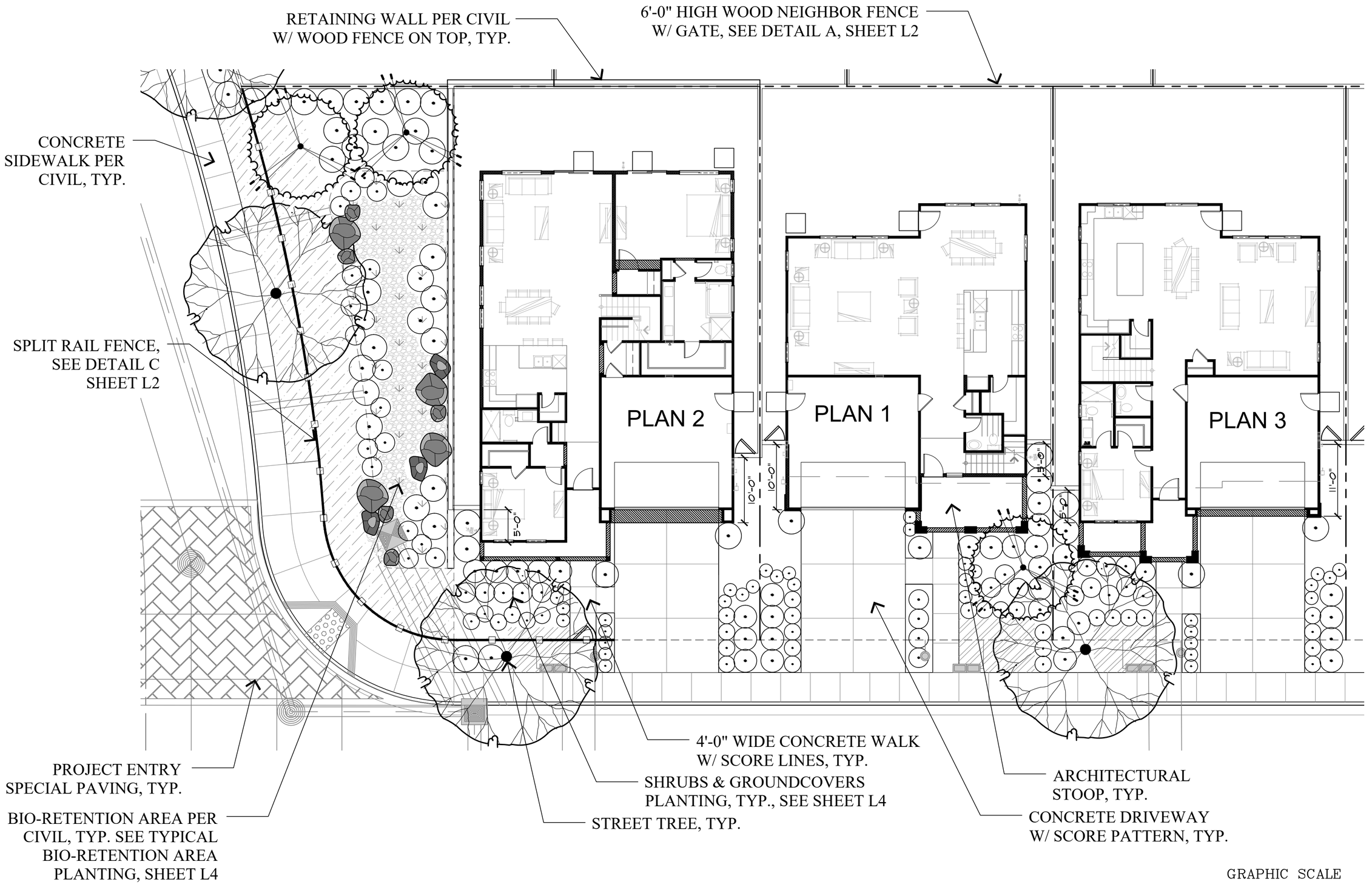
HONEY/CREEKSIDE

Oakley

January 3, 2022

Preliminary Landscape Fencing Plan

L2



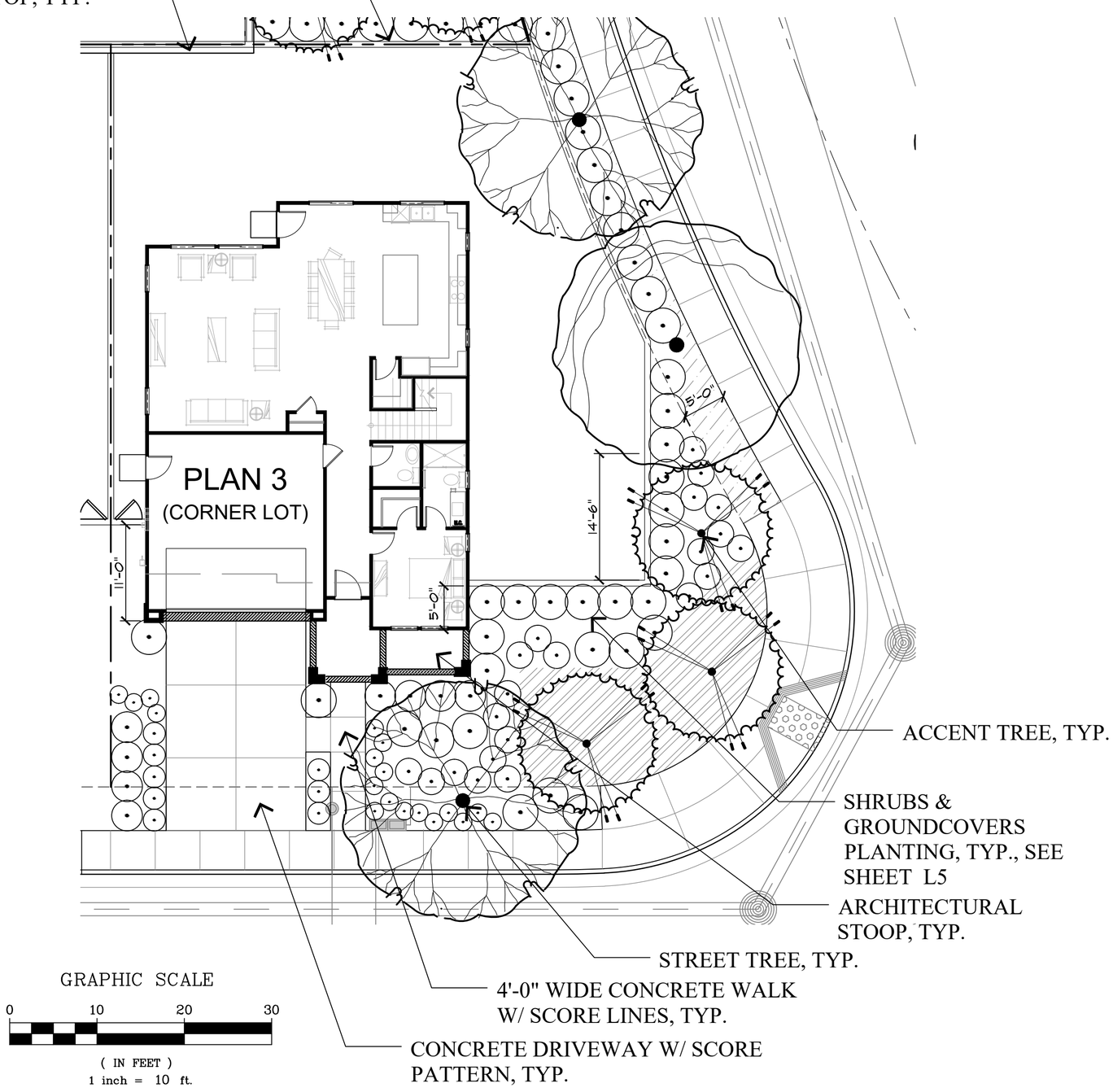
GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.

PRELIMINARY PROPOSED PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
ANI 'B.P.'	ANIGOZANTHOS 'BUSH PEARL'	KANGAROO PAW	5 GALLON	LOW
BUD DAV	BUDDLEJA DAVIDII	BUTTERFLY BUSH	5 GALLON	LOW
CHO TEC	CHONRONDOPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW
CIS SKA	CISTUS X SKANBERGII	PINK ROCKROSE	5 GALLON	LOW
DIE BIC	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	LOW
DIE IRI	DIETES IRIDIODES	FORTNIGHT LILY	5 GALLON	LOW
FES MAI	FESTUCA MAIREI	ATLAS FESCUE	5 GALLON	LOW
GRE 'NOE'	GREVILLEA 'NOELLI'	WOOLY GREVILLEA	5 GALLON	LOW
LAN 'C.H.'	LANTANA 'CHAPEL HILL YELLOW'	CHAPEL HILL LANTANA	5 GALLON	LOW
LAN 'CON'	LANTANA CAMARA 'CONFETTI'	SPREADING LANTANA	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
LAV 'MUN'	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD'	ENGLISH LAVENDER	5 GALLON	LOW
LIM PER	LIMONIUM PEREZII	SEA LAVENDER	5 GALLON	LOW
LOM 'BRE'	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	5 GALLON	LOW
LOR 'E.S.'	LOROPETALUM 'EMERALD SNOW'	LOROPETALUM	5 GALLON	LOW
LOR 'P.P.'	LOROPETALUM CHINENSIS 'PURPLE PIXIE'	CHINESE FRINGE FLOWER	5 GALLON	LOW
MYR 'COM'	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GALLON	LOW
NAN 'H.D.'	NANDINA 'HARBOR DWARF'	HEAVENLY BAMBOO	5 GALLON	LOW
NEP FAA	NEPETA FAASSENII	CATMINT	5 GALLON	LOW
OLE 'L.O.'	OLEA 'LITTLE OLLIE'	DWARF OLIVE	5 GALLON	LOW
PHO 'Y.W.'	PHORMIUM 'YELLOW WAVE'	NEW ZEALAND FLAX	5 GALLON	LOW
PRU 'B.T.'	PRUNUS 'BRIGHT & TIGHT'	BRIGHT & TIGHT LAUREL	5 GALLON	LOW
RHA 'BAL'	RHAPHIOLEPIS 'BALLERINA'	INDIA HAWTHORN	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
RHA 'S.W.'	RHAPHIOLEPIS I. 'SNOW WHITE'	INDIA HAWTHORN	5 GALLON	LOW
SAL 'L.L.'	SALVIA MEXICANA 'LIMELIGHT'	LIMELIGHT MEXICAN SAGE	5 GALLON	LOW
TEU CHA	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GALLON	LOW
WES 'W.H.'	WESTRINGIA 'WYNYABBIE HIGHLIGHT'	AUSTRALIAN ROSEMARY	5 GALLON	LOW
XYL 'COM'	XYLOSMA 'COMPACTA'	SHINY XYLOSMA	5 GALLON	LOW
SHRUBS - BIO-RETENTION AREA				
ACH FIL	ACHILLEA FILIPENDULINA	FERNLEAF YARROW	5 GALLON	LOW
JUN PAT	JUNCUS PATENS	COMMON RUSH	5 GALLON	LOW
MUL RIG	MUHLENBERGIA RIGENS	DEER GRASS	5 GALLON	LOW
VER TEN	VERBENA TENUISECTA	MOSS VERBENA	5 GALLON	LOW
GROUNDCOVERS				
CAR TUM	CAREX TUMULICOLA	BERKELEY SEDGE	I GALLON	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	I GALLON	LOW
LAN MON	LANTANA MONTEVIDENSIS 'WHITE'	WHITE TRAILING LANTANA	I GALLON	LOW
STA BYZ	STACHYS BYZANTIUM	LAMB'S EAR	I GALLON	LOW
	ARCTOSTAPHYLLOS 'PIGEON POINT' I GAL AT 36" O.C	PIGEON POINT MANZANITA		LOW
	COTONEASTER DAMMERI 'CORAL BEAUTY' I GAL AT 36" O.C	BEARBERRY COTONEASTER		LOW
	ROSMARINUS HUNTINGTON CARPET I GAL AT 36" O.C	ROSEMARY		LOW
	BACCHARIS PILULARIS 'PIGEON POINT' I GALLON @ 36" O.C.	DWARF COYOTE BRUSH		LOW
	MYOPORUM PARVIFOLIUM I GALLON @ 36" O.C	MYOPORUM		LOW



GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.

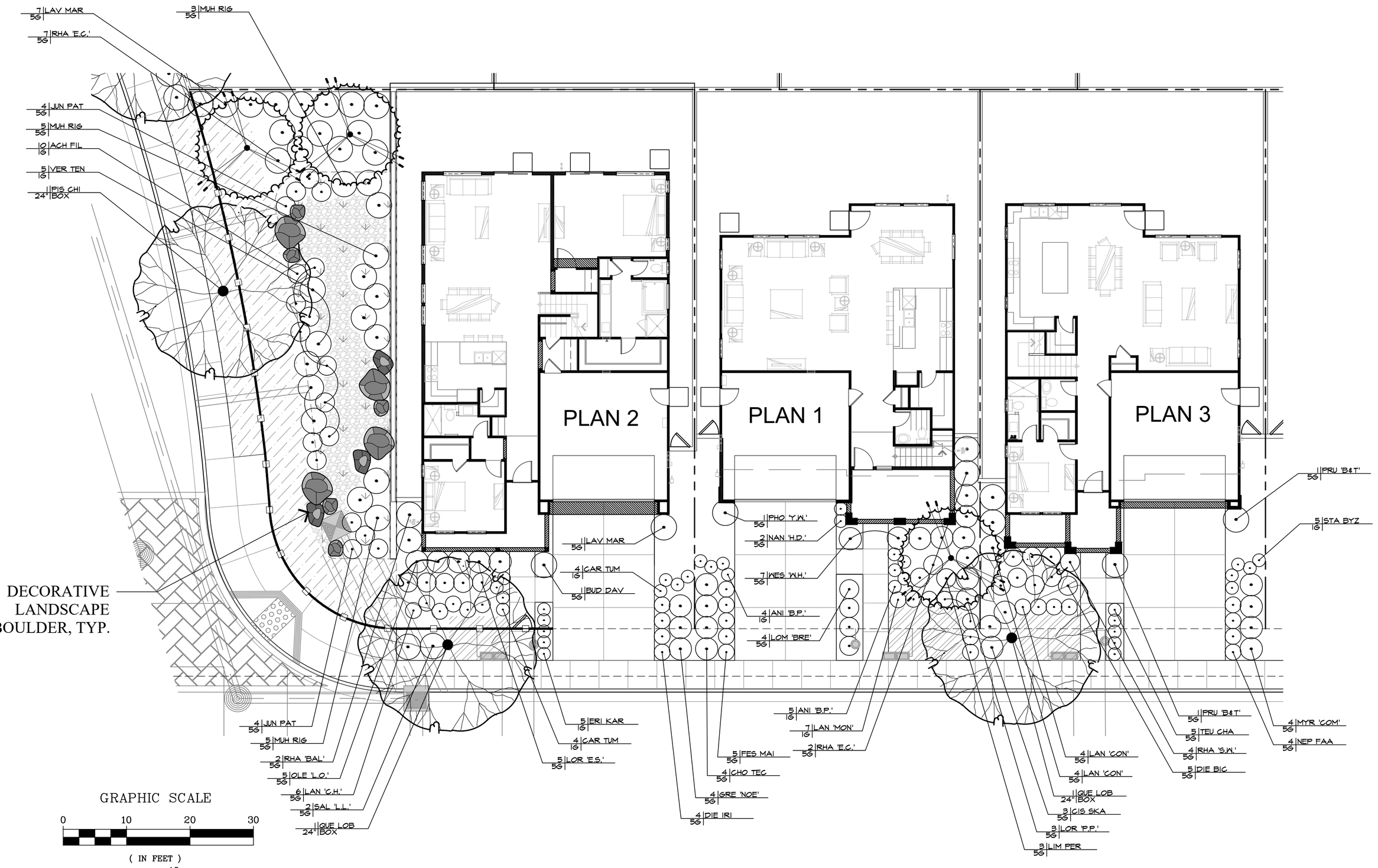
RIPLEY DESIGN GROUP

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WALNUT CREEK, CA 94596
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HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape
Typical Lots

L3



GRAPHIC SCALE

0 10 20 30

(IN FEET)
1 inch = 10 ft.

TYPICAL LOTS
PLANS 1 - 3

PLANT CALLOUT SYMBOL KEY

PLANT QTY / SIZE	PLANT SYMBOL / UNITS

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 1

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
ANI 'B.P.'	ANIGOZANTHOS 'BUSH PEARL'	KANGAROO PAW	5 GALLON	LOW
CHO TEC	CHONRONDOPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW
FES MAI	FESTUCA MAIREI	ATLAS FESCUE	5 GALLON	LOW
LIM PER	LIMONIUM PEREZII	SEA LAVENDER	5 GALLON	LOW
LOM 'BRE'	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	5 GALLON	LOW
LOR 'P.P.'	LOROPETALUM CHINENSIS 'PURPLE PIXIE'	CHINESE FRINGE FLOWER	5 GALLON	LOW
NAN 'H.D.'	NANDINA 'HARBOR DWARF'	HEAVENLY BAMBOO	5 GALLON	LOW
PHO 'Y.W.'	PHORMIUM 'YELLOW WAVE'	NEW ZEALAND FLAX	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
WES 'W.H.'	WESTRINGIA 'WYNYABBIE HIGHLIGHT'	AUSTRALIAN ROSEMARY	5 GALLON	LOW
GROUNDCOVERS				
LAN MON	LANTANA MONTEVIDENSIS 'WHITE'	WHITE TRAILING LANTANA	I GALLON	LOW
ARCTOSTAPHYLLOS 'PIGEON POINT' I GAL AT 36" O.C		PIGEON POINT MANZANITA		LOW

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 2

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
BUD DAV	BUDDLEJA DAVIDII 'DWARF'	BUTTERFLY BUSH	5 GALLON	LOW
DIE IRI	DIETES IRIDIODES	FORTNIGHT LILY	5 GALLON	LOW
GRE 'NOE'	GREVILLEA 'NOELLI'	WOOLY GREVILLEA	5 GALLON	LOW
LAN 'C.H.'	LANTANA 'CHAPEL HILL YELLOW'	CHAPEL HILL LANTANA	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
LOR 'E.S.'	LOROPETALUM 'EMERALD SNOW'	LOROPETALUM	5 GALLON	LOW
OLE 'L.O.'	OLEA 'LITTLE OLLIE'	DWARF OLIVE	5 GALLON	LOW
RHA 'BAL'	RHAPHIOLEPIS 'BALLERINA'	INDIA HAWTHORN	5 GALLON	LOW
SAL 'L.L.'	SALVIA MEXICANA 'LIMELIGHT'	LIMELIGHT MEXICAN SAGE	5 GALLON	LOW
GROUNDCOVERS				
CAR TUM	CAREX TUMULICOLA	BERKELEY SEDGE	I GALLON	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	I GALLON	LOW
ROSMARINUS HUNTINGTON CARPET I GAL AT 36" O.C		ROSEMARY		LOW

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 3

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
CIS SKA	CISTUS X SKANBERGII	PINK ROCKROSE	5 GALLON	LOW
DIE BIC	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	LOW
LAN 'CON'	LANTANA CAMARA 'CONFETTI'	SPREADING LANTANA	5 GALLON	LOW
MYR 'COM'	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GALLON	LOW
NEP FAA	NEPETA FAASSENII	CATMINT	5 GALLON	LOW
PRU 'B.&T.'	PRUNUS 'BRIGHT & TIGHT'	BRIGHT & TIGHT LAUREL	5 GALLON	LOW
RHA 'S.W.'	RHAPHIOLEPIS I. 'SNOW WHITE'	INDIA HAWTHORN	5 GALLON	LOW
TEU CHA	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GALLON	LOW
XYL 'COM'	XYLOSMA 'COMPACTA'	SHINY XYLOSMA	5 GALLON	LOW
GROUNDCOVERS				
STA BYZ	STACHYS BYZANTIUM	LAMB'S EAR	I GALLON	LOW
COTONEASTER DAMMERI 'CORAL BEAUTY' I GAL AT 36" O.C		BEARBERRY COTONEASTER		LOW

PRELIMINARY PROPOSED PLANT PALETTE - BIO AREA

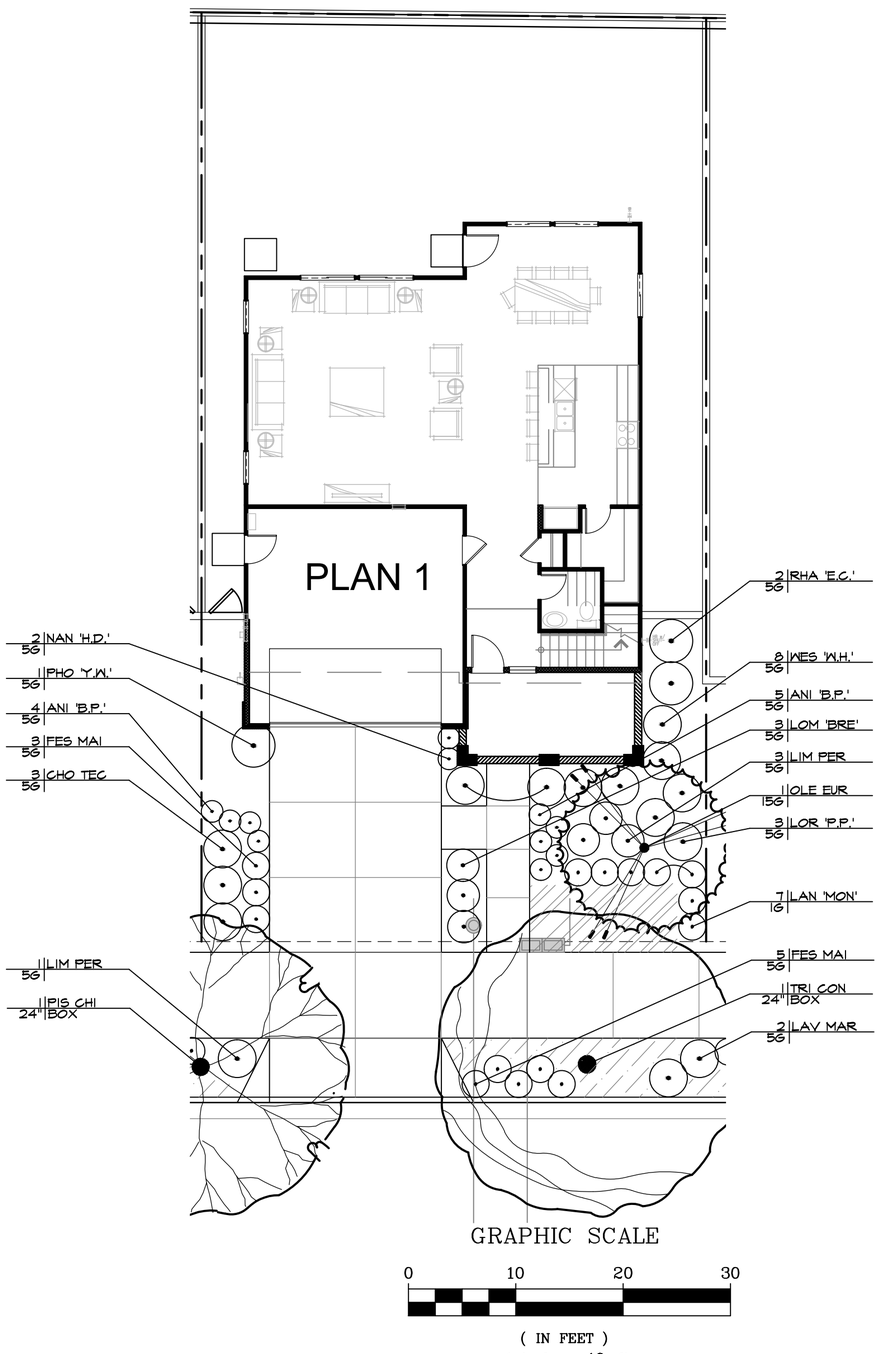
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
BIO-RETENTION AREA SHRUBS				
ACH FIL	ACHILLEA FILIPENDULINA	FERNLEAF YARROW	5 GALLON	LOW
JUN PAT	JUNCUS PATENS	COMMON RUSH	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
MUL RIG	MUHLENBERGIA RIGENS	DEER GRASS	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
VER TEN	VERBENA TENUISECTA	MOSS VERBENA	5 GALLON	LOW
GROUNDCOVERS				
BACCHARIS PILULARIS 'PIGEON POINT' I GALLON @ 36" O.C.		DWARF COYOTE BRUSH		LOW
MYOPORUM PARVIFOLIUM I GALLON @ 36" O.C		MYOPORUM		LOW

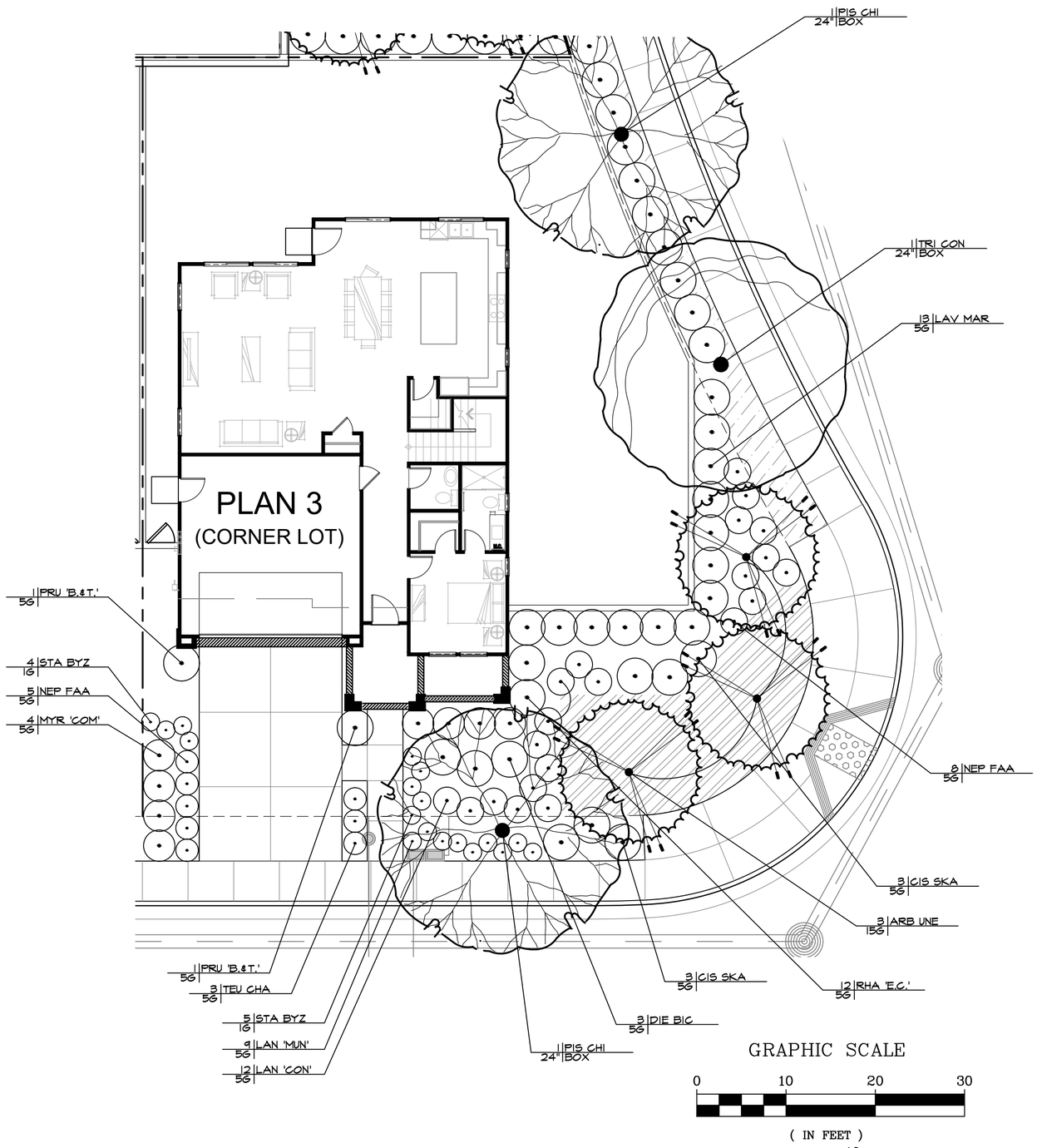
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HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape
Production Planting

L4





TYPICAL LOT

SALVADOR LANE **PLAN 1**

PRELIMINARY PROPOSED PLANT PALETTE

PLAN 1 (ON SALVADOR LANE)

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
ANI 'B.P.'	ANIGOZANTHOS 'BUSH PEARL'	KANGAROO PAW	5 GALLON	LOW
CHO TEC	CHONRONDOPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW
FES MAI	FESTUCA MAIREI	ATLAS FESCUE	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
LIM PER	LIMONIUM PEREZII	SEA LAVENDER	5 GALLON	LOW
LOM 'BRE'	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	5 GALLON	LOW
LOR 'P.P.'	LOROPETALUM CHINENSIS 'PURPLE PIXIE'	CHINESE FRINGE FLOWER	5 GALLON	LOW
NAN 'H.D.'	NANDINA 'HARBOR DWARF'	HEAVENLY BAMBOO	5 GALLON	LOW
PHO 'Y.W.'	PHORMIUM 'YELLOW WAVE'	NEW ZEALAND FLAX	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
WES 'W.H.'	WESTRINGIA 'WYNYABBIE HIGHLIGHT'	AUSTRALIAN ROSEMARY	5 GALLON	LOW
GROUNDCOVERS				
LAN MON	LANTANA MONTEVIDENSIS 'WHITE'	WHITE TRAILING LANTANA	I GALLON	LOW
	ARCTOSTAPHYLLOS 'PIGEON POINT' I GAL AT 36" O.C	PIGEON POINT MANZANITA		LOW
GROUNDCOVERS - PLANTING STRIP				
	MYOPORUM PARVIFOLIUM I GALLON @ 36" O.C	MYOPORUM		LOW

TYPICAL CORNER LOT

PLAN 3

PRELIMINARY PROPOSED PLANT PALETTE

PLAN 3 (CORNER LOT)

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PRELIMINARY PROPOSED TREE PALETTE, SHEET LI				
SHRUBS				
CIS SKA	CISTUS X SKANBERGII	PINK ROCKROSE	5 GALLON	LOW
DIE BIC	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	LOW
LAN 'CON'	LANTANA CAMARA 'CONFETTI'	SPREADING LANTANA	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
MYR 'COM'	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GALLON	LOW
NEP FAA	NEPETA FAASSENII	CATMINT	5 GALLON	LOW
PRU 'B.&T.'	PRUNUS 'BRIGHT & TIGHT'	BRIGHT & TIGHT LAUREL	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
RHA 'S.W.'	RHAPHIOLEPIS I. 'SNOW WHITE'	INDIA HAWTHORN	5 GALLON	LOW
TEU CHA	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GALLON	LOW
XYL 'COM'	XYLOSMA 'COMPACTA'	SHINY XYLOSMA	5 GALLON	LOW
GROUNDCOVERS				
LAV 'MUN'	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD'	ENGLISH LAVENDER	I GALLON	LOW
STA BYZ	STACHYS BYZANTIUM	LAMB'S EAR	I GALLON	LOW
	COTONEASTER DAMMERI 'CORAL BEAUTY' I GAL AT 36" O.C	BEARBERRY COTONEASTER		LOW
GROUNDCOVERS - PLANTING STRIP				
	MYOPORUM PARVIFOLIUM I GALLON @ 36" O.C	MYOPORUM		LOW

PLANT CALLOUT SYMBOL KEY

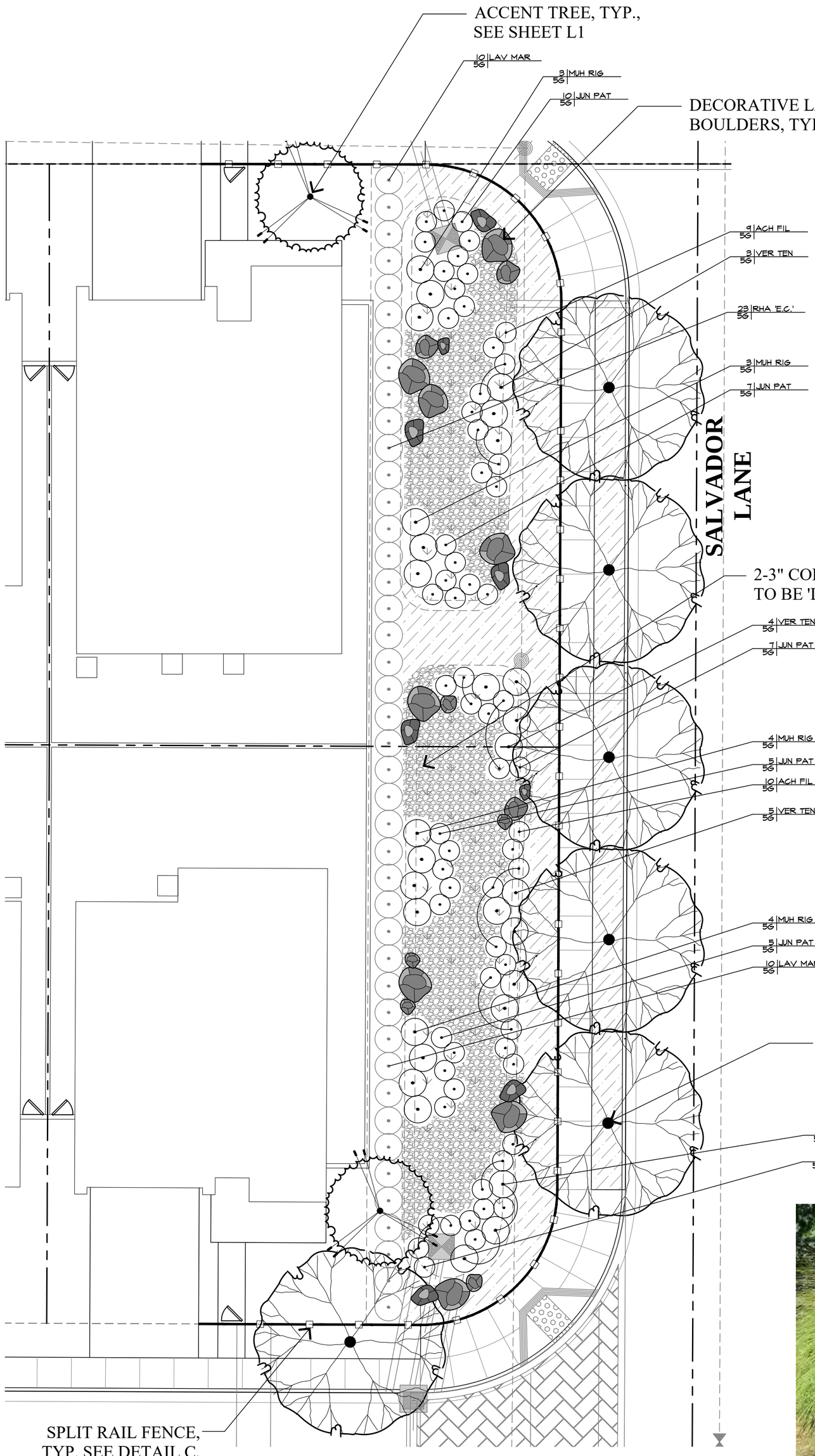
PLANT QTY	PLANT SYMBOL
SIZE	UNITS

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HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape
Production Planting

L5



PRELIMINARY PROPOSED PLANT PALETTE
BIO-RETENTION AREA

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
SHRUBS				
ACH FIL	ACHILLEA FILIPENDULINA	FERNLEAF YARROW	5 GALLON	LOW
JUN PAT	JUNCUS PATENS	COMMON RUSH	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
MUL RIG	MUHLENBERGIA RIGENS	DEER GRASS	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
VER TEN	VERBENA TENUISECTA	MOSS VERBENA	5 GALLON	LOW
GROUNDCOVERS				
	MYOPORUM PARVIFOLIUM 1 GALLON @ 36" O.C	MYOPORUM		LOW
	2"-3" COBBLE IN DRY ROCK BED AVAILABLE FROM MORGAN'S MASONRY SUPPLY	COBBLE TO BE LODI, NOIYA OR EQUAL		

PLANT CALLOUT SYMBOL KEY

PLANT QTY SIZE	PLANT SYMBOL UNITS



ACHILLEA FILIPENDULINA
FERNLEAF YARROW



JUNCUS PATENS
COMMON RUSH



MULENBERGIA RIGENS
DEER GRASS



VERBENA TENUISECTA
MOSS VERBENA



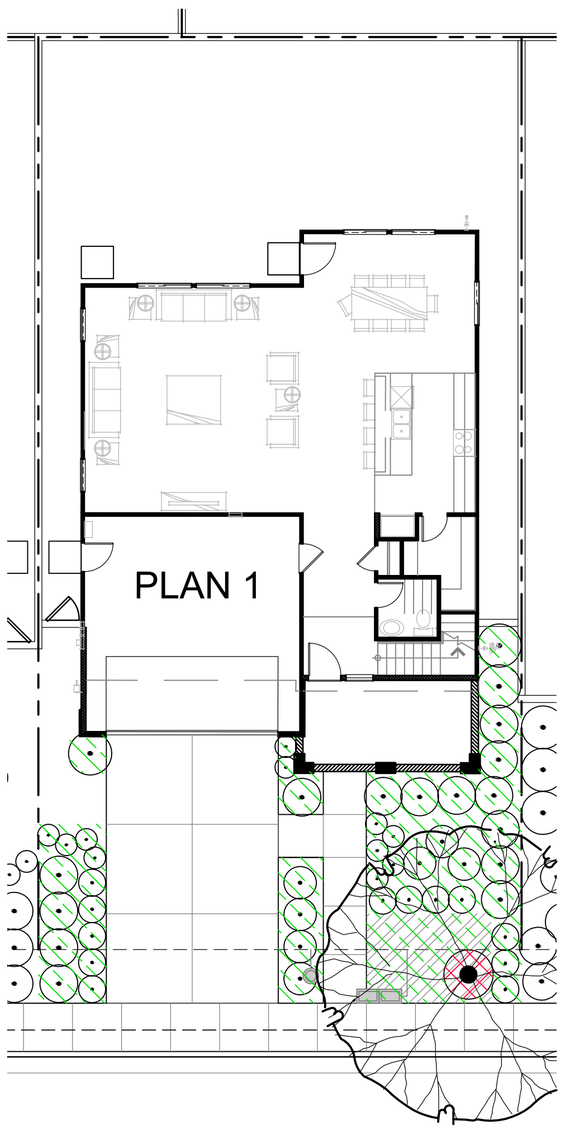
NOTES:

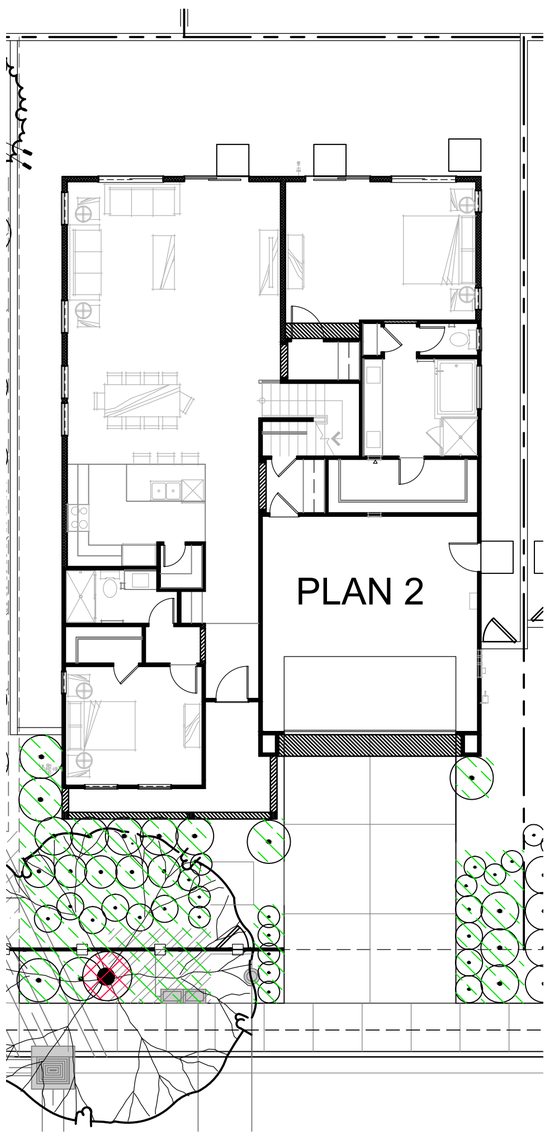
1. ALL BIO-RETENTION PLANTS ARE SELECTED FROM THE 'CONTRA COSTA CLEAN WATER PROGRAM STORMWATER C.3 GUIDEBOOK' SUGGESTED PLANT LIST.
2. C.3 BIO-RETENION AREA ALONG MARSH CREEK TO BE COORDINATED WITH RESTORATION DESIGN GROUP, INC.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
6. AN AUTOMATIC WEATHER-BASED IRRIGATION CONTROLLER WITH SOIL MOISTURE AND/OR RAIN SENSOR SHALL BE USED.
7. SHRUBS AND TREES SHALL BE IRRIGATED ON SEPARATE VALVES AND PLANTS SHALL BE HYDROZONED.

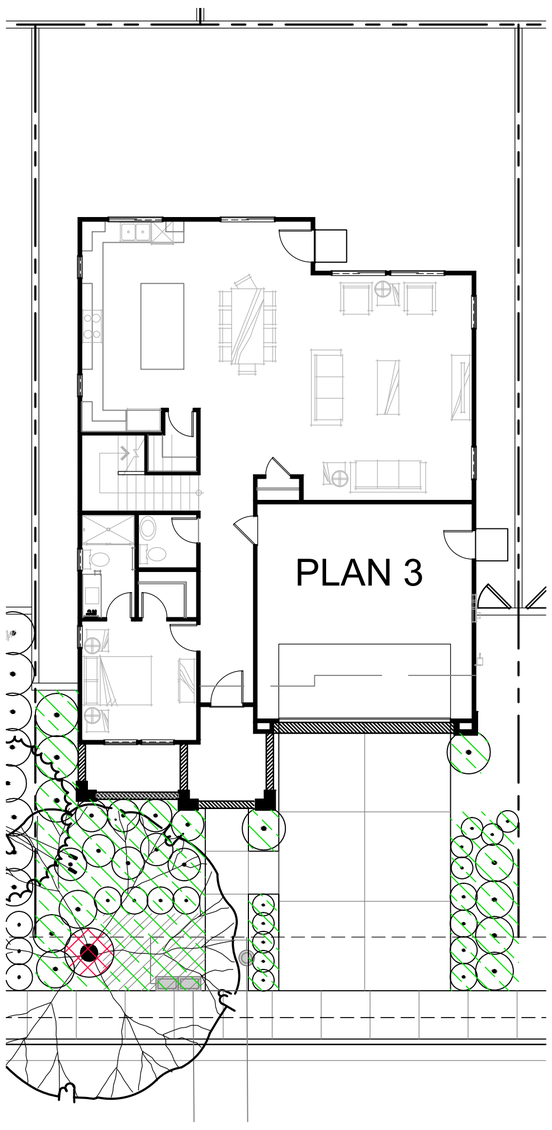
RIPLEY DESIGN GROUP
LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
www.ripleydesign.com

HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape
Bio-Retention Area Planting L6







PLAN 1 - HYDROZONE (FRONT YARD)

SYMBOL DESCRIPTION

ZONE-1
7 S.F. LOW WATER USE TREE PLANTING

ZONE-2
560 S.F. LOW WATER USE SHRUB & GROUNDCOVER PLANTING

PLAN 2 - HYDROZONE (FRONT YARD)

SYMBOL DESCRIPTION

ZONE-1
7 S.F. LOW WATER USE TREE PLANTING

ZONE-2
478 S.F. LOW WATER USE SHRUB & GROUNDCOVER PLANTING

PLAN 3 - HYDROZONE (FRONT YARD)

SYMBOL DESCRIPTION

ZONE-1
7 S.F. LOW WATER USE TREE PLANTING

ZONE-2
475 S.F. LOW WATER USE SHRUB & GROUNDCOVER PLANTING

WATER USE CALCULATIONS:

THE MAXIMUM APPLIED WATER ALLOWANCE (MAWA) IN GALLONS PER YEAR IS BASE ON THE FOLLOWING FORMULA:

MAWA = (ETO)(0.62)(0.55 X LA)

THE ESTIMATED TOTAL WATER USE (ETWU) IS THE SUM TOTAL OF ESTIMATED WATER USE FOR EACH HYDROZONE IN GALLONS PER YEAR AND IS BASED ON THE FOLLOWING FORMULA:

$$ETWU = (ETO)(0.62)\left[\frac{(PF \times HA)}{IE} + SLA\right]$$

ETO = REFERENCE EVAPOTRANSPIRATION (INCHES PER YEAR)
LA = LANDSCAPE AREA
HA = HYDROZONE AREA (SQUARE FEET)
PF = PLANT FACTOR FROM WUCOLS
IE = IRRIGATION EFFICIENCY (0.81)
0.55 = ET ADJUSTMENT FACTOR
0.62 = CONVERSION FACTOR (TO GALLONS)

TYPICAL PLAN 1 - FRONT YARD LANDSCAPE

REFERENCE EVAPOTRASNPIRATION (ETO) : 42.0

MAXIMUM APPLIED WATER ALLOWANCE: 8,121 GAL/YR

MAWA= (42.0) X (0.62) X (0.55 X 567) = 8,121 GAL/YR

ESTIMATED TOTAL WATER USE: 3,646 GAL/YR

LOW ETWU = (42.0) X (0.62) X $\frac{(0.20 \times 567)}{0.81}$ = 3,646 GAL/YR

TYPICAL PLAN 2 - FRONT YARD LANDSCAPE

REFERENCE EVAPOTRASNPIRATION (ETO) : 42.0

MAXIMUM APPLIED WATER ALLOWANCE: 6,946 GAL/YR

MAWA= (42.0) X (0.62) X (0.55 X 485) = 6,946 GAL/YR

ESTIMATED TOTAL WATER USE: 3,118 GAL/YR

LOW ETWU = (42.0) X (0.62) X $\frac{(0.20 \times 485)}{0.81}$ = 3,118 GAL/YR

TYPICAL PLAN 3 - FRONT YARD LANDSCAPE

REFERENCE EVAPOTRASNPIRATION (ETO) : 42.0

MAXIMUM APPLIED WATER ALLOWANCE: 6,903 GAL/YR

MAWA= (42.0) X (0.62) X (0.55 X 482) = 6,903 GAL/YR

ESTIMATED TOTAL WATER USE: 3,099 GAL/YR

LOW ETWU = (42.0) X (0.62) X $\frac{(0.20 \times 482)}{0.81}$ = 3,099 GAL/YR

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HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape Hydrozone Plan

L7



RHAMNUS CALIFORNICA 'EVE CASE'
COFFEEBERRY



LIMONIUM PEREZII
SEA LAVENDER



LANTANA MONTEVIDENSIS
'WHITE'
WHITE TRAILING LATANA



CHONDROPETALUM TECTORUM
CAPE RUSH



LOROPETALUM C. 'PURPLE PIXIE'
CHINESE FRINGE FLOWER



FESTUCA MAIREI
ATLAS FESCUE



PHORMIUM 'YELLOW WAVE'
NEW ZEALAND FLAX



NANDINA 'HARBOR DWARF'
HEAVENLY BAMBOO



LOMANDRA LONGIFOLIA 'BREEZE'
DWARF MAT RUSH



ANIGOZANTHOS 'BUSH PEARL'
KANGAROO PAW



WESTRINGIA 'WYNYABBIE HIGHLIGHT'
AUSTRALIAN ROSEMARY

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 1

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PROPOSED PRELIMINARY TREE PLAN				
SHRUBS				
ANI 'B.P.'	ANIGOZANTHOS 'BUSH PEARL'	KANGAROO PAW	5 GALLON	LOW
CHO TEC	CHONRONDOPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW
FES MAI	FESTUCA MAIREI	ATLAS FESCUE	5 GALLON	LOW
LIM PER	LIMONIUM PEREZII	SEA LAVENDER	5 GALLON	LOW
LOM 'BRE'	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	5 GALLON	LOW
LOR 'P.P.'	LOROPETALUM CHINENSIS 'PURPLE PIXIE'	CHINESE FRINGE FLOWER	5 GALLON	LOW
NAN 'H.D.'	NANDINA 'HARBOR DWARF'	HEAVENLY BAMBOO	5 GALLON	LOW
PHO 'Y.W.'	PHORMIUM 'YELLOW WAVE'	NEW ZEALAND FLAX	5 GALLON	LOW
RHA 'E.C.'	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GALLON	LOW
WES 'W.H.'	WESTRINGIA 'WYNYABBIE HIGHLIGHT'	AUSTRALIAN ROSEMARY	5 GALLON	LOW
GROUNDCOVERS				
LAN MON	LANTANA MONTEVIDENSIS 'WHITE'	WHITE TRAILING LANTANA	I GALLON	LOW
	ARCTOSTAPHYLLOS 'PIGEON POINT' I GAL AT 36" O.C	PIGEON POINT MANZANITA		LOW



LOROPETALUM 'EMERALD SNOW'
EMERALD SNOW LOROPETALUM



GREVILLEA 'NOELLI'
WOOLY GREVILLEA

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 2

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PROPOSED PRELIMINARY TREE PLAN				
SHRUBS				
BUD DAV	BUDDLEJA DAVIDII	BUTTERFLY BUSH	5 GALLON	LOW
DIE IRI	DIETES IRIDIODES	FORTNIGHT LILY	5 GALLON	LOW
GRE 'NOE'	GREVILLEA 'NOELLI'	WOOLY GREVILLEA	5 GALLON	LOW
LAN 'C.H.'	LANTANA 'CHAPEL HILL YELLOW'	CHAPEL HILL LANTANA	5 GALLON	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	5 GALLON	LOW
LOR 'E.S.'	LOROPETALUM 'EMERALD SNOW'	LOROPETALUM	5 GALLON	LOW
OLE 'L.O.'	OLEA 'LITTLE OLLIE'	DWARF OLIVE	5 GALLON	LOW
RHA 'BAL'	RHAPHIOLEPIS 'BALLERINA'	INDIA HAWTHORN	5 GALLON	LOW
SAL 'L.L.'	SALVIA MEXICANA 'LIMELIGHT'	LIMELIGHT MEXICAN SAGE	5 GALLON	LOW
GROUNDCOVERS				
CAR TUM	CAREX TUMULICOLA	BERKELEY SEDGE	I GALLON	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	I GALLON	LOW
	ROSMARINUS HUNTINGTON CARPET I GAL AT 36" O.C	ROSEMARY	I GALLON	LOW



CAREX TUMULICOLA
BERKELEY SEDGE



ERIGERON KARVINSKIANUS
SANTA BARBARA DAISY



SALVIA M. 'LIMELIGHT'
LIMELIGHT MEXICAN SAGE



OLEA 'LITTLE OLLIE'
DWARF OLIVE



LANTANA 'CHAPEL HILL YELLOW'
CHAPEL HILL LANTANA



BUDDLEJA DAVIDII
BUTTERFLY BUSH



RHAPHIOLEPIS 'BALLERINA'
INDIA HAWTHORN



LAVATERA MARITIMA
TREE MALLOW



LANANDULA
ANGUSTIFOLIA
'MUNSTEAD'
ENGLISH LAVENDER



STACHYS BYZANTINA
LAMB'S EAR



NEPETA FAASSENII
CATMINT



XYLOSMA 'COMPACTA'
SHINY XYLOSMA



MYRTUS COMMUNIS 'COMPACTA'
DWARF MYRTLE



PRUNUS 'BRIGHT & TIGHT'
BRIGHT & TIGHT LAUREL



CISTUS X SKANBERGII
PINK ROCKROSE





LANTANA CAMARA 'CONFETII'
SPREADING LATANA



TEUCRIUM CHAMAEDRYS
GERMANDER



DIETES BICOLOR
FORTNIGHT LILY

PRELIMINARY PROPOSED PLANT PALETTE - PLAN 3

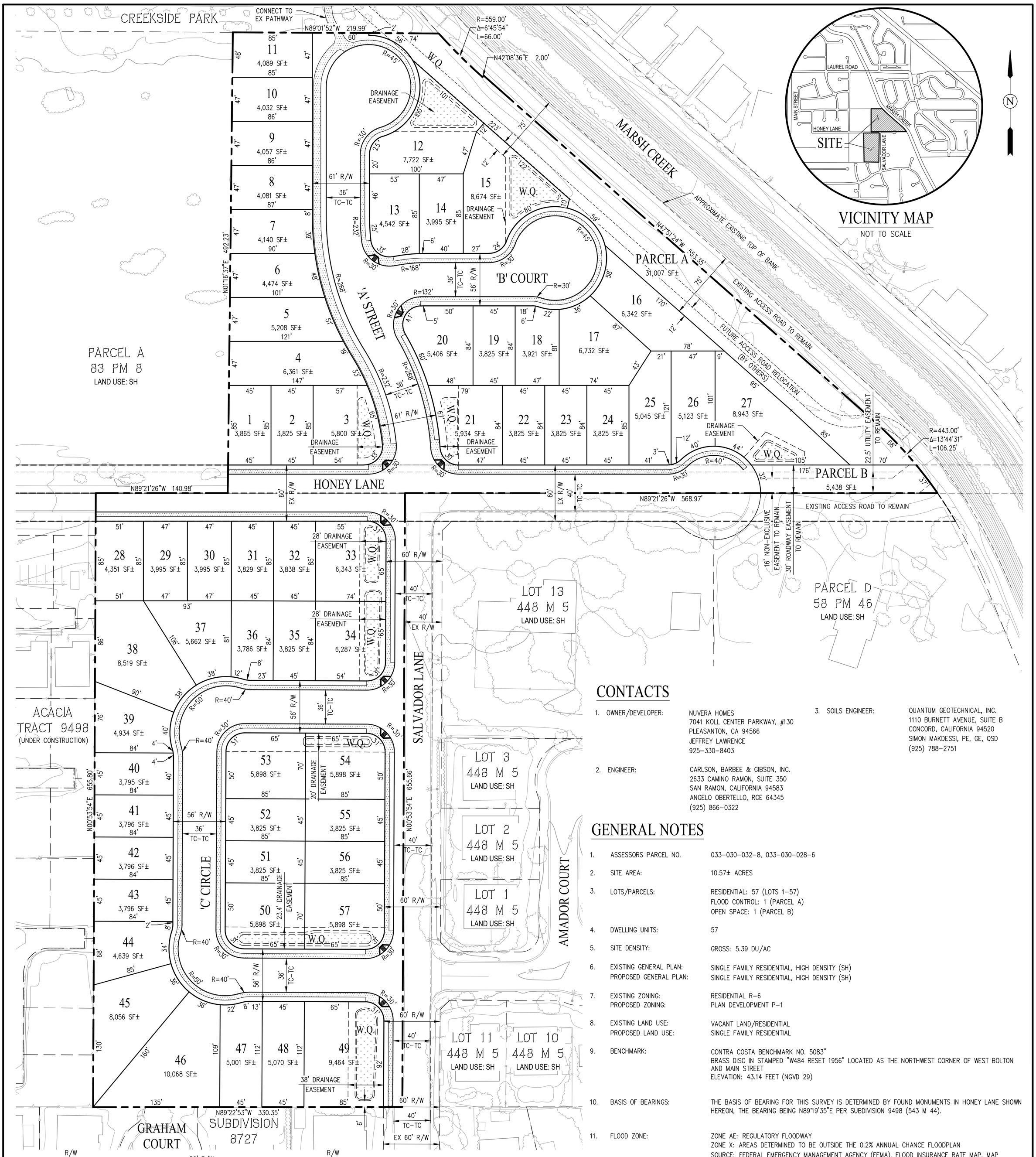
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
TREES				
SEE PROPOSED PRELIMINARY TREE PLAN				
SHRUBS				
CIS SKA	CISTUS X SKANBERGII	PINK ROCKROSE	5 GALLON	LOW
DIE BIC	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	LOW
LAN 'CON'	LANTANA CAMARA 'CONFETTI'	SPREADING LANTANA	5 GALLON	LOW
MYR 'COM'	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GALLON	LOW
NEP FAA	NEPETA FAASSENII	CATMINT	5 GALLON	LOW
PRU 'B.T.'	PRUNUS 'BRIGHT & TIGHT'	BRIGHT & TIGHT LAUREL	5 GALLON	LOW
RHA 'S.W.'	RHAPHIOLEPIS I. 'SNOW WHITE'	INDIA HAWTHORN	5 GALLON	LOW
TEU CHA	TEUCRIUM CHAMAEDRYS	GERMANDER	5 GALLON	LOW
XYL 'COM'	XYLOSMA 'COMPACTA'	SHINY XYLOSMA	5 GALLON	LOW
GROUNDCOVERS				
STA BYZ	STACHYS BYZANTIUM	LAMB'S EAR	I GALLON	LOW
LAV 'MUN'	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD'	ENGLISH LAVENDER	I GALLON	LOW
	COTONEASTER DAMMERI 'CORAL BEAUTY' I GAL AT 36" O.C	BEARBERRY COTONEASTER	I GALLON	LOW

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HONEY/CREEKSIDE
Oakley
January 3, 2022

Preliminary Landscape
Production Planting Palette

L8



VICINITY MAP

NOT TO SCALE

CONTACTS

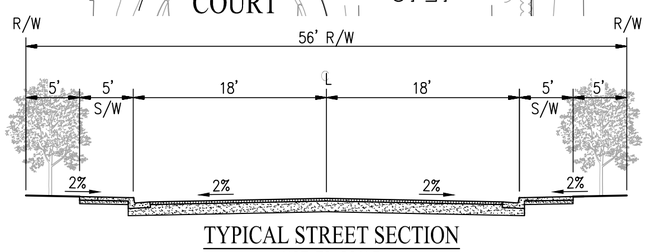
1. OWNER/DEVELOPER: NUVERA HOMES
7041 KOLL CENTER PARKWAY, #130
PLEASANTON, CA 94566
JEFFREY LAWRENCE
925-330-8403

2. ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
ANGELO OBERTELLO, RCE 64345
(925) 866-0322

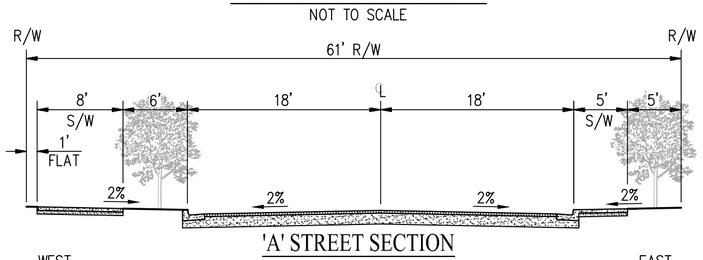
3. SOILS ENGINEER: QUANTUM GEOTECHNICAL, INC.
1110 BURNETT AVENUE, SUITE B
CONCORD, CALIFORNIA 94520
SIMON MAKDESSI, PE, GE, QSD
(925) 788-2751

GENERAL NOTES

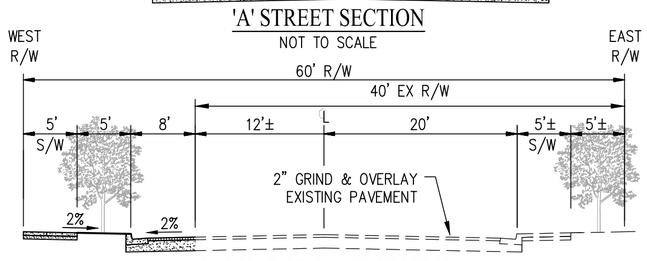
1.	ASSESSORS PARCEL NO.	033-030-032-8, 033-030-028-6
2.	SITE AREA:	10.57± ACRES
3.	LOTS/PARCELS:	RESIDENTIAL: 57 (LOTS 1-57) FLOOD CONTROL: 1 (PARCEL A) OPEN SPACE: 1 (PARCEL B)
4.	DWELLING UNITS:	57
5.	SITE DENSITY:	GROSS: 5.39 DU/AC
6.	EXISTING GENERAL PLAN: PROPOSED GENERAL PLAN:	SINGLE FAMILY RESIDENTIAL, HIGH DENSITY (SH) SINGLE FAMILY RESIDENTIAL, HIGH DENSITY (SH)
7.	EXISTING ZONING: PROPOSED ZONING:	RESIDENTIAL R-6 PLAN DEVELOPMENT P-1
8.	EXISTING LAND USE: PROPOSED LAND USE:	VACANT LAND/RESIDENTIAL SINGLE FAMILY RESIDENTIAL
9.	BENCHMARK:	CONTRA COSTA BENCHMARK NO. 5083" BRASS DISC IN STAMPED "W484 RESET 1956" LOCATED AS THE NORTHWEST CORNER OF WEST BOLTON AND MAIN STREET ELEVATION: 43.14 FEET (NGVD 29)
10.	BASIS OF BEARINGS:	THE BASIS OF BEARING FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN HONEY LANE SHOWN HEREON, THE BEARING BEING N89°19'35"E PER SUBDIVISION 9498 (543 M 44).
11.	FLOOD ZONE:	ZONE AE: REGULATORY FLOODWAY ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAN SOURCE: FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP, MAP NUMBER 06013C0355G DATE: MARCH 21, 2017
12.	UTILITIES: WATER: SEWER: STORM DRAIN: GAS & ELECTRIC: TELEPHONE:	 DIABLO WATER DISTRICT IRONHOUSE SANITARY DISTRICT CITY OF OAKLEY PG&E AT&T
13.	DIMENSIONS:	ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL MAP
14.	GRADING:	GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN. PAD GRADES SHOWN ON SITE DEVELOPMENT PERMIT PLANS MUST BE IN SUBSTANTIAL CONFORMANCE WITH THOSE DEPICTED ON THE APPROVED TENTATIVE MAP.
15.	PHASING:	PROJECT MAY BE CONSTRUCTED IN PHASES
16.	FINAL MAP:	THIS PROJECT MAY BE PHASED. MULTIPLE FINAL MAPS MAY BE FILED UPON APPROVAL OF THE VESTING TENTATIVE SUBDIVISION MAP.



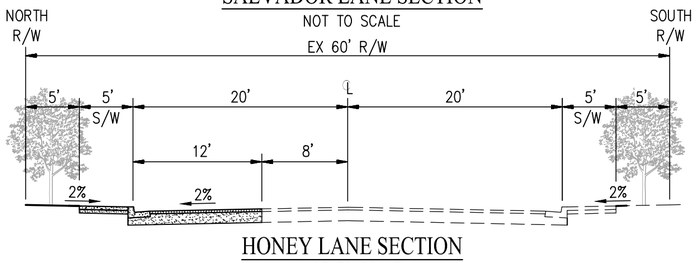
TYPICAL STREET SECTION
NOT TO SCALE



'A' STREET SECTION
NOT TO SCALE



SALVADOR LANE SECTION
NOT TO SCALE



HONEY LANE SECTION
NOT TO SCALE

HONEY / CREEKSIDE
VESTING TENTATIVE MAP
SUBDIVISION 9579

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 50' DATE: JANUARY, 2022

OAKLEY CALIFORNIA

0 50 100 150

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

SHEET NO. TM-1

F:\3365-000\ACAD\VTM\TM01.DWG

CREEKSIDE PARK

ZONE AE

MARSH CREEK

ZONE X

PARCEL B
033-030-032-8

PARCEL A
83 PM 8

EXISTING POLE TO REMAIN
BEGIN UNDERGROUNDING OF
EXISTING OVERHEAD WIRE

EXISTING OVERHEAD
WIRE TO REMAIN

HONEY LANE

EX UTILITY POLE
TO BE REMOVED

EX UTILITY POLE TO
BE REMOVED, END
UNDERGROUNDING

EX OVERHEAD WIRE
TO BE REMOVED

EX UTILITY POLE
TO BE REMOVED

PARCEL D
58 PM 46

LOT 13
448 M 5

EXISTING STRUCTURE
AND FOUNDATION TO
BE REMOVED

EXISTING STRUCTURE
AND FOUNDATION TO
BE REMOVED

EX SEPTIC TANK
BEHIND HOME TO
BE REMOVED

EX OVERHEAD WIRE
TO BE REMOVED

ACACIA
TRACT 9498
(UNDER CONSTRUCTION)

EX UTILITY POLES
TO BE REMOVED

EX WELL TO
BE REMOVED

ZONE X

PARCEL B
033-030-028-6

EX UTILITY POLE
TO BE REMOVED

SALVADOR LANE

AMADOR COURT

SUBDIVISION
8727

GRAHAM
COURT

TITLE REPORT
FIRST AMERICAN TITLE COMPANY
ORDER NO: 0131-624291ALA
JUNE 25, 2020

(#a) INDICATES TITLE REPORT ITEM NUMBER

(1a) THROUGH (2a) PERTAINS TO PROPERTY TAXES. THESE ITEMS CANNOT BE PLOTTED.

(3a) AN EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MARCH 16, 1910 IN BOOK 151 OF DEEDS, PAGE 424.

(4a) AN EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED OCTOBER 4, 1924 IN BOOK 480 OF DEEDS, PAGE 469.

(5a) AN EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED DECEMBER 11, 1924 IN BOOK 487 OF DEEDS, PAGE 74.

(6a) AN EASEMENT FOR ROADWAY, PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED FEBRUARY 9, 1973 AS BOOK 6861, PAGE 137 OF OFFICIAL RECORDS.

(7a) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEFERRED IMPROVEMENT AGREEMENT" RECORDED DECEMBER 5, 1979 AS BOOK 9646, PAGE 705 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(8a) AN EASEMENT SHOWN OR DEDICATED ON THE MAP AS REFERRED TO IN THE LEGAL DESCRIPTION FOR: ROADWAY, DRAINAGE AND INCIDENTAL PURPOSES. OFFER OF DEDICATION TO CONTRA COSTA COUNTY.

(9a) A NON-EXCLUSIVE EASEMENT TO INSTALL, OPERATE, USE, MAINTAIN, REPLACE AND RELOCATE WATER PIPES, VALVES AND APPURTENANCES WITHIN A RIGHT OF WAY OF INGRESS AND EGRESS FOR EQUIPMENT, VEHICLES AND PEDESTRIANS AND INCIDENTAL PURPOSES, RECORDED MAY 26, 2004 AS INSTRUMENT NO. 2004-0199005 OF OFFICIAL RECORDS. IN FAVOR OF: DIABLO WATER DISTRICT, A LOCAL GOVERNMENTAL AGENCY OF THE STATE OF CALIFORNIA. AFFECTS: AS DESCRIBED THEREIN

(10a) THROUGH (17a) CANNOT BE PLOTTED. REFER TO TITLE REPORT.

TITLE REPORT
FIRST AMERICAN TITLE COMPANY
ORDER NO: 0131-624503ALA
JUNE 24, 2021

(#b) INDICATES TITLE REPORT ITEM NUMBER

(1b) THROUGH (3b) PERTAINS TO PROPERTY TAXES. THESE ITEMS CANNOT BE PLOTTED.

(4b) AN EASEMENT FOR ROAD, WATERWAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED DECEMBER 1, 1911 IN BOOK 174 OF DEEDS, PAGE 262.

(5b) AN EASEMENT FOR ROADWAY, UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED FEBRUARY 6, 1973 AS BOOK 6858, BOOK 546 OF OFFICIAL RECORDS.

(6b) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEFERRED IMPROVEMENT AGREEMENT" RECORDED OCTOBER 25, 1977 AS BOOK 8563, PAGE 221 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(7b) AN OFFER OF DEDICATION FOR DRAINAGE AND INCIDENTAL PURPOSES, RECORDED OCTOBER 25, 1977 AS BOOK 8563, PAGE 227 OF OFFICIAL RECORDS. TO: CONTRA COSTA COUNTY, AND ITS SUCCESSOR OR ASSIGN

(8b) AN EASEMENT SHOWN OR DEDICATED ON THE MAP AS REFERRED TO IN THE LEGAL DESCRIPTION. FOR: ROADWAY AND DRAINAGE AND INCIDENTAL PURPOSES

(9b) AN EASEMENT FOR ROADWAY, UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 8, 1977 AS BOOK 8583, PAGE 113 OF OFFICIAL RECORDS.

(10b) AN EASEMENT FOR ROADWAYS, UTILITY, DRAINAGE AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 8, 1977 AS BOOK 8583, PAGE 118 OF OFFICIAL RECORDS.

(11b) AN EASEMENT FOR ROADWAY, UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED DECEMBER 31, 1986 AS BOOK 13364, PAGE 502 OF OFFICIAL RECORDS.

(12b) AN EASEMENT FOR GAS, ELECTRICAL FACILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JANUARY 23, 1987 AS BOOK 13405, PAGE 443 OF OFFICIAL RECORDS. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION AND IS UNDER REVIEW BY THE TITLE COMPANY.

(13b) THROUGH (22b) CANNOT BE PLOTTED. REFER TO TITLE REPORT.

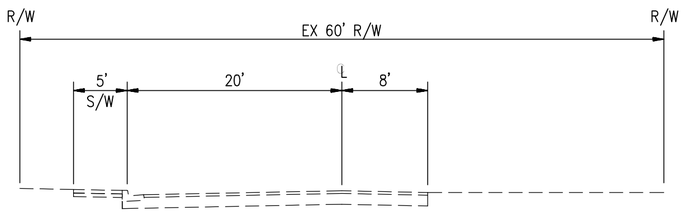
FLOOD ZONE:

ZONE AE:	REGULATORY FLOODWAY
ZONE X:	AREAS OF MINIMAL FLOOD HAZARD
SOURCE:	FLOOD INSURANCE RATE MAP PANEL 06013C0355G
DATED:	MARCH 21, 2017

LEGEND:

- PROJECT BOUNDARY
- ADJACENT PARCEL LINE
- EXISTING EASEMENT LINE
- 8.0 EXISTING CONTOUR LINE
- FLOOD ZONE BOUNDARY

NOTE:
1. ALL TREES WITHIN THE PROJECT BOUNDARY ARE TO BE REMOVED UNLESS NOTED OTHERWISE.



EXISTING HONEY LANE SECTION
NOT TO SCALE

HONEY / CREEKSIDE
EXISTING CONDITIONS
SUBDIVISION 9579

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 50' DATE: JANUARY, 2022

OAKLEY CALIFORNIA

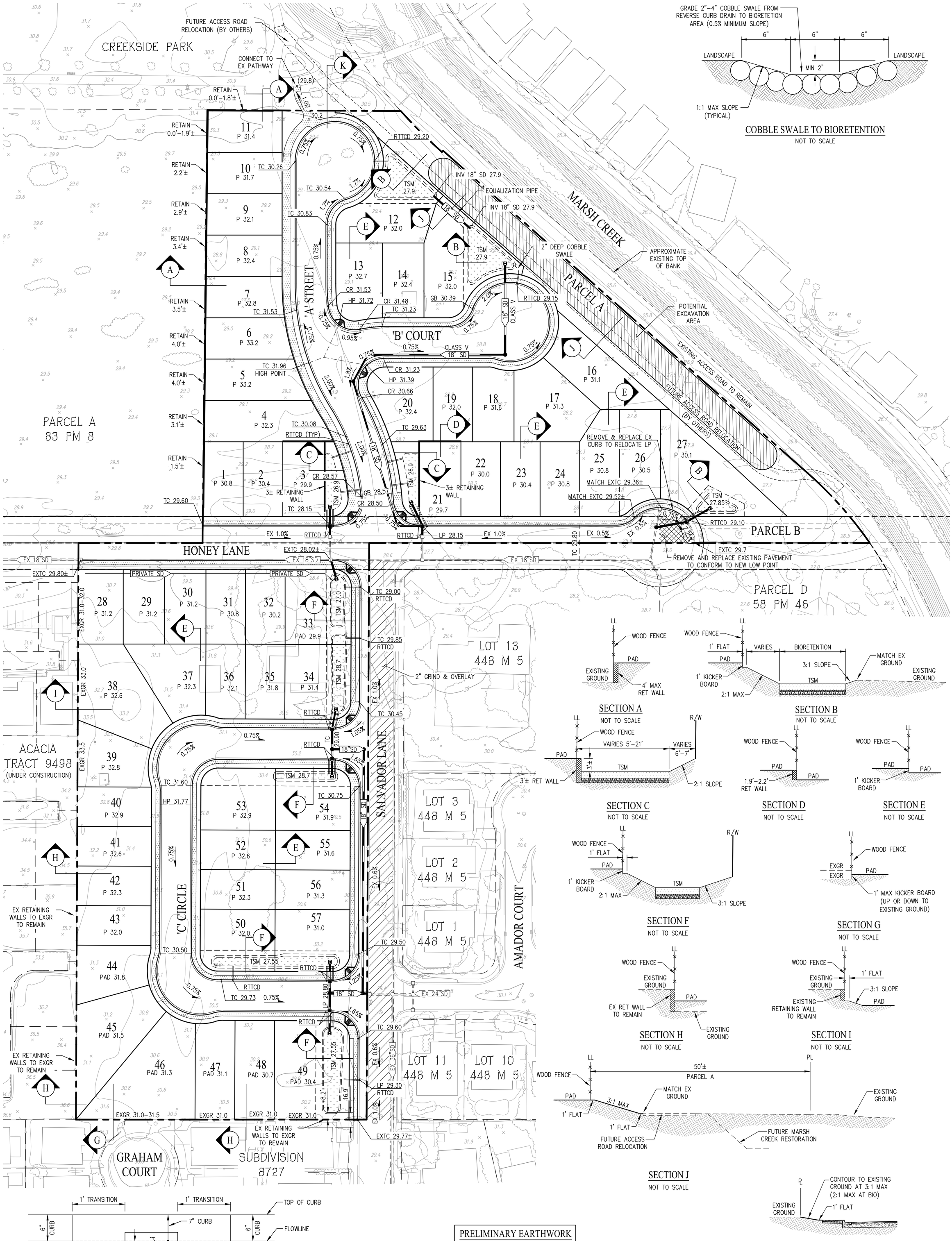
0 50 100 150

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ROSEVILLE ▪ (916) 788-4456
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SHEET NO.
TM-2

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COBBLE SWALE TO BIORETENTION

NOT TO SCALE

SECTION A

NOT TO SCALE

SECTION B

NOT TO SCALE

SECTION A

NOT TO SCALE

SECTION B

NOT TO SCALE

SECTION C

NOT TO SCALE

SECTION D

NOT TO SCALE

SECTION E

NOT TO SCALE

SECTION F

NOT TO SCALE

SECTION G

NOT TO SCALE

SECTION H

NOT TO SCALE

SECTION I

NOT TO SCALE

SECTION J

NOT TO SCALE

SECTION K

NOT TO SCALE

PRELIMINARY EARTHWORK

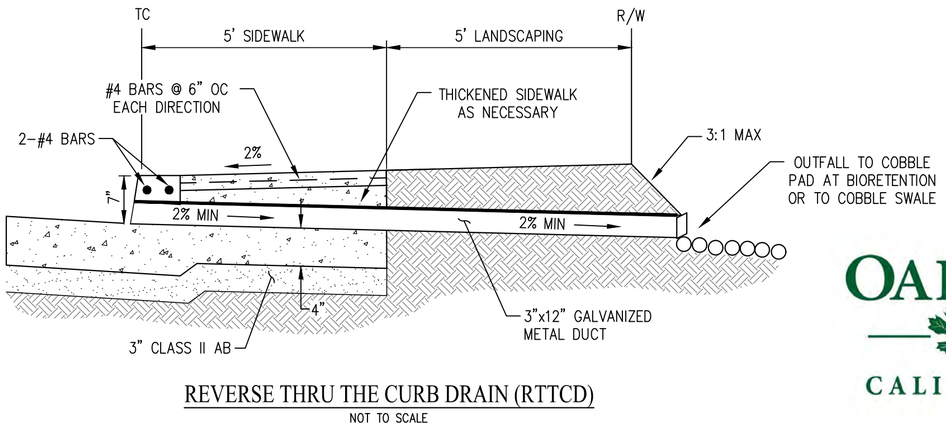
17,500 CY (IMPORT)

REVERSE THRU THE CURB DRAIN (RTTCD) - SECTION

NOT TO SCALE

NOTE:

MAINTAIN LIP OF GUTTER TO TOP OF CURB RELATIONSHIP PER CITY STANDARD. INCREASE GUTTER CROSS SLOPE TO ACCOMPLISH 1" FLOW LINE DEPRESSION.



REVERSE THRU THE CURB DRAIN (RTTCD)

NOT TO SCALE

HONEY / CREEKSIDE

PRELIMINARY GRADING PLAN

SUBDIVISION 9579

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 50' DATE: JANUARY, 2022

OAKLEY CALIFORNIA

0 50 100 150

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ROSEVILLE ▪ (916) 788-4456

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SHEET NO. TM-3

F:\3365-000\ACAD\VTM\TM03.DWG

CREEKSIDE PARK

MARSH CREEK

PARCEL A

APPROXIMATE EXISTING TOP OF BANK

EXISTING ACCESS ROAD TO REMAIN

FUTURE ACCESS ROAD RELOCATION (BY OTHERS)

'A' STREET

'B' COURT

'C' CIRCLE

HONEY LANE

SALVADOR LANE

AMADOR COURT

GRAHAM COURT

PARCEL A
83 PM 8

PARCEL B

PARCEL D
58 PM 46

ACACIA
TRACT 9498
(UNDER CONSTRUCTION)

LOT 13
448 M 5

LOT 3
448 M 5

LOT 2
448 M 5

LOT 1
448 M 5

LOT 11
448 M 5

LOT 10
448 M 5

SUBDIVISION
8727

SSMH
INV 21.3

INV 18" SD 27.9

EQUALIZATION PIPE

INV 18" SD 27.9

FI
INV 25.9

FH

SSMH

SSMH

SSMH
INV IN 20.5
INV OUT 20.2

SDMH
INV 25.1

SDMH
INV 25.0

SDMH
INV 25.6

SSMH
INV 21.3

SSMH
INV 20.4

SSMH
INV 20.0

SSMH
INV 21.1

FI
INV 24.9

CB
INV 24.8

FI
INV 24.9

SSMH
INV 21.3

FI
INV 24.5

CB
INV 24.4

CB
INV 25.5

FI
INV 25.6

SDMH
INV 24.8

SDMH
INV 24.7

SDMH
INV 24.5

SDMH
INV EX 18" SD 25.4±

REMOVE EX CB
INV EX 15" SD 24.7±

REMOVE EX CB

EX CB
INV 18" SD IN 24.0
INV EX 15" SD IN 23.9±
INV EX 18" SD IN 24.0±
INV EX 18" SD OUT 23.7±

EX CB
INV 18" SD IN 24.3 (REBUILD CROSSING)
INV EX 18" SD IN 24.5±
INV EX 18" SD OUT 24.3±

EX SSMH
INV 8" SS IN 19.2
INV EX 8" SS IN 19.0±
INV EX 10" SS IN 19.0±
INV EX 10" SS OUT 18.9±

FI
INV 24.2

FI
INV 24.9

SSMH
INV 19.0

FI
INV 24.0

SDMH
INV 23.82

REMOVE EX CB
INV EX 30" SD 23.8±

SDMH
INV 23.9

FI
INV 24.1

SSMH
INV IN 18.8
INV OUT 18.6

SSMH
INV 8" SS IN 17.4±
INV EX 8" SS IN 17.2±
INV EX 10" SS THRU 17.2±

EXFH

EX 24"SD

EX 12"W

EX 10"SS

EX 8"FM

EX 18"SD

EX 8"SS

EX 8"W

EX 10"SS

EX 36"SD

18" SD

18" SD CLASS V

8" W

8" SS

8" W

8" SS

18" SD

CLASS V

8" W

8" SS

8" W

8" SS

18" SD

8" W

8" SS

12'

4'

8'

13.9'

10.1'

5'

FH

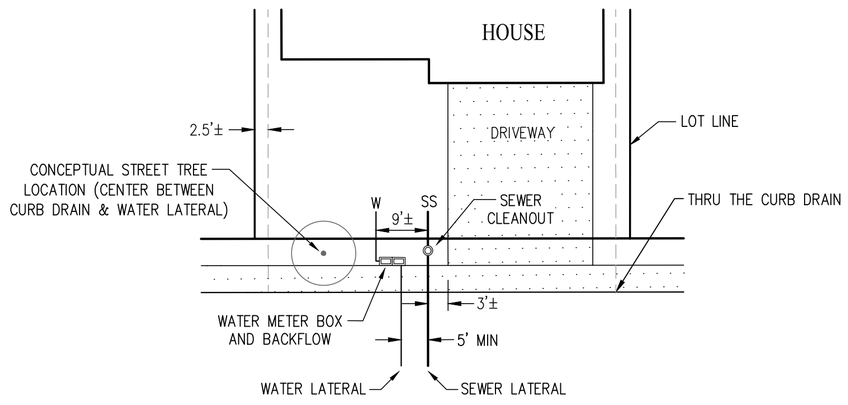
CB

1 2 3 4 5 6 7 8 9 10 11

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49

50 51 52 53 54 55 56 57



TYPICAL UTILITY LATERAL DETAIL
NOT TO SCALE

HONEY / CREEKSIDE
PRELIMINARY UTILITY PLAN
SUBDIVISION 9579

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 50' DATE: JANUARY, 2022

OAKLEY CALIFORNIA

0 50 100 150

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SHEET NO. TM-4

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CREEKSIDE PARK

MARSH CREEK

APPROXIMATE EXISTING TOP OF BANK

PARCEL A

EXISTING ACCESS ROAD TO REMAIN

FUTURE ACCESS ROAD RELOCATION (BY OTHERS)

'A' STREET

'B' COURT

'C' CIRCLE

DMA 1

DMA 2

DMA 3

DMA 4

DMA 5

DMA 6

DMA 7

DMA 8

DMA 9

DMA 10

DMA 11 SELF-TREATING

IMP 1

IMP 2

IMP 3

IMP 4

IMP 5

IMP 6

IMP 7

IMP 8

IMP 9

IMP 10

18" SD

EX 24"SD

EX 36"SD

PARCEL A
83 PM 8

TREATMENT SWAP AREA TO SALVADOR LANE

HONEY LANE

EX 18"SD

PRIVATE SD

PARCEL B

TREATMENT SWAP AREA TO SALVADOR LANE

PARCEL D
58 PM 46

ACACIA
TRACT 9498
(UNDER CONSTRUCTION)

SALVADOR LANE

LOT 13
448 M 5

LOT 3
448 M 5

LOT 2
448 M 5

LOT 1
448 M 5

LOT 11
448 M 5

LOT 10
448 M 5

AMADOR COURT

TREATMENT SWAP AREA FROM HONEY LANE (TREAT WITHIN DMA 9)

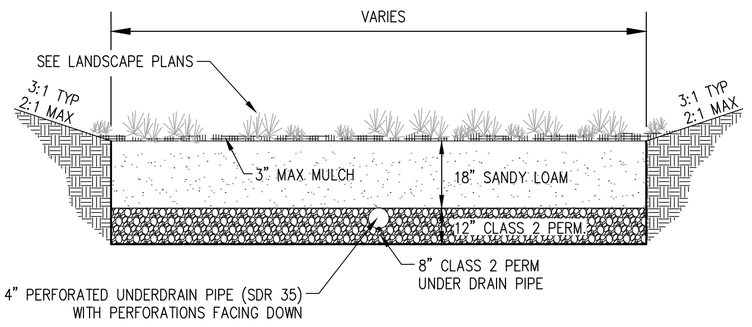
TREATMENT SWAP AREA FROM HONEY LANE (TREAT WITHIN DMA 10)

SUBDIVISION
8727

GRAHAM
COURT

LEGEND

25	LOT NUMBER
	PROPOSED RIGHT OF WAY
	PROPOSED LOT LINE
	PROPOSED FACE OF CURB
	DMA BOUNDARY
	BIORETENTION AREA
DMA 1	DRAINAGE MANAGEMENT AREA
IMP 1	INTEGRATED MANAGEMENT PRACTICE – BIORETENTION AREA
	TREATMENT SWAP AREA (HONEY LANE TO SALVADOR LANE)



LANDSCAPE & BIO RETENTION AREA DETAIL

NOT TO SCALE

NOTE:

1. SANDY LOAM SOIL MIX SHALL HAVE MINIMUM LONG TERM PERCOLATION RATE OF 5"/HOUR.
2. TREATMENT MAY EXTEND INTO SLOPE TO ELEVATION OF 6" PONDING AS NECESSARY IN SPACE CONSTRAINED PARCELS.

HONEY / CREEKSIDE

PRELIMINARY STORMWATER CONTROL PLAN

SUBDIVISION 9579

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 50' DATE: JANUARY, 2022

OAKLEY CALIFORNIA

0 50 100 150

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SHEET NO. TM-5

F:\3365-000\ACAD\VTM\TM05.DWG

CITY OF OAKLEY

ORDINANCE NO. XX-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND REZONING TWO PARCELS COMPRISED OF APPROXIMATELY 10.6 ACRES LOCATED AT 463 HONEY LANE (APN 033-030-028) AND 560 HONEY LANE (APN 033-030-032) FROM SINGLE FAMILY RESIDENTIAL (R-6) DISTRICT TO PLANNED UNIT DEVELOPMENT (P-1) DISTRICT FOR THE PROJECT TITLED "HONEY CREEKSIDE SUBDIVISION 9579" (RZ 03-21)

WHEREAS, on August 4, 2021, Nuvera Homes ("Applicant") filed an application requesting approval of the following three entitlements ("Project"):

1. A Rezone (RZ 03-21) of an approximately 10.6-acre project site from R-6 (Single Family Residential) District to P-1 (Planned Unit Development) District;

2. A Vesting Tentative Map (TM 02-21) subdividing approximately 10.6 acres into 57 single residential lots, street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area); and

3. Design Review (DR 08-21) for floor plans, elevations, colors and materials detail, preliminary site plan, and conceptual landscape plans

WHEREAS, the project site is located at 463 and 560 Honey Lane and is zoned R-6 (Single-Family Residential) District. (APNs: 033-030-028 and 033-030-032); and

WHEREAS, the proposal complies with the requirements of the rezoning application requirements of Section 2.4.012 (a) of the Oakley Municipal Code; and

WHEREAS, the Applicant has initiated a project to change the zoning for the property from Single Family Residential (R-6) District to Planned Unit Development (P-1) District; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared a Draft Initial Study/Mitigated Negative Declaration ("IS/MND"). The Notice of Intent ("NOI") to Adopt an MND and IS was circulated for public review and comment from March 25, 2022 to April 13, 2022. It was filed with the County Clerk and Governor's Office of Planning and Research ("OPR"), emailed or mailed out to over 60 public agencies and parties requesting such notice, and posted in the same manner as a Notice of Public hearing, which is at locations throughout the City and at the project site; and

WHEREAS, on April 15, 2022, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On or before August 14, 2022, 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 the notice was 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.

WHEREAS, on April 26, 2022, the City Council adopted Resolution XX-22 adopting the Mitigated Negative Declaration for this entire project, including the application for a rezone to P-1 District; and

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

SECTION 1. Findings. Pursuant to Chapter 2.4.012 of the Oakley Municipal Code, the City Council of the City of Oakley hereby finds and determines as follows:

A. The change proposed will substantially comply with the General Plan in that the proposed rezone to the Planned Unit Development (P-1) District in will provide for a planned unit development project with a density of 5.39 dwelling units er gross acre dwelling units per gross acre (du/ga), which is withing the range of the applicable Residential Low/Medium (RLM) land use designation of 3.8-5.5 du/ga. The project integrates connectivity to the park and fluidity of the local road network, as well as visual openness to Marsh Creek.

B. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts in that the proposed change in the Zoning from Single Family Residential (R-6) District to Planned Unit Development (P-1) District will not result in providing new uses not already permitted in the existing R-6 District, rather the proposed P-1 District is only permitting single family residential uses and auxiliary uses allowed in residential districts in the Oakley Municipal Code. Land to the west, south, and east is all single family residential, and Creekside Park lies to the north.

C. Community need, but not necessarily future financial success, has been demonstrated for the use proposed in that a community need has been demonstrated for the proposed use. The Project will result in the construction of additional housing units, which is necessary to meet demand in the community in that: The City of Oakley falls under the jurisdiction of the Association of Bay Area Governments (ABAG). ABAG uses a predominately demographic formula to allocate the regional housing needs among the incorporated cities and unincorporated county. This process results in a Regional Housing Needs Assessment (RHNA) and the number reflected in that assessment becomes part the City of Oakley's estimated housing needs. The development of this project will help the city meet its regional fair share housing goal.

SECTION 2. Property Defined and Rezoned.

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the Oakley Zoning Map is amended to rezone the following parcels from Single Family Residential (R-6) District to Planned Unit Development (P-1) District:

A. Approximately 4.990 acres of real property located at 463 Honey Lane, Oakley, CA 94561 (APN 033-030-028), and approximately 5.615 acres of real property located at 560 Honey Lane, Oakley, CA 94561 (APN 033-030-032), as shown on the "Exhibit A" attached to this ordinance.

SECTION 3. Applicable Regulations and Standards.

A. Planned Unit Development (P-1) District – The P-1 District shall allow for Single Family Residential development consistent with Honey Creekside Subdivision 9579 project application consisting of 57 single family lots at a density of approximately 5.39 dwelling units per gross acre. The Development Standards of the P-1 District are contained within the Applicant's Plans date stamped January 14, 2022, which make up the Final Development Plan, approved as part of the entire project by the City Council on April 26, 2022.

SECTION 4. California Environmental Quality Act (CEQA) Finding.

Pursuant to California State Law, an Initial Study was conducted by the Planning Division to evaluate the potential effects of this project upon the environment. The Initial Study analysis found there were no potentially significant impacts, and therefore a Mitigated Negative Declaration was prepared. Based upon the findings contained in the Initial Study it has been determined that this project will not have a significant impact upon the environment.

SECTION 5. Severability.

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

SECTION 6. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed 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 was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

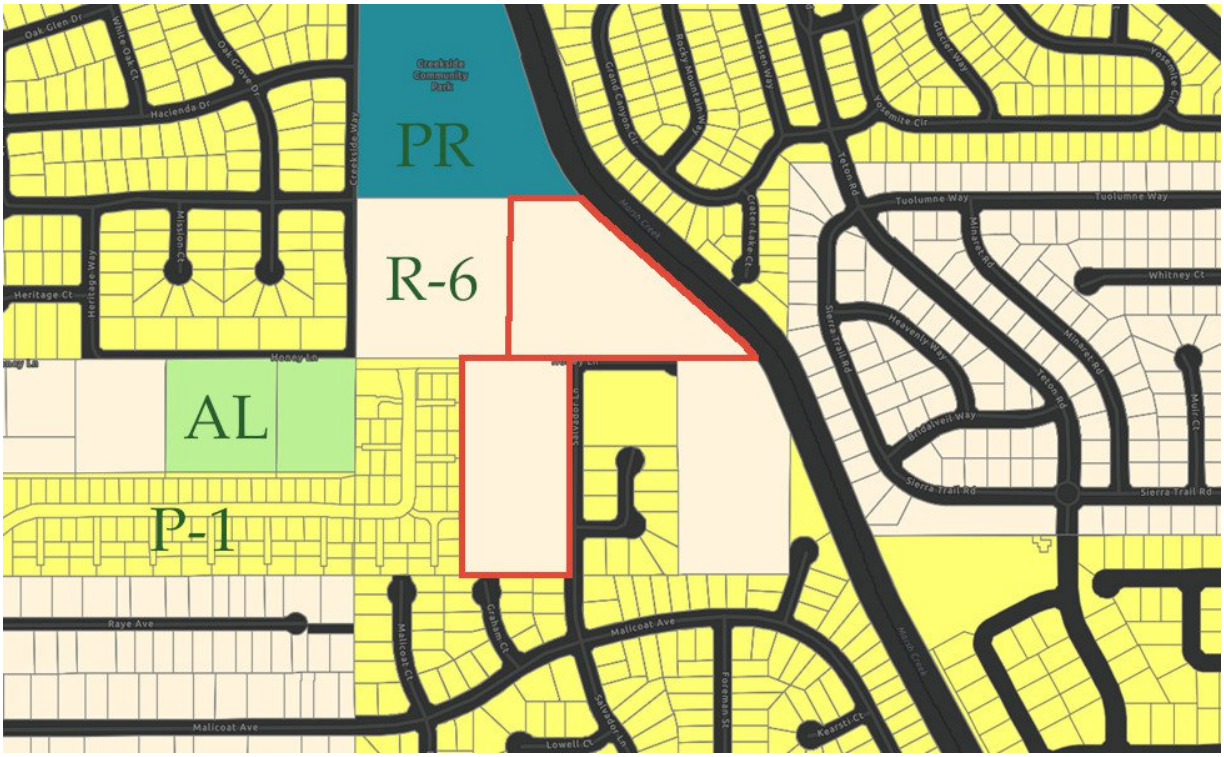
_____
Randy Pope, Mayor Date

ATTEST:

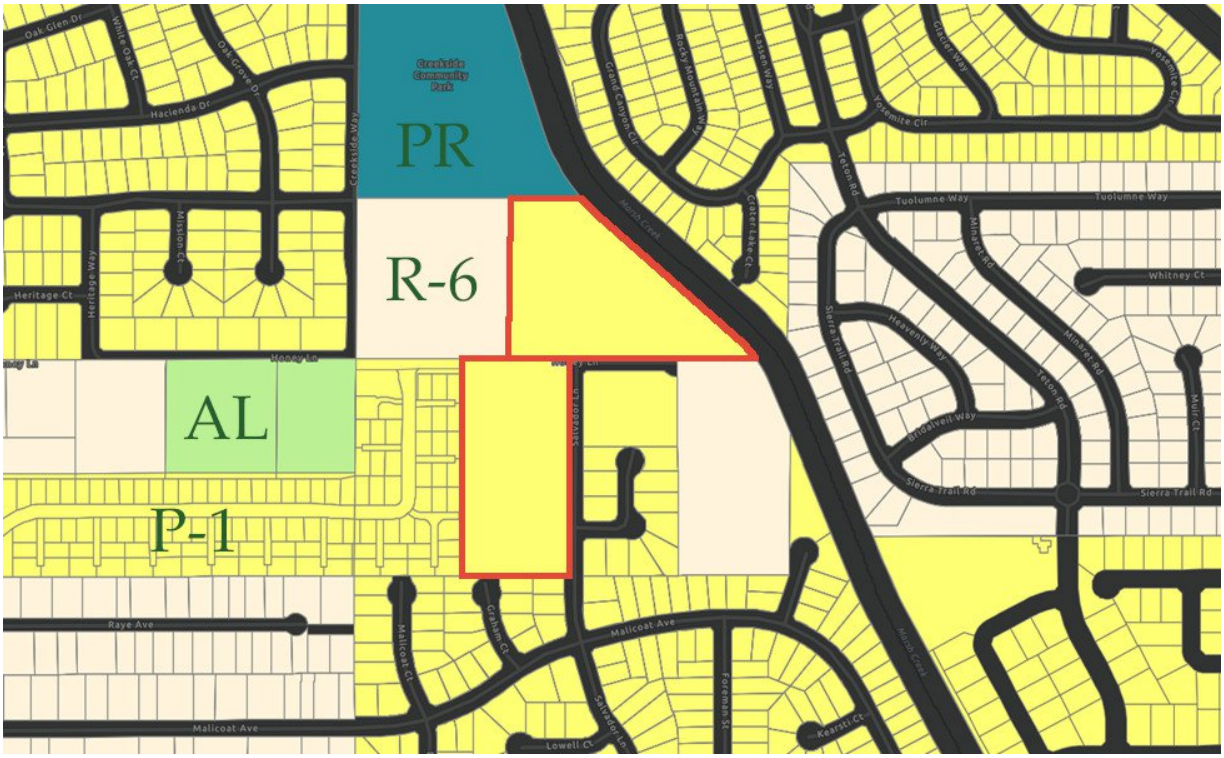
_____
Libby Vreonis, City Clerk Date

Honey Creekside Subdivision 9579 Rezone (RZ 03-21)

Existing Zoning District: Single Family Residential (R-6) District



Proposed Zoning District: Planned Unit Development (P-1) District



RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND ADOPTING A MITIGATED NEGATIVE DELCARATION, APPROVING A VESTING TENTATIVE MAP (TM 02-21) TO SUBDIVIDE APPROXIMATELY 10.6 ACRES INTO 57 SINGLE FAMILY RESIDENTIAL LOTS, AND ASSOCIATED DESIGN REVIEW (DR 08-21) FOR THE PROJECT KNOWN AS HONEY CREEKSIDE SUBDIVISION 9579: APNS 033-030-028 AND 033-030-032

WHEREAS, on August 4, 2021, Nuvera Homes ("Applicant") filed an application requesting approval of: 1) a Rezone (RZ 03-21) of an approximately 10.6-acre project site from R-6 (Single Family Residential) District to P-1 (Planned Unit Development) District; 2) a Vesting Tentative Map (TM 02-21) subdividing approximately 10.6 acres into 57 single residential lots, street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area; and 3) Design Review (DR 08-21) for floor plans, elevations, colors and materials detail, preliminary site plan, and conceptual landscape plans ("Project"); and

WHEREAS, the project site is located at 463 and 560 Honey Lane and is zoned R-6 (Single-Family Residential) District. (APNs: 033-030-028 and 033-030-032); and

WHEREAS, on December 9, 2021, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as Residential Low/Medium (RLM) in the Oakley General Plan, and zoned R-6 (Single Family Residential) District; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared a Draft Initial Study/Mitigated Negative Declaration ("IS/MND"). The Notice of Intent ("NOI") to Adopt an MND and IS was circulated for public review and comment from March 25, 2022 to April 13, 2022. It was filed with the County Clerk and Governor's Office of Planning and Research ("OPR"), emailed or mailed out to over 60 public agencies and parties requesting such notice, and posted in the same manner as a Notice of Public hearing, which is at locations throughout the City and at the project site; and

WHEREAS, on April 15, 2022, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On or before April 14, 2022, the Notice of Public Hearing was posted at the Project site, 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, and the notice was 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 April 26, 2022, 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, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its April 26, 2022 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

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

A. The Project's Initial Study/Mitigated Negative Declaration ("IS/MND") was adopted by the City Council in conjunction with the Project's Vesting Tentative Map (TM 02-21) and Design Review (DR 08-21) approvals. Development of the project is subject to all adopted mitigation measures as included in the IS/MND unless modified pursuant CEQA Guidelines and adopted by the City Council.

B. In regard to the application requesting approval of Vesting Tentative Map 9579 (TM 02-21) to subdivide approximately 10.6 acres into 57 single residential lots, street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area, the City Council finds that:

1. The Project's Initial Study and Mitigated Negative Declaration were prepared in accordance with CEQA Guidelines; and

2. The proposed Vesting Tentative Map ("VTM"), together with the provisions of its design and improvements, is consistent with the Zoning Ordinance, and applicable portions Residential Low/Medium (RLM) General Plan Land Use Designation, in that the VTM's gross density (apx. 5.39 du/ga) falls within the gross density range of the RLM General Plan Land Use Designation of 3.8-5.5 du/ga, and the VTM is tied to a P-1 District, which sets its own development regulations, such as required yard setbacks and lot sizes; and

3. The site is physically suitable for the type of development in that it is accessible, not physically constrained other than the requirement to not develop with the 75-foot creek setback, is similar to surrounding uses, and it is also able to accommodate the proposed density of development in a manner consistent with the underlying land use designation; and

4. The site is physically suitable for the proposed density and number of dwelling units in that he proposed VTM falls within the allowable density

while creating lots compliant with the project's P-1 District, and public roads to access the homes; and

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 57 single family residential lots. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement; and

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 and improving the project frontage along Honey Lane, with roadway, sidewalks, curbs and gutters, and landscaping adjacent to the project's frontage; 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 that the VTM provide public access and private access easements to the two residential parcels located near the project.

C. In regards to the application requesting approval of Design Review (DR 08-21) for house plans, to subdivide approximately 10.6 acres into 57 single residential lots, street right of ways, landscaping, stormwater detention treatment areas, and Marsh Creek setback area, the City Council finds that:

1. The proposed Design Review plans are substantially consistent with the applicable General Plan designation of Residential Low/Medium (RLM) and the project's approved tentative map and P-1 District zoning; and

2. The proposed Residential Siting and Lot Design is consistent with the City of Oakley Residential Design Guidelines in that the Applicant has plotted the homes to provide substantial variation in the garage setbacks from front property line, changes in roof plans among the same floor plan assist in giving the overall neighborhood more visual variety, and the inclusion of 64% one-story homes will allow for variety in overall vertical massing along the streetscape; and

3. The Architectural Character of the proposed single-family homes is consistent with the applicable City of Oakley Residential Design Guidelines in that a variety of materials and architectural styles are used allowing for several different color schemes, and as conditioned, the homes will have unique garage doors and exterior lighting designs for each architectural type.

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Tentative Map (TM 02-21) and Design Review (DR 08-21),** subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **August 4, 2021**, 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 ON EITHER PARCEL UNLESS OTHERWISE NOTED:

PLANNING DIVISION CONDITIONS OF APPROVAL

General:

1. This **Tentative Map (TM 02-21) and Design Review (DR 08-21)** are approved, as shown on the revised plans, date stamped by the Community Development Department on January 14, 2022, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. These approvals shall be effectuated within a period of three (3) years from the effective date of this resolution (which is based on the effective date of the related Rezone approval) by recording a final map and if not effectuated shall expire on that same date three years later. Prior to the expiration date, the applicant may apply for a Tentative Map Extension pursuant to the provisions of the Zoning Code and Subdivision Map Act.

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 **April 26, 2022**.

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. All mitigation measures addressed in the environmental document shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for this project (incorporated as Exhibit A), per the review and approval of the Community Development Director.

8. The applicant shall comply with all mitigation measures contained within the HCP Planning Survey Report for the Project, per the review and approval of the Community Development Director.

9. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

10. The applicant shall post a copy of the City of Oakley General Plan 2020 Land Use Diagram, in a conspicuous place, within the model homes or sales office.

Development Standards:

11. The project development standards have been established as part of the P-1 (Planned Unit Development) District Rezone application (RZ 03-21).

Parks and Landscaping:

12. This project is not proposing to construct any parkland. The applicant will be required to pay the full in-lieu park impact fees on each lot.

13. The final landscape plan shall include all trees as shown on the conceptual landscape plans approved with the project. Modifications to the species, size, or location of the trees is subject to the review and approval of the Community Development Director and City Engineer. It is the responsibility of the applicant to plan utilities, joint trenches, and other improvements that could interfere with placement of trees in a manner to allow the trees to be planted without conflict to those other improvements.

14. 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 in compliance with the City's Water Conservation Ordinance.

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

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

17. The applicant shall maintain all private landscaping until occupancy.

Fences and Walls:

18. Within the subdivision good neighbor fences shall be constructed as shown on the proposed landscape plans, and be constructed of wood that is resistant to rotting and warping, and erected with galvanized metal posts surrounded and completely hidden by wood fascia that matches the main fencing. Posts and fascia shall be capped by either a decorative upper fence rail or post cap. Good neighbor fences facing a street shall be constructed of a durable material such as, but not limited to, masonry, vinyl, enhanced wood, composite or other durable material, or stained or painted on both sides to prevent water damage, subject to the review and approval of the Community Development Director.

19. Any CMU walls, such as landscape retaining walls, shall use colored (i.e., non-grey) split-face CMU for all publicly and privately visible portions of the wall.

20. Anti-graffiti techniques shall be used on any masonry walls or fences.

Subdivision Design:

21. The neighborhood entries shall be identified by accent paving as shown on the approved plans. The type of paving is subject to the review and approval of the Community Development Director and City Engineer.

22. Driveway openings may be a maximum 18' in width or up to 25% of the lot's frontage, whichever is larger.

23. The street names shall be approved by the Community Development Department and the East Contra Costa Fire Protection District.

24. Prior to the first building permit final inspection, the applicant shall establish either a Maintenance Area Association or Homeowner Association for the purposes of maintaining the bioretention areas as indicated on the vesting tentative map, trees and landscaping between the bioretention areas and right of way, trees and landscaping within the parkway strips on Salvador Lane and "A" Street, and Parcel A, until ownership is transferred either through dedication, sale, or deed.

25. The applicant shall be allowed flexibility with the right of way along the frontage of Lots 26 and 27. If the currently proposed project to the south is approved and underway in time to allow Honey Lane to continue to the east, the applicant may modify that frontage to continue straight, resulting in slightly larger lots and the ability to modify the siting of each home. Minimum setbacks established by the P-1 District would still apply. Any modification to that right of way is subject to the review and approval of the Community Development Director and City Engineer.

Subdivision Disclosures:

26. 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.

27. 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:

28. The applicant shall include details of home exterior lighting for each architectural type as part of the master plan submittals. Each architectural type shall have unique exterior lighting that complements that respective style. Spec sheets shall also be included in the master plans. The home exterior lighting is subject to the review and approval of the Community Development Director.

29. The applicant shall integrate additional false shutters on more of the homes, as appropriate and allowable by the existing architecture of the home. Shutters should also be included on all rear elevations, as appropriate, and on any side elevations where it faces the park, creek, or a roadway. All false shutters shall match the width of the window. Final approval is subject to the review and approval of the Community Development Director.

30. The applicant shall include window muntins specific to each architectural type, as appropriate, on front elevations and second story windows on rear elevations, as well as second story windows on side elevations that face the park, creek, or a roadway. Final approval is subject to the review and approval of the Community Development Director.

31. The use of stone or brick veneer shall be carried to the fence line or change in wall plane per the review of the Community Development Director.

Energy Efficiency:

32. Water heaters shall provide an energy efficiency factor of 0.62 or better.

33. Dual zone air conditioning shall be provided on all two-story residential units.

34. 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.

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

Waste Management Plan:

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

BUILDING DIVISION CONDITIONS OF APPROVAL

37. 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.

38. 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.

39. Prior to requesting a Certificate of Occupancy or final approval from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Community Development Department/Planning Division and Public Works and Engineering Department place Conditions of Approval on the project, those respective departments/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 OF APPROVAL

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

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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 Manual on Uniform Traffic Control ("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 Monday, Tuesday, Thursday, and Friday, and 8:30AM to 12:00PM on Wednesdays.

    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.

50. 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.

51. 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.

52. 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.

53. 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.

54. CONSTRUCTION NOISE. 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. 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.

55. 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:

56. EXISTING WELLS. Provide documentation that any gas wells located onsite have been abandon per regulations.

57. 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.

58. 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

59. 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:

60. PUBLIC IMPROVEMENTS. Construct the project streets within public right of way 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.

61. 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. Honey Lane and Salvador Lane shall be constructed with curb, gutter, sidewalk, street lights, pavement widening, signing, striping, and storm drainage as required consistent with the Vesting Tentative Map with 60 feet of right way and 40 feet street width curb to curb.

    B. Conduct a stop warrant analysis for the proposed four-legged intersection of Honey Lane and Salvador Lane.

    C. Design Honey Lane and Salvador Lane with traffic calming improvements such as speed tables, speed bumps, or bulb outs where necessary as required by the City Engineer.

62. DRAINAGE IMPROVEMENTS.

A. 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.

B. 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.

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

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

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

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

63. 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 on Oakley Road and other public streets identified with this project as required by the City Engineer.

64. 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.

65. JOINT TRENCH PLANS. The applicant shall submit Joint Trench 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 HOA. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

66. 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 the final lift or paver installation of street.

67. STREET LIGHTS. Install streetlights along all project streets and the project's main frontage along Oakley Road. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative per City Standards and the lights along Oakley shall be spun aluminum "cobra head" style as required by the City of Oakley Standard Plans.

68. LANDSCAPING IN PUBLIC RIGHT OF WAY.

    A. Prepare landscape plans for landscape improvements within the public right of way. Landscape plans shall be prepared by a licensed landscape architect.

    B. Install public right-of-way landscaping along the project's frontages as required by the City Engineer and Community Development Director.

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

    D. 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.

69. SOUNDWALL. Soundwalls shall be installed within private property and not within public right of way.

70. MAINTENANCE EXHIBIT. Submit a maintenance exhibit showing the responsible maintenance entity of proposed subdivision improvements. Exhibit must clearly show which areas are to be maintained by the City of Oakley.

    A. Parcel A to be retained and maintained by the Owner/Developer until the improvement of the Marsh Creek Restoration Project currently planned for the area adjacent to the project.

    B. Parcel B to be retained and maintained by the Owner/Developer until public roadway improvements are constructed and accepted by the City as public right of way.

    C. Bioretention Areas and all landscaping between the bioretention areas and right of way, and all landscaping and trees within parkway strips along Salvador Lane and "A" Street shall be maintained by a Maintenance Area Association.

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

71. 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) and 50% (labor and material) prior to issuance of any permit.

72. 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 are issued. Insurance shall be provided per the terms of the Subdivision Agreement.

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

    A. Dedicate an offer of dedication for Parcel A to the City of Oakley.

    B. Dedicate the required right-of-way along the project frontage as shown in the typical sections of the Tentative Map.

    C. Public Utility Easement (PUE): 5' PUE beyond right of way or property lines as required.

    D. Ingress-egress, storm drainage easements, and emergency access 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 the first building permit, the applicant must provide the necessary documentation that any existing easements no longer necessary have been quitclaimed.

74. 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.

75. UTILITY SETBACKS. House 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.

76. DRAINAGE FEES. This project is located within Drainage Area 30B (DA 30B) and Drainage Area 130 (DA 130), for which drainage fees are due in accordance with Flood Control Ordinance Number 2006-51 and 2007-06 respectively. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinances.

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

77. 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.

78. 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.

79. 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.

80. 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.

81. IMPACT FEES

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

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

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

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

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

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

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

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

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

82. ANNEXATIONS

A. Annex the property to the City of Oakley Community Facilities District No. 2018-1 Fire Protection Services (CFD) for funding certain services within the boundaries of the City of Oakley including fire protection services. 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 the applicant. 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 the final map.

B. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by the subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. If the homes 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 filing of the final map.

ADVISORY NOTES

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

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

B. The project will require a grading permit pursuant to the Ordinance Code.

C. Applicant shall comply with the requirements of 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 Fees (adopted by Ordinance No. 08-21 & City Council Resolution No. 124-07).

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th day of April, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____

Randy Pope, Mayor Date

ATTEST:

_____

Libby Vreonis, City Clerk Date

Honey Creekside Subdivision 9579 Project
Mitigation Monitoring Program

– March 2022

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study / Mitigated Negative Declaration for the Honey Creekside Subdivision 9579 Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
IV. Biological Resources					
IV(e)	*IV-1* *Prior to the issuance of grading permits, the applicant shall retain a certified arborist to develop a tree preservation plan for protected trees in accordance with the recommendations presented in the Preliminary Arborist Report prepared for the project. The tree preservation plan shall be implemented throughout the construction period, and is anticipated to include, but not be limited to, the following practices:* *1. Establish a Tree Protection Zone around each tree to be preserved. Trenching, excavation, construction, or storage of materials shall not occur within the Tree Protection Zone and underground services, including utilities, sub-drains, water, or sewer shall not be place in the Tree Protection Zone;* *2. Any pruning shall be completed by a Certified Arborist or Tree Worker in accordance with ANSI standards;* *3. All tree work shall comply with the Migratory Bird Treaty Act, as well a California Fish and Wildlife Code Section 3503-3513 to not disturb nesting birds. To the extent feasible,*	Project Developer	City of Oakley Planning Division	Prior to issuance of a grading permit	

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
	tree pruning and removal shall be scheduled outside the breeding season; and *4. Work that is expected to encounter tree roots, such as excavation within the dripline, shall be approved and monitored by the Consulting Arborist.* *The tree preservation plan shall be submitted to the Community Development Department for review and approval.*				
V. Cultural Resources					
V(b,c)	*V-1. If buried archaeological, paleontological, and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the discovery and the developer shall immediately notify the City of Oakley Planning Division of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery, as appropriate. The archaeologist shall be required to submit to the City of Oakley Planning Division for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not*	Project Developer	City of Oakley Planning Division Qualified Archaeologist	During construction	

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
	be allowed until the preceding work has occurred. *The foregoing requirements shall be noted on the project improvement plans, subject to review and approval by the City of Oakley Planning Division.* *V-2. Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place within 100 feet of the find until the identified appropriate actions have been implemented.*	Project Developer	Contra Costa County Coroner Native American Heritage Commission	During construction	

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
VII. Geology and Soils					
VII(aiii and c)	*VII-1. Prior to approval of any grading permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Investigation prepared for the proposed project by Quantum Geotechnical, Inc. Proof of compliance with all recommendations specified in the Geotechnical Investigation shall be subject to review and approval by the City Engineer.* *The project plans shall include, but not be limited to, engineering recommendations related to grading, surface and subsurface drainage, bio-filtration areas, foundations, miscellaneous concrete flatwork, retaining walls, pavement areas, utility trenches, and project review and construction monitoring.* *The site demolition activities shall also specify that any underground structures, such as abandoned pipe lines, septic tanks, and leach fields, encountered during demolition and construction shall be properly removed, all excavations left open for backfilling, and loose material created by the demolition of existing structures and grubbing trees should be excavated and replaced as engineered fill.*	Project Civil Engineer	City Engineer	Prior to approval of any grading permits	

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
VII(f)	*VII-2. Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	
IX. Hazards and Hazardous Materials					
IX(b)	*IX-1. Prior to the issuance of a grading permit, the existing domestic/irrigation well shall be removed/abandoned in accordance with County and State regulations and in cooperation with Contra Cost County Health Services Agency (CCCHSA). Proof of compliance shall be submitted to the City's Planning Department.*	Project Applicant	City of Oakley Planning Division Certified Asbestos and/or Lead Risk Assessors	Prior to the issuance of a demolition permit	
XIII. Noise					
XIII(a)	*XIII-1. Prior to approval of grading permits, the following criteria shall be established and noted on graded plans, subject to review and approval by the City of Oakley Planning Division:* • *Construction activities shall be limited to between the daytime hours of 7:30 AM to 7:00 PM Monday through Friday, and 9:00 AM to 7:00 PM on Saturdays, Sundays, and holidays* *.* • *Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust*	Project Applicant	City of Oakley Planning Division	Prior to approval of grading permits	

Honey Creekside Subdivision 9579 Project Mitigation Monitoring Program					
Impact	**Mitigation Measures**	**Implementing Party**	**Monitoring Agency**	**Implementation Schedule**	**Sign-Off**
	mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. • *When not in use, motorized construction equipment shall not be left idling for more than five minutes.* • *Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.*				
XVIII. Tribal and Cultural Resources					
XVIII(a,b)	*XVIII-1.Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	

OAKLEY
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STAFF REPORT

DATE: April 26, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Felicia Escover, Assistant to the City Manager

SUBJECT: CONSIDERATION OF A COOPERATIVE AGREEMENT WITH CONTRA COSTA COUNTY FOR THE DEMOLITION OF THE FORMER COUNTY SHERIFF'S OFFICE DELTA SUBSTATION LOCATED AT 210 O'HARA AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Background and Analysis

The former Contra Costa County Sheriff's Office substation located at 210 O'Hara Avenue has been vacant since September 2019. During this time, the building has been subject to vandalism and trespassing and has required regular clean-ups of the site, diverting resources from other efforts. Staff has partnered with the County on a cooperative agreement that would allow for beneficial use of the site, specifically, the construction of a community library.

The agreement includes the following key terms:

Demolition of the Building on the Property

The 4,220 square foot building is nearly 100 years old and in a dilapidated condition. The size and state of the structure are not conducive for a library or other public use, leaving demolition as the most judicious option.

Cost-sharing of Demolition Costs up to $200,000

The current estimate of demolition costs is $400,000. Upon completion of the demolition, the County would reimburse the City 50%, minus the costs associated with keeping the existing wireless communication tower operational which is estimated to be upwards of $50,000.

Transfer of the Property from Contra Costa County to the City

The County will transfer ownership of the property to the City upon the City or community partner securing capital and operational funds for the library prior to July 30,

2024. The Contra Costa County Library provides each city with 40 base hours of staffing leaving the City with minimal operating costs. These additional operating costs would be limited to building upkeep and library hours above 40 hours a week.

The proposed agreement was executed by the County Board of Supervisors on September 7, 2021, and gives the City until July 30, 2024, to identify funding. If funding is not secured by the term date, the property will revert to the County. City Staff intends to explore every possibility to meet the timeline given that the library is part of the City's Strategic Plan and there is a great need in the community for a robust library.

The California Reading Coalition produced a report indicating that only 27% of socio-economically disadvantaged Hispanic/Latino (Latinx) third-grade students in Oakley Union Elementary are at a proficient reading level [1]. The California Department of Education also reports that 43% of the Oakley Union Elementary student population, or over 2,100 students, are eligible for free or reduced-price meals; or have parents/guardians who did not receive a high school diploma[1]. These numbers suggest that many students and their families are experiencing challenges and may benefit from additional programs and services.

The City's current library is situated inside Freedom High School. This 3000-square-foot space adjacent to the high school's library was meant to be a temporary location pending a standalone site. This arrangement presents many challenges given its space limitations. Contra Costa County library staff do a tremendous job offering various programs and services such as virtual Dungeons and Dragons, Virtual Teen Advisory Group, and passive programs like take 'n' make crafts. However, programming and community accessibility are limited due to the following:

- Limited open hours: 40 hours/week due to lack of space for staff
- No study rooms
- No space for large events
- Limited number of computers (8 desktops and 12 laptops)
- No quiet study spaces
- Extremely limited seating
- Very limited space for early literacy educational toys
- Inadequate parking
- No handicap parking space & limited handicap accessibility
- School vehicle traffic

The space poses other barriers including lack of public transportation, sharing restrooms with students, and individuals being uncertain about being allowed onto a high school campus. Additionally, the Library staff has recognized the following challenges – (1) the facility doesn't have a water fountain or water bottle fill station for patrons or staff (2) there is no true break room on the library side; staff has to use the teachers' lounge on the other side of A building to get water and rinse out cups and

[1] https://www.caschooldashboard.org/reports/07617620000000/2021

dishes (3) volunteers do not have access to a sink to use for Library programs and has to use the restroom sinks to clean up which is troublesome and can be messy.

Collectively, these reasons may be responsible for the low library cardholder rates in Oakley compared to similar-sized cities in Contra Costa County. Currently, 8,538 Oakley residents have a library card compared to Martinez residents (16,912), San Pablo (16,940), and Pleasant Hill (11,571). Furthermore, the senior citizen usage is 75% lower at the Oakley branch when compared to libraries of similar size. Library data also shows that 6% of Brentwood Library's checkouts come from Oakley residents. Additional usage statistics and comparisons can be found in the agenda packet attachment "Contra Costa County Library Partnerships".

If inadequacies in the space are addressed, many of the aforementioned barriers and accessibility concerns would be eliminated. Additionally, the following programming could be offered to community members:

- Kindergarten Countdown
- Sensory Storytime
- Bilingual Storytime
- Maker Space
- STEAM Programs
- Craft/Art Activities
- Project Second Chance tutoring
- Computer instruction
- Any type of group instruction or assistance
- Community posting board
- ESL Conversation Group
- Friends of the Oakley Library book sale
- Book clubs

City Staff will work closely with the community to design a Library project that meets the needs of current and future residents. With that said, the City is committed to incorporating best practices from modern libraries. Features include co-location of community services (employment services, caseworkers, etc.), study rooms, meeting and event spaces, a bookstore, and a café. These features would serve youth, teens, adults, and special populations including veterans, seniors, and those who may be struggling financially.

The execution of the agreement would be the first step in pursuing the creation of a standalone City-owned community library. Site control and a shovel-ready project are critical to pursuing capital funding for a community library through earmarks, public-private partnerships, grants, and other means.

If the cooperative agreement is approved by the City Council, staff will pursue various funding strategies to bring back to the City Council for deliberation. City Staff will also work with the Friends of the Oakley Library and the County Library Foundation to consider fundraising strategies.

Consistency with the Oakley Strategic Plan 27+

The execution of this agreement is consistent with the Community and Economic goal of Strategic and Thoughtful Growth, specifically the third objective. Objective 3.5 tasks the City with revitalizing and drawing people downtown to live, work, and play through considering relocating the co-hosted City/High School Library to a downtown location that can be a unifying location for Seniors, Youth, Veterans, and a possible satellite location for County services.

Fiscal Impact

The County will reimburse the City 50% of the demolition costs estimated at $400,000, minus the costs associated with keeping the existing wireless communication tower operational which is estimated to be upwards of $50,000. In the event that the library funding cannot be secured before June 30, 2024, the City would be responsible for the full amount of the demolition. The City could be responsible for costs up to $400,000; however, that number will likely be between $200,000 to $250,000. To date, $200,000 has been budgeted.

Staff Recommendation

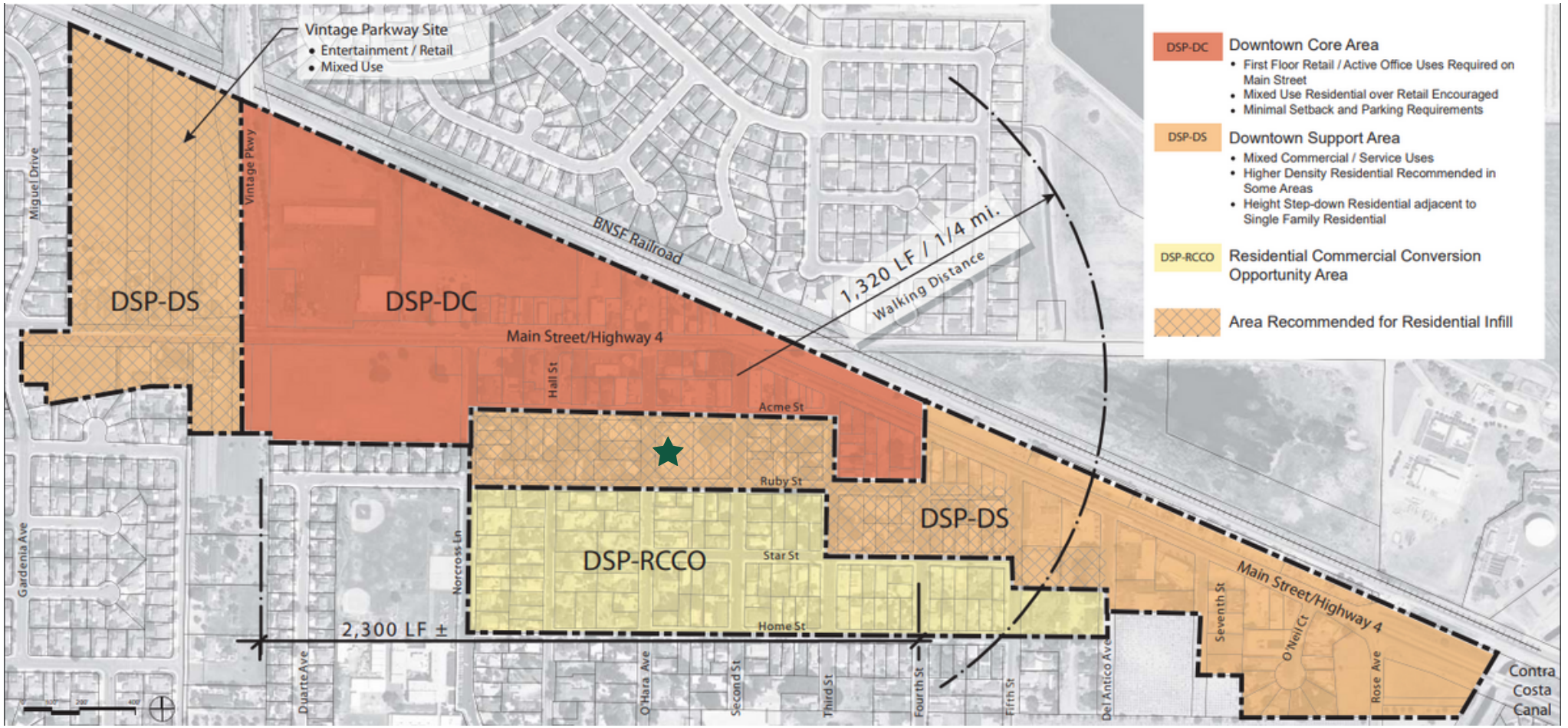
Staff recommends that the City Council approve and authorize the City Manager to execute a cooperative agreement with Contra Costa County for the demolition of the former County Sheriff's Office delta substation located at 210 O'Hara Avenue.

Attachments

Site Map & Photos
Contra Costa County Library Partnerships
Board of Supervisors C.131 Item, September 7, 2021
Agreement

OAKLEY
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Downtown Specific Plan Subarea Map



Base Map is an excerpt from the City's Downtown Specific Plan: https://www.ci.oakley.ca.us/departments/planning-zoning/specific-pla

OAKLEY
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Street View of 210 O'Hara

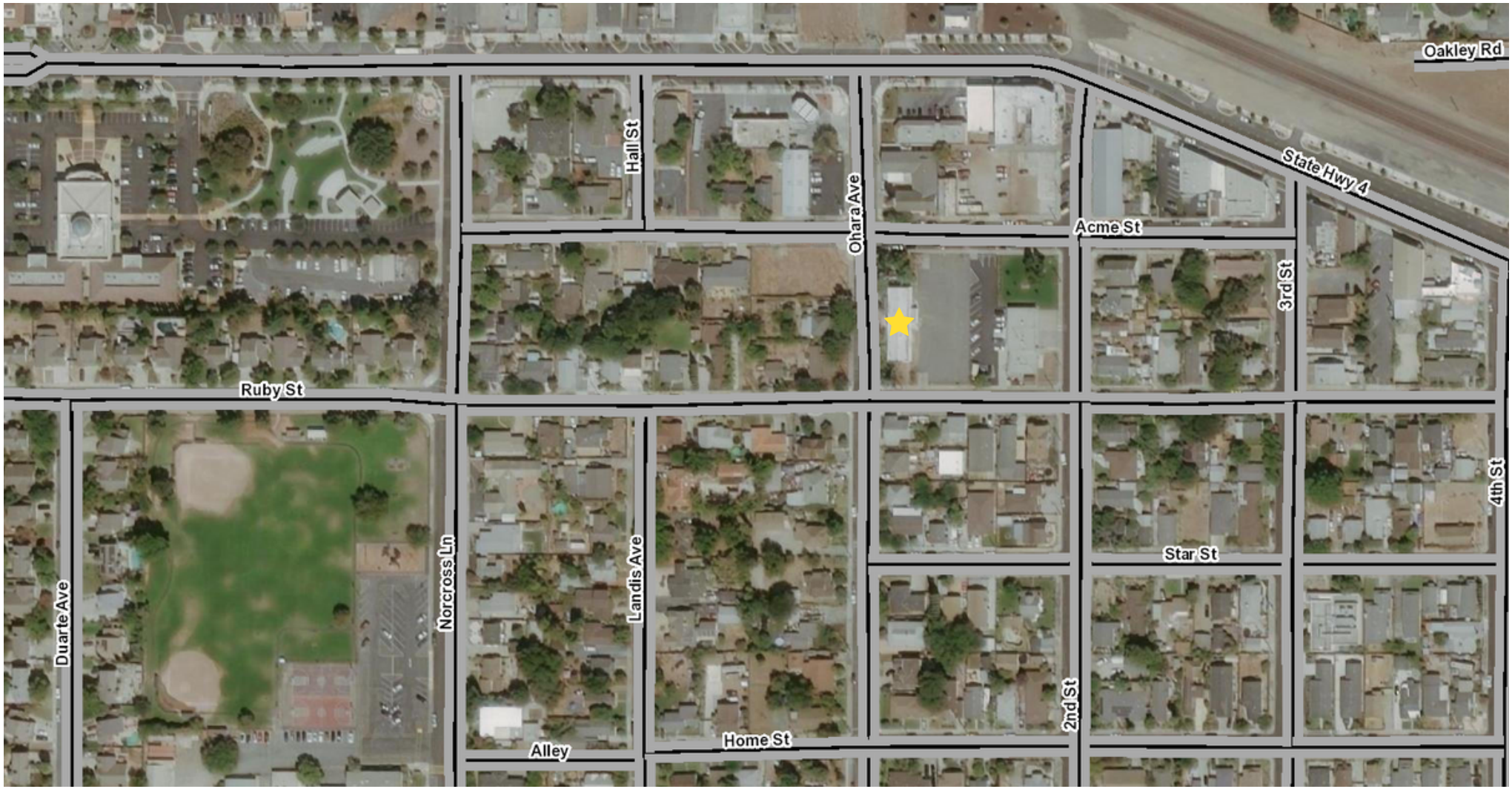


Image from https://ccmap.cccounty.us/

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Site Photos - Front/Street View



OAKLEY
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Site Photos - Entrances







OAKLEY
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Site Photos - Back





Contra Costa County Library Partnerships

Library/City	City Funding	Open Hours	Sq. ft.
Antioch	Facility costs	40	11,000
Brentwood	Facility, 12 extra hours	52	20,721
Clayton	Facility	40	15,500
Concord	Facility, 12 extra hours	52	11,300
Danville	Facility, 16 extra hours	56	17,000
Dougherty Station	Facility, 6 extra hours	46	11,600
El Cerrito	Facility, 6 extra hours	46	6,400
Hercules	Facility, 6 extra hours	46	21,500
Lafayette	Facility, 16 extra hours	56	35,000
Martinez	Facility	40	6,792
Moraga	Facility	40	10,913

Library/City	City Funding	Open Hours	Sq. ft.
Oakley		40	3,000/6,000
Orinda	Facility, 16 extra hours	56	17,000
Pinole	Facility costs	40	17,098
Pittsburg	Facility	40	9,196
Pleasant Hill	Facility	40	21,500
Prewett*	Facility	35	1,500
San Pablo	Facility, 12 extra hours	52	22,387
San Ramon	Facility, 16 extra hours	56	21,338
Walnut Creek	Facility, 12 extra hours	52	42,000
Ygnacio Valley	Facility costs, 12 extra hours	52	13,202

Features of modern libraries:

- Spaces that support families and hands-on participatory early childhood learning
- Teen spaces
- Study rooms and workspaces
- Multiuse space (meetings, performances, classes and technology center)
- ADA accessibility
- Bookstore and Café

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Usage of Contra Costa County Libraries

Library/ City	Open Hours	Sq. ft.	Pop.	Annual Visitors	Card Holders
Antioch	35	11,000	80,480	93,585	27%
Brentwood	50	20,721	86,178	206,806	21%
Clayton	44	15,500	12,671	118,531	41%
Concord	52	11,300	131,330	181,995	26%
Danville	56	17,000	62,137	269,944	34%
Dougherty Sta.	50	11,600	48,331	186,542	---
■ El Cerrito	50	6,400	29,020	171,262	32%
■ El Sobrante	35	7,474	16,353	68,502*	41%
Hercules	43	21,500	26,548	109,702	30%
Kensington	35	5,094	5,347	52,245	53%
Lafayette	58	35,000	28,679	293,642	49%

Library/ City	Open Hours	Sq. ft.	Pop.	Annual Visitors	Card Holders
■ Martinez	35	6,792	49,774	93,279	34%
■ Moraga	39	10,913	17,348	90,174	42%
■ **Oakley**	**40**	**3,000/6000**	**43,371**	**60,443**	**20%**
Orinda	60	17,000	19,489	116,215	50%
Pinole	24	17,098	29,722	39,554	17%
Pittsburg	35	9,196	72,841	66,137	25%
■ Pleasant Hill	43	21,500	42,867	309,553	27%
■ San Pablo	47	22,387	37,645	210,413	45%
San Ramon	58	21,338	48,331	263,773	46%
Walnut Creek	56	42,000	60,778	404,496	55%
Ygnacio Valley	56	13,202	26,048	120,266	---

■ = Libraries with similar or smaller populations than Oakley that are opened comparable number of weekly hours

*FY16-17 (branch closed parts of FY17-18 and FY18-19)

Increased Usage At New Contra Costa County Libraries

Library Branch	Previous Sq. Ft.	Previous Open Hours	Year Rebuilt	Current Sq. Ft.	New Open Hours	Previous Annual Visits	Current Annual Visits	Percentage Increase In Visits
Brentwood	6,272	56/week	2018	20,721	56/week	162,056	206,806	**28%** ⬆
San Pablo	8,909	39/week	2017	22,387	47/week	128,054	210,413	**64%** ⬆
Lafayette	6,720	40/week	2009	35,000	58/week	166,683	293,642	**76%** ⬆
Walnut Creek	9,240	56/week	2010	42,000	56/week	196,818	404,496	**100%** ⬆







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Contra Costa County

To: Board of Supervisors

From: Monica Nino, County Administrator

Date: September 7, 2021

Subject: Cooperative Agreement with the City of Oakley

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a Cooperative Agreement with the City of Oakley, subject to approval by the County Administrator and approval as to form by County Counsel, in an amount not to exceed $200,000 for the demolition of the former Sheriff's Substation at 210 O'Hara Avenue in Oakley and the transfer of the property to the City of Oakley, for the term September 7, 2021 to July 30, 2024.

FISCAL IMPACT:

County contribution of up to $200,000 in demolition costs. 100% General Fund.

BACKGROUND:

The Sheriff's Office relocated their operations from the building at 210 O'Hara Avenue in Oakley, CA to another east county location. The building is vacant and has become an attractive nuisance requiring weekly clean up by Public Works staff. The City of Oakley has expressed interest in potentially using the site for a City library. The cooperative agreement would allow the City of Oakley to demolish the building with the current estimate of the demolition costs being $400,000. Upon completion of the demolition the County would reimburse the City for 50% of the demo costs and transfer the property to the City for use as a library site. If the City is unable to secure funding for library construction within 36 months of the transfer the property would revert to the County.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/07/2021** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 7, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Eric Angstadt; 925-655-2042

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Not approving the agreement would cost the County ongoing expenses for maintenance, clean up and security of a vacant building and property for which the County has no current use.

COOPERATIVE AGREEMENT BETWEEN THE CITY OF OAKLEY AND CONTRA COSTA COUNTY REGARDING THE DEMOLITION OF THE COUNTY-OWNED BUILDING LOCATED AT 210 O'HARA AVENUE IN OAKLEY AND TRANSFER OF THE PROPERTY

This Cooperative Agreement (this "Agreement") is entered into on the ____ day of _____ , 2021 (the "Effective Date") by and between the City of Oakley (hereinafter "City") and Contra Costa County, a political subdivision of the State Of California (hereinafter "County"), (each, a "Party"; and collectively, "Parties").

RECITALS

A. The County owns a 4,220 square foot building (the "Building") situated on approximately 0.62-acres of real property located at 210 O'Hara Avenue in Oakley (as more specifically described on Exhibit A attached hereto, the "Property") that is the former County Sheriff's Office Delta Substation, which the County relocated to Brentwood in September of 2019.

B. The Building is no longer needed by the County, is nearly 100 years old and is in a dilapidated and deteriorated condition.

C. The Building has been vacant since September 2019 and has been subject to a significant amount of vandalism.

D. The Friends of the Oakley Library, City officials, and the County have identified the Property as a possible location for a new Oakley library building.

E. The County and City desire to work cooperatively to demolish the Building and study the possibility of conveying the Property to the City for the City's construction of a stand-alone Oakley Library.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is acknowledged, the County and the City hereby agree as follows:

1. Cooperation. The Parties agree to work cooperatively to demolish the Building as set forth in this Agreement. Further, the Parties agree to work cooperatively on an analysis of the possibility of utilizing the Property for a stand-alone City-owned Library.

2. Project. The project involves the completion of the required studies and permits for the demolition of the Building, the successful completion of the demolition of the Building, and the County's reimbursement to the City for 50% of the demolition costs, as provided herein (the "Project"). The estimated cost of the Project is $400,000.

3. Building Demolition**.**

   a. The City shall obtain all permits, approvals, CEQA analysis, and entitlements necessary for the Project.

   b. The City shall provide the County with final plans, drawings, and specifications for demolition of the Building. The County shall review the engineering plans, final contract plans, and final specifications for demolition of the Building within 45 days of receipt from the City. The City shall: (1) advertise the Building demolition contract, administer the bidding, and award the Building demolition contract; (2) advertise the Building demolition contract no later than 90 days following the County's written approval of the final plans and specifications for the Building demolition, with award of the contract to follow within a reasonable time thereafter; and (3) perform contract administration and take all other necessary steps to demolish the Building according to the County-approved final plans and specifications. The City will comply with California Labor Code Sections 1720-1861, and all other statutes applicable to demolition of the Building.

   c. The City shall not demolish the communications tower located on the Property (the "Telecommunications Tower") or interrupt the power supply to the Telecommunications Tower.

   d. The City shall maintain the Property after the Building is demolished unless and until the Property reverts to the County as a result of no library being constructed in accordance with Section 8 of this Agreement.

4. Project Changes.

   a. The City shall not make or cause to be made any changes in the final plans or specifications without the prior written consent of the County.

   b. The City will administer all contract change orders for the Project. The City shall send copies of all contract change orders to the County for the County's review. All contract change orders shall be approved in writing by the County appointed representative prior to execution by the City. If the City does not receive written notice of the County's approval or disapproval of a contract change order within 10 business days of the City notifying the County of the change order in writing, the contract change order will be deemed approved by the County. The County shall not unreasonably withhold its approval of change orders.

5. Inspections.

a. The City will perform field inspections of the Building demolition to determine conformance with plans and specifications and any change orders. The County hereby grants the City and its contractors a right of entry upon the Property to effect demolition of the Building.

b. The County has the right to perform field inspections of the Building demolition to determine conformance with plans and specifications. The County will notify the City of any change orders that are necessary to remedy design deficiencies or address nonconformance with plans and specifications

6. Acceptance, Completion, and Assignment.

a. Upon completion of the Building demolition, the City and the County shall conduct a joint final inspection of work. After the City and the County have determined that the work performed has been completed in accordance with the approved plans and specifications and to the City's and the County's satisfaction, and after the County has provided written notice to the City of its approval of the work, the County shall accept work as complete and shall promptly record a notice of completion.

b. Upon the County's written approval of the work, the City shall assign to the County its rights under all contracts pertaining to the Building demolition, including but not limited to all rights to proceed against any contractors, persons, or entities connected with the design, demolition and management of the work, and shall assign to the County all express warranties and all warranties existing at law.

c. The Building demolition portion of the Project will be considered complete when the County records a notice of completion, and all rights under all contracts pertaining to the Building demolition have been assigned to the County pursuant to subsection (b) above.

7. Payment of Project Costs.

a. Subject to subsection (b) below, the City shall pay all costs connected with the demolition of the Building, including without limitation, all bidding-phase and construction-phase architectural services and all applicable fees. The total cost of the Project is not intended to exceed $400,000. If it appears at any time that the total cost of the Building demolition will exceed $400,000, the City and the County will meet to review the costs and schedules and evaluate together how best to bring the Building demolition to completion. Nothing in this section shall obligate the County to pay any costs other than those specified in subsection (b) of this section.

b. As part of the Project, the County will pay for any costs associated with keeping the Telecommunications Tower operational after the Building is demolished (the "Tower Maintenance Costs"). The County shall document the Tower Maintenance Costs and submit them to the City in association with section 7(c). The Tower Maintenance Costs will be deducted from the County's portion of the Project Cost that the County will reimburse the City for as further described in section 7(c).

c. Within thirty (30) days after completion of the Building demolition, the City shall present a written report to the County reflecting the total cost of the Building demolition (the "Project Cost") and the details of the Project Cost. Within forty five (45) days of receipt of the City's report of the Project Cost, County shall reimburse the City fifty percent (50%) of the Project Cost minus the Tower Maintenance Costs as described in section 7(b).

8. Conveyance of Property.

a. In consideration of the agreements contained herein and subject to the reversionary interest set forth in Section 8(d), within thirty (30) days after the County has reimbursed the City for the County's portion of the Project Cost, the County will convey to the City title in fee simple to the Property, subject to the easement described in Section 8(c), and all existing improvements except for the Telecommunications Tower . The existing improvements that are conveyed to the City shall be conveyed in an "as in" physical condition with no warranty express or implied as to any matter.

b. The City and its heirs, successors or assigns, shall not have any claim, or assert any right or action, against the County for any loss, damage or other matter arising out of or resulting from the condition of the Property and the existing improvements conveyed to the City.

c. The County will not convey to the City title to the Telecommunications Tower. The County will reserve an easement on, and for access to, that portion of the Property on which the Telecommunications Tower is located. The easement will be reserved to the County and its successors and assigns for use by the County, and users authorized by the County, for County purposes, including but not limited to radio transmission purposes, as determined necessary by the County.

d. If, within thirty-six (36) months after the date the City takes title to the Property, the City has not provided the County with evidence satisfactory to the County that the City has obtained funding for the construction, operation and maintenance of a new library on the Property, the City shall convey to the County title in fee simple to the Property.

9. Contractor Obligations. The City shall cause the contract documents for the Building demolition to include provisions requiring the successful bidder to provide insurance, indemnity, warranties and bonds in the amounts and manner set forth below.

a. Insurance. The City shall cause the following insurance requirements to be incorporated into all contracts entered into by the City, its contractors, subcontractors and assigns, in connection with this Agreement: "contractor shall maintain: (1) workers' compensation insurance pursuant to state law; (2) commercial general liability insurance, including contractual liability (or blanket contractual) coverage, owners' and contractors' protective coverage, and broad form property damage coverage, with a minimum of $2,000,000 per occurrence; (3) builders' risk insurance in an amount equal to the construction contract amount, with a waiver of subrogation for the City and County, and naming the City and the County as loss payees; and (4) vehicle liability insurance with a minimum combined single-limit coverage of $500,000 per occurrence." Contractors shall provide certificates of insurance, copies of policies, or endorsements evidencing the above insurance coverage and requiring at least 30 days' written notice to the City and the County of policy lapse, cancellation, or material change in coverage. The commercial general liability insurance and vehicle liability insurance shall include endorsements naming the City and the County, and their governing bodies, officers, agents and employees, as additional insureds. The aforementioned insurance policies shall contain a provision that the insurance afforded thereby to the additional insureds shall be primary insurance to the full limits of the policy and that, if any of the additional insureds has other insurance or self-insurance against a loss covered by such policy, such insurance or self-insurance shall be excess insurance only.

b. Indemnity. The Building demolition contractor will be required to defend, indemnify and hold harmless the City and County, and their governing bodies, officers, agents and employees, from and against any and all liability, claims, actions, cause of action or demands whatsoever against any of them, including related attorneys' fees, arising out of or connected with any injury or death of any person or damage to property or other liability of any nature arising out of or in any way connected with the Building demolition.

c. Warranties. In addition to all warranties existing at law, the Building demolition contractor will be required to provide an express warranty for the benefit of the City and the County, in form and for a time period satisfactory to the City and the County, containing, at a minimum, the contractor's guarantee that the work has been performed in accordance with the plans and specifications, and the contractor's agreement to repair or replace all work that fails to conform to the plans and specifications or proves to be defective in workmanship or materials during the stated time period.

d. Bonds. The Building demolition contractor will be required to present two good and sufficient surety bonds, for payment and performance, each in an amount equal to 100 percent of the contract price, issued by a surety admitted in the State of California in a form satisfactory to the City and the County, naming the, City and the County as obligees on the bonds.

10. Accountability. The City will be strictly accountable for all funds and will report all receipts and disbursements for the Building demolition to the County when requested by the County.

11. Term. The term of this Agreement is from the Effective Date and shall continue until July 30, 2024, unless earlier terminated as provided herein. This Agreement may be terminated immediately by the mutual written consent of the governing bodies of the City and the County.

12. Indemnification. City shall indemnify, defend and hold harmless County, its officers, and employees from and against any and all claims, demands, costs, suits and actions resulting from any loss, damage, or injury of any kind whatsoever, including but not limited to personal injury or injury to real or personal property, related to the City's performance of its obligations under this Agreement and related to the Project.

13. Notices. Any notice required to be given by any Party, or which any Party may wish to give to another Party, must be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To Oakley:	**To the County:**
City of Oakley	Contra Costa County
3231 Main Street	1025 Escobar Street, 4th Floor
Oakley, CA 94561	Martinez, CA 94553
Attn: City Manager	*Attn*: County Administrator

Notice will be deemed effective on the date personally delivered or, if mailed, three days after deposit in the United States mail.

14. Successors. This Agreement is binding upon each Party and any of its successors and permitted assigns. No Party may assign or transfer any part of this Agreement without the written consent of the other Parties.

15. Third Parties. This Agreement is not intended, nor shall it be construed, to confer any rights or benefits on any third party.

16. No Waiver. The failure of any Party to insist upon the strict performance of

any of the terms, covenant and conditions of this Agreement will not be deemed a waiver of any right or remedy that any Party may have, and will not be deemed a waiver of their right to require strict performance of all of the terms, covenant, and conditions thereafter.

17. Governing Law and Venue. This Agreement will be construed and its performance enforced under California law. In the event that a suit is brought by any Party to this Agreement, the Parties agree that venue will be exclusively vested in the State courts of the County of Contra Costa or, if federal jurisdiction is appropriate, exclusively in the United States District Court for the Northern District of California, in Oakland, California.

18. Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to its subject matter and supersedes all prior or contemporaneous agreements, representations and understanding of the Parties. The Recitals above and each of the attached Exhibits, are true, correct and made a part this Agreement.

19. Amendment. This Agreement may only be amended by mutual consent in writing of the Parties.

20. Maintenance of Records. The Parties will retain all digital files, books, documents, papers, accounting records and other evidence pertaining to Agreement-related invoice payments for not less than three years after the expiration or termination of this Agreement.

21. Review of Records. If requested, the Parties' auditors, or any duly authorized representative of the Parties, will have access to the other Parties' digital files, books, records, and documents that are pertinent to Agreement-related invoice payments for audits and examinations for a period of three years after the expiration or termination of this Agreement. Timely notice will be provided prior to the conducting of any audit.

22. Severability. If any term, covenant, condition, or provision of this Agreement, or the application thereof to any person or circumstance, is to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions and provisions of this Agreement, or the application thereof to any person or circumstance, will remain in full force and effect and will in no way be affected, impaired or invalidated thereby.

23. Dispute Resolution. Should any dispute arise out of this Agreement, including but not limited to claims that any of the Parties has failed to meet its obligations established by this Agreement, the Parties may meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable

mediator. The costs of the mediator, if any, shall be paid for by each Party on an equal basis. Each Party will bear its own attorney's fees, if any.

24. Counterparts. This Agreement may be executed simultaneously or in counterparts, each of which is to be deemed to be an original, but all of which shall constitute one and the same Agreement.

25. Further Assurances. Whenever requested to do so by the other Party, each Party will execute, acknowledge and deliver all further conveyances, assignments, confirmations, satisfactions, releases, powers of attorney, instruments of further assurance, approvals, consents and all further instruments and documents as may be necessary, expedient, or proper in order to complete all conveyances, transfers, sales, and assignments under this Agreement, and do all other acts and to execute, acknowledge, and deliver all documents as requested in order to carry out the intent and purpose of this Agreement.

26. Warranty of Authority to Execute Agreement. Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

CITY OF OAKLEY

By: _____
Joshua McMurray
Interim City Manager

ATTESTED BY:

By: _____
Libby Vreonis
City Clerk

APPROVED AS TO FORM:

Counsel

By: _____
Derek P. Cole
City Attorney

CONTRA COSTA COUNTY

By:_____
Monica Nino
County Administrator

By:_____

APPROVED AS TO FORM:
Mary Ann McNett Mason, County

By: _____
Deputy County Counsel

Exhibit A
Property Description

[Insert Legal Description]