AGENDA
REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION

Tuesday, August 5, 2025
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561.
Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

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.oakleyca.gov.

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

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

We provide social media options to stay connected to City Hall through Facebook, X, Next Door and Instagram.

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

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that Oakley Planning Commission meetings are video recorded and attendees may appear on video.

Members of the public may address the Oakley Planning Commission on items of interest that

are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Oakley Planning Commission 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 public speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Oakley Planning Commission Chair will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

1. OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

1.2 Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS
At this time, the public is permitted to address the Planning Commission on non-agendized items.

3. CONSENT CALENDAR
Consent Calendar items are typically non-controversial in nature and are considered for approval by the Planning Commission with one single action. Members of the audience, Staff or the Planning Commission who would like an item removed from the Consent Calendar for purposes of public input may request the Chair remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Chair.

3.1 Approve Minutes from the Regular Planning Commission Meeting held June 3, 2025 (Kim Snodgrass, City Clerk)
Minutes

4. PUBLIC HEARINGS

4.1 Mathnasium Conditional Use Permit (CUP 2025-04) (Evan Gorman, Associate Planner)
California Environmental Quality Act (CEQA) Determination: find the project is exempt under the “Existing Facilities” categorical exemption (14 Cal. Code Regs./CEQA Guideline sec. 15301)

Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 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) Adopt the Resolution

Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Mathnasium Floorplan
4. Draft Resolution

4.2 General Plan Amendment in Compliance with AB 2140 (GPA 2025-002) - Recommendation to the City Council to adopt a resolution approving a

General Plan Amendment (GPA 2025-002) amending the Community Health and Safety Element of the City of Oakley General Plan with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan – City of Oakley Annex in compliance with Assembly Bill 2140 (2006) (Ken Strelo, Community Development Director)
CEQA Determination: recommend that the City Council find that the project is exempt under the "Common Sense" exemption (14 Cal. Code Regs./CEQA Guideline sec. 15061(b)(3))

Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing, 4) Receive Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Adopt the Resolution
Staff Report
1. Notice of Public Hearing
2. Tracked Changes to Applicable Section of the General Plan
3. Proposed Resolution

5. REGULAR CALENDAR

6. REPORTS

6.1 Reports from Staff Members

6.2 OAKLEY PLANNING COMMISSION
(a) Reports from Commission Members
(b) Requests for Future Agendas

7. WORK SESSIONS

8. ADJOURN

MINUTES OF THE REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION HELD JUNE 3, 2025

1. OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

Chair Diego Verduzco called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Chair Leonard Price and Commissioners Kerry Harvey, Yared Oliveros and Oleksii Chuiko were also present.

1.2 Pledge of Allegiance to the Flag

Chair Verduzco led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

None

3. CONSENT CALENDAR

3.1 Approve Minutes from the Regular Planning Commission Meeting held May 6, 2025 (Kim Snodgrass, City Clerk)

It was moved by Commissioner Harvey and seconded by Commissioner Oliveros to approve the Consent Calendar. Motion was unanimous and so ordered. (5-0)

4. PUBLIC HEARINGS

4.1 Kumon Learning Center Conditional Use Permit (CUP 2025-02) (Evan Gorman, Associate Planner)

Associate Planner Evan Gorman presented the report.

Commissioner Chuiko and Commissioner Oliveros asked questions and provided comments and Mr. Gorman responded.

Chair Verduzco opened the Public Hearing; there were no public comments, so he closed the Public Hearing.

It was moved by Commissioner Chuiko and seconded by Vice Chair Price to approve item 4.1. Motion was unanimous and so ordered. (5-0)

4.2 Adopt a Resolution Recommending the City Council Adopt Zoning Text Amendments related to the Housing Element Action Implementation of Policy Actions 1.1, 3.5, and 3.6 (Jose Cortez, Senior Planner)

Senior Planner Jose Cortez presented the report.

Commissioners Oliveros, Harvey and Chuiko asked questions and Mr. Cortez responded.

Chair Verduzco opened the Public Hearing; there were no public comments, so he closed the Public Hearing.

It was moved by Commissioner Harvey and seconded by Commissioner Oliveros to approve item 4.2. Motion was unanimous and so ordered. (5-0)

5. REGULAR CALENDAR

5.1 Adopt a Resolution Finding that the Proposed 2025-2030 Capital Improvement Program (CIP) is consistent with the General Plan of the City of Oakley as required by sections 65401 and 65402 of the Government Code (Kevin Rohani, P.E., Public Works Director/City Engineer)

Engineering Manager Billilee Saengchalern presented the report on behalf of Public Works Director Kevin Rohani.

Commissioner Oliveros, Chair Verduzco and Commissioners Harvey and Chuiko asked questions and Ms. Saengchalern responded.

It was moved by Commissioner Oliveros and seconded by Commissioner Chuiko to approve item 5.1. Motion was unanimous and so ordered. (5-0)

6. WORK SESSIONS

None

7. REPORTS

7.1 Reports from Staff Members

Community Development Director Ken Strelo reported June 6th will be Friday Night Bites and Concert in the Park, June 11th there will be a Fireworks Community Forum, June 14th a Juneteenth celebration, June 21st Movies on Main Street, June 28th Oakley Summerfest and July 1st is the next Planning Commission Meeting.

7.2 OAKLEY PLANNING COMMISSION

(a) Reports from Commission Members

Chair Verduzco reported he will not be available for the next meeting.

Commissioner Oliveros reported she attended the TRANSPLAN Committee meeting.

Chair Verduzco asked Commissioner Oliveros a question regarding a Tri Delta Transit program. Commissioner Oliveros responded.

Commissioner Oliveros asked a question about the Fireworks Community Forum and Mr. Strelo responded.

(b) Requests for Future Agendas

None

8. ADJOURN

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Kim Snodgrass
City Clerk

OAKLEY
CALIFORNIA

DATE: August 5, 2025

TO: Joshua McMurray, City Manager

FROM: Evan Gorman, Associate Planner

Approved and Forwarded to the Planning Commission

SUBJECT: **Mathnasium Conditional Use Permit (CUP 2025-04) –** Request for Approval of a Conditional Use Permit to Operate a Math Tutoring Facility

Summary

An application by Samridhi Maths LLC ("Applicant"), requesting approval of a Conditional Use Permit (CUP 2025-04) for a math tutoring facility in the new Oakley Shops at Laurel Fields Shopping Center ("Project"). The proposed use, defined in Oakley's Municipal Code as an "Educational facility including small (generally less than 2,000 square feet) designed to augment the learning process of elementary and secondary students", requires the approval of a Conditional Use Permit in the RB (Retail Business) Zoning District. The project site's address is 990 Laurel Road, Suite 1B and it is zoned RB (Retail Business) District. (APN 035-220-036).

Figure 1 – Proposed Location (Front View)



Figure 2 – Proposed Location under Construction (Rear View)



Background

GENERAL PLAN

Commercial (CO) – provides for neighborhood, community, and regional-serving retail and service uses; limited office uses; restaurants; service stations; highway-oriented and visitor-serving commercial and lodging; auto-serving and heavy commercial uses; public and semi-public uses; public gathering facilities, and similar and compatible uses.

ZONING

RB (Retail Business) District – The purpose of the RB District is to retain small-scale businesses and facilities that will provide a wide range of services to adjacent neighborhoods and to the community as a whole. Properties in the RB District are intended for small-scale developments that are adjacent to, or within the vicinity of, residential districts.

PROJECT SITE

The project site is a 8.77 acres shopping center, Oakley Shops at Laurel Fields, which is under construction at the northeast corner of Laurel Road and O'Hara Avenue. The shopping center will have a variety of businesses within it, including a Safeway grocery store as its major tenant. The proposed location is a 1,020 square foot commercial suite in the northwest corner of the property. The suite is between a proposed Baskin Robbins location and another available tenant space. There is extensive parking for the uses within the shopping center.

Figure 3 – Oakley Shops at Laurel Fields



Project Description

The applicants propose to operate a Mathnasium learning center, a math-only tutoring facility for students in grades K–12. Mathnasium is a nationally recognized tutoring brand with locations throughout the United States. This center would provide general math instruction, homework assistance, and test preparation. The proposed hours of operation are Monday through Friday from 11:00 AM to 7:00 PM, and Saturday and Sunday from 10:00 AM to 2:00 PM. The space would be furnished with tables and chairs for instructor-led sessions, along with a dedicated station for instructors to conduct online tutoring. Students would be dropped off and then picked up by their parents following the one-hour sessions.

CONDITIONAL USE PERMIT

The proposed use, defined as an "Educational facility including small (generally less than 2,000 square feet) designed to augment the learning process of elementary and secondary students", requires the approval of a Conditional Use Permit in the Retail Business District. The purpose of Conditional Use Permits is to allow cities to review and regulate uses that may be appropriate in some locations but not others, or appropriate only if operated in a certain manner. Conditions can be imposed through the public hearing process to minimize negative impacts on neighboring properties or the community. A Conditional Use Permit requirement also provides an

opportunity for neighbors and stakeholders to provide public comment during a public hearing.

Analysis

To grant a Conditional Use Permit, the Planning Commission must make a series of findings for approval, including that the proposed use is appropriate for the site in terms of size, shape, and design; is served by adequate streets and infrastructure; is compatible with the character of the surrounding area and consistent with the General Plan; supports the orderly growth of the community; and complies with the California Environmental Quality Act.

The proposed Mathnasium location conforms to the required findings for approval, in part due to its limited scope. The findings for conditional use permits are primarily intended to ensure quality site development when a new building is constructed. While this building is under construction, the shopping center's site design was reviewed and approved through a separate process in 2024 (Planning Commission Resolution No. 16-24). Mathnasium's proposed operations are typical for a commercial tutoring center and are compatible with the intended character of the shopping center. The proposed tenant space is found to be large enough for the use and it has access to parking for its instructors, consistent with the first required finding for approval. The adjacent streets have widths and pavement types that can handle the traffic to the learning center. The use of the property as a learning center would also not be detrimental to the continued growth and orderly development of Oakley, a key required finding for conditional use permits in this City.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities of the State of California CEQA Guidelines. Section 15301 of the State CEQA Guidelines exempts projects when the proposed project involves only negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed commercial use is appropriately occupying an existing commercial space.

Findings

Draft findings for the Conditional Use Permit application can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the goals in the section of the Oakley Strategic Plan 27+ entitled, "Community and Economic Development Goal". Careful consideration of the project in relation to the findings for approval and the

proposed conditions of approval ensure the use meets community service demands while remaining compatible with Oakley's neighborhoods.

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 Planning Commission adopt the resolution approving "Mathnasium Conditional Use Permit (CUP 2025-04)", as conditioned.

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Mathnasium Floorplan
4. Draft Resolution

Vicinity Map

Mathnasium Conditional Use Permit (CUP 2025-04),
990 Laurel Road, Suite 1B, Oakley, CA 94561 APN: 035-220-028



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 5, 2025, at 6:30 p.m.**, or as soon thereafter as the matter may be heard, the Planning Commission 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 the application described below:

Project Name: Mathnasium Conditional Use Permit (CUP 2025-04)

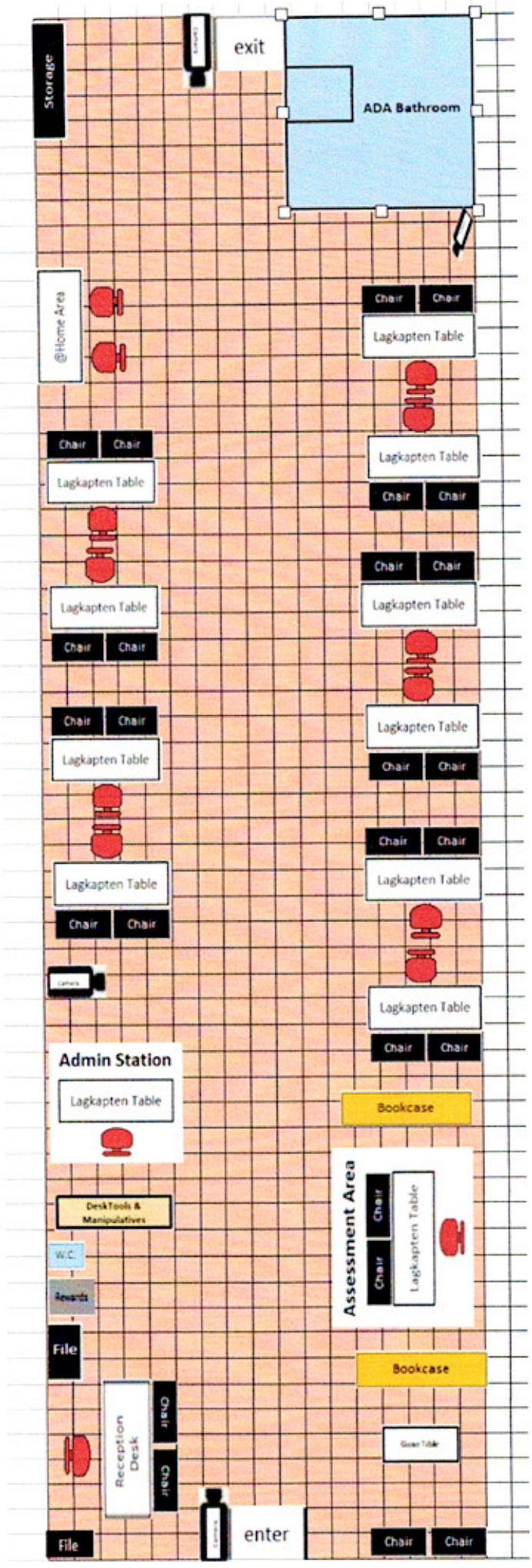
Project Location: The project is located at 990 Laurel Road, within the Oakley Shops at Laurel Ball Fields Shopping Center. (APN 035-220-028)

Applicant: Samridhi Maths LLC, 2108 N St., Suite N, Sacramento, CA 95816

Request: Application by Samridhi Maths LLC ("Applicant"), requesting approval of a Conditional Use Permit for a math tutoring facility in the new Oakley Shops at Laurel Ball Fields Shopping Center. The proposed use, defined in Oakley's Municipal Code as an "Educational facility including small (generally less than 2,000 square feet) designed to augment the learning process of elementary and secondary students", requires the approval of a Conditional Use Permit in the RB (Retail Business) Zoning District. The project site's address is 990 Laurel Road and it is zoned RB (Retail Business) District. (APN 035-220-036).

How to Review: The Staff Report and its attachments will be available for public review, on or before **July 31, 2025,** 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 **August 5, 2025, Planning Commission** 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 Evan Gorman, Associate Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to **Gorman@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.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RESOLUTION NO. -25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING THE PROJECT KNOWN AS "MATHNASIUM CONDITIONAL USE PERMIT (CUP 2025-04)", LOCATED AT 990 LAUREL ROAD (APN: 035-220-036)

WHEREAS, on June 11, 2025, Samridhi Maths LLC ("Applicant") filed an application requesting approval of a Conditional Use Permit (CUP 2025-04) for an educational facility in a commercial tenant space at 990 Laurel Road, Suite 1B ("Project"), in the Oakley Shops at Laurel Fields Shopping Center. APN: 035-220-036; and

WHEREAS, on July 10, 2025, the project application was deemed complete per Government Code section 65920 et seq.; and

WHEREAS, the project site is designated Commercial (CO) on the Oakley 2020 General Plan Land Use Map, and zoned Retail Business (RB) District; and

WHEREAS, on or before July 25, 2025, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the project's boundaries, interested agencies, and to parties requesting such notice; and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 – Existing Facilities"; and

WHEREAS, on August 5, 2025, the Planning Commission opened the public hearing and received a report from City Staff, oral and written testimony from the Applicant and public, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted this resolution to approve the project, as conditioned and revised by the Planning Commission during its deliberations; and

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

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning, and the information submitted to the Planning Commission at its August 5, 2025 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

A. Regarding the application requesting approval of a Conditional Use Permit for “Mathnasium Conditional Use Permit (CUP 2025-04)”, the Planning Commission finds that:

1. The site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 8-acres and the Retail Business (RB) Zoning District allows for the proposed use with the approval of a Conditional Use Permit; and

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as Laurel Road and O’Hara Avenue, which are designed to handle project generated traffic; and

3. The proposed use will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed use is permitted in the Retail Business (RB) Zoning District with the approval of a Conditional Use Permit; and

4. The proposed use provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it is located in an existing commercial space. The use and site are a result of Oakley's zoning that allows for Commercial properties that can accommodate this type of use; and

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act; and

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the Planning Commission approves the Applicant’s request for approval of the project titled, “Mathnasium Conditional Use Permit (CUP 2025-04)” 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 date stamped received by the Planning Division on June 11, 2025, as well as additional information acquired since that time and made a part of the project file.

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

Planning Department Conditions

General:

1. This Conditional Use Permit (CUP 2025-04) is approved, as described in the application date stamped by the Planning Division June 11, 2025, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval for Conditional Use Permit (CUP 2025-04) shall be effectuated within a period of one (1) year from the effective date of this resolution by establishing the use and if not effectuated shall expire on August 5, 2026. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.

3. 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.

4. 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.

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

Signage:

6. All Permanent and temporary signage shall be subject to Oakley Municipal Code Chapter 9.5 (Regulation of Signs and Outdoor Advertising) and the

master sign program for Cypress Square. Permanent and temporary signage requires a building permit when applicable.

Building Division Conditions

7. 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.

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

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 Oakley Municipal Code.
C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
D. The Applicant shall comply with the requirements of the Diablo Water District.
E. Comply with the requirements of the East Contra Costa Fire Protection District.
F. The applicant shall comply with the requirements of Contra Costa Environmental Health if subject to applicable permits.
G. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
H. 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.
I. This project may be subject to the requirements of the Army Corps of Engineers. It is the Applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
J. The Applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley at a meeting held on August 5, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Diego Verduzco, Chair Date

ATTEST:

Kim Snodgrass, City Clerk Date

DATE: August 5, 2025

Approved and Forwarded to the Planning Commission

TO: Joshua McMurray, City Manager

FROM: Ken Strelo, Community Development Director

SUBJECT: General Plan Amendment in Compliance with AB 2140 (GPA 2025-002) - Recommendation to the City Council to adopt a resolution approving a General Plan Amendment (GPA 2025-002) amending the Community Health and Safety Element of the City of Oakley General Plan with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan – City of Oakley Annex in compliance with Assembly Bill 2140 (2006)

Summary

This is a City-initiated request for a General Plan Amendment (GPA 2025-002) to amend the Community Health and Safety Element of the City of Oakley ("City") General Plan ("General Plan") with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan - City of Oakley Annex in compliance with Assembly Bill 2140 (2006) ("Project"). If adopted, this action would constitute the first amendment to the Safety Element of the General Plan in 2025. Pursuant to Oakley Municipal Code ("OMC") section 2.3.020 (Powers and Duties of the Commission), the Planning Commission shall hear and make recommendations to the City Council regarding proposed amendments to the General Plan.

Background and Discussion

LOCAL HAZARD MITIGATION PLAN

Throughout 2024, City Staff worked with Contra Costa County and other local jurisdictions to update the 2018 Contra Costa County Local Hazard Mitigation Plan ("County LHMP") in accordance with 44 CFR section 201.6(a)(4) which allows for local governments to work together to a create a multi-jurisdictional plan. Each respective city created their own LHMP to be included in the County LHMP as separate annexes.

The City of Oakley Annex ("Annex") was led by the Assistant City Manager with the assistance and cooperation from several Department Heads, Division Managers and Staff, as well as review and input from County Staff. The Annex identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Oakley from the impacts of future hazards and disasters. On February 11, 2025, the City Council unanimously adopted Resolution No. 21-25 adopting the 2024 Contra Costa County Local Hazard Mitigation Plan – City of Oakley Annex.

AB 2140

In 2006, the Legislature passed California Assembly Bill No. 2140 (AB 2140), allowing California counties and cities to be considered for additional state cost-share funding on eligible Public Assistance projects if they adopt their FEMA-approved Local Hazard Mitigation Plan (LHMP) into the Community Health and Safety Element of their General Plan. AB 2140 is not a requirement; it is an optional state incentive to help counties and cities become more resilient to natural hazards. Amending the Community Health and Safety Element of the General Plan with text amendments to incorporate the 2024 City of Oakley Annex by reference and adding summary text relating to the Oakley Annex will bring the City into compliance with AB 2140, allowing Oakley to be considered for additional funding on eligible Public Assistance projects.

The California Disaster Assistant Act ("CDAA") authorizes the California Governor's Office of Emergency Services (CalOES) to provide state financial assistance to local governments for disaster-related costs related to disaster events and certain emergency activities undertaken in response to a state of emergency proclaimed by the Governor. The amount of assistance is capped at 75% of the total recovery costs. Compliance with AB 2140 would allow CalOES to provide financial assistance on a portion or all of the remaining 25% of the recovery costs (i.e. the local-share costs).

City of Oakley General Plan

On January 11, 2022, the City Council adopted the City of Oakley General Plan Focused General Plan Update ("General Plan"). The Community Health and Safety Element, Chapter 8, of the General Plan (hereinafter referred to as "Element") includes discussion on "Public Protection and Disaster Planning." Specifically, the Element mentions how disaster planning is conducted at countywide, multi-county, or regional levels. It also includes mention of the Contra Costa LHMP and how the Element incorporates local programs to reduce the exposure of the community to unreasonable risks associated with hazards addressed in the LHMP. Staff is proposing this section be updated to reflect summarized text and adopt by reference the adopted 2024 Oakley Annex into the City of Oakley General Plan. A tracked changes version of these text amendments is included as Attachment 2 to this Staff Report. In addition to the language adopting the 2024 Oakley Annex by reference, an active hyperlink and full URL will be included to help direct readers to the Oakley Annex document.

Analysis

The 2024 Oakley Annex has already been adopted by the City Council. This action only results in a net-positive for the City of Oakley. This is a minor text amendment to the General Plan resulting in potentially significant cost savings to the City and by

extension, Oakley residents, in the event of a disaster requiring recovery efforts. Compliance with AB 2140 would mean General Funds or reserve funds that may otherwise be required for local-share costs for disaster recovery could be retained should CalOES cover a portion or all of the local-share costs.

Since the 2024 Oakley Annex will be adopted into the General Plan by reference in its entirety, there is no need to modify or add additional goals, policies or programs to the Element. Also, state law allows local jurisdictions to amend each of their respective General Plan elements up to four times per year. This will be the first amendment to the Community Health and Safety Element for year 2025. There are no other planned amendments to this Element for this year, and Staff is not concerned that this amendment will jeopardize future unforeseen amendment requirements that could arise.

California Environmental Quality Act

The proposed text amendment is exempt from CEQA, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that a text amendment to the General Plan adopting the 2024 Oakley LHMP by reference and adding summary text does not have the potential for causing a significant effect on the environment.

Consistency with the Oakley Strategic Plan 27+

Amending the General Plan to incorporate the 2024 Oakley Annex by reference; thereby, bringing the City into compliance with the optional AB 2140 and making the City eligible to receive addition disaster relief funds is consistent with the Finance and Fiscal Responsibility Goal of the City of Oakley Strategic Plan 2022-2027+.

Fiscal Impact

There is no fiscal impact associated with this General Plan Amendment request aside from one-time costs related to Staff time and materials to prepare this report, which are covered by the General Fund. Potential future fiscal impacts could only result in a net-positive to the City's General Fund or reserve funds through further eligibility for additional state disaster relief funds.

Staff Recommendation

Staff recommends the Planning Commission adopt the proposed resolution recommending the City Council adopt a resolution approving a General Plan Amendment (GPA 2025-002) amending the Community Health and Safety Element of the City of Oakley General Plan with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan - City of Oakley

Annex in compliance with Assembly Bill 2140 (2006) and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments

1. Notice of Public Hearing
2. Tracked Changes to Applicable Section of the Oakley General Plan
3. Proposed Resolution

Available Online or in the City Clerk's Reading File

- 2024 Hazard Mitigation Plan – City of Oakley Annex: www.oakleyca.gov/LHMP (PDF)
- City of Oakley General Plan, adopted January 11, 2022 www.oakleyca.gov/GeneralPlan (PDF)

OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 5, 2025** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 as described below:

Project Name: General Plan Amendment in Compliance with AB 2140 (GPA 2025-002)

Project Location: Citywide

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561

Request: This is a City-initiated request for a General Plan Amendment (GPA 2025-002) to amend the Community Health and Safety Element of the City of Oakley ("City") General Plan ("General Plan") with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan - City of Oakley Annex in compliance with Assembly Bill 2140 (2006) ("Project"). If adopted, this action would constitute the first amendment to the Safety Element of the General Plan in 2025. Pursuant to Oakley Municipal Code ("OMC") section 2.3.020 (Powers and Duties of the Commission), the Planning Commission shall hear and make recommendations to the City Council regarding proposed amendments to the General Plan.

How to Review: The Staff Report and its attachments will be available for public review, on or before **July 30, 2025** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at https://www.oakleyca.gov/129/Agendas-Minutes by navigating to the **August 5, 2025 Planning Commission** agenda and clicking the project title link. (Note: City Hall will be closed on **August 1, 2025** as part of the City's 9/80 work schedule). Interested persons are invited to submit written comments prior to and may testify at the public hearing. Written comments may be submitted to Ken Strelo, Community Development Director 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.

Oakley General Plan Amendment (GPA 2025-002)

Text Amendment to the Community Health and Safety Element of the Oakley General Plan Adopting by Reference and Adding Summary Text in Relation to the 2024 Hazard Mitigation Plan – City of Oakley Annex in Compliance with Assembly Bill 2140

Pages 8-17 and 8-18 of the Oakley General Plan includes a section within the Community Health and Safety Element, titled "Public Protection and Disaster Planning." That section is proposed to be amended as follows where underlined text is to be added and strikethrough text is to be deleted.

Public Protection and Disaster Planning

Hospitals, ambulance companies, and fire districts provide medical emergency services. Considerable thought and planning have gone into efforts to improve responses to day-today emergencies and planning for a general disaster response capability.

Identification of streets, house numbers, and townhouse and apartment units is a major factor hampering emergency medical response. Design of multi-story buildings rarely includes elevators or stairways that can accommodate gurneys. In the event of a disaster, many people could be affected.

A variety of State, regional, and local agencies are responsible for disaster planning, as well as for providing coordination and relief services in the event of a natural disaster. These agencies include: the Federal Emergency Management Agency (FEMA), California Office of Emergency Services; the Department of Water Resources Division of Flood Management; the Contra Costa County Office of Emergency Services; the Contra Costa County Sheriff's Office; the East Contra Costa Fire Protection District; the City of Oakley Emergency Management Organization; and the Oakley Police Department.

Generally, disaster planning is conducted at a countywide, multi-county, or regional level, with comprehensive programs established to protect persons from natural or human-caused disasters. *The Local Hazard Mitigation Plan (LHMP) for the City of Oakley planning area was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA's Local Hazard Mitigation Plan guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities. Oakley's LHMP was adopted by the Oakley City Council on February 11, 2025, through Resolution No. 21-25. It is adopted, by reference, into this Community Health and Safety*

Element of the Oakley General Plan and is available on the City of Oakley website at: www.oakleyca.gov/LHMP (PDF). *The Oakley LHMP is also included as an annex to the* Contra Costa County *2024 Hazard Mitigation Plan.* ~~Contra Costa County, through the Contra Costa County Local Hazard Mitigation Plan (LHMP) identifies risks associated with various types of hazards and disasters at the regional and local scale. The LHMP identifies the extent to which critical facilities, infrastructure, the population, and/or buildings in Oakley estimated to be affected under a range of hazards-related scenarios, including dam failure, earthquake, 10-year/100-year/500-year flood, landslide, and wildfire), has identified various hazards and identifies approaches for local governments to consider to address programs to address disaster planning and public protection.~~ This Community Health and Safety Element incorporates local programs to reduce the exposure of the community to unreasonable risks associated with hazards addressed in the LHMP.

Recognizing the City's responsibility to protect life and property, the City has adopted an Emergency Operations Plan that provides detailed operational and recovery actions the City will take in the event of natural hazards, such as earthquakes, floods, levee breaks, wildland fires, and extreme weather, and technological/man-made hazards, including hazardous materials release, major vehicle accident, train accident, airplane crash, civil disturbance, and terrorism.

RESOLUTION NO. -25

A RESOLUTION OF THE CITY OF OAKLEY PLANNING COMMISSION RECOMMENDING THE CITY OF OAKLEY CITY COUNCIL ADOPT A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT (GPA 2025-002) AMENDING THE COMMUNITY HEALTH AND SAFETY ELEMENT OF THE CITY OF OAKLEY GENERAL PLAN WITH TEXT AMENDMENTS TO ADOPT BY REFERENCE, AND ADD SUMMARY TEXT IN RELATION TO, THE 2024 HAZARD MITIGATION PLAN - CITY OF OAKLEY ANNEX IN COMPLIANCE WITH ASSEMBLY BILL 2140 (2006) AND FINDING THE ACTION EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

FINDINGS

WHEREAS, on July 1, 1999, the incorporation of the City of Oakley took effect; and

WHEREAS, on July 1, 1999, the City Council adopted Resolution No. 03-99, adopting the Contra Costa County General Plan for the Oakley Area as its general plan; and

WHEREAS, on December 16, 2002, the City Council adopted Resolution No. 76-02, adopting the Oakley 2020 General Plan; and

WHEREAS, since the 2002 adoption of the 2020 General Plan, the City has amended the General Plan from time to time, including changes to the Land Use Map and updates to individual General Plan elements to meet requirements of state law; and

WHEREAS, this is a City-initiated request for a General Plan Amendment (GPA 2025-002) to amend the Community Health and Safety Element of the City of Oakley ("City") General Plan ("General Plan") with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan - City of Oakley Annex in compliance with Assembly Bill 2140 (2006) ("Project"). If adopted, this action would constitute the first amendment to the Safety Element of the General Plan in 2025; and

WHEREAS, pursuant to Oakley Municipal Code ("OMC") section 2.3.020 (Powers and Duties of the Commission), the Planning Commission shall hear and make recommendations to the City Council regarding proposed amendments to the General Plan; and

WHEREAS, the 2024 Hazard Mitigation Plan - City of Oakley Annex hereinafter may be referred to as "2024 Oakley Annex," which is the City's Local Hazard Mitigation Plan ("LHMP"); and

WHEREAS, throughout 2024, City Staff worked with Contra Costa County and other local jurisdictions to update the 2018 Contra Costa County Local Hazard Mitigation Plan ("County LHMP") in accordance with 44 CFR section 201.6(a)(4) which allows for

local governments to work together to a create a multi-jurisdictional plan. Each respective city created their own LHMP to be included in the County LHMP as separate annexes; and

WHEREAS, on February 11, 2025, the City Council unanimously adopted Resolution No. 21-25 adopting the 2024 Contra Costa County Local Hazard Mitigation Plan – City of Oakley Annex.

WHEREAS, in 2006, the Legislature passed California Assembly Bill No. 2140 (AB 2140), allowing California counties and cities to be considered for additional state cost-share funding on eligible Public Assistance projects if they adopt their FEMA-approved Local Hazard Mitigation Plan (LHMP) into the Community Health and Safety Element of their General Plan; and

WHEREAS, amending the Community Health and Safety Element of the General Plan with text amendments to incorporate the 2024 Oakley Annex by reference and adding summary text relating to the 2024 Oakley Annex will bring the City into compliance with AB 2140, allowing Oakley to be considered for additional funding on eligible Public Assistance projects; and

WHEREAS, on or before July 25, 2025, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road. The notice was also mailed out to outside agencies, and to parties requesting such notice. In addition, the notice was published in the East County Times newspaper; and

WHEREAS, on August 5, 2025, the Planning Commission 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 Planning Commission took a vote and adopted this resolution recommending the City Council adopt a resolution approving the project; and

WHEREAS, these Findings are based on the City's General Plan, the 2024 Hazard Mitigation Plan - City of Oakley Annex, AB 2140 (2006), and the information submitted to the Planning Commission at its August 5, 2025 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for this project (GPA 2025-002) (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the Planning Commission makes the following findings in relation to a General Plan Amendment (GPA 2025-002) for text amendments to the Community Health and Safety Element of the City of Oakley General Plan, made a part of this record as an attachment to the project Staff in support of the recommended approvals:

1. **The proposed project conforms to the provisions and standards of the General Plan** in that the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the

previously adopted Goals, Polices, and Programs of the General Plan, unless otherwise modified as a result of this update; and

2. **The proposed project is necessary to implement the goals and objectives of the General Plan** in that the current version of the General Plan was adopted prior to the City Council adoption of the 2024 Oakley Annex. The text speaks about working with the County on a Local Hazard Mitigation Plan. These amendments are necessary to bring the General Plan up to date now that the County and City have both adopted their respective Hazard Mitigation Plans; and

3. **The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City** in that the amendment facilitates updates to the General Plan that make the City eligible to receive addition disaster relief funds in compliance with AB 2140 (2006); and

4. **The proposed project will not cause environmental damage** in that the proposed text amendment is exempt from CEQA, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that a text amendment to the General Plan adopting the 2024 Oakley LHMP by reference and adding summary text does not have the potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the Planning Commission hereby recommends the City Council adopt a resolution approving a General Plan Amendment (GPA 2025-002) amending the Community Health and Safety Element of the City of Oakley General Plan with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan - City of Oakley Annex in compliance with Assembly Bill 2140 (2006) and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

PASSED AND ADOPTED by the Planning Commission of the City of Oakley at a meeting held on the 5th day of August, 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____

Diego Verduzco, Chair Date

ATTEST:

_____

Kim Snodgrass, City Clerk Date