AGENDA

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

Tuesday, September 12, 2023
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.

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

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

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

1.2 Pledge of Allegiance to the Flag (Parker Holder, Laurel Elementary School Student)

1.3 Update from Diablo Water District General Manager Dan Muelrath

1.4 Update from Nonprofits Awarded American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Grant Funds (a) Joey Ogo, Director/CFO, Be Exceptional (b) Janette Kennedy, Executive Director, Development and External Relations, Loaves and Fishes of Contra Costa (c) Robin Ryder, Founder/President No Paws Left Behind Kitty Rescue (d) Marivel Mendoza, Co-Founder & Executive Director, Hijas del Campo

1.5 Presentation-Oakley Chamber of Commerce (Oleksii Chuiko)

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.

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. 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 Mayor.

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held August 8, 2023 (Libby Vreonis, City Clerk)
Minutes 08-08-23

3.2 Approve Minutes from the Special City Council Meeting held August 22, 2023 (Libby Vreonis, City Clerk)
Minutes 08-22-23

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

3.4 Ratify Election: Adopt Ordinance No. 4-23 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 188 within the Oakley Special Police Tax Area for Police Protection Services for the Honey Creekside project (Subdivision 9579) located at 463 and 560 Honey Lane (APNs 033-030-028 and 033-030-032) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Signed Ballot
2. Ordinance
2a. Exhibit A
2b. Exhibit B

3.5 Acceptance of Work Associated with the Sheriff Annex Building Demolition Project – Capital Improvement Project Number 271 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Notice of Completion

3.6 Review and Adoption of 2023 Economic Development Work Plan (Harumi Murata, Economic Development Analyst)
Staff Report
1. 2023 Oakley Economic Development Work Plan
2. 2023 Oakley Economic Development Work Plan with track changes
3. Draft Resolution

3.7 Approval of Response to Civil Grand Jury Report No. 2306, "Affordable Housing: 'A Plan Without a Home'" (Joshua McMurray, City Manager)
Staff Report
1. Contra Costa Civil Grand Jury Report 2306
2. Draft Response from the City of Oakley

3.8 Annexation No. 35 (Honey Creekside SD 9579) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Kevin Rohani, Public Works Director/City Engineer)
Staff Report
1. Unanimous Approval Form
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

3.9 Annexation No. 9 (Elm Lane Apartments) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Unanimous Approval Form
2. Resolution
3. Amended Boundary Map
4. Amendment to Notice of Special Tax Lien

3.10 Annexation No. 36 (McDonald's at Laurel Plaza) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Unanimous Approval Form
2. Resolution
3. Amended Boundary Map

4. Amendment to Notice of Special Tax Lien

4.PUBLIC HEARINGS

4.1 Adoption of the State of California Density Bonus Law (SDBL) - Repeal Local Density Bonus Regulations (Oakley Municipal Code Section 9.1.412) and Replace with Adoption of the State Density Bonus Law by Reference (RZ 03-23) (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 Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Waive the First Reading and Introduce the Ordinance

CEQA Determination: The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

Staff Report

1. Legislative History Summary (2019-2023)
2. Summary of Pending 2023-2024 Legislation
3. Planning Commission Resolution No. 12-23
4. Proposed Ordinance

4.2 Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) – Continued from August 8, 2023 (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

CEQA Determination: Recommend the City Council find that the project is within the scope of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009

Staff Report

1. Vicinity Map
2. Notice of Public Hearing (For Original Public Hearing Date of August 8, 2023)
3. Planning Commission Resolution 11-23
4. Grand Cypress Preserve Development Agreements Master Amendment
5. Proposed Ordinance

5.REGULAR CALENDAR

5.1 Oakley Union Elementary School District Freestanding Electronic Reader Boards (SP 03-23) – Consideration of a proposed Sign Permit to replace multiple letterboard marquee static freestanding signs along various elementary and middle school frontages with double-sided freestanding electronic reader boards (Ken Strelo, Planning Manager)

Suggested Action: CEQA Determination: 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 negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Staff Report

1. Vicinity Map
2. Applicant's Plans
3. Proposed Resolution

5.2 Adopt a Resolution to Establish an Affordable Housing Ad-Hoc Advisory Committee (Joshua McMurray, City Manager)

Staff Report

1. Draft Resolution

6.REPORTS

6.1 CITY MANAGER
(a) City Manager
(b) August Business License Report

1. August Business License Report

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

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

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-SIGNIFICANT EXPOSURE TO LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.

9.ADJOURN

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held August 8, 2023

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 Aaron Meadows called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street. Vice Mayor Anissa Williams and Councilmembers Dr. George Fuller, Hugh Henderson and Shannon Shaw were also present.

1.2 Pledge of Allegiance to the Flag

Councilmember Henderson led the Pledge of Allegiance to the Flag.

1.3 Update from Contra Costa Advisory Council on Aging (Michael Rigsby)

Michael Rigsby, Contra Costa Advisory Council on Aging, provided an update.

Vice Mayor Williams asked him to share specifically what the organization has done for Oakley Seniors.

Mr. Rigsby explained lack of transportation and housing have been major issues, but he is not certain that they have made progress in these areas with price increasing.

Vice Mayor Williams inquired how connected the Advisory Council is with Tri-Delta. She mentioned seniors attend their Board meetings.

Mr. Rigsby did not have that information.

1.4 Native American Presentation (Wyatt Moore, East Bay Regional Parks District)

Wyatt Moore with East Bay Regional Parks District provided a presentation.

1.5 Update from Nonprofits Awarded American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Fund Grants (a) Liz Fuller, Treasurer/Membership Chair, Friends of the Oakley Library and Lorena Campos, President, Friends of the Oakley Library (b) Cyler Craig, Pastor, Oakley Church (AKA Revive Church)

Liz Fuller, Treasurer/Membership Chair and Lorena Campos, President, both with the Friends of the Oakley Library, provided information to the City Council how ARPA grant funds have been utilized. They also thanked Assemblymember Lori Wilson for her contribution.

Vice Mayor Williams inquired if they could still offer programs if there were no grant.

Ms. Campos shared that funding from donations and book sales have been down since the pandemic and the Library wouldn't have been able to do as many programs or have the quality of programs without the grant. Ms. Fuller added that the Library has jumped in to have programs

Vice Mayor Williams inquired if the numbers provided are over the previous year or an average of years because of the pandemic.

Ms. Fuller responded she didn’t, but probably should have; programming before the pandemic was way down and these are high numbers, but they have had a good year.

Dr. Fuller thanked them for the work they have done with the grant funding as well as the human element they bring to provide a cohesive package to bring the community together with events and support. He expressed that the future library will be a focal point for all in the community and they being recipients of the Non-profit of the Year Award was amply earned.

Mayor Meadows thanked them for their work and thanked Assemblymember Lori Wilson for naming the Friends of the Oakley Library as the Non-profit of the Year Award recipient for Assembly District 11.

Pastor Cyler Craig, Oakley Church (formerly Revive Church) provided information to the City Council how ARPA grant funds have been utilized.

Councilmember Shaw shared that she attended the event, the turnout was great, and she thanked them for putting it on.

Vice Mayor Williams commented that ARPA funds are one-time funds, and this is a great event that made a big difference. She inquired about their plan to continue the event.

Pastor Craig mentioned they will continue to do outreach, grow their congregation, grow contributions, and grow their giving back program.

Vice Mayor Williams thanked them for being a good partner.

2) PUBLIC COMMENTS

Michael Dupray provided an online public comment that was made part of the meeting record. He also read it into the record. Mr. Dupray's comments and the following comments were made in relation to apartments on Carol Lane:

Patti Tompkin commented she has lived at The Oaks for 14 years, there is no security, there are two broken doors that don't lock and no rails, she doesn't think there are fire guidelines as residents can't get downstairs when the elevator doesn't work, she waited 45 minutes in a stairwell during a fire, she has been waiting since April for a door replacement that the fire marshal kicked in, they have roaches, and she wants safety for seniors.

Bettie Rumsey commented on lack of railings on the side of sidewalks, sharing that several seniors have fallen and broken hips and dislocated shoulders. She mentioned when rent is a few days late, eviction notices are issued, and people can't afford to go elsewhere. She shared they have issues with drugs, prostitution, kids disrespecting elders, and management wants tenants to take pictures and do their work. She shared many have health conditions and her health condition has worsened since living there.

Jackie Rider commented that she is a 6-year resident, she moved out of building 59 because it is a roach hotel, and she moved to building 67 because she understood it has different owners/investors. She invited the Council to the building to smell it. She mentioned there are 3 maintenance workers for 500 units and tenants shouldn't suffer because they are understaffed. She shared that she had to buy an air conditioning unit and wait for someone to hook it up to her phone (Bluetooth) and when she walked outside, it disconnected, so she has no way to turn it off. She commented that maintenance makes promises and doesn't come through, they need bars in the bathtub, there are no rails on ramps to walk up to the building and she fell, management no longer accepts money orders for rent payments even though they don't bounce, leaving them only two options to pay rent, and management's bookkeeper makes errors.

Gloria Kehler commented that she has been in The Oaks (building 67) for 1 ½ years, she is a smoker and smokes outside; however, she lives next door to someone who smokes inside and someone across the hall that smokes pot, and she has complained of it and nothing has been done; the whole building is that way; smoke hits you at door and no one is getting 3-day notices or knocks on the door to request it stop. She mentioned

management raised rent 9% when there has been only an 8% social security increase. She also mentioned management doesn't have enough people, so no one shows up.

Harold Tidwell commented that he has lived 10 years in building 59 and it is too bad that they have to come to City Hall to complain about living conditions and the Council should do something to fix it.

Josephine Basulto commented that she lives in building 53, it is a bad building, it has roaches that were sprayed but it didn't work, and bombs were used but it barely did anything to the roaches. She mentioned she went in to take them out and had an asthma attack and management will only bomb again which doesn't do anything. She mentioned her grandkids cry because they are afraid roaches will get on them. She shared that there is no security, homeless people wash themselves in the washrooms, her grandkids are cursed at, and she has made 5-6 maintenance requests since September of last year that are still pending. She mentioned management removed her dishwasher and there were roaches underneath and they just stuck another one in. She shared both she and her grandchild are on asthma medication.

Patricia James commented on behalf of her dad in building 59. She mentioned it took him 3 months to get rails in his shower which happened because she went every single day and complained. She mentioned the management does not take care of the residents and many people don't have someone to advocate for them. She shared that the stairs are filthy--they are black because they have not been cleaned, the elevator smells, and floors are not mopped. She mentioned she is glad they are coming together as a group to stand up as something needs to be done and she wants to help support them.

Bonnie McCord commented that she is the roach lady, has been locked out and has had to live in different apartments, there have been two floods, thousands of roaches, and she had a bag full of roaches. She explained one year ago, management had someone treat her apartment and she was told by the exterminator that the roaches came from next door and her neighbor refused to let them in to treat, then there were no treatments as of August of last year, so she was living with roaches, she complained, and nothing was done. She shared that she began to get sick; the bombs affected her lungs, and her doctor told her she cannot have the bombs so management stopped bombing. She mentioned the exterminators recently came and the same exterminator as last year told her it's not her fault, the roaches are coming from elsewhere. She shared that the roaches were in her dishwasher, stove, freezer, and refrigerator so she called elder abuse who spoke with management. She mentioned management said they offered her a place to stay but they did not, so she stayed with neighbors, and management locked her out of her apartment while cleaning when she only needed to get her clothes. She mentioned she had to sanitize everything she owned and rent a storeroom to keep it in.

The following public comment was non-related to previous comments:

Marivel Mendoza commented that she is a first-generation Mexican American woman who lives here, micro-assaults are one of three types of micro-aggressions which are

conscious, deliberate, and derogatory. She mentioned white supremacy and a Board of Supervisors meeting where people didn't think it exists because they are thinking of overt actions, i.e., racial slurs, swastikas and hate crimes. She added there are things more socially acceptable, things not called out that go with a pass, kind of like microaggressions, i.e., color-blindness, virtuous victim narratives, what about me mentality, denial of white privilege, or denial of racism. She explained she moved into her house before Covid and has lived in the neighborhood peacefully, her neighbor is quiet and her family is lovely, but the neighbors that moved in next door to them are horrible and racist. She explained they have called Police and they tried to do the right thing by asking them if they have tried to talk to the neighbors, but there are only so many neighborly things that you can do for people who have committed to be hateful. She commented that some will denounce what is happening but there must be something that happens in the City of Oakley because it is not fair that her neighbor has been in her home for over 20 years and is nervous to go outside and to see social media posts from the hateful neighbor. She expressed that Oakley has no room for that and there are a lot of people that do not stand for it.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held July 11, 2023 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Special City Council Meeting held July 19, 2023 (Libby Vreonis, City Clerk)

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

3.4 Waive the Second Reading and Adopt Ordinance No. 7-23 Amending an existing P-1 (Planned Unit Development) District for the Project Know as Sellers Avenue Subdivision 9614 (RZ 01-22) APN 033-150-013 (Ken Strelo, Planning Manager)

3.5 City of Oakley Quarterly Investment Report (4th Quarter FY 2022/23) (Jeri Tejeda, HR Director)

3.6 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Quarterly Investment Report (4th Quarter FY 2022/23) (Jeri Tejeda, HR Director)

3.7 Consideration of a Resolution Authorizing the Purchase of a 2023 Ford F550 4WD Diesel Super Duty for $107,957.64 from Big Valley Ford Lincoln of Stockton (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Agreement with Mark Thomas & Co. Inc. for Engineering Design Services associated with Bridgehead Road Widening (Railroad Tracks to Main Street)

Capital Improvement Project Number 300 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.9 Resolution of the City Council of the City of Oakley Renewing the City of Oakley Military Equipment Policy as Enacted in Chapter 39 of Title 4 of the Oakley Municipal Code (Derek P. Cole, City Attorney)

3.10 Designating Vice Mayor Anissa Williams as Voting Delegate and Councilmember Shannon Shaw as an Alternate Voting Delegate for League of California Cities Annual Conference September 20-22, 2023, and Directing the City Clerk to complete and forward the voting delegate form to the League of California Cities (Libby Vreonis, City Clerk)

Items 3.1, 3.4 and 3.10 were pulled by Dr. Fuller for discussion and item 3.2 was pulled by Vice Mayor Williams for discussion.

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

Item 3.1

Dr. Fuller requested to change “2020” to “2021” in the fireworks discussion within the minutes.

Vice Mayor Williams commented the whole conversation has been taken out of context and she wants to correct the record as she has had multiple conversations with Chief Beard that he said anecdotally that “this felt like a very bad year”, not saying it was worse than 2021, but he experienced that both in Oakley and at his home, so he wanted to step up enforcement. She mentioned when she and Councilmember Shaw were asking questions about it, it was not because they were disputing, but rather agreeing with Chief Beard. She asked Chief Beard if that is how he took it and he confirmed that he did.

Councilmember Shaw commented that her understanding is that changes to the minutes would be reviewed by staff and brought back to the Council as a general practice rather than making changes on the fly.

It was moved by Dr. Fuller and seconded by Councilmember Henderson to approve the minutes with the change from “2020” to “2021” in the section addressing the fireworks update. AYES: Fuller, Henderson, Meadows. NOES: Shaw, Williams. (3-2)

Item 3.2

Vice Mayor Williams asked the City Clerk and City Manager if the City received any comments regarding the female Councilmembers bullying any of the participants.

City Manager Joshua McMurray responded that the City did not receive any comments.

Vice Mayor Williams commented that in checking social media, she did not receive any such comments either, but as a point of procedure, she inquired if there would be any notation in the minutes if that occurred during the meeting.

City Clerk Libby Vreonis responded that it would have been briefly noted.

Councilmember Shaw inquired if the consultants reported being cut off, interrupted, and disturbed by any Councilmembers.

City Manager Joshua McMurray responded that he does not recall hearing any such comments.

Councilmember Shaw requested confirmation that the meeting was to listen to the community, but also for the Council to talk with the consultants, look at the plans because they had not seen them before that night, and point out things they liked or disliked about the two potential plans.

City Manager Joshua McMurray responded that the meeting was an opportunity for the public and Council to view and comment on the two alternatives that were presented.

Dr. Fuller recalled that the Council broke from the dais at that point and there was discussion between the public and consultants; there was no recording, minutes, or action taken. He mentioned they were not in session during such time, but when the meeting reconvened, minutes were taken again.

It was moved by Dr. Fuller and seconded by Councilmember Shaw to approve the minutes as presented. Motion was unanimous and so ordered. (5-0)

Item 3.4

Dr. Fuller announced he would abstain and left the room.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to waive the second reading and adopt the ordinance. AYES: Henderson, Meadows, Shaw, Williams. ABSTENTION: Fuller. (4-0-1)

Item 3.10

Dr. Fuller commented he will vote no for three reasons: 1) The League of California Cities has let Oakley down for decades, most recently with its endorsement of AB 1657, and if Oakley doesn’t seat anyone at the General Assembly and others do the same, then there may be no quorum and they can find some other way to govern, 2) Vice Mayor Williams and Councilmember Shaw serve on the Tri-Delta Transit Board and vote on the budget and are very active in its policies which he sees as a conflict of interest and in his mind he

has seen instances that both have favored transit over City so he doesn't want to send somebody up that is not going to focus on the City, and 3) both Vice Mayor Williams and Councilmember Shaw have shown support for AB 1657 and what ABAG, BAHFA and MTC are doing. He mentioned he does not want to see Oakley as a supporter in the General Assembly in the advertisements where a vote is taken.

Councilmember Shaw commented she is assigned by the City Council to sit on the Tri-Delta Transit Board, that she approved things way before she was on the City Council, and is told she voted for it and supported it because she went to the ribbon cutting which she was a Planning Commissioner when she did; she doesn't think that has anything to do with the CalCities' delegate and then to say she supports this bill which she was not provided the proper information on at the last meeting to give a complete analysis for herself and not just hearing how someone else reads between the lines on it is not a fair assessment. She indicated the Council came to an agreement that they all support local control and that they would look into it further and that is what the minutes reflect. She commented that she is tired of false accusations. She mentioned he (Fuller) can say what he says online but now that he has brought it up here she can address it; they are blatant lies, he continues to attack and make false statements, and what he just said was completely false; she did not say that she supported the bill and if he does not trust the people on the Council to do the Council's will and vote on something that they all agree on, then maybe that is his issue, not her nor Vice Mayor Williams' issue.

Vice Mayor Williams commented that for clarity on what a voting delegate and alternate voting delegate do as she has attended CalCities' meetings before, there are certain things that are prepared as a city and they reflect the City's will, just like when the Council is elected, they are supposed to represent their constituents' will. She mentioned she can disagree with the majority of Council; however, her job is to echo what the Council is saying; she must hear all the things said, use her good judgment, and take into consideration she has been elected by the people to do their bidding which is exactly what a CalCities' delegate is, and to say if enough people just don't vote is a pipedream and if he (Fuller) can show her anytime in history when people have not voted there has been change, she will eat her words. She mentioned that is just taking an inactive step and she believes she has been elected to take active steps and support the people. She mentioned he (Fuller) has levied accusations on public record today about how being on Tri-Delta Transit that they (she and Councilmember Shaw) have demonstrated conflicts of interest; just like every other accusation that has ever been levied by him, there is actually no proof, no standing, and yes, she and Councilmember Shaw are very passionate about transit because as they saw a whole group of seniors, there is a community that relies on transit so they are super passionate about it. She expressed that they want the community to be able to experience the best quality of life and transit can enable that, but never once has there been a conflict of interest; she was elected by the people of Oakley to serve on the City Council and she was selected by her peers to serve on Tri-Delta Transit; there is a difference in whom she is reporting to, so unfounded accusations need to stop because never once has any one of them been correct.

It was moved by Vice Mayor Williams and seconded by Councilmember Henderson to designate Vice Mayor Williams as Voting Delegate and Councilmember Shaw as Alternate Voting Delegate for the League of California Cities Annual Conference Business Meeting to be held September 22, 2023. AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

4) PUBLIC HEARINGS

4.1 Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) (Ken Strelo, Planning Manager)

Mayor Meadows announced the item will be continued to the next regular meeting to be held September 12, 2023. He mentioned the public hearing will be open September 12, 2023. He called for public comments. Online public comments were submitted by Ed Aparis from PG&E and Barbara and Richard Du Mont; both were made part of the meeting record.

5) REGULAR CALENDAR

5.1 Appeal of Administrative Hearing Officer's Decision, 20 W. Bolton Road, Oakley, California (Libby Vreonis, City Clerk)

City Attorney Derek Cole recused himself. Andy Pinasco with Neumiller & Beardslee provided legal representation for the City.

City Clerk Libby Vreonis presented the staff report.

Appellant, Pamela (Elowsky) Massoni, commented that Code Enforcement stated to her that so long as she was in communication with them regarding their progress, she would not receive these citations. She mentioned they applied for a permit to dismantle the storage addition, motorcycle shed and carport and were denied, and the citations kept accumulating so she dismantled them anyway.

Mayor Meadows inquired if she had dismantled some of this already, which Appellant confirmed she had dismantled the storage addition to the main house, motorcycle shed and carport; they were all screwed together.

Mayor Meadows inquired when she dismantled them, and Appellant responded it began in January and went through the middle of April.

Vice Mayor Williams inquired if citations can only be appealed at the $1300 amount or if they can be appealed when $300 and $700 citations are issued, and Mrs. Vreonis responded that every citation may be appealed by the person receiving the citation by submitting a written appeal to the City Clerk’s Office within 10 days of receiving the citation.

Vice Mayor Williams inquired if there was any communication regarding the earlier citations, and Mrs. Vreonis responded that there were no written requests for appeal submitted for earlier citations.

Vice Mayor Williams inquired why Appellant did not appeal earlier citations, and Appellant responded it was because she was in contact with Code Enforcement who stated to her that if she kept them up to date as to what was going on, because they had a septic issue that was not leaching, that she (Code Enforcement) would not give her citations.

Vice Mayor Williams inquired if the Code Enforcement Officer is here and Mrs. Vreonis responded that the Code Enforcement Officer is not present; however, Community Development Director Brent Smith is available for any questions.

Vice Mayor Williams inquired if that would have been the process if Code Enforcement and Appellant were in communication so that it wouldn't get to this escalation point and Community Development Director Brent Smith responded that for all code enforcement cases, staff strives for voluntary compliance, and they will go to almost no ends to get that. He explained that the first contact with someone is a courtesy to let them know that work done without a permit requires a permit, assuming the person did not know. He mentioned that messaging typically informs the person to stay in contact with them (Code Enforcement), Building will typically let them know if they have obtained the permit and provide 10 days for them to comply. He assured the Council that here, the communication was not positive, not progressive, and gave no indication to staff that the case would be resolved; staff was left no choice, and they do everything they can to allow someone to stay in their house and avoid substandard living conditions, and they have reached this point and will continue to work productively toward resolution. He mentioned if they just stayed in communication, after a year with no permits is inadequate and provided no evidence of resolution.

Vice Mayor Williams inquired what the ballpark estimate would be if Appellant would have obtained the permits, and Mr. Smith responded he doesn't have the information in front of him, but it can be provided; a good rule of thumb is 1-3% of a project cost.

Appellant commented that she requested on several occasions to meet with someone to discuss what was needed to accomplish these tasks because on the phone she gets nervous and forgets and can't remember anything, so she wanted to sit down with someone to go over these things because she unfamiliar with it and was never given the opportunity nor acknowledged that she made the request.

Vice Mayor Williams inquired if Appellant had a licensed contractor doing the work and Appellant confirmed she did. Vice Mayor Williams commented that is his job to do.

Mayor Meadows commented that some of this is licensed contractor work, and some isn't.

Dr. Fuller inquired if Appellant is saying she paid the $130 and $700 series of citations and Appellant confirmed she is not. He inquired why the Council is only considering the last 4 citations.

Appellant commented that she had taken them down; they (Code Enforcement) gave her the citation without inspecting it because she hadn't pulled the permit, but she had requested the permit which was denied because they (Building) said it was unsafe.

Dr. Fuller inquired if she is saying now that she will pay the fines and Appellant replied, "Will I? If I absolutely have to. Can I? At the moment, no."

Dr. Fuller commented that when he went through the staff report he understood that all fines would be considered but before him now are five highlighted items. He inquired when deciding if the Council should only consider the five highlighted items, and why they are not looking at the others.

Mrs. Vreonis explained that the staff report mentions Appellant is contesting all fines; however, the matter before the Council is Appellant's appeal of the administrative hearing officer's decision which addresses fines in the amount of $5,330.

Mayor Meadows inquired if she only appealed those amounts.

Mrs. Vreonis confirmed that is correct; she only appealed those amounts, the earlier rounds of citations in the amounts of $130 (AC-21-000534) and $700 (AC-22-000179) were not appealed.

Dr. Fuller inquired if the earlier citations should be set aside for consideration since they have not been appealed and the only thing the Council is adjudicating is the five highlighted citations which Mrs. Vreonis confirmed is correct.

Vice Mayor Williams inquired if a payment plan is possible if the Council decides to uphold the administrative hearing officer's decision and City Manager Joshua McMurray responded that it can be at the pleasure of the Council with direction given to staff regarding time.

Vice Mayor Williams commented that Appellant stated that each of the buildings had been removed as of April. She inquired if staff had any follow-up since then to see if it is satisfactory because if the Council decides to uphold it, additional citations could be issued, and Mr. McMurray responded that the Community Development Director is stating that staff would need to be invited onto the property; the property is not visible from the street as it is fenced.

Mayor Meadows commented that he assumed citations in the amounts of $130 and $700 that were not appealed have not been paid and Appellant confirmed they have not. He inquired if a lien has been placed on the property and Mr. Smith explained for resolution, they would typically inspect the property to confirm if the structures were taken down and

this would be after the fact. Mr. Smith suggested legal counsel weigh in because the earlier citations have not been paid and the time for appeal has passed. Mr. Smith indicated a City inspector can inspect to confirm if the structures have been taken down if the property owner can contact staff and schedule.

Councilmember Shaw inquired if Appellant has contacted staff since taking the structures down and Appellant indicated she has been a little stressed, she has severe ADHD, she forgets a lot, and she has been trying to work to save money and pay her fines.

Councilmember Shaw inquired if Appellant has attempted to pay any of the existing fines starting in June 2021 or called the City to make payment arrangements and Appellant responded she has not, she was unaware she could make payment arrangements, sometimes Code Enforcement told her she could disregard them so she was uncertain which citations she was to pay, and she was uncertain in the administrative citation appeal hearing which violations she was being fined.

Dr. Fuller commented that the fines not appealed total $3,320 and the total amount appealed is $5,330. He inquired how much latitude the Council has in its decision because he is wondering if the Council can uphold the fine but hold it in abeyance and if Appellant pays the reminder of the fines and brings the property up to satisfactory code that they dismiss the remainder, and if she doesn't, she is responsible for the whole amount.

Andy Pinasco, legal counsel, commented that it is his understanding that on the basis of penalties, it has been the practice of this Council that they can formulate reduced penalties based on a balance of equities and it is entirely in the authority of the Council to do so and provide direction to staff to execute through liens or agreement without waiving any compliance with the law; compliance with the law is not within jurisdiction, but what is within jurisdiction is the penalty . He explained the hearing officer is unable to do that because the hearing officer is limited to his authority through the administrative process. He mentioned this is the tail end of the administrative process, this is the final stop, and this is where the Council, as the policy makers of the City, is hearing these issues de novo, meaning "everything", and that is why the Council is receiving all this information.

Dr. Fuller commented that Appellant would be responsible for fines in the amount of $3,320 and she would be required in a reasonable amount of time to make sure all the codes are satisfactorily met, and if she does this, the Council will dismiss the $5,330; however, if she does not, she will be responsible for the entire amount.

Mayor Meadows clarified that is Dr. Fuller's proposal and Dr. Fuller stated that is his proposal.

Mayor Meadows inquired if they could discuss the status of the property right now and Mr. Pinasco advised they could discuss.

Mayor Meadows asked Appellant if anyone is living in the property, if there is power and if the septic tank was removed, and Appellant responded that her dog is living there, there is no power and the septic tank was removed because they had planned to go to City sewage but it cost $163,000 so she had to retract that idea: her contractor left with her savings, and she has been struggling.

Councilmember Henderson proposed the Council uphold the administrative hearing officer's decision and establish a 6-month payment plan.

Mayor Meadows requested clarification if he is proposing six monthly payments or to defer the payments for 6 months and Councilmember Henderson clarified it is a payment plan to have $5,330 paid off within 6 months. Mayor Meadows commented that would be $888 each month for 6 months. Ms. Massoni suggested she could work it off.

Dr. Fuller amended the proposal that the execution of the payment agreement for $5,330 (citations AC-23-00004 and AC-23-000006) be held in abeyance for 12 months to allow Appellant to pay $3,320 on the prior citations and to bring the property up to suitable expectations, and if not Appellant will be responsible for the whole amount, but if she does, the $5,330 will be dismissed.

Mr. Pinasco explained that if the maker of the motion would like to change his motion to accept the amendment that is a friendly amendment and it can go forward as one motion, but if not, then there are two competing motions.

Councilmember Henderson commented that he is not changing his motion.
Mayor Meadows asked Councilmember Henderson if he would be willing to change his motion to accept an amendment from 6 months to 12 months and Councilmember Henderson confirmed he would. Mayor Meadows commented that the payment would be $444-$445 each month and Appellant commented that she can do that. Vice Mayor Williams seconded the motion.

Mr. Pinasco advised that there is a motion and a second, if there is no second on the second motion then the Council can vote on the first motion; if there is a second on the second motion then the second motion gets voted on first so if there is no second, the motion dies for lack of a second.

Mayor Meadows inquired if there is a second on Dr. Fuller's motion. There being none, the motion died.

Mr. Pinasco requested clarification that the motion is to affirm the administrative hearing officer's decision and create a 12-month payment plan for full payment and they do not have to be equal payments for all the fines with the condition that the property be brought into compliance. Councilmember Henderson confirmed that is correct.

Dr. Fuller inquired if it is the $8,200 figure that they are voting on, and Mr. Pinasco confirmed that is correct. Mayor Meadows commented that is incorrect and Dr. Fuller confirmed it is for $5,330.

Mr. Pinasco requested clarification on the motion if the 12-month payment plan is to satisfy the total amount owing and Councilmember Henderson confirmed it is for $5,330 and the other citations he does not believe should be on the table tonight because this is regarding the appeal. Mr. Pinasco commented that the remainder would be subject to jurisdiction and means staff would use to collect.

Councilmember Shaw commented that she wants to make sure that an appointment will be scheduled for staff to inspect and confirm the structures have been removed. Appellant requested clarification if it is for the items she has removed and the container which Councilmember Shaw confirmed is correct. Councilmember Shaw added that she still wants Appellant to work with staff to get it inspected and have those things done to ensure they are safe; she doesn't want to wait 12 months for it to be inspected.

AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

Mayor Meadows called for a break at 8:32 p.m. The City Council reconvened at 8:43 p.m.

5.2 Review and Adoption of 2023 Economic Development Work Plan (Harumi Murata, Economic Development Analyst)

Economic Development Analyst Harumi Murata presented the staff report and introduced consultant Vicki Doll, Principal of Chabin Concepts, who presented a PowerPoint presentation.

Vice Mayor Williams inquired about the work plan and if a property needs to be shovel ready to get a developer to take it to the next step, and if she would weigh that and the marketing plan as the heaviest items. Ms. Doll confirmed she would because the City does not want to market if they don't have anywhere to put them.

Vice Mayor Williams mentioned the City does not own all the properties where these potential sites have been identified, so she would like to know what work is being done to discuss this with the landowners, what is the City' responsibility, and how they can help get that moving. Ms. Doll suggested the City speak with the landowners and ask if they have plans for the site and if they are interested in developing it. City Manager Joshua McMurray agreed and indicated staff is talking with property owners throughout the year.

Vice Mayor Williams mentioned she would guess property owners would want to see the potential of their properties and if the City can help market it, it would seem like a win-win for everyone. Mr. McMurray indicated there would have to be a willing property owner and willing business to locate to Oakley and staff try to match those interests. Ms. Doll emphasized that a willing property owner is key and even if all of the infrastructure is not

in place, if the City has a plan and knows the type of industry it wants, it reduces a lot of risk for those looking; it doesn't have to be move-in ready but get as close as possible.

Mayor Meadows commented on and requested revisions within the Plan on the following:

- Page 2, Part B, Competitive Analysis, Assets: "Oakley has miles of waterfront that could support a range of development opportunities". He mentioned Oakley has miles of waterfront but most of it is restricted or already developed; the only areas he sees as being developed or redeveloped are the 3 marinas and 55-acre park site.
- Page 2, Part B, Competitive Analysis, Challenges: "95% of working population leave the city for employment". He commented that he does not see this as a challenge, but rather an opportunity if Oakley had jobs for the population. Ms. Doll agreed and mentioned it can be a challenge, but they also documented it as an opportunity within one of the appendices. He reiterated he does not think that is a challenge.
- Page 2, Part B, Competitive Analysis, Challenges:"Senior population growing (age 60+)". He mentioned it is probably true everywhere. Ms. Doll mentioned the key is that the workforce is getting slim. He mentioned that is not what the graphs say later, and he thinks Oakley may be better off than other places and he does not see it as a challenge.
- Page 4, Target Industry Rationale, last bullet, "Seller" (include "s").
- Page 10, Location One Information System. He mentioned predominant users/sites are on the East Coast and the one located in California seemed large. He inquired if there are better ways they could be marketing the properties and if this is something they really could use. Ms. Doll explained the City would not necessarily need to use it right away but it would be something they could use if they want to promote site proposals it would be a good tool to use.
- Page 14, Market Access and Transportation Infrastructure, "Several freight and passenger airports are located within less than two-hour drive". He mentioned he believes it is 5 airports: Sacramento, San Jose, San Francisco, Oakland and Stockton. He added there are also Buchannan and Byron airports; Byron might be utilized for freight.
- Page 15, "Median age (34 years)…" He mentioned it goes back to his comment made previously.
- Page 15, "Training Resources". He suggested paragraph be completely rewritten to reflect Contra Costa College, Diablo Valley College in Pleasant Hill and Los Medanos College in Pittsburg (Brentwood and San Ramon are its satellite campuses).
- Page 16, Challenges, "The share of Oakley's population with higher education degrees…" He mentioned Oakley could pull from surrounding areas for higher education workforce if needed. Also, "95% of Oakley's working population leaves the city for employment." (see previous comment).
- Page 17, Real Estate and Infrastructure, Sites and Buildings, "There is land available in Oakley that is suitable for near-term development-small and large agriculture parcels-but nothing is ready for the market…" He commented Oakley

does not really have land that is zoned agriculture so that should be deleted but Oakley does have land with grapevines so it would have commercial or light-industrial.

- Page 18, Challenges, “Climate change-rising ocean level will lift groundwater…”. He commented that Diablo Water District is worried about the water table lowering so here there is some conflict.
- Page 20, Quality of Place, Housing, “…price of homes for sale and rent are increasing dramatically”. He mentioned they are not increasing dramatically; they were increasing but have been flat; “drastically” should be taken out.
- Page 21, Challenges, “There are no emergency housing shelters in Oakley”. He commented that it is true, but he does not see how it is a challenge with economic development. Ms. Doll explained that in looking at the quality of place, if it would be a place people would be attracted to and feel safe living, to attract and keep workers. He asked if an emergency housing shelter would do that and Ms. Doll explained it is indicative. He mentioned they met with a company a couple of weeks ago interested in coming to Oakley and that wasn’t their concern.

Dr. Fuller commented on and requested revisions within the Plan on the following:

- Pages 4, 21, “Park”. He requested a footnote on each that these are previous designs and the City is in the process of reworking those designs.
- Page 6, Agricultural Technology. He mentioned he likes the idea of moving into agriculture to the east and north. He shared a tractor shop wanted to come in so there are people thinking about it. He mentioned areas such as Sacramento, Stockton, Modesto and Merced have agriculture and Oakley has it nearby and he would like to tap into it.
- Page 18, “The conventional structure is that cities operate water and wastewater services although services provide by private companies or through a utility district, like in Oakley, are seen in parts of the country.” He inquired if she recommends a single-source structure. Ms. Doll explained that she doesn’t think she can make that recommendation; however, what they recommend overall is reducing risk.

Dr. Fuller requested an opportunity to read through the rewrite and have a comparison to the original when it is completed.

Vice Mayor Williams requested clarification regarding the next step since the action is to review and adopt. Mr. McMurray indicated the revisions can be made and brought back at a future Council meeting.

No action was taken by the City Council. Staff was directed to bring the item back for the Council’s consideration when revisions have been made, including tracked changes.

5.3 Adopt a Resolution Authorizing the City Manager or Mayor to Sign and Send Letters of Support or Opposition to Legislation (Danielle Navarro, Assistant City Manager)

Assistant City Manager Danielle Navarro presented the staff report.

Vice Mayor Williams commented that the Council does not always agree with CalCities and although CalCities promotes local control, unfortunately, it sometimes supports items that erode that local control. She expressed concern if the Council is using CalCities as the guidepost, but she is uncertain what the workaround is.

Mayor Meadows inquired if the additions Mrs. Navarro included would cover that if it follows Oakley policy and Mrs. Navarro confirmed they would.

Vice Mayor Williams inquired if anything they would be sending a letter for would have had some prior discussion. She mentioned she wants to streamline the process and provide letters, but she has concerns about a blanket statement. She mentioned having staff notify the Council when a letter is going to be sent may get in to Brown Act violations if they are discussing it and then what is the point of having a policy.

Dr. Fuller commented that things are moving very rapidly not only in ABAG, MTC and BAHFA, but in other areas and the system is slow to respond so he can see the need for a mechanism to speed things up. He mentioned he is gun shy, having worked with the former City Manager who said he had authority to sign the letters based on a comment made at the dais 15 years prior. He added he didn't trust him and neither did the community in his perception and he doesn't want that to come back but he does want a way to speed it up. He shared that he thought about a process where the City Manager or Mayor writes a letter and unless there are any objections the letter will be brought to the dais, but he considered that could be deemed a meeting and the public doesn't get a chance to be involved so he is not certain what the solution is. He commented that in his opinion they do not use special meetings enough and find too many reasons not to meet as some on the dais may find it inconvenient, but he finds that matters lag and if there are three Councilmembers who are willing to meet and provide direction, they could have letters move forward faster. He also commented he is opposed to providing carte blanche to the City Manager or Mayor.

Mayor Meadows commented that he agrees the process needs to be faster, but he doesn't have a solution. He mentioned some of what comes out of CalCities is okay, and other things are detrimental to Oakley and some of the other agencies. He commented that Oakley is part of CalCities and some that have sat up on the dais previously have questioned membership; he doesn't know what the City pays for it or gets for it. Dr. Fuller mentioned it is around $7k per year. Mayor Meadows mentioned he is okay with the policy and if there is an issue, they could rescind the policy.

Councilmember Henderson commented that the other situation that could happen is that the City Manager or Mayor could draft the letter to present at the next meeting or call for a

special meeting. He mentioned this process would get it started so he thinks the policy is a good tool, but there will be circumstances where once the letter is drafted it will need Council approval. Dr. Fuller agreed.

Vice Mayor Williams inquired if that would be possible.

Mr. McMurray responded he thinks it would be possible in most circumstances, but they might miss an opportunity with timing; they try to do the best they can but have missed a lot of opportunities and missing some rather than a lot is the better of two options. He suggested staff could add a bullet point to include Councilmember Henderson's suggestion; if there is uncertainty from either the City Manager or Mayor, they could schedule the item for the next regular meeting if within time constraint or schedule a special meeting if they could have a quorum.

Vice Mayor Williams commented that their current process is one of the Councilmembers brings up most of the letters so they would be able to throw their weight around with a more streamlined process. She supported working in safeguards if there are letters in question that they could escalate it.

Councilmember Shaw agreed it is not perfect as written now, but something needs to happen to get their voices out there so she would support it and trusts that they understand their position on most things such as they support local control, and they can always rescind the policy if needed. She mentioned he would like to discuss it again next year and see if any revisions need to be made. She supported it with a provision that if there is any grey area it be brought for discussion at the next regular meeting or special meeting if needed.

Dr. Fuller requested a provision that addresses holding a special meeting if needed and mentioned if the Council adopts a philosophy of being more flexible for special meetings, he believes it will work well.

Councilmember Shaw commented that reference keeps being made that some are opposed to special meetings, but she is not aware that they have had a special meeting during her time on the Council nor has she been asked to have one and it is not something she is opposed to; she has made herself available anytime when she has been asked by the City.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to adopt the resolution with amendments proposed by Councilmember Henderson. Motion was unanimous and so ordered. (5-0)

5.4 Adopt a Resolution (1) Declaring as exempt surplus property the real property located at 3080 Main Street (APN 037-200-011); (2) Authorizing the City Manager to Execute a Purchase and Sale Agreement with Kent A. Ipsen concerning this property; and (3) Finding the declaration of surplus property and authorization for sale are categorically exempt under the class 12 exemption of the California Environmental Quality Act (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

It was moved by Dr. Fuller and seconded by Vice Mayor Williams to adopt the resolution as submitted. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray reported on E. Cypress Road from Knightsen Avenue east to Bethel Island Road. He mentioned work is scheduled to begin in the next few weeks for the signalized intersection at Knightsen Avenue and East Cypress Road and staff is in the process of wrapping up the inclusion for the Burroughs property which the City is a partial owner, through the Central Valley Project handled by the Reclamation District. He explained that will happen in the next few months and then the City can begin work around October on the frontage improvements to widen E. Cypress Road from Knightsen Avenue to the canal section west of Jersey Island Road and the work will take approximately one year. He also reported in relation to the Library, that the former substation on O'Hara Avenue has been fully demolished, the site should be cleaned by the end of the week, and the County can now deed the property to the City. He added that the City has already begun work with Urban Field Studio, its' consultant, on the secondary analysis to justify initial assumptions and they expect to bring something before the Council in October or November. He announced the Fishing Derby on Saturday, August 12, 8am-11am, at the Oakley-Antioch Pier, the Movie in the Plaza on August 26 beginning at 4pm with games and activities and the movie starting at dusk, and the Friday Night Bites and concert on September 1 beginning at 5pm.

(b) City Council Compensation

City Attorney Derek Cole presented the staff report.

Vice Mayor Williams inquired if there will be a definition to address "substantive" regarding attendance to receive the additional $150 per committee they are appointed to as currently there is no repercussion for not attending.

Mr. Cole mentioned he will include language to address it as some committees may be more robust than others and he would want to distinguish that and he will bring it forward for Council review.

Vice Mayor Williams pointed out that the increase would not take effect until the next election. She mentioned she has not seen “Council pay” in the budget, this would substantially increase that cost for good reason, the Council has been supportive of staff pay increases, the Council makes big decisions, and she would like to attract people who will take it seriously; $1,275 is not a career path but compensates a person for the effort that residents expect. She inquired if this increase would be something that they would see in the budget.

Mr. McMurray explained the City already has a budget item set up for the City Council that includes salaries. He recommended the Council propose the amount and before bringing it back, staff can run the numbers to confirm if the budget can absorb the cost, although off the cuff, he believes the City can absorb the number being discussed.

Councilmember Shaw provided amounts it would cost for childcare during meetings for someone on the Council (on high end $580) and she would not want to exclude anyone from any group from participating so while initially she thought the proposed number was a big jump, the workload has increased, there were only three candidates on the ballot (one write-in) in the 2022 election, and she thinks this could attract different groups of people. She shared that she works full-time with flexibility to attend meetings and events; however, not everyone has that flexibility, and this increase may allow someone to work part-time and serve on the Council or allow someone to serve on the Council who may need to pay for childcare. She mentioned she considered an amount less than this, but it doesn’t take effect until the next election, they have time to work it into the budget, and it provides compensation for time spent at meetings, events, work put in to prepare for meetings, and gas. She also mentioned that this compensation will still be on the lower end compared to surrounding cities which she understands given Oakley’s population, but they are putting in great effort and they are likely only getting paid pennies for the amount they collectively do.

Dr. Fuller mentioned this bill came out of Emeryville where a Councilmember left for an income around $150-200k/year and people thought she would have stayed if the Council salary was greater. He mentioned he found it insulting that CalCities is saying they can’t find good people to run because salaries are insufficient. He shared that he is against it and doesn’t see the need for raises for Councilmembers; he would do this job for free and a lot of other people who are dedicated servants would do the same.

Councilmember Shaw commented that she thinks the five of them are in position that they can, and she is not saying they are not qualified to do the job; they are, and doing it every day; however, there are qualified people that can do this job that may not be in the same financial position. She mentioned it is not about attracting more qualified people, just attracting more people that want to do good for our city. She added that she is not saying that pay will provide more qualified candidates; they had three candidates in the last

election who were all qualified. She mentioned the increase would give someone the opportunity and ability to serve, i.e., have childcare that they would not otherwise have while they do their civic duty. She commented that she believes their pay is less than the Director of Ironhouse Sanitary District and within $10 of Clayton. She mentioned their City's population and their obligation to residents have increased since the last increase in 2014 and all five of them do a good job of making themselves available to residents.

Vice Mayor Williams mentioned anyone can waive it if they wish to serve out of the goodness of their heart and in looking at the current Council and those who ran, the residents' average age of 34 is not represented because those are the moms and the workers. She commented that 95% of people commute outside of Oakley, and voices are not being heard because people have to come to a Council meeting to be heard and that is not being representative, and she feels that they are excluding an entire segment of population that wants to get involved to do good for our community but cannot so they either complain on social media or send emails that they hope get answered. She mentioned they could open a room and provide childcare for elected but it would likely cost more than this increase.

Mr. Cole advised they do not have to vote tonight; this is to provide staff direction. He mentioned he will bring something back in the fall with $1,275 stipend and $150 for committees and define what is required to receive it, and the Council can scale back from there if it chooses.

Dr. Fuller commented that they have not heard from Councilmember Henderson or Mayor Meadows, and he doesn't want to have staff continue if three of them might vote against it. He expressed that he doesn't see Council pay as a priority and they are spending more time on this than he would prefer.

Councilmember Henderson commented that he wants to see options include $800 and $1,000, explaining that 4-6 hours prior to meetings is usually spent to read and prepare for meeting and at a wage of $20-$25/hour that would be around $800-$1,000. He mentioned they need to do something but doesn't think that they need to go all the way to the top.

Councilmember Shaw commented that the $1,275 she mentioned did not include any extra for additional meetings and that amount could account for those. She expressed that she is fine with having some options but is not a fan of additional pay for committees, commissions and boards since the Mayor assigns those and they can change each year. She suggested the Council look at how much time it puts in for the benefit of the future Council because this is not for the current Council.

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

Dr. Fuller reported he attended Sensory Playtime at the Oakley Library, a program offered through ARPA grant funds, and saw the need for larger library space for children with ADHD and autism to be able to focus on the activities without distraction. He also reported attending the convocation for the Liberty Union High School District. He mentioned he watched the 83-minute ABAG Housing Committee report and Berkeley Mayor Jesse Arreguin discussed regional discretion and a regional bond to bring forward in November 2024 and AB 1487 which must have passed earlier. He mentioned AB 1657 is out of committee in its original form in the Senate and waiting to go on the floor on August 14; he believes it will be passed before September 1. He mentioned SB 555 is in the Assembly which gives the State more control with a housing authority which Glazer and Frazier voted for. He mentioned they want to make it a regional bond issue which means they will vote like they did on BART; all ABAG population centers will vote on $20 billion more in bonds for regional development of housing and places that have greater RHNA requirements are talking about the need for it to be an equitable distribution, meaning they will fund it, but it will be in a manner of what they want and where they want to make it a regional style of government. He mentioned it will be out of the housing committee and fully underway by December 2023, with a campaign to get it passed by November 2024. He added that as soon as AB 1657 is out of the legislature, it is ready to go, and they will start on their March 2024 bid for $20 billion in bonds and looking for more State control of how it goes. He added that ABAG, BAHFA and MTC are pushing it and CalCities is behind it as well. He mentioned ABAG is talking about a unified voice, and it would support new construction and preservation which is what Berkeley wants and he sees that as highly discriminatory, not in my backyard, and would move it out to an equitable situation that people would vote for because it sounds nice, and he thinks they will have their work cut out for them. He mentioned BAHFA is hosting workshops toward the middle and end of August if anyone would like to hear what this is about.

Mayor Meadows mentioned he thinks it is Plan Bay Area 2050 referenced in the Economic Development Plan.

Councilmember Henderson reported he attended the park workshop, the Senior Center fundraiser at the Rec Center, Diablo Water District, Movie in the Park, National Night Out, and Friday Night Bites.

Vice Mayor Williams reported she was invited to celebrate the Dream Team in Antioch but couldn’t attend. She explained that the group meets to play basketball a couple times each week and the lead person teaches life skills to boys. She explained she met with the lead person for the program, and he is exploring how to bridge services to Oakley as he has received a number of inquiries from Oakley residents regarding the program. She

mentioned she directed him to funding resources and is mentioning it here because she thinks it would be a great program for Oakley. She reported she attended a CalCities meeting where ABAG and MTC provided a presentation on Bay Area Plan 2050 and they shared that road shows would be coming to cities to explain their plans for housing and transportation. She mentioned she would like to know the dates and locations of the roadshows. She also mentioned the regional approach to unhoused and to keep in mind although the numbers of unhoused on the streets in Oakley may seem low, there are people unseen who live in their cars that are working two jobs but can't afford an apartment, for example. She mentioned there was some misinformation online regarding the Tri-Delta Park and Ride. She explained that ECCTA purchased land for the Oakley Park and Ride lot in 2008, she confirmed with City Manager Joshua McMurray that it was not a City sale, in 2008, an environmental study was completed and construction plans were completed, in 2009, Tri-Delta received a large grant from the federal government to purchase the land, in 2008-2009 the funding could only be spent on the land acquisition and it was, and it took until 2019 to secure additional funding to build. She mentioned Covid happened before any building could happen. She explained potentially what could have happened if Tri-Delta would have taken those funds to purchase the land, they would have had to turn it into some sort of operations station without funding to construct or they would have owed the federal government the $545k they spent on that and that money would have come from Oakley taxpayers; at least when it was federal funds, it was distributed across the nation. She mentioned approval of the Oakley Park and Ride lot was brought to the City Council on April 26, 2011, and just because someone sits on a board and promotes transit doesn't mean that they have voting power before they became a Councilmember.

Councilmember Shaw reported she attended the Ironhouse Sanitary District meeting, the Planning Commission meeting virtually, the 55-acre park community meeting, as an appointee to Tri-Delta she took a tour where Tri-Delta buses are made, she attended the Yellow Roof Foundation groundbreaking, the Tri-Delta Transit Board meeting, the CalCities' East Bay Division meeting (she wants to talk to Sam to get the most out of it; the speakers were brief and they didn't get a lot of time for Q&A), a virtual Education Workforce Housing forum, the Elected Women's Luncheon, she was invited to provide a welcome message and be a speaker for the Commission for Women and Girls' Commission Appointment workshop, she attended Senator Glazer's Women Making Herstory celebrating Janet Frazier/Network of Care, Friday Night Bites, and met with Claire Alaura from Senator Glazer's Office to discuss E. Cypress and other matters in Oakley.

Mayor Meadows reported he also attended the LUHSD convocation and briefly spoke, National Night Out (3 locations), the Yellow Roof Foundation groundbreaking, and the Mayors Conference last Thursday where he sat with the three mayors from East Contra Costa County and his statement in relation to BAHFA was that if the bond measure passes, to send us money for jobs, not housing. He mentioned although he cannot speak for the other East County Mayors, it appeared they were all in agreement with his statement. He mentioned it is his son Anthony's last meeting as he is going to school in two weeks and thanked him for attending meetings over the past 8-9 months. He

mentioned San Francisco has issued 186 building permits this calendar year and its RHNA requirements are 82,000 units to be built by 2031; they're just not doing it and those areas need to step it up.

(b) Requests for Future Agendas

Councilmember Henderson requested a team building workshop for the Council. Vice Mayor Williams seconded.

Councilmember Henderson requested a social media policy for the Council. Councilmember Shaw seconded. Dr. Fuller commented they tried that once and it cost $20k.

Dr. Fuller requested a series of training sessions regarding AB 1657 and related topics. Mayor Meadows seconded. Dr. Fuller requested staff include materials he provided to Mr. McMurray previously. Mr. McMurray suggested one workshop until staff has direction and mentioned all materials will be distributed at the time the agenda packet is distributed. Dr. Fuller suggested everyone study information on the topics, available at www.abag.ca.gov . Vice Mayor Williams requested someone to perform a policy analysis and Mr. McMurray confirmed that would be staff.

Vice Mayor Williams requested to receive a schedule on upcoming updates to the Council from commissions, committees, and boards, as well as school superintendents. Mr. McMurray offered to provide the information.

Vice Mayor Williams requested neighboring jurisdictions meet to have a regional committee approach on items. Mr. McMurray explained that Mayors and City Managers in far East County previously held quarterly meetings years ago and he can look into doing that again. Mayor Meadows seconded.

Vice Mayor Williams requested a presentation by the Dream Team. Mr. McMurray requested the information be provided to him so he may first facilitate more information.

Mayor Meadows requested an ad hoc committee be formed for senior housing at Carol Lane to address things under the City's control, i.e., code enforcement, and if the project operates like it is supposed to. Vice Mayor Williams and Councilmember Shaw seconded.

7) WORK SESSIONS

None.

8) CLOSED SESSION

Mayor Meadows mentioned the next regular meeting will be held September 12, 2023, beginning at 6:30pm in the Oakley City Council Chambers. He announced the closed session items.

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.

8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8
Property: 3570 Main Street, Oakley, CA, APN 037-160-025
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Juli Del Barba Favalora
Under Negotiation: Price and term of payment

9) ADJOURN

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

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of the Special Meeting of the Oakley City Council held August 22, 2023

1.CALL TO ORDER AND ROLL CALL

Mayor Aaron Meadows called the special meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers Dr. George Fuller, Hugh Henderson and Shannon Shaw were also present.

2.PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Meadows led the Pledge of Allegiance to the Flag.

3.PUBLIC COMMENTS

Mayor Meadows announced three public comments were submitted online and made part of the meeting record.*

4.REGULAR CALENDAR

4.1 Adopt a Resolution approving the re-organization of the City including the amendment to the Salary Schedule for Fiscal Year 2023/2024, authorizing the addition and removal of specific job classifications, and a budget amendment to appropriate funds to specified salary accounts (Jeri Tejeda, Human Resources Director)

Ms. Tejeda presented the staff report. She mentioned Dr. Fuller requested staff look into language on the job descriptions regarding reasonable accommodation which staff did and revised the language with advice from legal counsel.

Vice Mayor Williams shared that the email autoreply indicates for new businesses that business licenses are taking 4-6 weeks for approval. She inquired if the shift of business licenses from Finance to Community Development will accelerate processing.

Ms. Tejeda explained that the autoreply is intended for renewals and hundreds of business licenses renew at the same time which is difficult for a ½ time person to

process, so 4-6 weeks is the time to process payment and mail licenses. She mentioned she believes this shift will help with the process as well as new software the City is implementing so that business license renewal can eventually be processed online.

Dr. Fuller inquired which law firm provided the revised language on the job descriptions regarding reasonable accommodation and Ms. Tejeda responded it is Liebert, Cassidy, Whitmore.

No public comments were submitted.

Dr. Fuller commented that he is touched that the language was revised, and it shows what can be done. He shared that there is an upcoming conference at the University of Hawaii at Manoa, Center on Disability Studies, where the theme is “Beyond Compliance to Acceptance” and this is similar. He also commented that Mr. Rohani has done something similar with playground equipment. He mentioned it bothered him when he used to hear, “we are lean and mean”, and when he talked with the City Manager at that time, Mr. Montgomery, he was told that the City didn’t have job descriptions so they can move employees around which upset him because he has worked in public service all but one year in his adult life. He acknowledged the work of Mr. McMurray, Ms. Tejeda, and others to bring this to fruition; there are job descriptions, standards, and it brings the team together.

It was moved by Vice Mayor Williams and seconded by Dr. Fuller to adopt the resolution with the proposed revised language regarding reasonable accommodation. Motion was unanimous and so ordered. (5-0)

5.ADJOURN

There being no further business, the meeting was adjourned at 6:54 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

* Two online public comments were received prior to 5:00 p.m. pursuant to Oakley City Council Resolution 120-11.

MEMORANDUM

OAKLEY
CALIFORNIA

Date: August 9, 2023
To: Mayor and City Councilmembers
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 September 12, 2023

Background and Analysis

The City Council considered the following closed session items during its regular meeting held August 8, 2023:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(2). One potential case.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 3570 Main Street, Oakley, CA, APN 037-160-025
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Juli Del Barba Favalora
Under Negotiation: Price and term of payment

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

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023

TO: Joshua McMurray, City Manager

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

SUBJECT: Ratify Election: Adopt Ordinance No. 4-23 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 188 within the Oakley Special Police Tax Area for Police Protection Services for the Honey Creekside project (Subdivision 9579) located at 463 and 560 Honey Lane (APNs 033-030-028 and 033-030-032)

Background and Analysis

On April 26, 2022, the City Council approved a vesting tentative map with certain Conditions of Approval for the proposed Honey Creekside project (Subdivision 9579) (the "Project"). The Project is designated as Single Family Residential in the Oakley 2020 General Plan and zoned R-6 (Single Family Residential) on the City of Oakley Zoning Map. The Project is currently comprised of APNs 033-030-028 and 033-030-032, which is expected to be subdivided into 57 single-family residential units at build-out.

The Conditions of Approval for the Project require the property owner to mitigate the financial impact that their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area District that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Project has requested the City assist with annexing the project into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On June 13, 2023, the City Council introduced Ordinance No.4-23 which would authorize a special tax for police services within Zone 188 subject to property owner voter approval. On August 15, 2023, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing Honey Creekside. The City Clerk tabulated the property owner ballot and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 188.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 188 to the Oakley Special Police Tax Area. The FY 2023-24 special tax rate for Single Family Residence (1 res., 1 site) parcel is $1,282.30/parcel (FY 2023-24 rates). Therefore, successful creation of the Zone is expected to provide up to $73,091.10 (in FY 2023-24 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in FY 2024-25.

Staff Recommendation

Staff recommends that the City Council ratify the election and adopt Ordinance No. 4-23 authorizing the levy of a special tax on parcels of land within Tax Area Zone 188 within the Oakley Special Police Tax Area for Police Protection Services for the Honey Creekside project (Subdivision 9579) located at 463 and 560 Honey Lane (APNs 033-030-028 and 033-030-032).

Attachments

1. One (1) Signed Ballot
2. Ordinance No. 4-23
    a. Exhibit A – Boundary Map for Police Tax Area Zone 188
    b. Exhibit B – Tax Rate Schedule for Fiscal Year 2023-24

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 188 FOR THE HONEY CREEKSIDE (SD 9579) PROJECT
LOCATED AT 463 AND 560 HONEY LANE

Parcel Description:	Assessor Parcel Numbers 033-030-028-6 and 033-030-032-8
Record Owner:	Honey Lane Ventures, LLC
Address:	463 and 560 Honey Lane

Shall Ordinance No. 04-23 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 188 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 11 (Single Family Residence – 1 res., 1 site) is $1,282.30 per parcel and $641.15 per vacant parcel per the current FY 2023-24 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 04-23.

_____ Yes, Ordinance No. 04-23 shall be approved.

_____ No, Ordinance No. 04-23 shall not be approved.

Signature of Authorized Representative for
HONEY LANE VENTURES, LLC

Jeffrey B. Lawrence
Printed Name

9/12/23
Title

ORDINANCE NO. 4-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 188 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE HONEY CREEKSIDE PROJECT (SUBDIVISION 9579) LOCATED AT 463 AND 560 HONEY LANE (APNs 033-030-028 and 033-030-032)

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on real property that is within Oakley Special Police Tax Area Zone 188 of the Oakley Special Police Tax Area as shown on the Exhibit A map attached hereto in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIIIA of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 188.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the

amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Fiscal year" means the period of July 1 through the following June 30.

C. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

D. Oakley Special Police Tax Area Zone 188 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

E. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 188, nor any land or improvements owned by any governmental entity.

F. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2023 through June 30, 2024) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2024 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

In no event shall the tax per parcel for any fiscal year be less than the amount established for the previous fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

i) The secured roll tax bills shall be the only notices required for this tax, and
ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election held on August 15, 2023 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2024. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of September 2023, by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

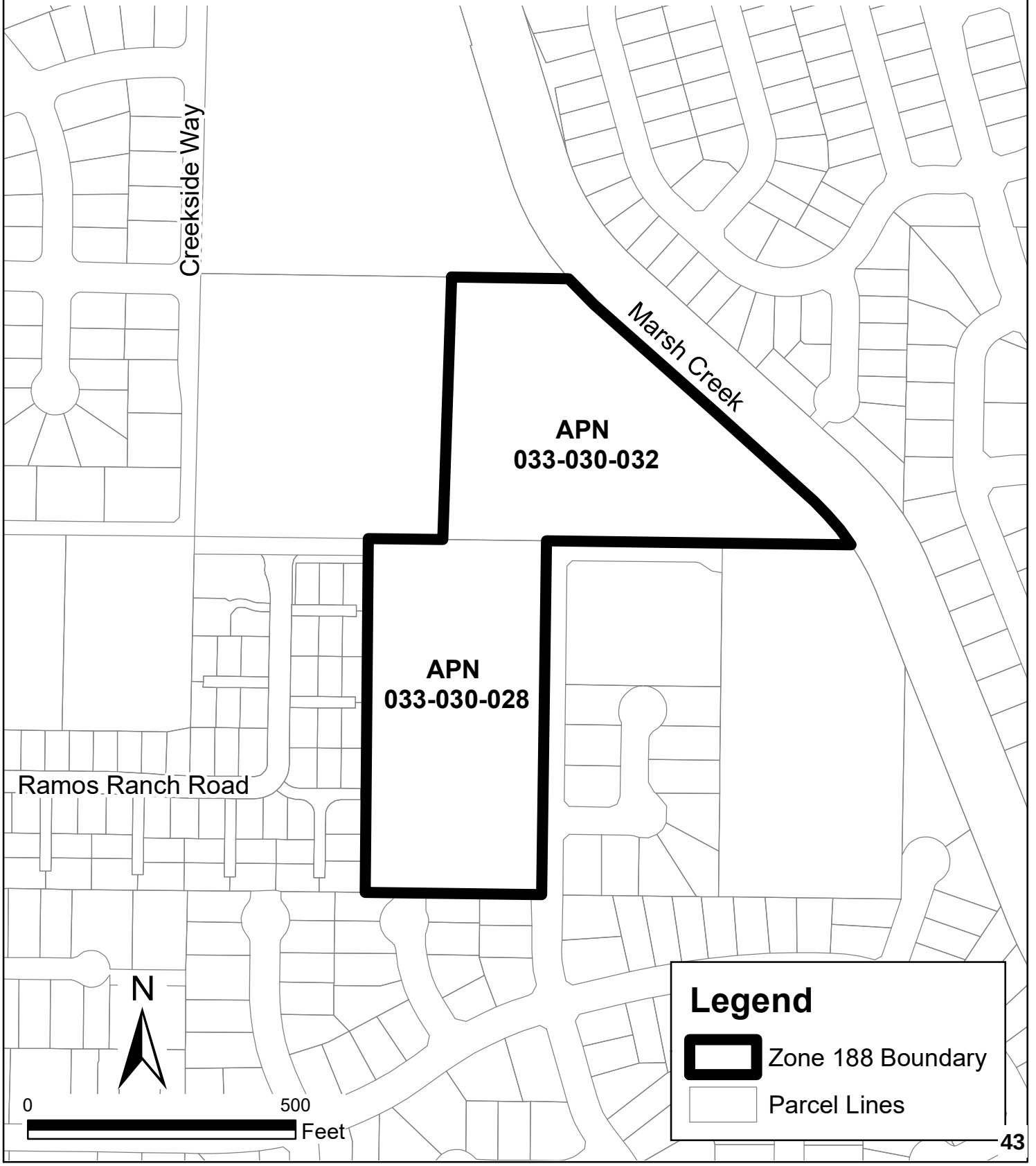
_____
Libby Vreonis, City Clerk

_____
Date

EXHIBIT A - BOUNDARY MAP

CITY OF OAKLEY SPECIAL POLICE TAX AREA (P-6) ZONE 188

CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
HONEY CREEKSIDE (SUBDIVISION 9579)



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2023/2024

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY22/23 TAX PER PARCEL	FY23/24 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,230.73	$1,282.30
12	Single Family Residence – 1 res., 2 or more sites	$1,230.73	$1,282.30
13	Single Family Residence – 2 res., on 1 or more sites	$1,969.17	$2,051.68
14	Single Family Residence – other than single fam. Land	$1,230.73	$1,282.30
15	Misc. Improvements – 1 site	$1,230.73	$1,282.30
16	Misc. Improvements – 2 or more sites	$1,230.73	$1,282.30
17	Vacant – 1 site	$615.37	$641.15
18	Vacant – 2 or more sites	$615.37	$641.15
19	Single Family Residence – Det. W/common area	$1,230.73	$1,282.30
20	Vacant – Multiple	$615.37	$641.15
21	Duplex	$1,969.17	$2,051.68
22	Triplex	$2,953.75	$3,077.52
23	Fourplex	$3,938.34	$4,103.36
24	Combinations	$1,230.73	$1,282.30
25	Apartments (5 –12 Units)	$4,922.92	$5,129.20
26	Apartments (13 – 24 Units)	$12,799.59	$13,335.92
27	Apartments (25 – 59 Units)	$24,614.60	$25,646.00
28	Apartments (60+ units)	$59,075.04	$61,550.40
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,230.73	$1,282.30
30	Vacant – Commercial	$615.37	$641.15
31	Commercial Stores – Not Supermarkets	$2,461.46	$2,564.60
32	Small Grocery Stores – (7-11, etc.)	$3,692.19	$3,846.90
33	Office Buildings	$2,461.46	$2,564.60
34	Medical, Dental	$2,461.46	$2,564.60
35	Service Stations, Car Wash	$2,461.46	$2,564.60
36	Garages	$2,461.46	$2,564.60
37	Community Facilities (Recreational, etc.)	$4,922.92	$5,129.20
38	Golf Courses	$2,461.46	$2,564.60
39	Bowling Alleys	$1,230.73	$1,282.30
40	Boat Harbors	$3,076.83	$3,205.75
41	Supermarkets – (not shopping centers)	$3,692.19	$3,846.90
42	Shopping Centers	$4,922.92	$5,129.20
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,230.73	$1,282.30
44	Motels, Hotels & Mobile Home Parks	$6,153.65	$6,411.50
45	Theaters	$2,769.14	$2,885.18
46	Drive-in Restaurants	$1,846.10	$1,923.45
47	Restaurants	$1,846.10	$1,923.45
48	Multiple & Commercial	$1,846.10	$1,923.45
49	New Car Agencies	$1,846.10	$1,923.45
50	Vacant Land (not part of Ind. Park or P. & D.)	$461.52	$480.86
51	Industrial Park	$3,692.19	$3,846.90
52	Research & Development	$1,846.10	$1,923.45
53	Light Industrial	$1,846.10	$1,923.45
54	Heavy Industrial	$1,846.10	$1,923.45
55	Mini Warehouses (public storage)	$3,692.19	$3,846.90
56	Misc. Improvements	$3,692.19	$3,846.90
61	Rural, Res., Improvement 1A-10A	$923.05	$961.73
62	Rural, w/or w/o structure 1A-10A	$923.05	$961.73
70	Convalescent Hospitals / Rest Homes	$1,846.10	$1,923.45
73	Hospitals	$1,846.10	$1,923.45
74	Cemeteries / Mortuaries	$1,846.10	$1,923.45
75	Fraternal & Service Organizations	$1,846.10	$1,923.45
76	Retirement Housing Complex	$6,153.65	$6,411.50
78	Parks & Playgrounds	$3,692.19	$3,846.90
85	Public & Private Parking	$1,846.10	$1,923.45
87	Common Area	$1,846.10	$1,923.45
88	Mobile Homes	$923.05	$961.73
89	Other (split parcels in different tax code areas)	$923.05	$961.73
99	Homeowner's Association Owned Common Areas	$738.44	$769.38

The tax rates shown in this schedule shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from FY 2022-23 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.	4.19%

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023

TO: Joshua McMurray, City Manager

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

SUBJECT: Acceptance of work associated with the Sheriff Annex Building Demolition Project – Capital Improvement Project Number 271

Background and Analysis

The City's adopted Fiscal Year (FY) 2023/24 Capital Improvement Program (CIP) budget designates funding for various infrastructure improvement projects. This is consistent with the City's Strategic Goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The Contra Costa County Sheriff Department had an annex building located at 210 O'Hara Avenue that had serviced the Oakley area. This facility had been vacated for several years and was no longer in operation. The project was to demolish the old building, level the property and remove all the old debris.

On April 11, 2023, the City Council awarded a contract to Campanella Corporation for the demolition of the Sheriff Annex Building, and the work has now been completed successfully.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

The authorized budget for the construction of this project was $400,000. This project was completed under the authorized budget in the amount of $90,000. In addition to the authorized budget, the County will be reimbursing the City approximately 50% of the demolition costs, per an agreement that was executed between the City and the County in 2022.

Pursuant to the contract documents, 5% of the accrued costs were withheld from the amount paid to the contractor. These funds are called "retention" and are held until the end of the project to ensure that the contractor completes the project in a timely manner. Approval of this item will authorize the release of the retention payment to the contractor. The retention was already budgeted as part of the contractor and change order approvals, so there is no additional fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the resolution accepting Capital Improvement Project Number 271 – Sheriff Annex Demolition Project as demolished by Campanella Corporation to be complete, and to direct the City Clerk to file a Notice of Completion for the project with the County Recorder.

Attachments

1. Resolution
2. Notice of Completion

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING THE WORK AS COMPLETE BY CAMPANELLA CORPORATION FOR CAPITAL IMPROVEMENT PROJECT NUMBER 271 – SHERIFF ANNEX BUILDING DEMOLITION PROJECT

WHEREAS, on April 11, 2023, by adopting Resolution No. 42-23 the City Council awarded a construction contract to Campanella Corporation for the construction of the Sheriff Annex Building Demolition Project – CIP No. 271; and

WHEREAS, Campanella Corporation has satisfied the contractual requirements necessary for the acceptance of the Sheriff Annex Building Demolition Project to be deemed complete in the final amount of $90,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Sheriff Annex Building Demolition Project – CIP No. 271 is hereby accepted as complete.

BE IT FURTHER RESOLVED AND ORDERED, that the City Clerk is hereby directed to file a Notice of Completion for the Sheriff Annex Building Demolition Project – CIP No. 271 with the County Recorder.

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of September 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

PURSUANT TO GOVERNMENT CODE §6103 NO FEE IS REQUIRED FOR THE RECORDATION OF THIS DOCUMENT

WHEN RECORDED MAIL TO:
City Clerk
City Of Oakley
3231 Main Street
Oakley, CA 94561

RECORDING REQUESTED BY:
City Of Oakley
3231 Main Street
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

NOTICE OF COMPLETION
Capital Improvement Project Number 271 – Sheriff Annex Building Demolition Project

NOTICE IS HEREBY GIVEN THAT:

The CITY OF OAKLEY, a political subdivision of the State of California, did, on April 11, 2023, enter into an agreement with Campanella Corporation for the construction of Capital Improvement Project (CIP) Number 271 – Sheriff Annex Building Demolition Project, with work located at 210 O'Hara Avenue, Oakley, CA. 94561.

The Owner's nature of interest or estate in the property described below is in fee.

The work described in the contract documents was to furnish all material, labor, and equipment necessary to complete CIP Number 271 – Sheriff Annex Building Demolition Project.

On September 12, 2023, said contract as a whole was completed and the work was accepted by the City Council of the City of Oakley.

VERIFICATION

I have read the foregoing NOTICE OF COMPLETION and know the contents thereof; the same is true of my knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed this 12th day of September 2023 at Oakley, California.

Date: _____

By: _____
Libby Vreonis, City Clerk
City of Oakley, California

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: September 12, 2023
TO: Joshua McMurray, City Manager
FROM: Harumi Murata, Economic Development Analyst
SUBJECT: Review and Adoption of 2023 Economic Development Work Plan

Approved and Forwarded to the City Council

Background and Analysis

In July 2022, the City Council directed staff to revise the Economic Development Work Plan initially drafted in 2016. To aid in this endeavor, we partnered with Chabin Concepts, Inc., and they assisted in the redevelopment of the Work Plan, ensuring it incorporated current economic trends, competitive analyses, and vital insights from stakeholders, alongside learnings from the previous Work Session in March 2023.

This revised comprehensive 2023 Economic Development Work Plan articulates detailed strategies that focus on fostering sustained economic growth and diversification by optimally utilizing community resources. It is positioned toward priming Oakley as a top-tier destination for new business prospects and investments. It also encapsulates our commitment to fostering new business possibilities, refining our marketing approach, and designating particular tasks in line with each objective.

The attached 2023 Economic Development Work Plan, now reflecting feedback from the Council members, continues to advance our mission of fostering robust economic growth in Oakley. A track change version has been attached to identify the incorporated amendments.

Consistency with the Oakley Strategic Plan 27+

This agenda item aligns with the principles of Strategic and Thoughtful Growth under the Community and Economic Development goals as it proposes to strategically plan and thoughtfully align our residential, commercial, and industrial growth to meet our short- and long-term vision.

Fiscal Impact

This Economic Development Work Plan Update project was allocated $50,000 of ARPA funds. The goals and action items in the Updated Work Plan will have their own budgetary impact and will be accounted for in the upcoming Economic Development budget.

Staff Recommendation

Staff recommends that the City Council adopt the City of Oakley 2023 Economic Development Work Plan.

Attachments

1. 2023 Oakley Economic Development Work Plan
2. 2023 Oakley Economic Development Work Plan with track changes
3. Draft Resolution

OAKLEY

CALIFORNIA

Economic Development Work Plan 2023-2026

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I. Introduction

The City of Oakley has been working from its 2016-17 Work Plan which outlines goals and priorities for the community's economic development. Following the 2019 COVID pandemic and subsequent economic shifts, city leadership determined it was time to update the work plan. The intent of the updated work plan is to recommend implementation actions that the city should take to achieve and boost long-term economic growth, promote economic diversification, and leverage its assets.

The consulting team of Chabin Concepts, DSG Advisors, and Urban Scenarios visited the City of Oakley to document the city's ability to deliver on the customary site selection factors considered when businesses search for a new location. Findings of this work are detailed in the Gap Analysis section and are the basis of the work plan. The work plan is focused on guiding the city economic development staff to prepare for an demonstrate to corporate decision-makers that the City of Oakley understands and can deliver on the location and workforce needs associated with the industries targeted for business attraction.

> *VISION: 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.*

A. Goals

The economic development work plan adheres to the city's goals as stated in the 2022-2027+ Strategic Plan. The strategies and action items are intended to enhance the city's economic development competitiveness and contribute to reaching the following goals.

1. **Community and Economic Development**: inspire and encourage community and economic development through strategic and thoughtful growth, a business-friendly environment, and local employment opportunities.
2. **Community Health and Safety:** protect the public and prioritize safe streets, healthy neighborhoods, and robust community resources.
3. **Parks and Open Space:** capitalize on the Delta, where residents, businesses, and visitors can recreate and relax.
4. **Community and Collaborative Partnerships**: build strong community and collaborative partnerships to be mutually beneficial and co-create shared goals.
5. **Finance and Fiscal Responsibility:** leverage financial resources for the long-term benefit of residents and businesses while maintaining sufficient reserves to provide stability and ensure a successful future.
6. **Sustainable Organization:** create a vibrant municipal workforce that reflects commitment to an inclusive and equitable community and can meet the mission today while striving for the envisioned future tomorrow.

B. Competitive Analysis

The Chabin Team conducted an analysis of Oakley's community assets to identify economic development opportunities, real estate parcels and industry investment targets. The analysis considered customary site selection factors businesses study when searching for a new location. The matrix below presents a summary of findings which are the basis for the target industry recommendations and a revised work plan. A more detailed discussion of the Competitive Analysis is included in Section III Gap Analysis.

ASSETS

- Location on highways, interstates, and access to freight and passenger air and port services
- Growing talent pipeline and employers can draw 1.2 million workers in just 30-mile radii
- Good workforce training resources in the region
- Growth of median household income is on par with county, better than cities in region
- Low crime rate and favorable cost of living when compared to county and region
- Oakley has miles of waterfront for recreation and a 55-acre site that could support a range of business development opportunities
- Entrepreneur Center
- Efforts are underway to establish a chamber of commerce
- Professional and service-oriented economic development staff

CHALLENGES

- Limited market-ready sites or buildings for industrial or commercial uses
- Economy is heavily weighted to service and retail; economic development actions need to focus on diversifying the economy
- Educational attainment is lower than other cities in the region, low performance in English and math in the high school
- Senior population (age 60+) is growing at a much faster rate than the incoming talent pipeline (under age 19) which could indicate a future workforce shortage; fortunately Oakley employers can draw from a workforce of 1.2 million in a 30-mile radii
- Planning is underway; a concrete plan for waterfront development must be a priority

OPPORTUNITIES

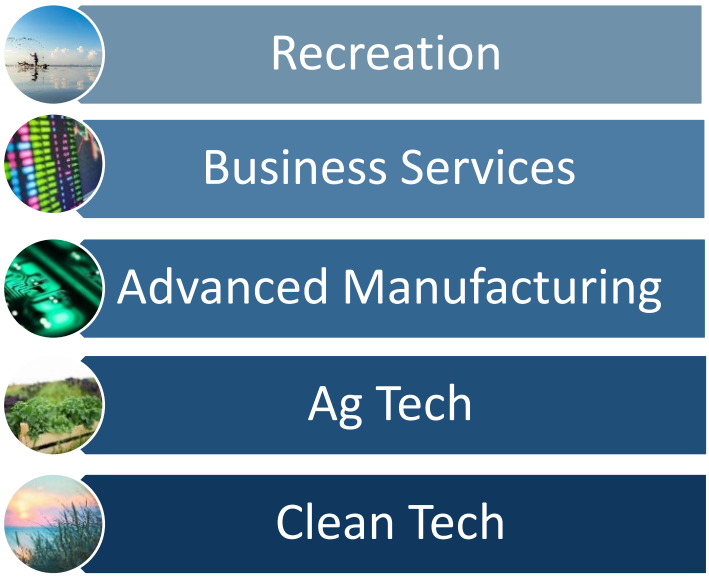
- There is high demand in the region for small to medium sized light industrial sites and buildings. Land zoned industrial in Oakley could accommodate an estimated 700,000 square feet of light industrial building space and several hundred traded-sector jobs
- Agreement on industry targets among educators, economic development organizations, and city government would guide stakeholders in moving the city forward
- Amtrak station will increase traffic and enhance the sense of importance of downtown
- Entrepreneur Center could spur entrepreneurs to invest in downtown development
- Waterfront development of recreation will improve the city's quality of life, attract visitors, and generate sales tax revenue
- Industrial development of the waterfront will draw business to the community and create local jobs
- Regional organizations can help expand the economic development capacity in the city

C. Target Industries

The consulting team weighed community assets against our experience with economic development and corporate investment trends at local, regional, national, and global levels. The target industries listed here are seen by the consulting team as aligning with Oakley's development assets, training initiatives supported by Contra Costa Community College, Contra Costa County's Department of Conservation and Development specified industry targets, and private sector investment trends in the region.

By focusing on the attraction of industries that align with community assets, Oakley can realize several benefits including:

- New job-creating investments in the city of Oakley
- Diversified Oakley economy with higher-paying, traded sector jobs
- Expanded capacity and marketing opportunities with target industries aligned with county and regional economic and workforce development partner organizations
- Increased presence and awareness in the region as a place to expand into a nearby, more-affordable location
- Reduced commute time for much of the Oakley workforce that is currently leaving the city for jobs



The remainder of this section presents a brief description of each target sector and Oakley's value proposition for meeting sector needs.

Target Industry	Recreation—specifically boating, fishing and fishing tournaments
Rationale	• Leverages and makes good economic use of one of the city's greatest asset, the waterfront • Attracting anglers and spectators can help draw attention to the city as place to do business (expanding the reach into other target industries) • Bass fishing is considered a top freshwater sport and California is one of the top three states contributing to the national economic impact • Fishing tournaments attract and engage all age groups and skill levels • If Oakley can keep anglers and spectators in the city for the duration of the tournament (for lodging, dining, supplies, etc.) the economic impact to the city and local businesses could be substantial • Once developed, the planned 55-acre Oakley Regional Park at Sellers Avenue (pictured below) may be sufficient to hold small- to medium-sized tournaments but more research would need to be conducted

Figure 1. 2019 rendering of Oakley Regional Park; master plan is currently being updated

Target Industry	Business and Technical Services—includes operations providing back-office support functions, inbound call centers, small data centers, and specialized product fulfillment that support regional, national, and global markets.
Rationale	• The recommended development area and surrounding environment on Oakley's west side is conducive to attractive office park development, offering views of greenery and surrounding terrain • Oakley's location offers easy access to clientele throughout the East Bay • Occupations are a good match for the existing workforce • Sixty-five percent of the workers in the 30-mile labor shed area are in occupations that support this industry sector e.g., business and finance, IT, architecture, engineering, healthcare, sales and related (ESRI labor profile)

Target Industry	Advanced Manufacturing—refers to the use of innovative technology to improve products or processes. Advanced manufacturing industries constantly integrate new technologies into their products and processes.
Rationale	• Occupations are a good match for the existing workforce • Supports existing manufacturing and advanced manufacturing operations in Contra Costa County and the East Bay region • Development of the recommended light industrial district on Oakley's west side is perfectly suited to this type of operation (Figure 7)

Figure 2. Examples of attractive business park settings

Target Industry	Agricultural Technology (AgTech)—encompasses ag-related manufacturing, processing, and services, including horticulture and aquaculture. AgTech companies use technology or provide services to improve yield, efficiency, and profitability e.g., robotics, temp or moisture sensors, aerial imaging.
Rationale	• Development and adoption of new agricultural technology is rapidly evolving, and California and the greater Bay Area is the center of innovation • The changing regulatory environment, higher operating costs, foreign and domestic competition, and shifts in market demands opens opportunities for communities able to meet market and cost demands • Once developed, the recommended light industrial district on Oakley's west side is perfectly suited to these types of operation (Figure 7) • Commercial and industrial services including machine shops, equipment repair, metal fabrication, engineering firms, vehicle repair, and light manufacturing support the needs of both local and outside markets

Target Industry	Clean Technology (CleanTech)—is the term used to describe companies involved in energy, water, transportation, agriculture, and manufacturing using technology and processes to improve the long-term health of the environment. This can include a broad range of industry sectors including recycling, renewable energy, information technology, green transportation, electric motors, green chemistry, lighting, grey water, etc.
Rationale	• Could support existing employers in the region many of whom are already using some type of advanced technologies • Cleantech jobs are among the fastest growing in the nation • Development of the recommended light industrial sites is perfectly suited to this type of operation • A broad array of occupations are involved in cleantech, from highly degreed professionals to skilled trades—civil and process engineers, technicians, solar panel installers, IT, and lower skilled manufacturing and logistics workers • Industrial development on the waterfront could be attractive to these users; operations can cover the spectrum from small entrepreneurial firms to large multi-national corporations requiring a range of site and building sizes and configurations

D. Oakley's Value Proposition

Value Propositions are statements that convey benefits or solutions the community offers to businesses and specific industries. An effective value proposition answers the question "*why should my business locate in Oakley*?" Your responses to this question must be accompanied by fact-based proof points which will entice the audience to learn more.

Messages and proof points will be different for different audiences—local businesses, prospects, brokers, developers, media, workers—have different interests and priorities. Below are several potential value propositions and proof points for the City of Oakley's target industries.

The Appendix contains a guide to creating an effective Key Message Platform.

Sample Value Propositions for the City of Oakley

- Companies in the City of Oakley are in the heart of the East Bay Area and can easily reach major metro markets.
- Oakley employers count on highly productive workers and world-class training programs.
- Oakley has a large out-commuting workforce that is looking for local employment.
- Lower operational costs give you a greater return on your investment in Oakley.
- Oakley's [named] business park is the premier location for [industry] employers.
- Oakley's access to waterfront areas for recreation and sport is the best in the region.

Sample Proof Points

- Nearly 20,000 skilled workers commuting out of Oakley are looking for local employment
- Access to workforce and training resources including drone training and Los Medanos College's Process Technology (PTEC) certification programs where students can receive certification on advanced manufacturing skills in as little as 18 months
- Within [miles or minutes] of wine industry and ag growers and processers in East Bay and the Central Valley
- Operational costs X% lower than surrounding communities
- Easy proximity to centers of innovation including UC Davis
- XX acres of waterfront property

II. Work Plan

The 2023 Work Plan is an update of 2016-2017 Economic Development Work Plan and identifies specific actions that the City should take to achieve and boost long-term economic growth and economic diversification, by leveraging community assets.

A. Objectives

1. Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community
2. Promote and facilitate new business opportunities and new investments in the community
3. Update the marketing program
4. Provide tools and resources to help existing Oakley businesses grow and succeed
5. Improve the look and feel of the City while maintaining its small-town character

B. Work Plan Tasks

Objective 1—Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community

- Prepare acreage for the market that can support manufacturing, industrial services, offices, and related activities that will create high paying jobs and help diversify the local economy. Prioritize development of a light industrial park on 40+ acres located south of Main Street and east of Highway 160. This would include conducting an infrastructure needs assessment and plan for services such as electric, gas, water, wastewater, fiber optics, and roadways.
- Stay engaged with regional economic development efforts to ensure the city's needs and plans are represented in discussion of planning efforts and funding allocations (e.g., Plan Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership).
- Stay involved with Resilient East Bay Industrial Land Use Analysis (currently underway) and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors.
- To regain fishing tournament(s), (1) reach out to the sponsoring groups to learn what they require in a location (facility size, marina and other services, lodging rooms and dining places that will accommodate the expected number of anglers and spectators); (2) complete the Oakley Regional Park Master Plan; (3) make upgrades to the waterfront areas; (4) begin the work to fulfill the location requirements of sponsoring groups (5) start marketing.

Objective 2—Facilitate new business opportunities and new investments in the community

- Assist new and expanding businesses through the development and permit process by acting as the liaison and coordinating with other city and county departments and agencies (building, planning, public works, code enforcement, etc.).
- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.).
- Actively support the Northern Waterfront Economic Development Initiative Strategic Action Plan. This is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech.
- Continue outreach to and further develop relationships with the regional broker community; as a primary audience for the city's economic development marketing and messaging, include them on all print and electronic campaigns; make quarterly phone or personal contact.
- Support and assist current efforts to establish an Oakley Chamber of Commerce.

Objective 3—Create a comprehensive marketing program

- Adopt a budget for economic development efforts that will adequately support the goals.
- Select target industries, document Oakley's value proposition for each sector (see the Key Message Platform guide in the Appendix) and continue to update.
- Prepare economic development marketing materials that will serve as centerpiece to Request for Proposals (RFP) and other inquiries from prospective corporate investors (see Site Proposal Guide in the Appendix).
- Include market access advantages in messaging to companies and organizations considering investment in new or expanding facilities. Create map(s) for print and website that visually show Oakley's access to highways, airports, port facilities, and major markets.
- Establish a stand-alone economic development website to aid in driving traffic and delivering complete and unambiguous messaging on the advantages of Oakley for new investment (see content recommendations in the Appendix).
- Document Oakley's development costs and permitting process. Partner with building, planning, public works, code enforcement and other relevant departments and partner agencies to prepare simple materials that demonstrate the streamlined permitting process, rates and connection fees charged by the city and other agencies. Use flowcharts, other graphics, spreadsheets and testimonials from businesses and developers that prove to the market that Oakley truly is a 'Business Friendly Community.' Samples are provided in the Appendix.
- Longer-term, explore the regional competitive landscape for infrastructure costs (rates and connection fees for water, wastewater), permitting fees and approval times, and land costs for targeted investments to illustrate how Oakley compares with area communities. If and when Oakley rate data do not compare favorably, identify where there are advantages—faster timeline, better

quality water, state-of-the art facilities, etc. Don't hide the bad news, address it and incorporate advantages into key messages (sample included in the Site Proposal Guide in the Appendix).

- Document local and regional workforce training resources, particularly those programs that support target industries. Incorporate information into messaging, marketing materials and website.
- Be alert to emerging factors that put Oakley at a competitive disadvantage and look for ways to improve the community's standing.
- Implement a system for maintaining an inventory of sites and buildings for commercial and industrial development that details infrastructure, development status, and costs. The Chabin Team recommends Location One Information System (LOIS) software platform. LOIS is a high quality and affordable website platform known for ease of use, attractive graphics, and support for branding customization.
- Expand Oakley's engagement with TeamCalifornia and the state's GoBiz organizations to better understand how location selection projects are identified and channeled to local areas and be prepared to respond to requests for information.
- Continually add new content to the city's Story Map. Use it as a long-term visionary communications tool to promote the City's vision, priorities, investment opportunities, and progress towards a competitive economic development environment.

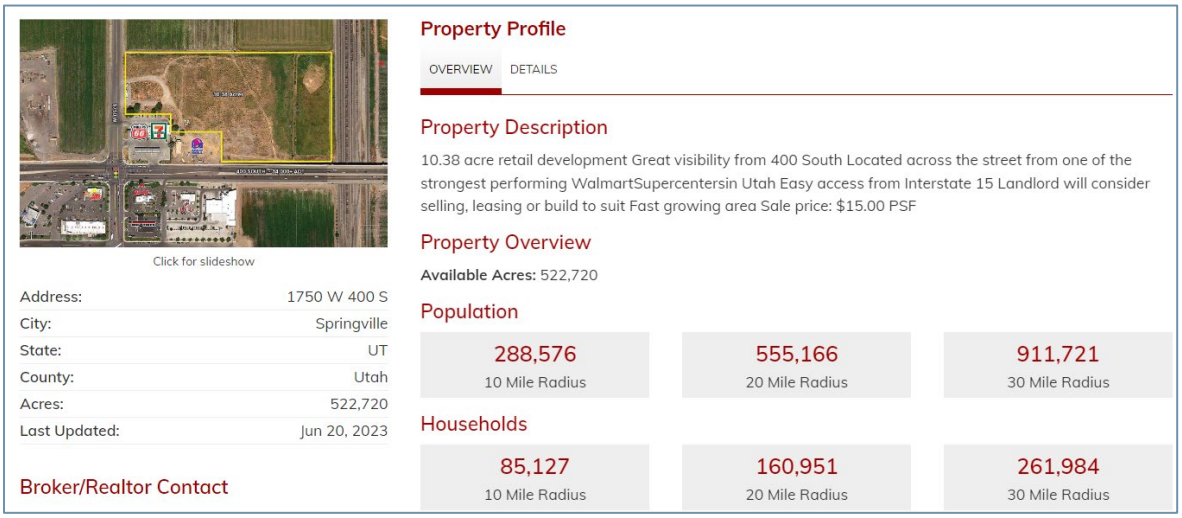


Figure 3. Sample online property inventory from Location One Information System (LOIS)

Objective 4—Provide tools and resources to help existing Oakley businesses grow and succeed

- Keep abreast of the technical training offered by the colleges and high schools in the district.
- Work closely with workforce and education partners to make joint visits to Oakley employers.
- Continue to support and promote the Oakley Entrepreneur Incubator space.
- Keep downtown businesses informed of the progress of Amtrak station and assist them to be prepared to take advantage e.g., collaborative messaging and marketing efforts, business directory, information kiosk.

Objective 5—Improve the look and feel of the city while maintaining its small-town character

- Continue efforts to improve appearance and amenities throughout the city.
- Continue working on downtown revitalization and establishing services around the Amtrak station for workers and residents.
- Continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses.

Figure 4. Investment in community amenities and revitalization support economic development and encourage private sector investment.

C. Launch Plan

The Action Plan includes several tasks—short-term, long-term, one-time and ongoing activities. The launch schedule below is meant to provide the city with some direction on where to start.

0-30 Days

- ❑ Present plan to council
- ❑ Prepare an internal department budget to support economic development goals and activities
- ❑ Meet with partner organizations to present the plan and garner participation
- ❑ Contact property owners to determine the feasibility of developing a business park

31-60 Days

- ❑ Meet with city departments and partner agencies to begin documenting the development process
- ❑ Begin regular outreach to broker and development community
- ❑ Begin collaborative employer visits

61-90 Days

- ❑ Incorporate Appendix B (website review and recommendations) in the pending RFP for new economic development website
- ❑ Identify properties for online inventory and subscribe to LOIS software platform
- ❑ Begin documenting value proposition and proof points
- ❑ Reach out to TeamCalifornia and GoBiz and begin regular engagement with these organizations

III. Gap Analysis

Business investment decisions are driven by considerations that reach far beyond properties. Business location selection comes only after carefully analyzing factors that are important to a company's near-term and long-term strategic interests.

Economic development best practices today acknowledge the complexities and work to ease the decision process by being prepared to show that the community is ready for corporate investment. The graphic below illustrates the variety of metrics considered during site selection. Collectively these factors can support or deny that a particular community is right for corporate investment.

The Chabin Team documented the City of Oakley's local assets and strengths on which investment attraction can be based. As presented in this section, our findings are the basis of the recommended target industries, value propositions, and economic development strategies. Strategies are focused on preparing for and demonstrating to corporate decision-makers that the City of Oakley understands the strategic and tactical needs associated with the industries targeted for business attraction.

This Gap Analysis presents a discussion of what a competitive community offers to businesses and how Oakley compares to that ideal. The discussion includes assets the city can leverage, and the readiness gaps the Chabin Team believes need to be addressed to improve Oakley's economic development competitiveness.

These findings are based on a review of information gathered from interviews, personal observations, data research, and materials collected during the consulting team's community visit and form the basis of the resulting recommendations. Data sources and other details are included in the Appendix.

A. Market Access and Transportation Infrastructure

The efficient movement of goods and people relies on a network of highways and arterial roads that connect sites to workers, customers, and vendors.

Oakley's Competitive Position

- City is located at the intersection of state highways 160 (north/south) and 4 (east/west)
- The Main Street/Highway 160 interchange averages 37,000 daily vehicle trips and 4,850 daily truck trips
- 20 miles to Interstate 680 via State Highway 4
- 30 miles to Interstate 5 North via State Highway 160
- 30 miles to Interstate 5 South via State Highway 160
- Five freight and passenger airports are located within less than two-hour drive

Tactical Recommendations

- Include these market access advantages in your messaging to prospects
- Create map(s) for print and website that visually show Oakley's access to highways and major markets (Figure 1)

Competitive communities offer:

Highway access to and from business parks, sites, and employment centers that include at least two routes for trucks and employee vehicles

Access routes that are free of potential traffic flow impediments e.g., weight-limited bridges, low clearances, rail crossings, areas of traffic congestion, time-of-day restrictions

A commercial airport within a 60- to 90-minute drive

Rail cargo service and ocean ports as necessary

Pedestrian-friendly downtown, commercial and retail centers; local roadways that connect residents and visitors to amenities and recreational opportunities

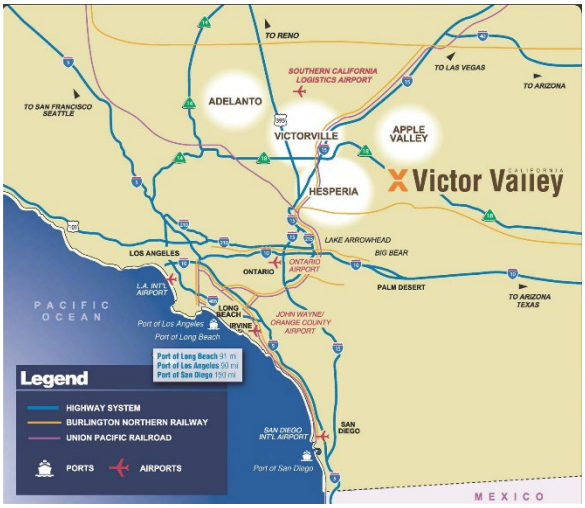


Figure 5. Sample maps displaying community location within a region, state, or nation

B. Workforce, Education and Training

In today's market, the primary business location factor is the availability and quality of workers. Location investigations start by verifying that a sufficient labor supply exists and that there is a pipeline of workers so businesses will be able to attract the talent they need now and in the future.

Competitive communities offer:

A supply of workers with industry-specific skills and a strong work ethic

Available sources of new workers, e.g., population growth, balanced age distribution, graduates from two- or four-year colleges, certificate training programs

An education system adept at producing workers with skills that are aligned with industry needs and the needs of a rapidly changing global economy

Local wages and fringe benefits structure reasonable for the region

History of positive labor-management relations

Amenities that attract and retain talent

Workforce

- Median age (34 years) in Oakley is younger than Contra Costa County (39 years), and comparison cities of Antioch (36), Brentwood (40), and Benicia (46)
- Unlike comparison cities and many other cities across the nation, in Oakley there is a slight (2.7%) five-year growth in Talent Pipeline (0-19 years) and Prime Workers (20-39 years)
- Fortunately, Oakley employers can draw from a labor force of 1.2 million in 30-mile radii
- Contra Costa County is historically a union community

Training Resources

- The Contra Costa Community College District includes three colleges and two centers all within 40 miles of Oakley. The Brentwood Center, just five miles from Oakley city center, offers AA and AS degrees, certifications and occupational training in fields including computer science, business, biology, and physical sciences.
- Between the three campuses a broad range of training programs are offered that align with local employers. Los Medanos College offers Process Technology (PTEC) certification where students learn advanced manufacturing skills through a certification program that can take as little as 18 months. Companies hiring Operations Technicians with PTEC certificates include refineries, chemical companies, local and regional water districts, food, wine and beer companies, and advanced manufacturing companies
- Mechanisms for maintaining effective outreach to the business community are reported to be in place e.g., 1) recent introduction of the Handshake platform joinhandshake.com to assist with job and employee search; 2) college maintains an outreach liaison to guide companies in how to engage students and instructors; 3) college staff development is guided by private sector skills requirements

- Drone training has been approved at Los Medanos Campus which uses Buchanan and Byron airfields

Challenges

- The share of Oakley's population with higher education degrees is unimpressive (18.6%), fortunately employers are able to draw workers from throughout the county which reports 42% of the population over the age of 25 has a bachelor, graduate, or doctorate degree
- Employment in Oakley is heavily weighted to service and retail jobs (Figure 6)
- Contra Costa College District – the contract education program that originally focused on technology sectors only success is with construction sector.

Tactical Recommendations

- Keep abreast of the technical training offered by the colleges in the district
- Work closely with the college/business outreach liaison and make joint visits to Oakley employers
- Include the training resources in the industry value propositions and prospect proposals

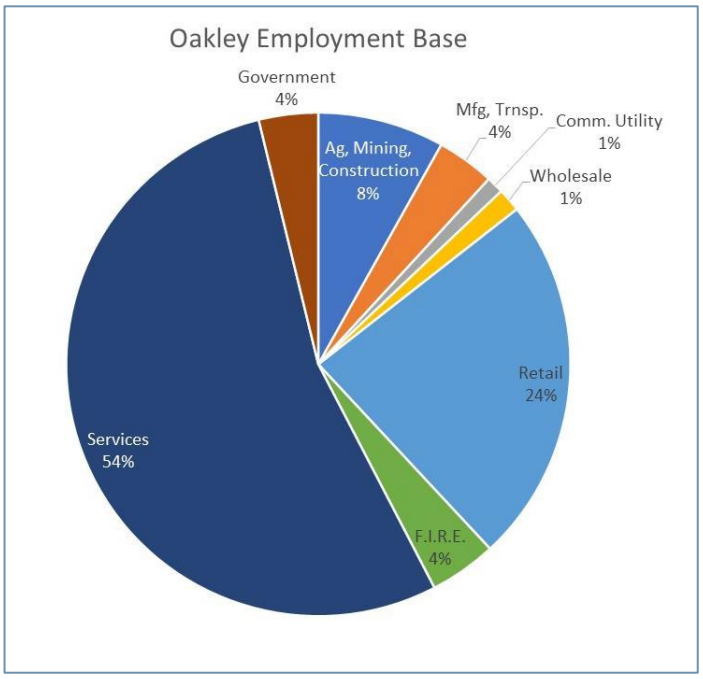


Figure 6. Distribution of Oakley's employment.
Source: 2022 Data Axle (ESRI Business Summary)

C. Real Estate and Infrastructure

Companies prefer sites or buildings that are shovel- or move-in-ready; sites that are supported by modern infrastructure with the capacity to accommodate current and future business needs. Getting properties market-ready can be a long-term endeavor. As communities work on preparing market-ready real estate, they should prioritize those properties that can be made ready with the least input. Have a plan to address any gaps in infrastructure and demonstrate a willingness to invest in required upgrades to expand and keep systems secure.

Sites and Buildings

- Very limited on market-ready sites and buildings to support diversifying the economy away from service and retail focus
- There is high demand in the region for small to medium size light industrial parks
- The planned Amtrak station on Main Street offers Oakley an opportunity to continue developing downtown

Downtown

- Slated to open in first quarter 2025, the Amtrak San Joaquin station will connect Oakley to the Bay Area, Sacramento and Bakersfield. The station will have 275 parking stalls, a plaza and bistro and additional amenities to help create a transit hub in central downtown Oakley

Water

- Diablo Water District serves the City of Oakley.
- Surface water is purchased from Contra Costa Water District and Diablo Water District pulls water from three wells; all water is treated at Diablo's treatment facility and distributed throughout the system; water is blended with groundwater to maintain quality and reliability across the system
- Treatment system is being upgraded to ensure quality and reliability as demand grows; hard water issues which are common in the region are being addressed; distribution pressure is maintained through elevated storage tanks

Competitive communities offer:

Identified priority sites, detailed profiles, maps, aerials, photos

Business or industrial park settings or ready-to-go sites of one to 100 acres that are served with all utilities and properly zoned

Available buildings for diverse uses and adequate parking; spec buildings or plan

Controls in place to prevent undesired development nearby

Reliable and detailed information on the development process, timing, and costs

Land in and around the city for residential construction that will support population growth

Reliable, modern, redundant, secure services at a reasonable cost

Services with capacity sufficient to meet and exceed the industry's near-term needs

Broadband telecom serving sites and buildings that can meet significant data transfer requirements

Wastewater System

- Ironhouse Sanitary District provides the city's wastewater system. Appears to meet current community needs and capacity expansion and discharge quality challenges are being addressed to stay ahead of growth trends

Electric Power

- Electric power is provided by Pacific Gas & Electric (PG&E)

Challenges

- Diablo Water District is aware of, monitors, and plans for the expected effects of climate change. Two seemingly conflicting stressors are impacting water supply and quality—drought and rising sea levels. Extreme drought conditions, frequency and intensity are expected to increase due to rising temperatures and greater precipitation variability. At the same time the more-slowly emerging threat of sea levels rising presents a risk of flooding and levee failure around the Delta which will cause major property damage and water quality issues[1]
- There is discussion but no solid plan for developing the waterfront
- Appears to be limited downtown properties to support entrepreneurial development

Tactical Recommendations

- The conventional structure is that cities operate water and wastewater services although services provided by private companies or through a utility district, like in Oakley, are seen in some parts of the country. Risk mitigation is the foremost consideration when companies are looking for a location to invest and create jobs. This is especially important when dealing with receiving and possibly expanding water/sewer services, building codes, zoning, road infrastructure, taxation, etc. Competitive communities ensure the user experience is seamless and hassle free—the definition of a "business friendly" community. Whether water/sewer services are under Oakley control, or remain as they are, the goal is to meet customer expectations.
- Focus on preparing 40 acres for a business park that will support light industrial development and be attractive to businesses thereby diversifying the local economy and creating higher-paying jobs. Build out of the 40 acres could accommodate more than 700,000 square feet of light industrial building space (Figure 8).
- Continue to work on building a secure and fast fiber optic network in Oakley's business and residential neighborhoods. Connectivity is a critical element to a business' location decision. The popularity of remote working increases the importance communities should be placing on building the network to deliver optimal services.
- Stay involved to ensure the city's needs and plans are represented in regional economic development efforts and that the city has access to tools and future funding resources, e.g., Plan

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[1] Sources: Delta Stewardship Council. June 2021. *Delta Adapts: Creating a Climate Resilient Future* and Diablo Water District. June 2021. *Water Shortage Contingency Plan.*

Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership, etc.

- Stay involved and leverage the currently underway Resilient East Bay Industrial Land Use Analysis and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors
- Have documentation from city departments and partner agencies of infrastructure costs (rates and connection fees for water, wastewater, etc.) and permitting process to be able to communicate Oakley's competitive position
- Prepare and maintain an inventory of sites for new commercial and industrial development with details on the infrastructure and development status and costs; LOIS is recommended for features, ease of use, and cost
- Continue making downtown streetscape and revitalization improvements in preparation for the Amtrak station and additional traffic

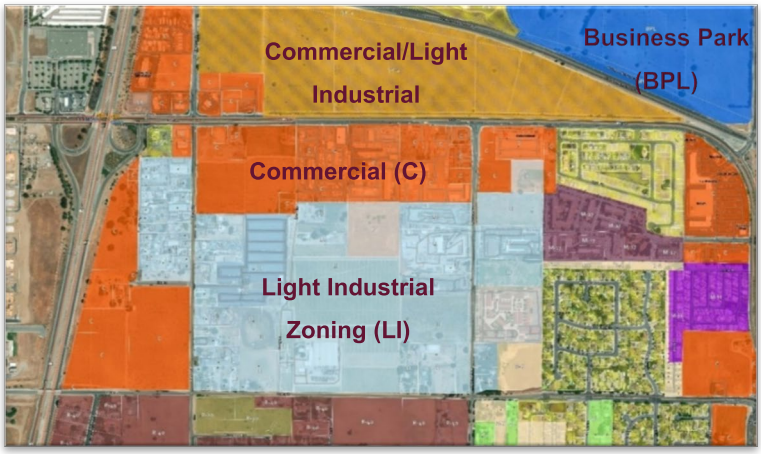


Figure 8. Areas recommended for commercial and light industrial development are +/-40 acres at Main Street and East of Highway 160.

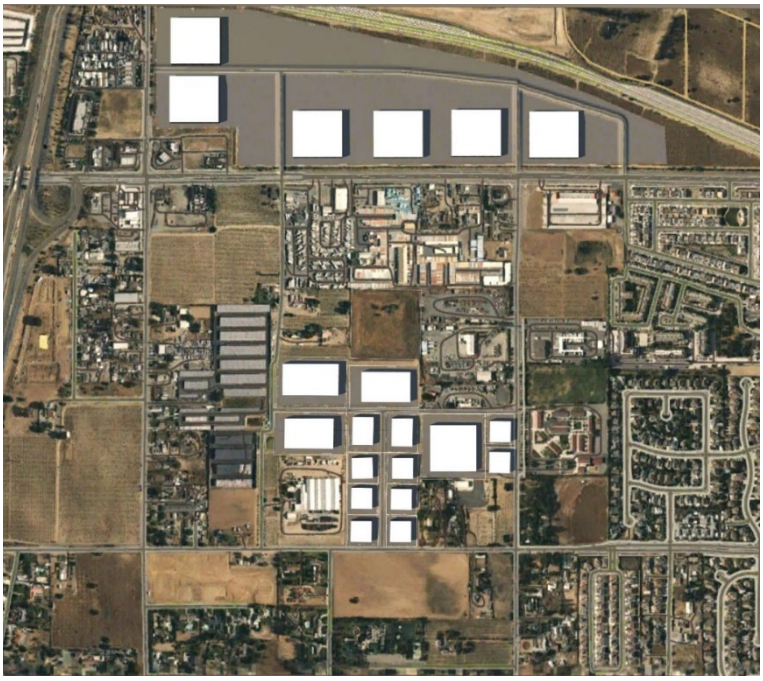


Figure 8. Sample layout for the subject properties which shows potential for job-creating industry development. The northern most area depicts six industrial flex buildings of 115,000 square feet each, a total of 690,000 square feet (as approved in the 2008 master plan. Below that are buildings ranging from 22,000 to 110,000 square feet. Depending on the industries and specific uses, these types of business parks could accommodate thousands of new jobs over time.

D. Quality of Place

Quality of place investment helps employers attract and retain skilled workers and professionals. Achieving and maintaining a quality community requires continued engagement and ongoing investment in infrastructure and cultural amenities.

Competitive communities offer:

Investments that support the safety, health, and welfare of its citizens

Housing options for a mix of incomes

Lifestyle, cultural, and recreational amenities that make it a desirable place to live

Ongoing monitoring of metrics that measure Quality of Place e.g., cost of living index, crime rates, graduation rates, housing (supply, diversity, affordability)

Oakley's Competitive Position

Demographics

- Five-year average annual growth rate of the median household income in Oakley (5%) is on par with the County (5.9%) and better than the comparison cities (about 4%)
- Cost of living index is lower than countywide
- Share of population living below poverty (7%) is lower than countywide and Antioch, higher than Brentwood or Benicia
- Oakley is a safer community than comparison cities. 2021 annual property crimes were 14 per 1,000 population; violent crime rate was 1.5 per 1,000 population
- Five-year average annual population growth (1.8%) is slightly better than County (1.2%)
- The median household income growth rate (5%) is on par with County (5.9%), better than comparable cities in the region (about 4%)

Housing[2]

- Most of the people living in Oakley commute to other areas for employment; home values in Oakley are much more affordable relative to the rest of the Bay Area but the price of homes for sale and rent are increasing

Education[3]

- Excellent graduation rate in Oakley's one high school, 98% in the 2022 academic year
- About 62% enroll in some postsecondary schooling
- Academic performance in English and Math are low

[2] City of Oakley 2023-2031 Housing Element Update adopted March 28, 2023

[3] California Department of Education, School Dashboard

Land Use Planning

- The General Plan addresses the need for continued support for industrial development including land available for manufacturing jobs
- Downtown development efforts are a great start at enhancing Oakley's identity (e.g., train station project)

Challenges

- Community appearance in several privately-owned areas beyond the downtown needs improving e.g., waterfront access, marinas, waterfront property
- Unbalanced focus on retail and high-cost housing while neglecting non-retail jobs, worker-affordable housing and diverse housing options
- 91% of the housing units are single family homes; there are few worker-affordable housing units or rentals, the rental vacancy rate was just 1% at the time the housing element was prepared

Tactical Recommendations

- Support efforts to improve appearance and amenities throughout the city
- Continue working on downtown and establishing services around the Amtrak station for workers and residents
- Move forward quickly with a concrete plan for waterfront development, 55-acre Oakley Regional Park, and continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses

Figure 9. 2019 drawing of the proposed Oakley Regional Park; park master plan is currently being updated

E. Economic Development Operations

A community's economic development success depends on leadership's support, including an agreed upon vision for the future, goals, and sufficient financial and human resources to implement an adopted program.

Oakley's Competitive Position

- Professional, approachable and service-oriented city staff
- Convergence on industry targets among educators, economic development organizations, and city government

Challenges

- Limited staff and financial resources for implementing a strong proactive marketing, business attraction, and business retention program
- The city's economic development work plan lacks a specific budget for marketing and program implementation
- Community actions on economic development are not aligned with job-creating trends in the region nor with attracting businesses that will diversify the local economy e.g., manufacturing, professional services, research and development

Tactical Recommendations

- Support and assist current efforts to establish an Oakley Chamber of Commerce
- Ensure a sufficient budget is available to support economic development goals and activities
- Establish a standalone website focused on economic development
- Prepare necessary economic development marketing and prospect response pieces to support business development efforts (much of this can be accomplished through a LOIS subscription)

Competitive communities offer:

Community-wide consensus on vision and goals and support for economic growth demonstrated by assistance, entrepreneurial programs, financing, business retention programs

The ability to convey understanding of industry needs–real estate, infrastructure, workforce skills–with value propositions supported with proof points

The ability to demonstrate a clear and reasonable development path and operating costs

Willingness to be forthcoming about real, perceived, natural, or man-made risks and hazards e.g., earthquakes, tornados, hurricanes, toxic waste, major weather events that can close transportation routes for extended periods

A community profile with an overview of the history, composition of the economy, demographics, shopping amenities for workers and residents, recreation assets

Ability to quickly compile and deliver a professional and accurate proposal package that is delivered electronically and available for print

Market-ready property profiles, labor shed map, commute patterns, directory of local employers, testimonials

- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.)
- Actively support the North Waterfront Strategic Plan, this is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech

A competitive community budgets sufficient funds for economic development operations and activities. Guidelines:	
Total Operations	$8 to $10 per capita (rural communities) $15 per capita (urban communities)
Marketing Budget	$50,000 – minimum, communities up to 25,000 population $2.50 per capita – communities with up to 100,000 population $3.00 per capita – communities with 100,000+ population

IV. Appendix

A. Economic Scan, ESRI reports

B. Economic Development Website Review and Recommendations

C. Proposal package

D. LOIS product information

E. Key Message Platform

Appendix A

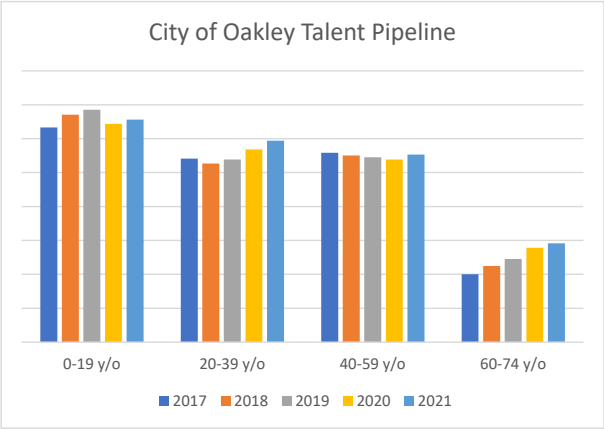
SITE SELECTION COMPARISON FACTORS	Oakley	County of Contra Costa	Antioch (Contra Costa)	Brentwood (Contra Costa)	Benicia (Solano Co.)	Stockton (SanJq.)		Source
POPULATION								
Population (2010)	33,496	1,024,809	99,717	46,283	26,959	287,377		Census, 2010 ACS 5-Yr Estimates, DP05
Population (2015)	38,243	1,096,068	107,501	55,490	27,657	299,722		Census, 2015 ACS 5-Yr Estimates, DP05
Population (2020)	41,656	1,161,413	111,468	63,013	28,158	311,103		Census, 2020 ACS 5-Yr Estimates, DP05
Population (2021)	40,669	1,133,247	110,730	60,446	28,088	306,283		Census, 2021 ACS 5-Yr Estimates, DP05
10-Year Average Annual Growth Rate (2010-2020)	2.4%	1.3%	1.2%	3.6%	0.4%	0.8%		
5-Year Average Annual Growth Rate (2015-2020)	1.8%	1.2%	0.7%	2.7%	0.4%	0.8%		
1-Year Average Annual Growth Rate (2020-2021)	-2.4%	-2.4%	-0.7%	-4.1%	-0.2%	-1.5%		
Median Age (2021)	34	39	36	40	46	33		Census, 2021 ACS 5-Yr Estimates, DP05
LABOR FORCE PARTICIPATION								
Civilian noninstitutionalized pop (19-64 y/o)	25,404	689,829	68,881	35,990	16,135	180,324		Census, 2020 ACS 5-Year Estimates; DP03
In the labor force	19,923	546,834	53,243	28,723	13,247	131,794		Census, 2020 ACS 5-Year Estimates; DP04
Not in the labor force	5,481	142,995	15,638	7,267	2,888	48,530		Census, 2020 ACS 5-Year Estimates; DP05
Labor Force Participation Rate	61%	59%	62%	57%	57%	58%		
UNEMPLOYMENT RATE								
Employed	19,600	542,400	50,100	28,900	13,800	132,100		Calif. EDD, 2021 Annual Average as of March 25, 2022
Unemployed	1,400	34,500	4,600	1,800	700	13,300		Calif. EDD, 2021 Annual Average as of March 25, 2022
Unemployment Rate	7.4%	6.4%	9.2%	6.3%	5.2%	10.0%		Calif. EDD, 2021 Annual Average as of March 25, 2022
INCOME								
2015 Median Household Income	$82,885	$80,185	$64,329	$92,589	$88,394	$44,797		Census, 2010 ACS 5-Yr Estimates; Table DP03
2020 Median Household Income	$103,552	$103,997	$80,234	$113,298	$106,989	$58,393		Census, 2020 ACS 5-Yr Estimates; Table DP03
2021 Median Household Income	$109,806	$93,712	$82,244	$125,152	$118,433	$63,916		Census, 2020 ACS 5-Yr Estimates; Table DP03
5-Year Average Annual Growth Rate (2015-2020)	5.0%	5.9%	4.9%	4.5%	4.2%	6.1%		
1-Year Average Annual Growth Rate (2020-2021)	6.0%	-9.9%	2.5%	10.5%	10.7%	9.5%		
WEALTH / POVERTY								
Cost of Living Index (2022)	159.8	174.9	149.8	172.9	158.3	115.6		bestplaces.net; as of Dec 5, 2022
Percent of Population Living Below Poverty (2022)	7.1%	8.2%	12.7%	5.7%	6.8%	16.8%		Census, 2020 ACS 5-Yr Estimates; Table DP03
Age Dependency Ratio[1]	60.2	62.6	58.8	70.0	65.3	64.8		Census, 2020 ACS 5-Year Estimates; Table S0101
Old-Age Dependency Ratio[1]	15.1	25.7	18.6	25.1	31.6	20.1		Census, 2020 ACS 5-Year Estimates; Table S0101
Child Dependency Ratio[1]	45.1	36.9	40.2	44.9	33.7	44.7		Census, 2020 ACS 5-Year Estimates; Table S0101
COST OF LIVING INDEX								
Cost of Living (point in time)	159.8	174.9	149.8	172.9	158.3	115.6		bestplaces.net; as of Dec 5, 2022
Grocery	108.4	111.2	108.0	109.6	110.2	103.9		
Health	121.1	121.1	121.1	121.1	112.3	100.7		
Housing	248.3	302.2	214.6	287.1	261.7	133.7		
Utilities	106.7	98.6	106.7	106.7	106.0	108.9		
Transportation	140.9	134.2	142.0	145.1	120.7	115.5		

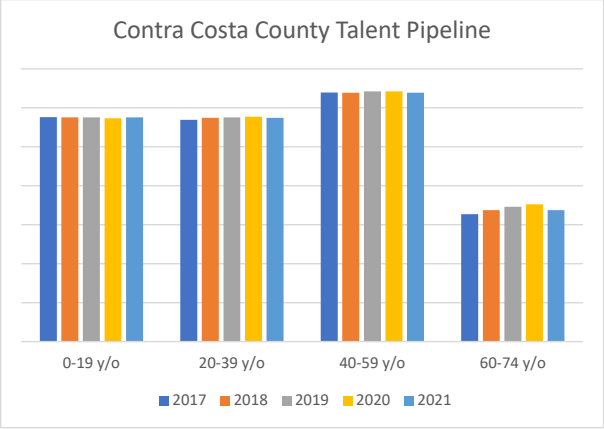
SITE SELECTION COMPARISON FACTORS	Oakley	County of Contra Costa	Antioch (Contra Costa)	Brentwood (Contra Costa)	Benicia (Solano Co.)	Stockton (SanJq.)		Source
EDUCATIONAL ATTAINMENT								
Population 25+ y/o	24,452	777,519	71,682	39,300	20,467	188,818		Census, 2020 ACS 5-Yr Estimates; Table S1501
Less than High School	13.1%	10.7%	13.1%	7.1%	3.5%	23.6%		
High School/GED	27.2%	17.6%	27.3%	20.1%	17.5%	27.9%		
Some College	30.5%	21.8%	29.4%	29.5%	24.7%	21.7%		
Associate degree	10.7%	8.3%	9.2%	11.5%	10.9%	9.1%		
Bachelor degree	13.2%	26.1%	14.7%	22.7%	27.9%	12.1%		
Graduate or Doctorate	5.4%	15.6%	6.3%	9.3%	15.5%	5.6%		
Bachelor, Graduate, Doctorate	18.6%	41.7%	21.0%	32.0%	43.4%	17.7%		
REAL ESTATE COSTS								
Median Home price Q32022		$886,250			$595,000	$520,000		Calif. Association of Realtors; 3Q2022 County data
Minimum Qualifying Income		$205,600			$138,000	$120,800		
Housing Affordability Index Q32021 [3]		31			30	29		
Housing Affordability Index Q32022 [3]		25			42	37		
CRIME								
Violent Crimes reported	59	4,001	728	200	51	3,838		Calif. Dept. of Justice, Office of the Attorney General 2021
Property Crimes reported	573	22,571	2,219	1,455	446	8,429		Calif. Dept. of Justice, Office of the Attorney General. 2021
Violent Crimes reported (per 1,000 population)	1.5	3.5	6.6	3.3	1.8	12.5		Calif. Dept. of Justice, Office of the Attorney General. 2021
Property Crimes reported (per 1,000 population)	14.1	19.9	20.0	24.1	15.9	27.5		Calif. Dept. of Justice, Office of the Attorney General. 2021
INDUSTRY BY EMPLOYMENT SIZE [4]								
Total Number of Establishments		24,822			7,267	12,226		Census; 2020 County Business Patterns ; Table CB2000CBP
0 to 5 employees		14,061			3,666	6,277		
5 to 9 employees		4,439			1,366	2,292		
10 to 19 employees		2,984			1,035	1,663		
20 to 49 employees		2,136			761	1,215		
50 to 99 employees		687			260	457		
100 to 249 employees		378			124	249		
250 to 499 employees		86			39	44		
500 to 999 employees		31			10	20		
1,000 or more employees		40			12	18		

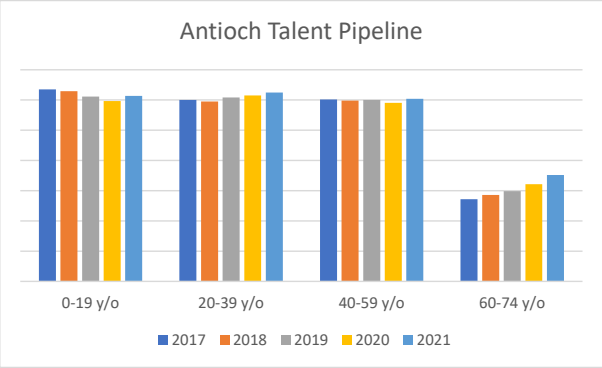
SITE SELECTION COMPARISON FACTORS	Oakley	County of Contra Costa	Antioch (Contra Costa)	Brentwood (Contra Costa)	Benicia (Solano Co.)	Stockton (SanJq.)		Source
ESTABLISHMENTS BY NAICS								
Total Number of Establishments		24,822			7,267	12,226		Census; 2020 County Business Patterns ; Table CB2000CBP
Ag, Mining, Utilities		68			39	86		
Construction		2,586			741	1,207		
Manufacturing		497			242	531		
Wholesale Trade		900			297	593		
Retail Trade		2,391			1,012	1,615		
Transportation & Warehousing		541			277	1,054		
Information		499			103	136		
Finance & Insurance		1,763			361	569		
Real Estate		1,595			413	615		
Services (professional, scientific, technical)		3,776			591	865		
Services (management, admin, support)		1,690			449	700		
Services (education)		470			99	140		
Services (health care, social assistance)		3,359			1,004	1,540		
Services (arts, entertainment, recreation)		446			104	140		
Services (accommodation, food services)		2,125			792	1,239		
Other Services & Unclassified		2,116			743	1,196		
Public Administration		n/a			n/a	n/a		
OCCUPATIONS								
Civilian Population 16+ y/o		563,813			209,436	319,808		Census, 2020 ACS 5-Year Estimates; Table S2401
Management, Business, Finance		115,691			29,105	38,431		
Computer, Engineering, Science		47,364			10,261	13,098		
Education, Legal, Arts, Media		64,827			18,187	26,524		
Healthcare practionioners & technical		29,134			13,098	16,243		
Healthcare support		18,965			9,530	12,937		
Protective services		11,372			7,099	7,852		
Food prep and serving		26,887			12,201	16,847		
Building & grounds maintenance		23,501			7,505	12,230		
Personal care & service		17,510			5,840	8,464		
Sales & office		116,344			45,984	65,390		
Farming, Fishing, Forestry		1,738			1,900	11,137		
Construction, Extraction		26,964			13,824	21,172		
Installation, Maintenance, Repair		13,952			7,452	11,823		
Production, Transportation, Material moving		49,564			27,450	57,660		

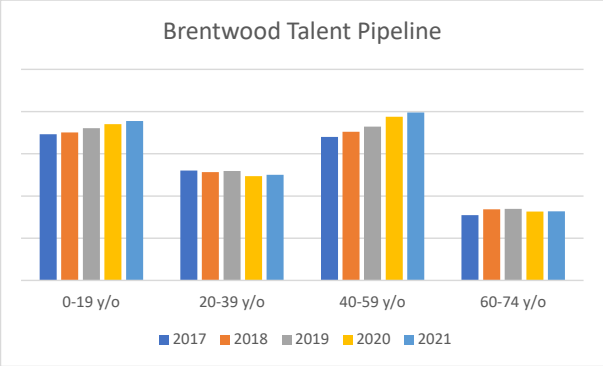
SITE SELECTION COMPARISON FACTORS	Oakley	County of Contra Costa	Antioch (Contra Costa)	Brentwood (Contra Costa)	Benicia (Solano Co.)	Stockton (SanJq.)		Source
(1) Age Dependency Ratio: every 100 working age people (18 to 64 y/o), financially support the municipal and social services of X age-depended people (young and old). The higher the ratio, the greater demand or burden on the working age population to support								
(3) Measures the ability of a typical resident to purchase an existing home. The base of 100 represents an area where the median income is sufficient to qualify for a median priced home. Index greater than 100 indicates an area where homes are affordable; less than 100 indicates less affordability and where median incomes are not high enough to purchase a median valued home.								
(4) Data is available at county level only; see additional tab for size of businesses by industry								

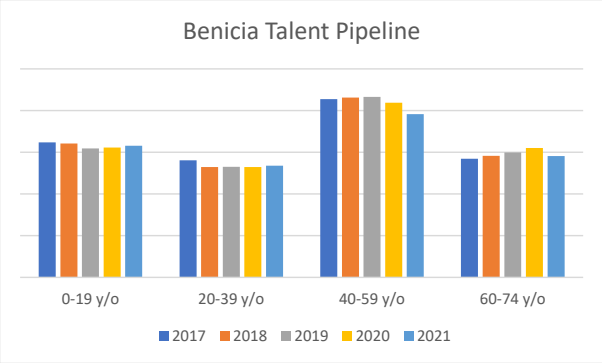
U.S. Census, 2020 ACS 5-Yr Estimates; S0101							
TALENT PIPELINE		**City of Oakley**					
		2017	2018	2019	2020	2021	Average Annual Growth Rate
Talent Pipeline	0-19 y/o	12,658	13,416	13,702	12,878	13,120	0.73%
Prime Workers	20-39 y/o	10,818	10,529	10,770	11,371	11,876	1.96%
Experienced Workers	40-59 y/o	11,169	11,010	10,897	10,768	11,058	-0.20%
Retiring Soon	60-74 y/o	4,000	4,492	4,900	5,561	5,822	9.11%
		Contra Costa County					
		2017	2018	2019	2020	2021	
Talent Pipeline	0-19 y/o	288,035	287,715	287,724	286,676	287,715	-0.02%
Prime Workers	20-39 y/o	284,541	287,075	287,824	288,628	287,075	0.18%
Experienced Workers	40-59 y/o	319,698	319,475	321,059	320,968	319,475	-0.01%
Retiring Soon	60-74 y/o	163,378	168,737	172,994	176,254	168,737	0.66%
		Antioch					
		2017	2018	2019	2020	2021	
Talent Pipeline	0-19 y/o	31,749	31,445	30,571	29,846	30,699	-0.66%
Prime Workers	20-39 y/o	30,011	29,762	30,416	30,770	31,253	0.83%
Experienced Workers	40-59 y/o	30,098	29,906	30,002	29,520	30,205	0.07%
Retiring Soon	60-74 y/o	13,582	14,286	14,919	16,071	17,583	5.89%
		Brentwood					
		2017	2018	2019	2020	2021	
Talent Pipeline	0-19 y/o	17,313	17,538	18,035	18,508	18,889	1.82%
Prime Workers	20-39 y/o	13,013	12,838	12,953	12,349	12,511	-0.77%
Experienced Workers	40-59 y/o	17,004	17,615	18,223	19,400	19,904	3.41%
Retiring Soon	60-74 y/o	7,746	8,419	8,470	8,169	8,196	1.16%
		Benicia					
		2017	2018	2019	2020	2021	
Talent Pipeline	0-19 y/o	6,477	6,416	6,188	6,227	6,316	-0.50%
Prime Workers	20-39 y/o	5,613	5,294	5,302	5,295	5,352	-0.93%
Experienced Workers	40-59 y/o	8,548	8,620	8,655	8,381	7,829	-1.68%
Retiring Soon	60-74 y/o	5,695	5,830	5,996	6,203	5,816	0.42%
		Stockton					
		2017	2018	2019	2020	2021	
Talent Pipeline	0-19 y/o	94,905	94,763	95,268	96,343	98,491	0.76%
Prime Workers	20-39 y/o	87,294	87,764	88,118	89,266	91,611	0.99%
Experienced Workers	40-59 y/o	70,922	71,339	71,602	71,224	73,068	0.61%
Retiring Soon	60-74 y/o	36,658	37,765	38,924	38,615	39,543	1.57%

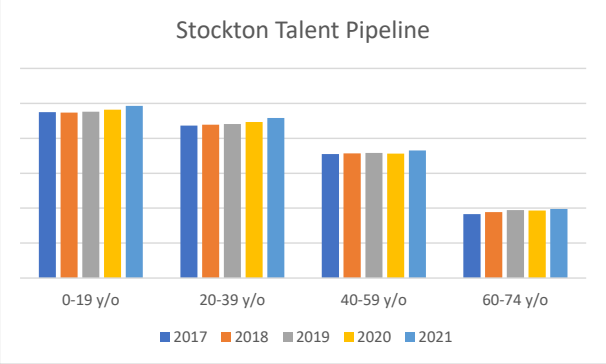

City of Oakley Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021


Contra Costa County Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021


Antioch Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021


Brentwood Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021


Benicia Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021


Stockton Talent Pipeline
0-19 y/o
20-39 y/o
40-59 y/o
60-74 y/o
2017 2018 2019 2020 2021

Civilian Labor Force Profile

Oakley, California
Ring: 10 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

2022 Labor Force						
Age Group	**Population**	**Employed**	**Unemployed**	**Unemployment Rate**	**Labor Force Participation Rate**	**Employment-Population Ratio**
16+	226,330	126,160	8,149	6.1%	59.3%	56
16-24	33,617	16,210	2,131	11.6%	54.6%	48
25-54	118,888	85,973	4,900	5.4%	76.4%	72
55-64	34,354	19,300	918	4.5%	58.9%	56
65+	39,471	4,676	201	4.1%	12.4%	12

Economic Dependency Ratio	
Total	129.9
Child (<16)	50.7
Working-Age (16-64)	51.6
Senior (65+)	27.6

Industry	**Employed**	**Percent**	**US Percent**	**Location Quotient**
Total	126,160	100.0%	100.0%	-
Agriculture/Forestry/Fishing	821	0.7%	1.2%	0.58
Mining/Quarrying/Oil & Gas	105	0.1%	0.4%	0.25
Construction	12,748	10.1%	7.1%	1.42
Manufacturing	7,660	6.1%	9.6%	0.64
Wholesale Trade	2,573	2.0%	2.5%	0.80
Retail Trade	13,780	10.9%	10.8%	1.01
Transportation/Warehousing	8,159	6.5%	5.5%	1.18
Utilities	1,290	1.0%	0.8%	1.25
Information	2,899	2.3%	1.9%	1.21
Finance/Insurance	6,334	5.0%	4.8%	1.04
Real Estate/Rental/Leasing	2,647	2.1%	2.0%	1.05
Professional/Scientific/Tech	8,477	6.7%	8.0%	0.84
Management of Companies	91	0.1%	0.1%	1.00
Admin/Support/Waste Management	6,712	5.3%	3.8%	1.39
Educational Services	8,812	7.0%	9.0%	0.78
Health Care/Social Assistance	20,927	16.6%	14.5%	1.14
Arts/Entertainment/Recreation	2,022	1.6%	1.8%	0.89
Accommodation/Food Services	7,887	6.3%	6.5%	0.97
Other Services (Excluding Public)	5,850	4.6%	4.7%	0.98
Public Administration	6,367	5.0%	4.9%	1.02

Data Note: Location Quotients compare the industry/occupation share of a local area's employment relative to that same share nationally. A value lower/greater than 1 indicates that the local area is less/more specialized in that industry or occupation category than the US as a whole.

Explore the Esri Labor Force Learn Lesson for more information on how to use and interpret the estimates in this report.

Source: Esri forecasts for 2022 and 2027.

May 04, 2023

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Civilian Labor Force Profile

Oakley, California
Ring: 10 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

Occupation	Employed	Percent	US Percent	Location Quotient
Total	126,160	100.0%	100.0%	-
White Collar	73,516	58.3%	61.8%	0.94
Management	13,050	10.3%	11.5%	0.90
Business/Financial	8,199	6.5%	6.0%	1.08
Computer/Mathematical	4,084	3.2%	3.7%	0.86
Architecture/Engineering	1,834	1.5%	1.9%	0.79
Life/Physical/Social Sciences	940	0.7%	1.0%	0.70
Community/Social Service	2,297	1.8%	1.9%	0.95
Legal	781	0.6%	1.1%	0.55
Education/Training/Library	5,706	4.5%	5.9%	0.76
Arts/Design/Entertainment	1,607	1.3%	2.0%	0.65
Healthcare Practitioner	7,584	6.0%	6.5%	0.92
Sales and Sales Related	12,292	9.7%	9.2%	1.05
Office/Administrative Support	15,142	12.0%	11.1%	1.08
Blue Collar	28,653	22.7%	22.3%	1.02
Farming/Fishing/Forestry	464	0.4%	0.6%	0.67
Construction/Extraction	9,149	7.3%	5.2%	1.40
Installation/Maintenance/Repair	4,263	3.4%	3.0%	1.13
Production	4,977	3.9%	5.4%	0.72
Transportation/Material Moving	9,800	7.8%	8.1%	0.96
Services	23,989	19.0%	15.9%	1.19
Healthcare Support	6,338	5.0%	3.4%	1.47
Protective Service	3,574	2.8%	2.0%	1.40
Food Preparation/Serving	5,955	4.7%	5.0%	0.94
Building Maintenance	5,434	4.3%	3.6%	1.19
Personal Care/Service	2,688	2.1%	1.9%	1.11

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Source: Esri forecasts for 2022 and 2027.

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Civilian Labor Force Profile

Oakley, California
Ring: 20 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

2022 Labor Force						
Age Group	**Population**	**Employed**	**Unemployed**	**Unemployment Rate**	**Labor Force Participation Rate**	**Employment-Population Ratio**
16+	624,525	357,967	19,503	5.2%	60.4%	57
16-24	84,451	40,602	5,003	11.0%	54.0%	48
25-54	318,076	237,596	11,335	4.6%	78.3%	75
55-64	99,479	60,754	2,571	4.1%	63.7%	61
65+	122,520	19,015	595	3.0%	16.0%	16

Economic Dependency Ratio	
Total	120.9
Child (<16)	46.7
Working-Age (16-64)	45.4
Senior (65+)	28.9

Industry	**Employed**	**Percent**	**US Percent**	**Location Quotient**
Total	357,967	100.0%	100.0%	-
Agriculture/Forestry/Fishing	2,390	0.7%	1.2%	0.58
Mining/Quarrying/Oil & Gas	409	0.1%	0.4%	0.25
Construction	28,498	8.0%	7.1%	1.13
Manufacturing	22,908	6.4%	9.6%	0.67
Wholesale Trade	8,042	2.2%	2.5%	0.88
Retail Trade	35,935	10.0%	10.8%	0.93
Transportation/Warehousing	19,329	5.4%	5.5%	0.98
Utilities	3,365	0.9%	0.8%	1.12
Information	9,326	2.6%	1.9%	1.37
Finance/Insurance	22,462	6.3%	4.8%	1.31
Real Estate/Rental/Leasing	9,541	2.7%	2.0%	1.35
Professional/Scientific/Tech	41,351	11.6%	8.0%	1.45
Management of Companies	353	0.1%	0.1%	1.00
Admin/Support/Waste Management	17,386	4.9%	3.8%	1.29
Educational Services	25,875	7.2%	9.0%	0.80
Health Care/Social Assistance	52,566	14.7%	14.5%	1.01
Arts/Entertainment/Recreation	6,146	1.7%	1.8%	0.94
Accommodation/Food Services	20,022	5.6%	6.5%	0.86
Other Services (Excluding Public)	15,818	4.4%	4.7%	0.94
Public Administration	16,247	4.5%	4.9%	0.92

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Source: Esri forecasts for 2022 and 2027.

May 04, 2023

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Civilian Labor Force Profile

Oakley, California
Ring: 20 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

Occupation	Employed	Percent	US Percent	Location Quotient
Total	357,967	100.0%	100.0%	-
White Collar	239,825	67.0%	61.8%	1.08
Management	49,542	13.8%	11.5%	1.20
Business/Financial	29,037	8.1%	6.0%	1.35
Computer/Mathematical	19,750	5.5%	3.7%	1.49
Architecture/Engineering	7,559	2.1%	1.9%	1.11
Life/Physical/Social Sciences	4,570	1.3%	1.0%	1.30
Community/Social Service	6,139	1.7%	1.9%	0.89
Legal	4,045	1.1%	1.1%	1.00
Education/Training/Library	17,327	4.8%	5.9%	0.81
Arts/Design/Entertainment	6,625	1.9%	2.0%	0.95
Healthcare Practitioner	22,344	6.2%	6.5%	0.95
Sales and Sales Related	34,383	9.6%	9.2%	1.04
Office/Administrative Support	38,504	10.8%	11.1%	0.97
Blue Collar	63,298	17.7%	22.3%	0.79
Farming/Fishing/Forestry	1,535	0.4%	0.6%	0.67
Construction/Extraction	19,337	5.4%	5.2%	1.04
Installation/Maintenance/Repair	9,430	2.6%	3.0%	0.87
Production	10,128	2.8%	5.4%	0.52
Transportation/Material Moving	22,868	6.4%	8.1%	0.79
Services	54,844	15.3%	15.9%	0.96
Healthcare Support	12,303	3.4%	3.4%	1.00
Protective Service	7,304	2.0%	2.0%	1.00
Food Preparation/Serving	14,917	4.2%	5.0%	0.84
Building Maintenance	13,642	3.8%	3.6%	1.06
Personal Care/Service	6,678	1.9%	1.9%	1.00

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Source: Esri forecasts for 2022 and 2027.

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Civilian Labor Force Profile

Oakley, California
Ring: 30 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

2022 Labor Force						
Age Group	**Population**	**Employed**	**Unemployed**	**Unemployment Rate**	**Labor Force Participation Rate**	**Employment-Population Ratio**
16+	1,950,984	1,098,011	57,939	5.0%	59.2%	56
16-24	270,749	125,269	16,240	11.5%	52.3%	46
25-54	972,080	719,772	32,286	4.3%	77.4%	74
55-64	313,113	190,087	7,275	3.7%	63.0%	61
65+	395,043	62,883	2,138	3.3%	16.5%	16

Economic Dependency Ratio	
Total	122.4
Child (<16)	46.6
Working-Age (16-64)	45.5
Senior (65+)	30.2

Industry	**Employed**	**Percent**	**US Percent**	**Location Quotient**
Total	1,098,011	100.0%	100.0%	-
Agriculture/Forestry/Fishing	15,220	1.4%	1.2%	1.17
Mining/Quarrying/Oil & Gas	1,052	0.1%	0.4%	0.25
Construction	82,604	7.5%	7.1%	1.06
Manufacturing	82,869	7.5%	9.6%	0.78
Wholesale Trade	27,656	2.5%	2.5%	1.00
Retail Trade	109,667	10.0%	10.8%	0.93
Transportation/Warehousing	69,015	6.3%	5.5%	1.15
Utilities	10,711	1.0%	0.8%	1.25
Information	26,654	2.4%	1.9%	1.26
Finance/Insurance	55,949	5.1%	4.8%	1.06
Real Estate/Rental/Leasing	24,153	2.2%	2.0%	1.10
Professional/Scientific/Tech	121,945	11.1%	8.0%	1.39
Management of Companies	859	0.1%	0.1%	1.00
Admin/Support/Waste Management	47,579	4.3%	3.8%	1.13
Educational Services	84,652	7.7%	9.0%	0.86
Health Care/Social Assistance	153,147	13.9%	14.5%	0.96
Arts/Entertainment/Recreation	18,450	1.7%	1.8%	0.94
Accommodation/Food Services	60,671	5.5%	6.5%	0.85
Other Services (Excluding Public)	47,415	4.3%	4.7%	0.91
Public Administration	57,744	5.3%	4.9%	1.08

Data Note: Location Quotients compare the industry/occupation share of a local area's employment relative to that same share nationally. A value lower/greater than 1 indicates that the local area is less/more specialized in that industry or occupation category than the US as a whole.

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Source: Esri forecasts for 2022 and 2027.

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Civilian Labor Force Profile

Oakley, California
Ring: 30 mile radius

Prepared by Esri
Latitude: 37.99638
Longitude: -121.71304

Occupation	Employed	Percent	US Percent	Location Quotient
Total	1,098,011	100.0%	100.0%	-
White Collar	712,199	64.9%	61.8%	1.05
Management	146,189	13.3%	11.5%	1.16
Business/Financial	78,173	7.1%	6.0%	1.18
Computer/Mathematical	55,900	5.1%	3.7%	1.38
Architecture/Engineering	24,794	2.3%	1.9%	1.21
Life/Physical/Social Sciences	15,354	1.4%	1.0%	1.40
Community/Social Service	19,403	1.8%	1.9%	0.95
Legal	12,388	1.1%	1.1%	1.00
Education/Training/Library	55,289	5.0%	5.9%	0.85
Arts/Design/Entertainment	20,311	1.8%	2.0%	0.90
Healthcare Practitioner	66,889	6.1%	6.5%	0.94
Sales and Sales Related	99,506	9.1%	9.2%	0.99
Office/Administrative Support	118,003	10.7%	11.1%	0.96
Blue Collar	222,541	20.3%	22.3%	0.91
Farming/Fishing/Forestry	11,465	1.0%	0.6%	1.67
Construction/Extraction	57,452	5.2%	5.2%	1.00
Installation/Maintenance/Repair	28,091	2.6%	3.0%	0.87
Production	38,818	3.5%	5.4%	0.65
Transportation/Material Moving	86,715	7.9%	8.1%	0.98
Services	163,271	14.9%	15.9%	0.94
Healthcare Support	38,653	3.5%	3.4%	1.03
Protective Service	23,377	2.1%	2.0%	1.05
Food Preparation/Serving	45,615	4.2%	5.0%	0.84
Building Maintenance	34,852	3.2%	3.6%	0.89
Personal Care/Service	20,774	1.9%	1.9%	1.00

Data Note: Location Quotients compare the industry/occupation share of a local area's employment relative to that same share nationally. A value lower/greater than 1 indicates that the local area is less/more specialized in that industry or occupation category than the US as a whole.

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Source: Esri forecasts for 2022 and 2027.

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Appendix B

Appendix B – Oakley Economic Development Website

EXISTING WEBSITE	FINDINGS AND RECOMMENDATIONS
Home Page	Good key messaging on development land, pro-development community, streamlined permitting, housing, etc. Several of the key messages contain proof points. Add to each via quick stats or links to additional pages that provide more detail on demographics, permitting process, maps of development areas, etc.
COVID Resources **Size Up** **Entrepreneur Center** **Oakley Restaurants** **VIB Program**	These are data and tools for your internal audience–existing business–vs. your external audience–new businesses, brokers, and site selectors. Consider combining these pages under "Local Business Resources" or similar identifier. Add a section for messaging and information dedicated to the external audience. Recommendations on this new section are provided below under "Opportunity Oakley."
Business Roadmap	This is a repeat of the e.d. home page, not necessary. Replace with menu item and link to "Opportunity Oakley," i.e., data and messaging directed to your external audience.
OPPORTUNITY OAKLEY	**RECOMMENDATIONS**
Existing Content	Several of the links are not working, some info is dated, and the search and comparison tool does not appear to be active.
Recommended new content	Add pages and content that are talking specifically to audiences outside of Oakley – site selectors, brokers, developers, corporate real estate executives, and businesses
Location	Add state and regional maps to orient audience to the city's location within the U.S. and the state.
Demographics	Population and growth rate, population by age, median age, median household income, educational attainment. Subscribing to eImpact will make data collection, presentation, and updating much easier. eImpact is a data visualization dashboard for economic development, workforce, and industry. Economic data and software professionals collect, customize, and regularly update your data. The dashboard is branded to your design and embedded on your website.

EXISTING WEBSITE	FINDINGS AND RECOMMENDATIONS
Workforce	Some of this can be accomplished through the eImpact tool. • Map showing labor market draw • Labor market demographics • Starting and median wages for occupations related to target industries • Discussion of skills, hiring and training programs and state and local incentives and assistance resources
Education	• Special programs and partnerships with higher education • Career technical education, school to work and other initiatives • The more basic K-12 educaton info can be via link to the Quality of Place webpage (see below)
Higher Education	• Location and links to community colleges, universities • Enrollment and graduation rates • Industry partnerships and initiatives
Industry	Helpful to those conducting a site search is a profile of the economic base and business community. This can be done via eImpact or using a simple dashboard or matrix that incorporates your target industry value propositions and presents: • Industries by sector and by employment • Occupations found locally, particularly those relevant to your target audiences • Listing of top employers (by sector, employment, how long in the area) • News of expansions, new locations, downsize, closures; and employer testimonials

EXISTING WEBSITE	FINDINGS AND RECOMMENDATIONS
Properties	Switch the city's online property database to LOIS. It is very affordable and doubles as a good marketing partnership.Focus on listing the priority industrial and commercial sites. Use the site profile template provided by LOIS to collect and promote the site, including: • Map of the location, highway access, surrounding uses • Site details: size, dimensions, zoning, neighboring uses, ingress/egress, roadways, utility services, asking price or lease rate, contact information • Building details: size, dimensions, interior photos, interior drawings, ceiling height, bay doors, other features, zoning, previous uses, approved uses, neighboring uses, ingress/egress, parking, storage, utility services, price (sale or lease), terms, contact information • Photographs (aerial and site)
Transportation	• Major highways mapped • Mileage/drive time access to major markets • Location of nearest freight rail, ports, passenger air service, freight air service, truck terminals, community bus and passenger train service
Regulatory Environment	• Information on permitting process, graphic or flowchart • Permitting and development fees (rate, basis, contact info) • Air quality permits, fees, attainment status • Other regulatory information or permits
Cost	Information on local and state taxes and fees • List and brief description of development fees • State and local tax profile (income, property, sales, use, utility, inventory, telecom, etc.) • State level personal and corporate income tax rates
Incentives	Federal, state, and local programs related to development, property acquisition, utilities, workforce hiring and training, financing, taxes. For each, include: • Description, links to programs, contact information • Type (waiver, deferral, subsidy) and formula (rate, basis) Eligibility criteria • Case studies that describe the benefit and savings (cost and time) local companies have received

EXISTING WEBSITE	FINDINGS AND RECOMMENDATIONS
Utilities	For each utility serving the commercial and industrial properties, include name and contact information for people who can discuss: • Rates, rate history, discounts, incentives • Availability and reliability of service, outage history, capacity, recent and planned improvements • Territory map, transmission/distribution map, substations
Quality of Place	Arts, culture, and recreation information may be available via links to the regional chambers or visitors' sites. Local quality of place data is: • Education: public and private K-12 schools, average enrollment, graduation rates, teacher-student ratios, etc. • Climate: typical high/low temps, precipitation, elevation, humidity • Safety: local crime stats may be available but FBI stats will enable you to compare Oakley with other areas • Cost: comparative cost of living from third party source (e.g., www.bestplaces.net) • Housing: costs of purchase and rentals, availability, affordability index • Healthcare: hospitals, number of beds, doctors per 1,000 population, specialties, senior care facilities, childcare

Appendix C

Proposal Guide

Site Selection Proposal Guidebook and References

Chabin Concepts, Inc. | www.chabinconcepts.com

Proposal Guide

Site Selection Proposal Guidebook and References

Introduction

This Proposal Guidebook has been developed to identify and illustrate key elements of a competitive site proposal. Below is a comprehensive outline of an ideal proposal, detailed by section the purpose and desired contents to address each element of a proposal.

Subsequent sections of this guide go into more depth on each proposal element and offers:

- Desired information for the specific proposal element.
- Typical information received to address the proposal element.
- Comments as to why the presented example is a good example.
- What could be added or changed to enhance the example.

The directions presented here are used to exemplify the top percentile of quality. Some of the proposal elements may not be requested in a Request for Information (RFI).

Keep in mind that every industry and every project may place a different importance on various elements and request information in a different order or detail. You may not be asked to submit information for all sections discussed here, or more specific information for each project may be requested by the client.

The priorities and information depend on the needs of the company. This guidebook has been developed to cover a comprehensive proposal approach.

Key Sections of a Site Proposal are

1. Cover Letter – an executive summary of the proposal
2. Community Orientation – where you are and why the community is the right place for the proposed project
3. Workforce – is ready to meet the client's needs
4. Property – community has "shovel-ready" property suitable for the proposed project
5. Costs – comprehensive presentation of state and local fees, wages, and other costs
6. Development Incentives – show how the community actively supports industry

Elements of an Ideal Community Proposal

Corporate real estate executives and site location consultants are trained to make quick assessments of communities. The typical site selection process can start with looking at dozens of communities and often in a short amount of time. These professionals evaluate communities on the highest standards and demand the most from local economic development professionals and governments. Because of their experience with hundreds of communities, they can evaluate and eliminate locations very quickly often based on information included in the initial proposal—or information *not* included.

Proposal Tab / Category	Purpose	Contents
Cover Letter – Executive Summary of the Proposal		
Include a Table of Contents		
Project Understanding	Demonstrate that you have listened and understand what client's needs are	Overview of what you know about the project and the client's prioritized decision factors
Sales Points	Demonstrate that community is a competitive location for the project.	Match assets and available resources to the prioritized siting factors
Action Items	Reinforce your interest in the project by demonstrating you see the community as a team member on the project	State what you will do to follow up or what you need from them to provide additional information Identify the team members involved and include contact information
Community Orientation – community is the right place for the proposed project		
Location	Eliminate possible confusion as to where the community is located	Describe the location of the community within the country, state, and region; add map graphics Local maps detailed to show community influence area Always include a detailed street map in packaged proposals
Community Overview	Provide a "take-away" sketch of the community Demonstrate the community has a clear direction Answer the question, "Who are you?"	Community description including a brief history, basic demographics, etc. Statement on the goals of the community, the types of investments being sought and why An overview of the organizations and programs (e.g., job retention, attraction) that support economic development.
Quality of Life	Demonstrate that some people like the community	Describe parks, recreational opportunities, shopping, culture, etc. School infrastructure, student performance, local technical schools, colleges and universities
Testimonials	Demonstrate that the community has had past successes	Describe past community economic development successes Include testimonials from local companies

Proposal Tab / Category	Purpose	Contents
Workforce – is ready to meet client's needs		
Labor Market	Demonstrate that workforce will meet client's needs Establish an accurate dimension to the labor market	Provide labor shed map and demographics Tables and graphs describing the local labor market including commuting patterns (in and out) and underemployment (if present) Reflect the multiplicity of labor markets including those for low-skilled and higher skilled workers
Occupations and Wages	Demonstrate community can supply workers	Provide entry-level, experienced, and average wages for critical occupations Give examples of local companies employing these occupations
Employment Base	Provide an understanding of the community's economic base	Directory of local employers including: – products or services provided – workforce size – length of time company has been in the community – recent expansion or downsizing
Training Resources	Demonstrate the community actively supports workforce development	Describe training programs and resources available for job retention, new and expanding industry Include physical resources (e.g., schools, incubator space) and programs (e.g., workforce development)
Testimonials	Demonstrate that training is not a new concept within the community	Describe past community training successes Include testimonials related to both attraction and retention
Property – community has "shovel ready" property suitable for the project		
Overview	Provide clear orientation as to development opportunities within the community	Maps showing the location of development areas in the community (e.g., commercial, industrial) Show relative size and location withing the community, region
Proposed Property	Orient client to the location and characteristics of property(s) deemed most appropriate for the proposed project	Detailed information about properties deemed most suitable for the proposed project; should include: – maps and aerial photos that show the location, size, and dimensions of the property along with master plan concepts – zoning designations and development covenants – descriptions of surrounding land uses and the nature of other operations in the area

Proposal Tab / Category	Purpose	Contents
Roads	Show that property has suitable access for the proposed operation	Maps showing the property relative to major roadways Descriptions of roads and major highways serving the property
Rail Infrastructure and Service	Demonstrate that the railroad and the community have consulted regarding rail service	Maps showing the rail network within the community Descriptions of rail infrastructure to the site including plan for how rail will be brought to the designated property and surrounding properties if not already present Identify any at-grade rail crossings and level of improvement found at each crossing Description, estimated cost and timing for on-site and off-site improvements (if required) Description of rail service provider and frequency of service that will likely be available at designated site
Electric Power	Demonstrate property is ready for development	Map showing the location of lines and line sizes Description of service providers and rate schedules proposed for the client operation Estimated utility bill based on client's proposed usage (or example based on similar operations, industry, etc.) Illustrate availability/feasibility of dual feed to the site
Natural Gas	Demonstrate property is ready for development	Map showing the location of lines and line sizes Provide description of service providers and rate schedules proposed for the client operation Provide estimated utility bill based on client's proposed usage
Water	Demonstrate property and community are ready for development	Map showing the location of lines and line sizes Describe service provider, system capacity and current system utilization Estimated utility bills for the client operation and the rate schedules used in calculating bills Estimated connection/impact fees related to service Water quality reports (a summary report is sufficient with the ability to follow-up with more detailed information)

Proposal Tab / Category	Purpose	Contents
Wastewater	Demonstrate property and community are ready for development	Map showing the location of lines and line sizes, location of lift stations that handle effluent from site Describe service provider, system capacity and current system utilization Estimated utility bills for the client operation and the rate schedules used in calculating bills Segregate surcharges that may apply to high strength effluent Estimated connection/impact fees related to service Copy of sewer ordinance
Telecommunications	Demonstrate property is ready for development	Description of service options, infrastructure
Development Schedule	Demonstrate the community has developed a clear process for project implementation	Provide an overview of the process for securing building permits including timing Provide time estimates for anticipated infrastructure improvements (if required) such as road and utility extensions
Development Resources	Leverage community resources to make properties more appealing	Itemize resources that will support development of site including studies that have been completed on the sites or in the site area (e.g., geo-technical surveys environmental studies, traffic surveys, archeological assessments) Describe building practices common to the site area (e.g., pilings, spread footings)
Taxes and Fees		
State Taxes	Establish general extent of tax liability the client can expect	Tax rates, basis, responsible agency, contacts
Local Tax	Establish general extent of tax liability the client can expect	Provide documents that describe local taxes including tax schedules An estimated tax bill based on the client's proposed investment
Development Fees	Establish general extent of liability the client can expect	Describe rate and basis for fees Specify one-time and annual fees
Development Incentives - community actively supports industry		
State and Local Programs	Demonstrate working knowledge of programs	Describe programs, criteria, benefits, estimated savings Testimonials Examples of savings
Other Project Support	Demonstrate community is "pro-business" oriented	Outline approach to fast track permitting and assistance programs

1. Proposal Cover Letter

The cover letter is an opportunity to right away show the client that you understand the needs of their project. Make sure that your community's specific selling points are highlighted in the text, starting with those most important to the client. Show the client that your community has solutions to each of their key location concerns. Think of it as an executive summary of the proposal, or a teaser that urges the reader on into the body of proposal.

Too often cover letters are generic templates that repeat a few interesting statistics or fast facts about a community. Having seen hundreds of such letters, consultants know very quickly whether the letter is specific to the project. A one-paragraph custom letter, even though it squanders an opportunity to summarize the key messages of the proposal, shows a greater level of sincerity than a generic, multi-page, form letter.

A strong cover letter should briefly:

- outline each section of the proposal
- highlight relevant attributes of the community
- match the attributes with the client's key location requirements
- provide contact information for the point of contact
- state that you will follow-up with a phone call during a specific time
- discuss what actions the organization will take in the meantime to prepare for your community/site visit, and eventually a corporate location or expansion in the area

2. Community Orientation

It is possible that many other individuals in the company will see all or only part of your proposal, not just a site location consultant or your lead contact at the company. Use the *Community Orientation* section to eliminate any possible confusion about your community's location, demographics, culture, assets.

Location

Where is the community is located within the nation, state, and region? This is most easily done with map graphics—multiple maps or map insets that show your community's global, national, state, and regional market. (Figure 1). Always include a detailed street map in packaged proposals and onsite visits.

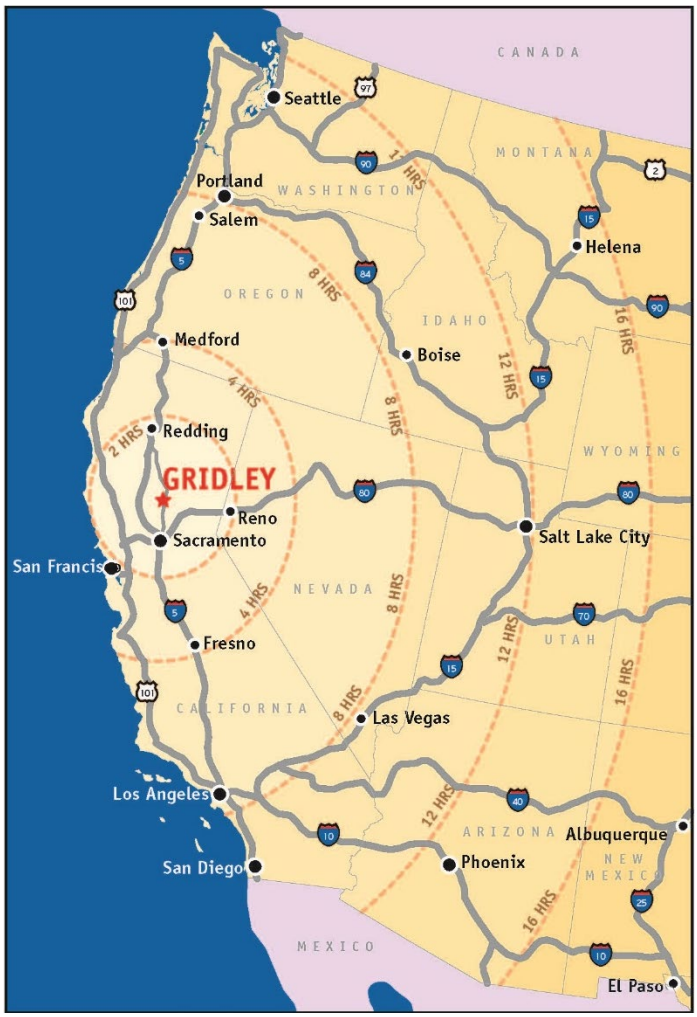


Figure 1. Orient readers to community's location within the nation, state, and region.

Community Overview

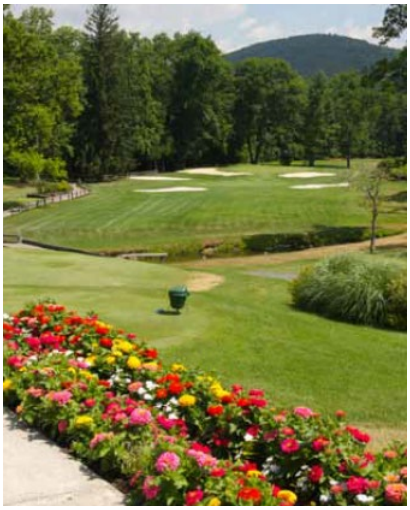
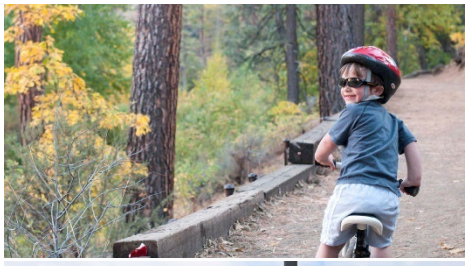
Assume that the reader knows very little about your area. Craft the community overview in such a way that they will have a picture of the community and know what makes it tick. This can be done in a few paragraphs or several pages and should differentiate your community from neighboring regions, some that may be more well-known.

- Use short paragraphs and bullet points.
- Balance narratives with statistics, charts, graphics, and photos.
- Show the community in a positive light, objectively and with facts.
- Paint a picture of the community, e.g., small town, urban, historic, rustic, diverse, blue collar; what you are known for, landmarks, current or historic events; distinct terrain or views.
- Give a little history and basic demographics.
- Show that the community has a clear direction and economic development goals and the type of investment it is seeking.
- Touch on available community services and amenities such as schools, hospital, housing, airports, and recreation opportunities.

Quality of Life

Quality of life is a very broad term, and its definition can be subjective because people value different environments and activities. And, keep in mind, that nearly every community is a "great place to live and/or raise a family." You want to ***prove*** that your community is a great place which will help the company attract and retain workers. Do this by focusing on certain factors that most everyone can agree defines quality of life—a safe environment, good schools, and access to housing and basic amenities. Factually define these quality-of-life factors and then go beyond to paint an appealing picture of life and work in the community.

- Stay away from unqualified adjectives, e.g., wonderful, best, quaint, attractive etc.
- Directly confront any negative perceptions about the area with a balance of photos, charts (facts), and testimonials. For example, use crime statistics to show security and that (hopefully) crime is on the decline and discuss special programs in place. Speak to the community's history and ability to plan, respond, and mitigate natural and weather-related hazards e.g., earthquake, tornado, floods, hurricanes, forest fires, ice, snow, closures (highways, airport, port, schools).
- Show the variety of neighborhoods and housing options with map and photos.
- Include stats on the affordability and availability of housing for all wage levels.
- Describe educational opportunities and excellence e.g., K-12 school system, technical schools, colleges and universities in the region, enrollment levels, and student performance.
- Discuss how people spend their personal time. In photos and broad terms (not a laundry list), describe parks, recreation, shopping, arts, entertainment, special community events, etc.
- This section is a good opportunity to splash some color in the document.

3. Workforce and Labor Market

Before drilling down into a wage analysis, your client first wants to know that a sufficient labor market exists so that they will be able to recruit the trained workers they need. With a mix of data, graphics, and descriptive text provide sufficient information that proves there is a workforce that meets the needs of your client.

- Describe the size and growth rate of the population and the workforce in your labor shed.
- Include graphics of the unemployment and participation rates over time.
- Along with stats and narrative, include a map of the labor shed that orients your client to the commute patterns and shows from where and how far your workers are willing to travel for employment (Figure 2). It is best to differentiate between the higher and lower skilled labor markets. It is more common to see longer commutes or a larger labor shed for higher paying occupations.

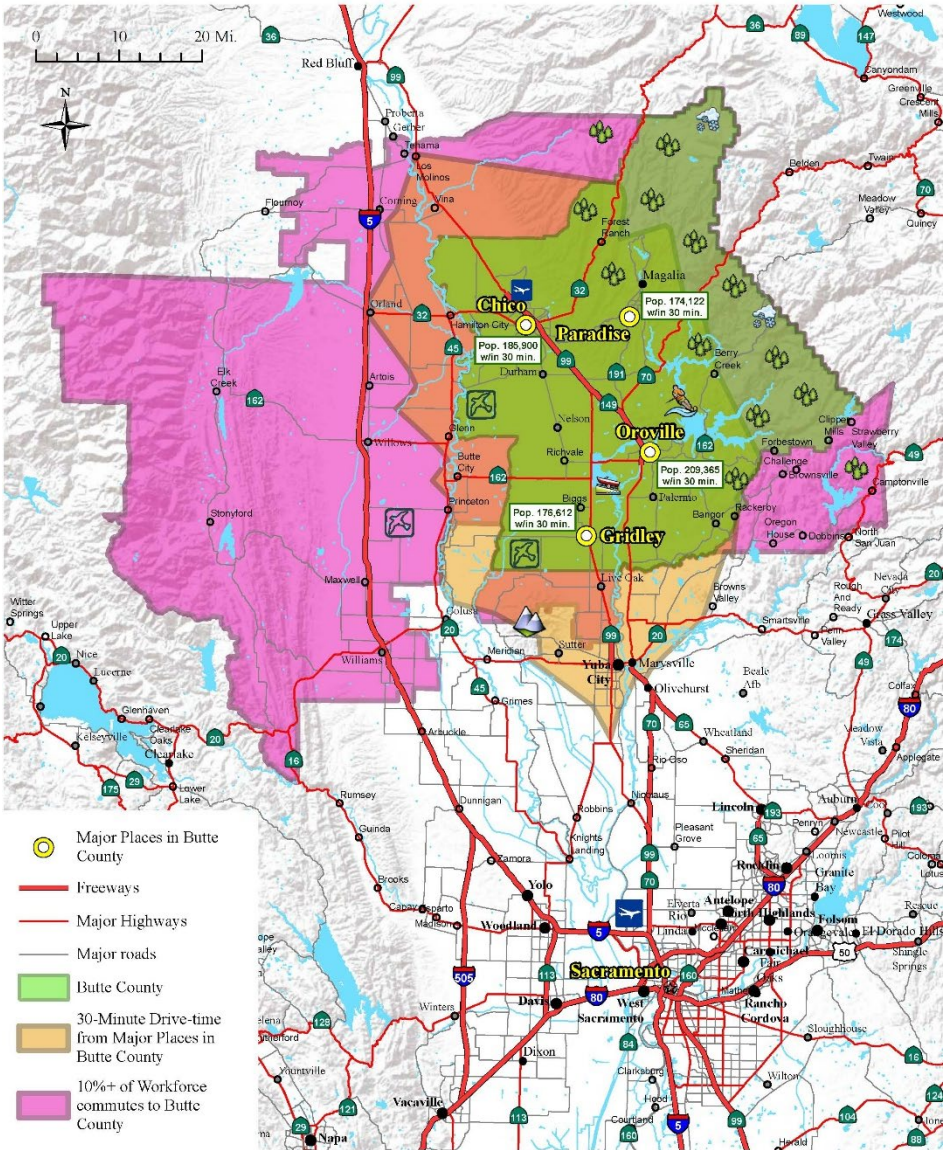


Figure 2. Sample labor shed and commute map.

Occupations and Wages

This section is where you begin to put a price on the identified pool of talent. Labor costs or wages will almost always be a company's largest operational cost, the more specific the data you deliver, the more assurance the company will have about being profitable in your community. A chart or spreadsheet is the most efficient way to present this data. Speak directly to the needs of your client by tailoring the list of occupations to their operations.

- Information from the federal or state Department of Labor can easily be downloaded and customized.
- Work with your local economic development and workforce development partners to provide local data including examples of local companies employing these occupations.
- Compare local wages to communities that may be competing for workers or that you know the client is also considering.
- Include the number currently employed and wages for entry level and experienced for each relevant occupation.
- Discuss any mandated benefits.
- Locally gathered wage and benefits data that augments state and federal statistics and testimonials from employers means the company does not need to make as many assumptions or guesses about the labor market. When good data replaces assumptions, your community is perceived to be less of a risk.

Occupation Title	Employed in Labor Shed	Starting Salary Community A	Median Salary Community A	Median Salary Community X	Savings Community A
General and Operations Managers	1,318	$ 58,970	$ 103,587	$ 152,582	32.1%
Marketing Managers	51	$ 59,795	$ 105,676	$ 182,230	42.0%
Sales Managers	201	$ 49,127	$ 96,611	$ 162,641	40.6%
Administrative Services Managers	239	$ 59,075	$ 75,612	$ 114,305	33.9%
Computer and Information Systems Managers	68	$ 86,881	$ 102,543	$ 175,477	41.6%
Financial Managers	306	$ 69,347	$ 101,711	$ 180,537	43.7%
Industrial Production Managers	70	$ 59,040	$ 79,566	$ 135,000	41.1%
Transportation, Storage, and Distribution Managers	32	$ 55,795	$ 80,874	$ 121,068	33.2%
Human Resources Managers	54	$ 75,649	$ 104,915	$ 152,836	31.4%
Construction Managers	201	$ 68,743	$ 104,540	$ 133,246	21.5%
Architectural and Engineering Managers	137	$ 96,885	$ 129,291	$ 175,234	26.2%
Food Service Managers	354	$ 40,526	$ 45,436	$ 62,085	26.8%
Lodging Managers	30	$ 38,229	$ 46,278	$ 70,633	34.5%
Medical and Health Services Managers	214	$ 75,774	$ 105,331	$ 148,628	29.1%

Figure 3. Sample spreadsheet that presents occupations, compares wages, and defines the savings your community offers employers.

Employment Base

Understanding the current make up of a region's workforce is paramount in making a good site selection decision. Companies generally do not want to be trailblazers—being the first in their industry to come into a region. This can mean they need to set up training systems from scratch, relocate managers and employees for positions that requires industry experience. The best response to this section is one that gives the prospect assurances that a baseline understanding of their industry culture exists in the region.

- Don't try to fake it. If the industry or similar employers are not present in the region, do not claim they are. Instead, you may want to show examples of complementary employers and transferrable skill sets, how quickly and effectively you have been able to set up special training programs, fill unique positions, etc.
- Provide a list of the major employers, including their product or service, total number of employees, the year established in the community, and union affiliation (if any).
- Don't stop at major employers, include employers in the region that are in same industry. Maybe include a brief company bio and testimonial.
- A discussion of recent expansions, downsizings, or closures can add depth to statistical data.
- Plot where these employers are on a community map.

Training Resources

Access to a trained workforce is critical to company's long-term success and profitability. Demonstrate that you have the training infrastructure in place to sustain a sufficient and well-trained workforce. Describe:

- the region's work ethic
- the specific training programs for the occupations or job descriptions appropriate to the company's operation, vocational schools, community college programs, etc.
- local primary, secondary, higher education systems' ability to product graduates with the right skill sets
- how the education infrastructure has been effective in meeting the training needs of local employers; use testimonials and case studies

4. Proposed Properties

Property Overview

Start this section off with a summary or introduction to all the sites you are proposing but don't throw your audience into a sea of real estate flyers. Having multiple sites can be an advantage, but make sure the information is organized and serves to orient your client.

- A simple matrix can be a good way to present the properties and summary information and present all the critical site information on one or two pages allowing the client to easily compare.
- Accompany the matrix with a map showing the location of each property and identifies highways, airport, rail, utility lines, schools, business and industrial parks, other major employers, and retail centers with employee amenities (Figure 4).
- Include a local street map from AAA or the Chamber of Commerce and identify the properties and other places of interest.

	Site A	Site B	Site C	Site D	Site E	Site F
Location (address, business park)	Airport					
Site cost	$ /acre					
Size	53 acres					
Topography	Flat					
Access road(s)	Lassen Road					
Nearest Interstate or four-lane highway	Less than 1 mile from I-X					
Current zoning	Industrial					
Electric service, cost	Energy Inc $ /kWh					
Water service, cost	Water Company $ /month					
Wastewater service, cost	Municipal $ /month					
Property tax	$					
Permits required	Building Mechanical Electrical Plumbing Site Development Site Erosion					
Estimated permit fees	$					
Available incentives	Fee deferral					

Figure 5. Sample property summary matrix

Figure 4. Sample map that orients client to location of proposed properties.

Sites

When proposing undeveloped sites, more information is better, provide:

- a discussion of the area, city's vision, master planning done or in process
- a more comprehensive site profile
- photos of the site and aerials taken from different perspectives that encompass the city, neighborhood, entire business park, nearby business parks or developments
- concepts showing how the client's development could be oriented on the site (Figure 6)
- diagrams of future nearby developments

Figure 6. Sample development concept

Buildings

If real estate demands are for an existing building,

- provide a profile of the available building(s) with all building and site specifications, current condition
- plot the buildings on a map and note surrounding assets and amenities
- include both exterior and interior photos, an aerial of the neighborhood
- floor plans, architectural plans

Utilities

Utility criteria and its importance to the final location decision varies from project to project. Even without project details, having a summary of utility providers and rates helps clarify the process.

- Include all the utility providers' contact information.
- When given the project specifications, rather than just providing a single monthly or annual cost figure, work with utility providers to present a sample bill. Include the assumptions you made to calculate the usage and cost.
- Provide different rate programs e.g., standard, summer and winter, economic development rates.
- Provide service maps, indicate distance to sites, and address cost and timing of expanding service to sites.
- Have utility providers discuss their service to the proposed sites e.g., capacity, demand, reliability, recent or plans to upgrade, etc.

Development Process and Schedule

The permitting process is the most common wild card in the development process. Every additional day of permitting time is potentially a day of lost revenue and market share. This is a risk. Often communities will describe their permitting process as fast-tracked. But far too often are reluctant to commit to any timeframe because of the many variables in the process and project unknowns. Alleviate concerns of both the prospect and the community by attempting to address the unknowns about the permitting process.

- Provide a flowchart of a typical development process including a start to finish timeline. Figure 7 is a simple diagram. Some communities have much more complex diagrams.
- Include a list of departments and contact information that will be review building plans.
- Give an estimated timeline (range of dates, minimum, maximum, or average number of days) for each department to review and return comments.
- List the state agencies that are required to review and approve the plans.
- Offer a pre-submittal review meeting between the architects, engineers and permitting reps.
- Let them know the number of sets of plans required with applications.
- List and describe any associated permitting fees, impact fees, or development fees, when they are due, and the criteria for any incentives to waive or defer fees.

Development Resources

If an RFP includes unique or specific project requirements (i.e., rail and/or port access, large acreage, etc.), that demand a specialized site, submit detailed property profiles and information that are relevant to the site and the project. This will help alleviate some of the concerns about the site viability and sends the message that you are prepared for their development. Some of the information to send may be:

- copies of any available Phase I environmental report
- soil reports, traffic studies, engineering drawing, etc.

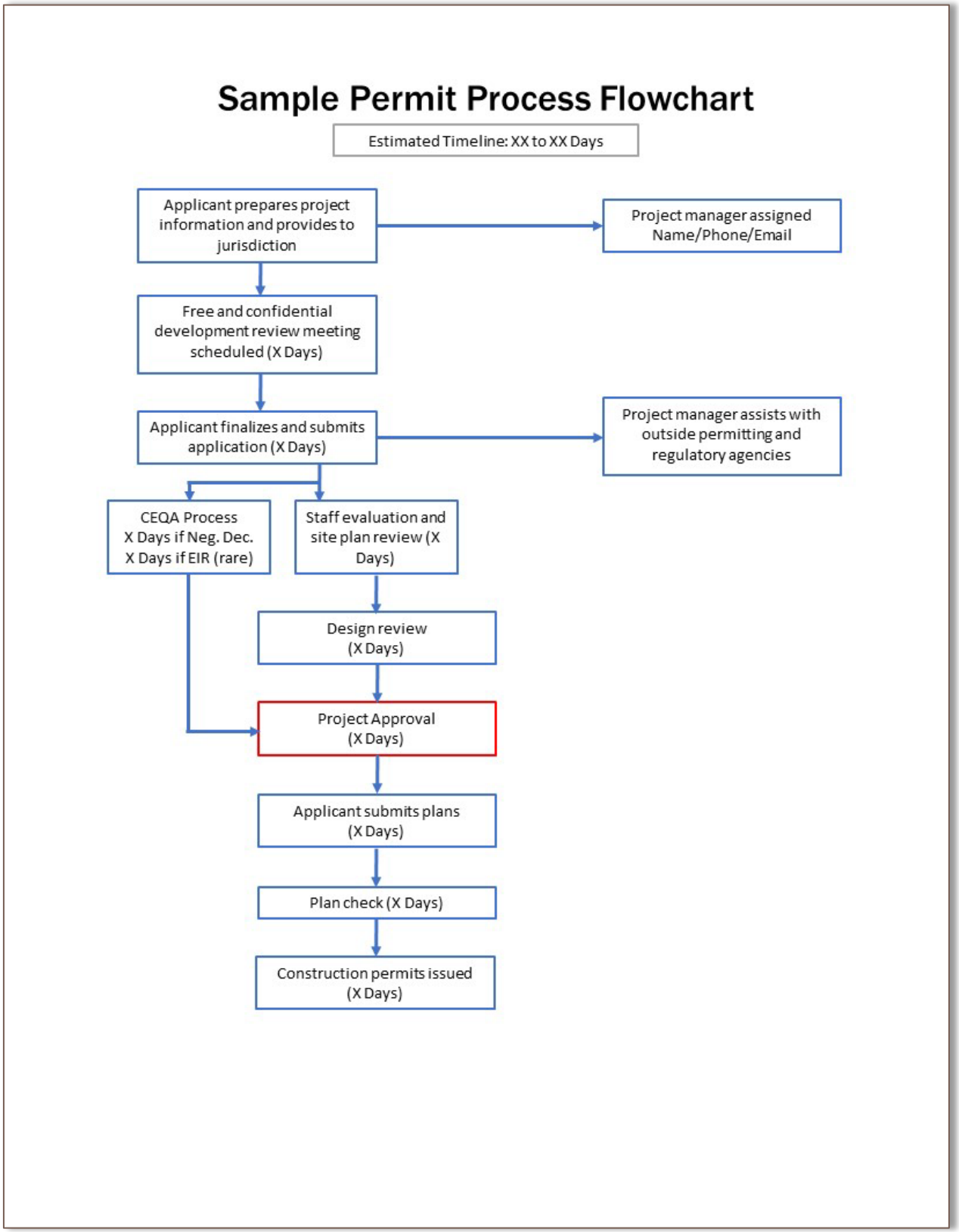


Figure 7. Example of a simple permitting process flowchart.

5. Taxes, Fees, Incentives

Your client wants to know what individual taxes, millages, fees, and mandated benefits are levied. Don't be tempted to provide too much information. Pages of tax information is not helpful but to the other extreme, a simple list of taxes levied and the rate with no associated basis is not helpful either. Provide:

- the rate and basis for city, county, district, parks and recreation, schools, public safety, sales and use, corporate income, personal income, franchise, inventory, unemployment, transportation, gas, utility, and workers' comp
- local property tax rate, what properties are taxed, and how the property value is calculated
- the regulatory agencies and contact information for each
- an estimated tax bill based on the project's proposed investment would be an ideal addition

State Tax Profile			
Tax	**Basis**	**Rate**	**Agency**
Corporate Income			
Franchise Tax			
Sales and Use Tax			
Unemployment Insurance			
Workers' Compensation			
Personal Income Tax			
Disability Insurance			
Finished Goods, Raw Material, Inventory Tax			
Mineral Severance Tax			
Inheritance Tax			
Employment Training Tax			
Sources:			
Local Tax Profile			
Tax	**Basis**	**Rate**	**Agency**
Property			
Utility			
Transportation			
Business License			
Transient Occupancy			
Business License			
Telecommunications			
Sources:			

Figure 8. Sample matrix for presenting tax information

Development Fees

Development fees go by many names: impact, public service, capital improvement, connection, hook up, or tie-in fees, etc. Let your client know early in the process all the fees that your area has and to what extent they are relevant to the project. Learning about hidden fees and extra costs late in the process can severely damage any trust you have established with the prospect and site selector. Use a spreadsheet to provide:

- the fee, rate, basis
- when it is levied and how often (one-time, annual)
- the administering or regulatory agency and contact information

Development Incentives

Incentives do not win projects on their own merit, but they can help tip the scales in your favor when a few finalist communities are still under consideration. A laundry list of possible state and local incentives is not enough information. Provide enough detail so that your client will have a good idea of the programs you have, if they are relevant to them, and if they might be eligible.

- Describe the program in plain English (not statutory language), include criteria for using the incentive, how it benefits company, savings (time or money), any claw backs, and contact information for the administering agency.
- It is OK to include a full list of possible incentives, but as an introduction highlight those that you consider to be most relevant and accessible to your client.
- Include an example (based on the RFP information) of the time or money that company could save.
- Include testimonials from companies that have used and benefited from the incentive.

Description of Incentive	Available?		Source Contact-Phone-Email	Type			Formula / Basis of Incentive	Estimated Annual Savings	Estimated On Time Savings
Development and Infrastructure	Yes	No		Waiver	Deferral	Subsidy			
Permits								$0.00	$0.
Development Fees								$0.00	$0.
Expedited Permitting								$0.00	$0.
Land Write-Down								$0.00	$0.
Land/Building Donations								$0.00	$0.
Redevelopment Agency								$0.00	$0.
Sale/Lease-back Arrangement								$0.00	$0.
Utility Connection Fee Waiver								$0.00	$0.
Utility Security Depot Fee Waiver								$0.00	$0.
Utility Infrastructure Assistance								$0.00	$0.
Road Extension Infrastructure Assisstance								$0.00	$0.
Rail Infrastructure Assistance								$0.00	$0.
Other Infrastructure								$0.00	$0.
Utility									
Electrical Discounts								$0.00	$0.
Natural Gas Discounts								$0.00	$0.
Water/Sewer								$0.00	$0.
Labor									
Screening/Interviewing/Hiring								$0.00	$0.
Training								$0.00	$0.
Testing								$0.00	$0.
Relocation Assistance								$0.00	$0.
Job Fairs/Advertising								$0.00	$0.
Financing									
Development Costs								$0.00	$0.
Operating Costs								$0.00	$0.
Building/Capital Improvements								$0.00	$0.
Working Capital								$0.00	$0.

Figure 9. Sample spreadsheet to present incentive savings

Appendix D

Corral Site and Building Proposals

Lasso is a location data collection software for communities and corporate location decision makers.

Lasso automates the RFI process by reeling in responses from site and community stakeholders in a structure ready for site selection analysis.

The Need for Speed

Location Data Collection is Cloudy, Cluttered, and Monotonous

- **No Visibility –** No method exists for all economic development and site selection stakeholders - Global IPAs, EDOs at the State, Regional, and Local levels, Utilities and Rail providers - to honor sensitive communication protocols between organizations and with the location decision-maker.

- **No Consistency –** There are varying data standards from country to country and between those sending the RFIs.

- **No Memory – T**he same location data is submitted by local EDOs again, and again, and again with each RFI they respond to, which reduces economic development capacity, most notably in economically distressed areas.

Fast Data Round Up

Collect Location Data and Collaborate to Compete for Projects

Location Decision-Makers — **Communities**

Collect

Collect Data From Various Sources

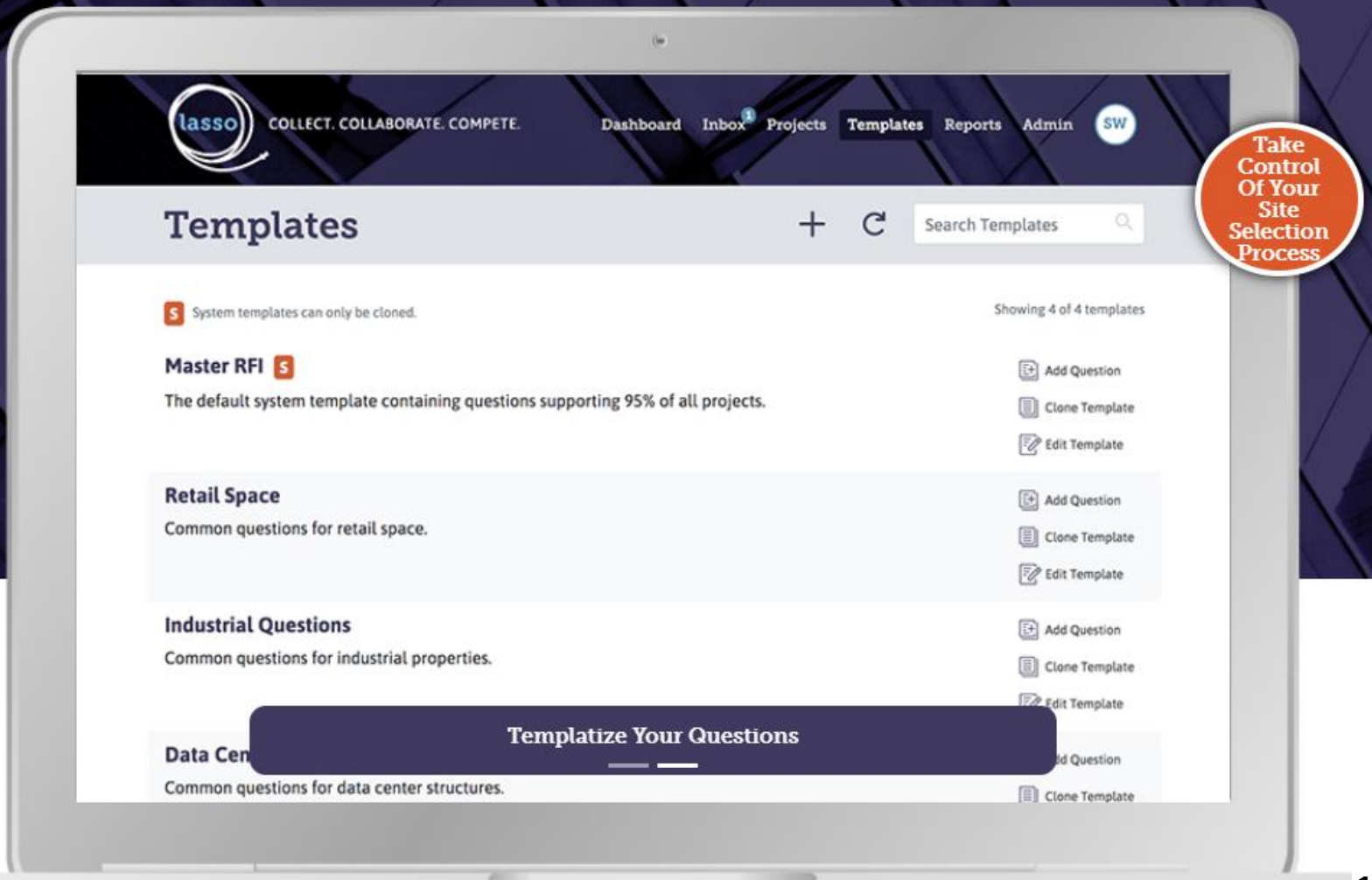
Collaborate

Standardize Questions & Responses

Compete

Compile Comprehensive Property Proposals

Meet Lasso



Take Control Of Your Site Selection Process

Templatize Your Questions

Lasso Features

Location data collection consistency launches the path to data analytics

Collect Data Globally

EDOs and IPAs in every country are provided with RFI submission capability

View All Properties on a Map and by Data per Property

Location Decision Makers outfitted to assess properties submitted for their project

Boost Economic Development Capacity

EDOs and IPAs submit RFI data once and Lasso recalls forever

Data Warehouse Structure

LocationOne Information System - LOIS - is a property database that provides the backbone for Lasso. LOIS provides a web marketing service for economic development organizations. Economic development orgs license LOIS to implement a searchable property database on their organization's website to showcase their available sites and buildings. The website, locationone.com, provides a comprehensive viewport into these marketed properties.

LOIS

Catapult Property Data Out There

The Corral

Location Decision-Makers | **Communities**

The LASSO SUBSCRIBER is the **PROJECT OWNER**

- Location Decision-Makers
- Corporate Economic Development and Real Estate Professionals
- Site Selection Consultants
- Tenant Rep Real Estate Brokers
- Utility and Rail Economic Development Professionals

The **DELEGATOR** is the Lead EDO

- USA State and Regional Economic Development Orgs
- Global Investment Promotion Agencies

The **DELEGATE** is the Local Rep

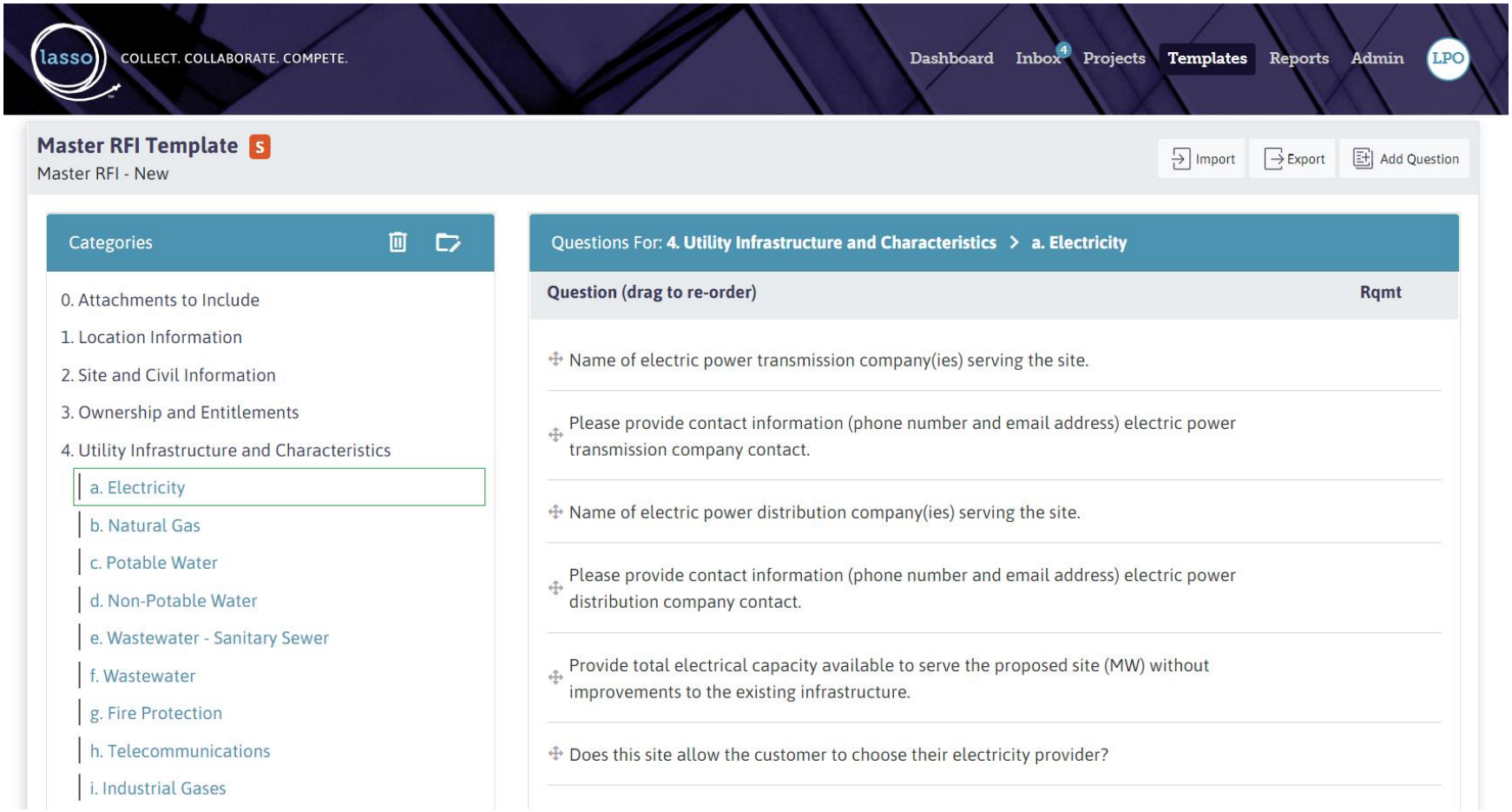
- Local EDOs and IPAs
- Site and Building Representatives

The Project Owners

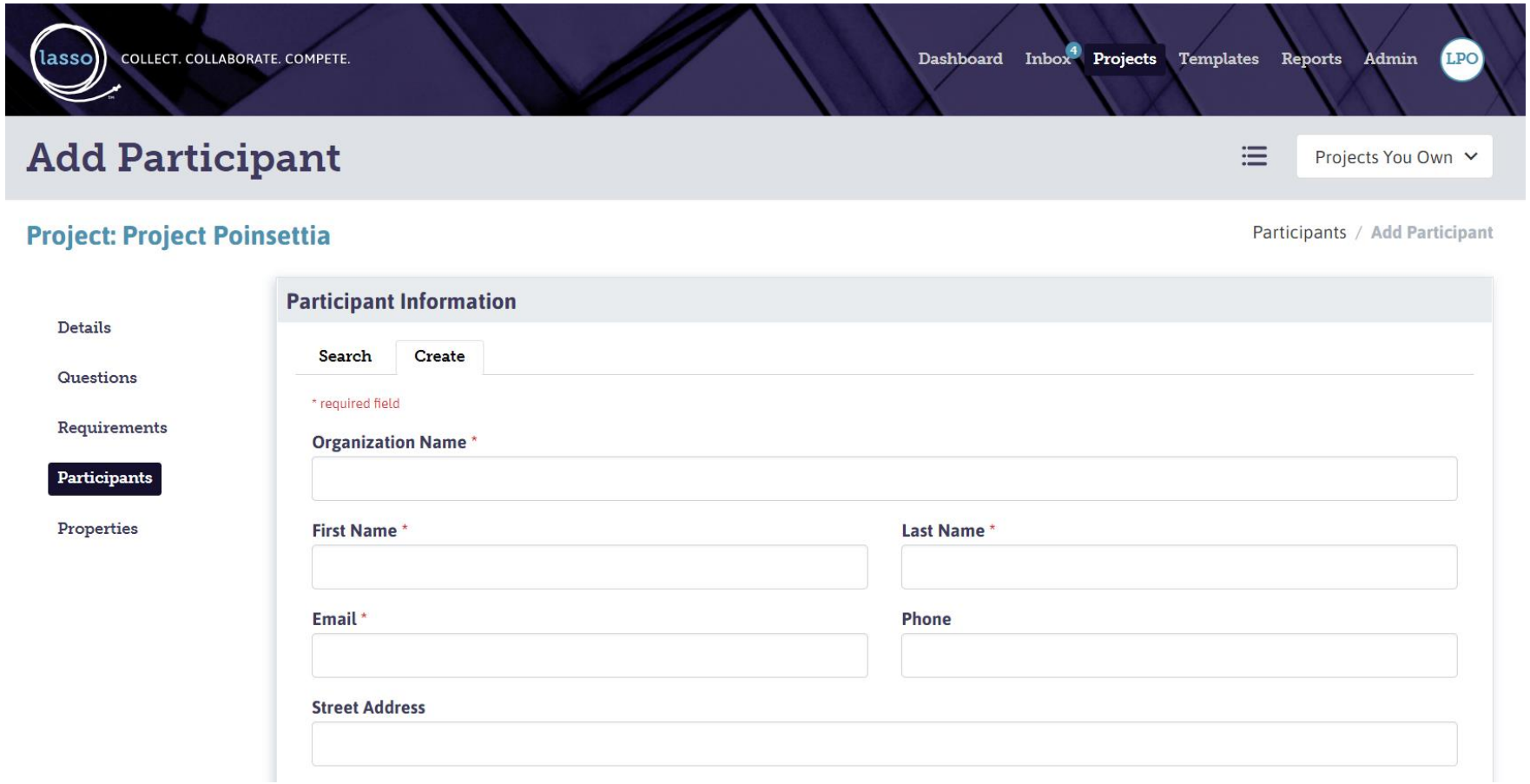
Location Decision Makers are Lasso Subscribers

- Corporate Economic Development and Real Estate Professionals
- Site Selection Consultants
- Tenant Rep Real Estate Brokers
- Utility and Rail Economic Development Professionals

Choose from RFI Templates



Send RFIs to Participants



The Participants

Communities Submit Properties

Delegators

- USA State and Regional Economic Development Orgs - EDOs
- Global Investment Promotion Agencies - IPAs

Delegates

- Local EDOs and IPAs
- Site and Building Representatives

Receive an Invitation

You've Got Mail

COLLECT. COLLABORATE. COMPETE.

New Lasso Message

You have a new message from a contact in Lasso

You have received an invitation to participate in project Project Lasso Demo via Lasso, an online project management system designed to assist with managing property submissions and associated RFI data. If you are reviewing this message in your email, please click the link below to login to our system. Once you are logged into Lasso, please click the Projects menu item above to review, accept or reject this project.

Review RFI Questions

Choose to Participate or Decline

Project Questions

R = answer is required

Categories

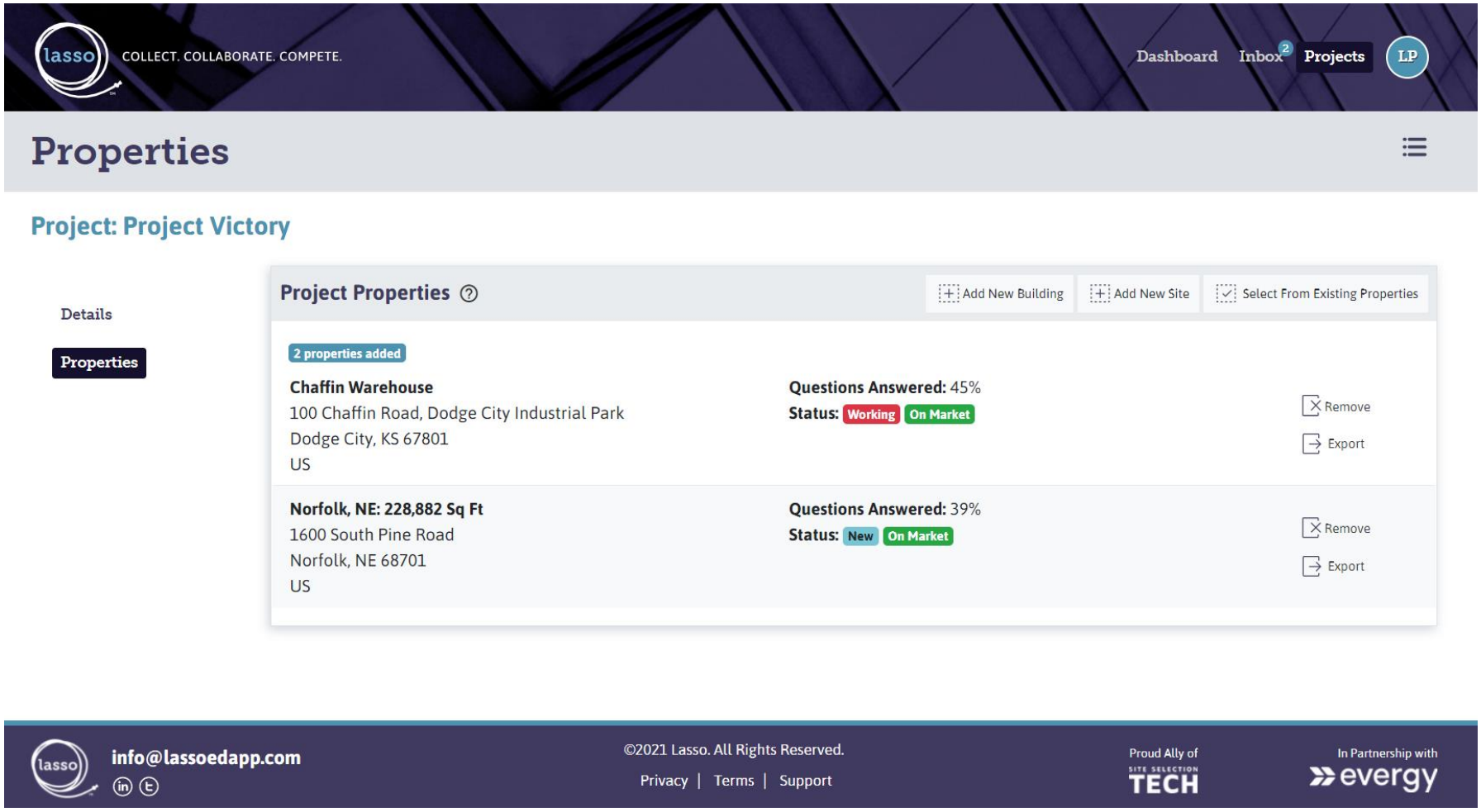
1. Site Characteristics
   - a. General Site Info
   - b. Zoning and Land Use
2. Logistics
3. Utilities
4. Due Diligence

Uncategorized

Questions For: **1. Site Characteristics > a. General Site Info**

Question	Phase	Rqmt
R Number of total acres of proposed site.	1	
Can the site be subdivided in order to meet the 50-100 acre requirement?	1	✓
Describe the general site configuration/shape.	1	
R Is the site available for sale or lease?	1	

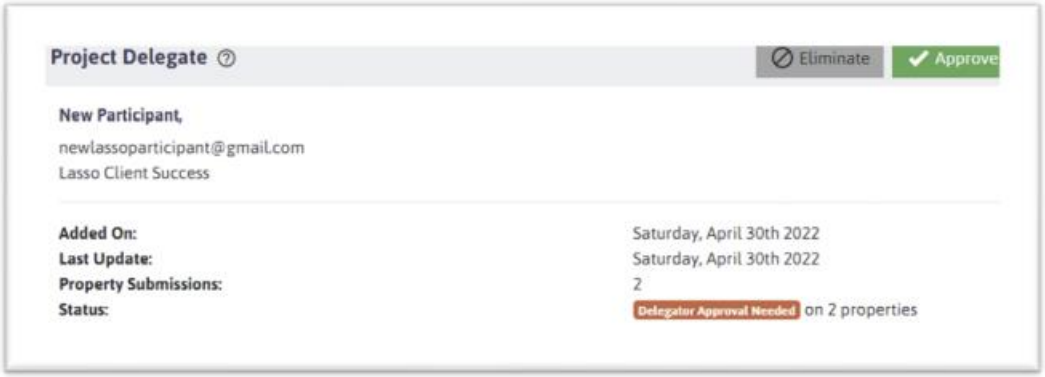
Add Properties



Delegate

States and Regions can delegate to local EDOs and site representatives

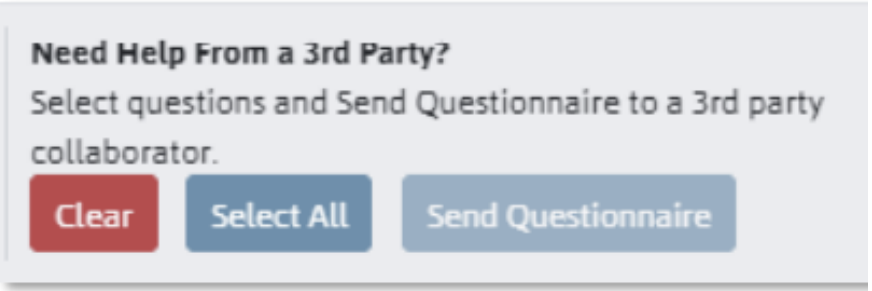
Approve Delegates Properties – Click on Delegates to review and approve of your delegates properties.

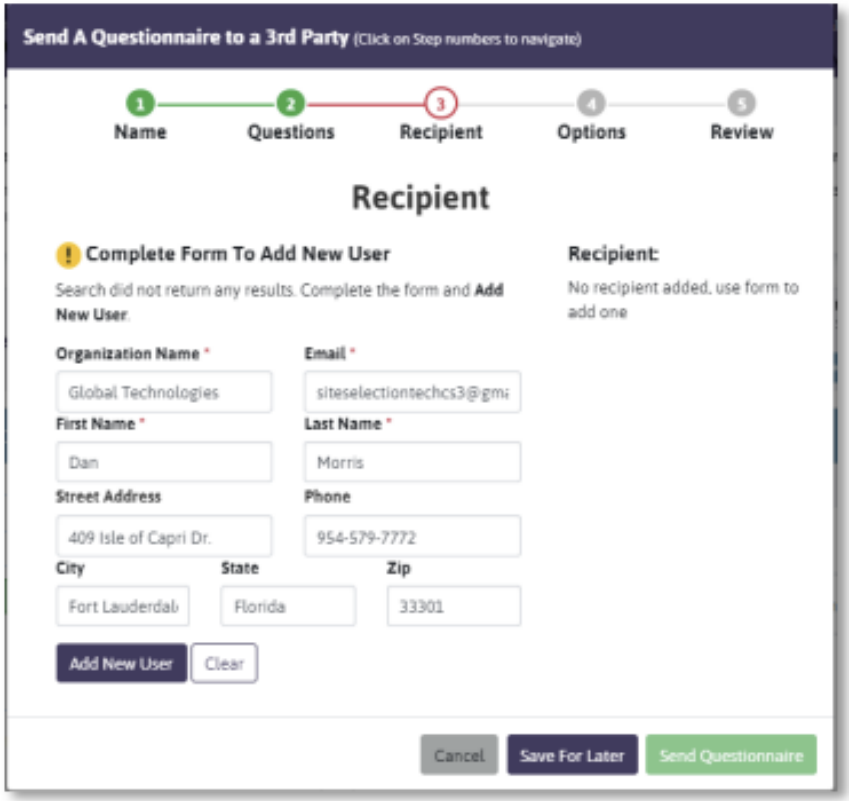


Review Delegates Properties – Click on Properties to see the properties you have submitted yourself and the properties submitted by your delegates. Review the answers for quality control prior to submitting the project.

Collaborate

Respond to the RFI as a Team





Submit Confidentially to Project Owner

A Direct and Confidential Pathway

Details

Properties

Project Details

Submit Project | Export Project

Project Victory

Contact Project Owner

Thisis a data center project that is looking for 100,000 sq. ft facility with 19 Ft Ceiling Height.

Project Status:	Active	
Created:	Thursday, December 16th 2021	
Updated:	Wednesday, January 12th 2022	
Start Date:	Monday, December 20th 2021	
Deadline:	Friday, December 31st 2021	
Property Count:	2	**0% complete (2 incomplete)**

Attachments

InputFields_EconomicImpactModel.pdf

Recall Answers for Next Time

Increasing Economic Development Capacity

Recall Previous Property Answers

Process was successful, 57 answers were applied to your property.

This action searches for any answers previously supplied for each question in the RFI and apply them to the property.

- Complete this step BEFORE answering questions - this process overwrites existing answers!
- Alternatively, recall answers individually for unanswered questions using the "Recall Previous Answer" button within the Question Answer Form of each question.
- This process saves you time completing the RFI, eliminates redundant data entry and provides consistent answer data for the property.

This process may take a few minutes and can't be cancelled once started.

Close | Recall Property Answers

The Results

Communities

RFI Submitted

Location Decision Makers

Property Data Collected

Ready for Data Analytics

Location Decision Makers are Lasso Subscribers

1. **Map** - View all properties on a map.
2. **Data** - Review RFI data submitted per property.
3. **Export** - Export data, per property, to Excel.
4. **Ready for Analytics** - Export data for all properties to an Excel workbook in a format ready for data analytics.
5. **Site Selection Analytic Integration** - Import property data into Site Shepherd, an analytic platform to screen, score, financially assess, and deliver location recommendations.

Traction

Researched and Incubated.
Launched and Serving Subscribers.

2014 to 2020

- Needs Analysis
- Customer Journey Mapping
- Prototyping
- Software Dev
- Field Testing
- User Feedback

Autumn 2021

Product Launch

Summer 2022

5 Subscriber Accounts

32 Subscribing Users

16 Projects Administered

360 Properties Submitted

463 EDO Participants

19 New Features Implemented

Location Decision Makers License Lasso

Location Decision Makers are Lasso Subscribers

Communities Submit Properties

Collect Property Data → **PAID**

Collaborate to Compete for Projects ← **FREE**

Subscription pricing by the volume of RFIs per year

- Subscription tiers
  - Traveler
  - Expedition
  - Enterprise
- System RFI templates included
- Custom RFI templates available for purchase

Let's Talk About Lasso

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Your Site Selection Adventure Starts Here

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Appendix E

Crafting Your Key Messages

Key messages—or Value Propositions—and proof points will guide your sales and marketing efforts with clear and consistent communications with your various audiences.

Key Messages Inform. They are meant to convey benefits or solutions the community can offer; they should entice the audience to want to find out more.

Proof Points Differentiate. They are fact-based statements that prove the key message and demonstrate how you differ from your competition.

Using Key Messages and Proof Points

- Key messages should be used in all communications—print materials, advertising, social media, and conversations
- The message and proof points will be different for different audiences—local businesses, prospects, brokers, developers, media, workers—have different interests and priorities
- Proof points should be from your own experience or knowledge of the facts; should be concise, not long speeches, they are meant to capture your audience's attention and curiosity
- Have your messages and proof points top-of-mind; consider crafting responses to these questions
  - Where is Oakley?
  - Why should I move my business to Oakley?
  - What does Oakley have to offer different from other Bay Area cities?
  - I've got young kids; why should I want to raise my family in Oakley?
  - Isn't it really expensive in the Bay Area?
  - Isn't Oakley just like all other Bay Area cities—expensive, lots of traffic, crime, all tech jobs?
  - California is too expensive for business; why should I expand my business to Oakley instead of somewhere out of state?

A value proposition is your promise of performance and value to your customer, and

Is meaningful to business and relevant to the industry

Addresses a pressing concern or specific issue

Easy to understand, clear and concise

Believable and credible

Truly differentiate you from your competition

Conveys solutions

Is supported with fact-based proof points, drawn from the most-current data available

Message: Location

VALUE PROPOSITION	Companies in the City of Oakley are in heart of the East Bay Area and can easily reach major metro markets.
Sample Proof Points	▪ Major metro markets of [CITY 1], [CITY 2], and [CITY 3] are within XX miles ▪ Additional metro markets are a day's drive e.g., [CITY 1], [CITY 2], [CITY 3] ▪ International airports are within XX miles and XX local or municipal airports are nearby ▪ California's major ports—[PORT 1], [PORT 2], [PORT 3]—are within XX miles ▪ Highways XX, XX, XX traverse the city
Supporting Materials	▪ Regional map showing location and access to selected markets in miles and minutes or hours, drive time; showing transportation routes ▪ List of Ports, Airports, and Logistics companies ▪ Case studies of companies in area because of location and market access

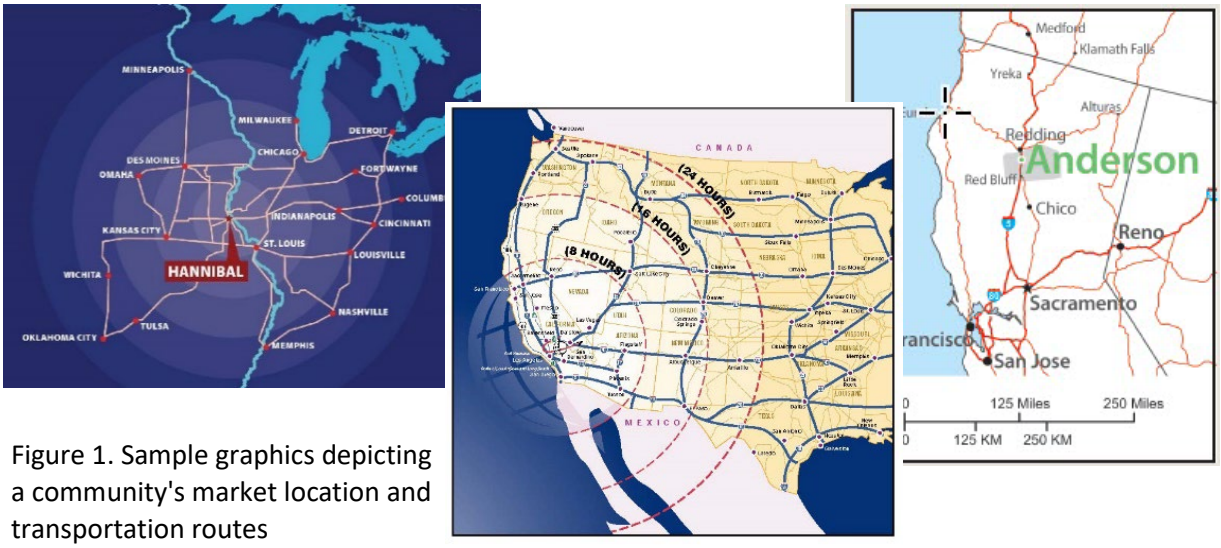

Figure 1. Sample graphics depicting a community's market location and transportation routes

Message: Workforce

VALUE PROPOSITION	Sample 1: Companies located in CITY rely on highly productive workers and world-class training programs and facilities. Sample 2: CITY has a large out-commuting workforce that is looking for local employment.
Sample Proof Points	▪ Excellent K-12 school system evidenced by a XX% graduation rate, XX% matriculation rate, internship programs for both students and teachers, and strong industry partnerships ▪ # of community colleges and XX students within XX miles ▪ # of four-year state colleges and universities and nearly XX students ▪ Award-winning career and technical education (CTE) courses at the high schools and community college pathway programs ▪ partnership with XX and XX; name the programs ▪ XX turnover rate of local employers in similar industry
Supporting Materials	▪ Testimonials from local employers ▪ Case studies regarding employees, training programs, schools (describe the programs, facilities, and apprenticeships, who uses them, how many are enrolled, where graduates find employment) ▪ CTE course information, average enrollment, graduates and certifications

Message: Cost

VALUE PROPOSITION	Lower operational costs give you a greater return on your investment in CITY.
Sample Proof Points	▪ X acres of shovel-ready industrial sites priced at approximately $X per acre, X% below CITY 1, CITY 2 ▪ Operating costs are X% below CITY 1, CITY 2 ▪ Median housing cost is $X—X% below nearby cities—which means your employees can be homeowners ▪ Cost of living compared to competitor or source cities
Supporting Materials	▪ Operating cost comparison report ▪ Estimated power costs for different scenarios, users ▪ Wages for specific industry's key occupations ▪ Housing developments, price point, affordability index, owner-occupied stats

Chabin

Message: Industrial Opportunity

VALUE PROPOSITION	CITY'S [*named*] business park offers [*industry*] a master planned business park with fully served sites that can accommodate 20,000 to 100,000 square foot buildings.
Sample Proof Points	▪ Electric power provided by X; rates are X; evidence of reliable delivery ▪ Stats on the CITY water system showing evidence of capacity to support industrial, commercial, and residential growth… stats on excess capacity… statement of recent or planned improvements to the system ensure continued water quality and system reliability ▪ Stats on the CITY's wastewater treatment system showing evidence of excess capacity to service growth and the ability to expand capacity in the future as needs increase ▪ Discussion of interchange or roadway improvements
Supporting Materials	▪ Photos and aerials of business park ▪ List of current tenants ▪ Zoning maps and approved uses ▪ Estimated power costs for different scenarios, users ▪ Development scenarios, cost estimates, fees and permitting timeline

Style Definition: List Para2

OAKLEY

CALIFORNIA

Economic Development Work Plan 2023-2026

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I. Introduction

The City of Oakley has been working from its 2016-17 Work Plan which outlines goals and priorities for the community's economic development. Following the 2019 COVID pandemic and subsequent economic shifts, city leadership determined it was time to update the work plan. The intent of the updated work plan is to recommend implementation actions that the city should take to achieve and boost long-term economic growth, promote economic diversification, and leverage its assets.

The consulting team of Chabin Concepts, DSG Advisors, and Urban Scenarios visited the City of Oakley to document the city's ability to deliver on the customary site selection factors considered when businesses search for a new location. Findings of this work are detailed in the Gap Analysis section and are the basis of the work plan. The work plan is focused on guiding the city economic development staff to prepare for an demonstrate to corporate decision-makers that the City of Oakley understands and can deliver on the location and workforce needs associated with the industries targeted for business attraction.

> *VISION: 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.*

A. Goals

The economic development work plan adheres to the city's goals as stated in the 2022-2027+ Strategic Plan. The strategies and action items are intended to enhance the city's economic development competitiveness and contribute to reaching the following goals.

1. **Community and Economic Development**: inspire and encourage community and economic development through strategic and thoughtful growth, a business-friendly environment, and local employment opportunities.
2. **Community Health and Safety:** protect the public and prioritize safe streets, healthy neighborhoods, and robust community resources.
3. **Parks and Open Space:** capitalize on the Delta, where residents, businesses, and visitors can recreate and relax.
4. **Community and Collaborative Partnerships**: build strong community and collaborative partnerships to be mutually beneficial and co-create shared goals.
5. **Finance and Fiscal Responsibility:** leverage financial resources for the long-term benefit of residents and businesses while maintaining sufficient reserves to provide stability and ensure a successful future.
6. **Sustainable Organization:** create a vibrant municipal workforce that reflects commitment to an inclusive and equitable community and can meet the mission today while striving for the envisioned future tomorrow.

B. Competitive Analysis

The Chabin Team conducted an analysis of Oakley's community assets to identify economic development opportunities, real estate parcels and industry investment targets. The analysis considered customary site selection factors businesses study when searching for a new location. The matrix below presents a summary of findings which are the basis for the target industry recommendations and a revised work plan. A more detailed discussion of the Competitive Analysis is included in Section III Gap Analysis.

ASSETS

- Location on highways, interstates, and access to freight and passenger air and port services
- Growing talent pipeline and employers can draw 1.2 million workers in just 30-mile radii
- Good workforce training resources in the region
- Growth of median household income is on par with county, better than cities in region
- Low crime rate and favorable cost of living when compared to county and region
- Oakley has miles of waterfront for recreation and a 55-acre site that could support a range of business development opportunities
- Entrepreneur Center
- Efforts are underway to establish a chamber of commerce
- Professional and service-oriented economic development staff

CHALLENGES

- Limited market-ready sites or buildings for industrial or commercial uses
- ~~95% of working population leave the city of employment~~
- Economy is heavily weighted to service and retail; economic development actions need to focus on diversifying the economy
- Educational attainment is lower than other cities in the region, low performance in English and math in the high school
- Senior population ~~growing~~ (age 60+) is growing at a much faster rate than the incoming talent pipeline (under age 19) which could indicate a future workforce shortage; fortunately Oakley employers can draw from a workforce of 1.2 million in a 30-mile radii
- Planning is underway; a concrete plan for waterfront development must be a priority

OPPORTUNITIES

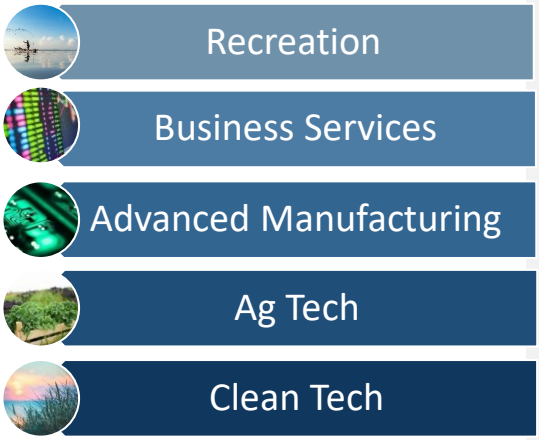
- There is high demand in the region for small to medium sized light industrial sites and buildings. Land zoned industrial in Oakley could accommodate an estimated 700,000 square feet of light industrial building space and several hundred traded-sector jobs
- Agreement on industry targets among educators, economic development organizations, and city government would guide stakeholders in moving the city forward
- Amtrak station will increase traffic and enhance the sense of importance of downtown
- Entrepreneur Center could spur entrepreneurs to invest in downtown development
- Waterfront development of recreation will improve the city's quality of life, attract visitors, and generate sales tax revenue
- Industrial development of the waterfront will draw business to the community and create local jobs
- Regional organizations can help expand the economic development capacity in the city

C. Target Industries

The consulting team weighed community assets against our experience with economic development and corporate investment trends at local, regional, national, and global levels. The target industries listed here are seen by the consulting team as aligning with Oakley's development assets, training initiatives supported by Contra Costa Community College, Contra Costa County's Department of Conservation and Development specified industry targets, and private sector investment trends in the region.

By focusing on the attraction of industries that align with community assets, Oakley can realize several benefits including:

- New job-creating investments in the city of Oakley
- Diversified Oakley economy with higher-paying, traded sector jobs
- Expanded capacity and marketing opportunities with target industries aligned with county and regional economic and workforce development partner organizations
- Increased presence and awareness in the region as a place to expand into a nearby, more-affordable location
- Reduced commute time for much of the Oakley workforce that is currently leaving the city for jobs



The remainder of this section presents a brief description of each target sector and Oakley's value proposition for meeting sector needs.

Target Industry	Recreation—specifically boating, fishing and fishing tournaments
Rationale	• Leverages and makes good economic use of one of the city's greatest asset, the waterfront • Attracting anglers and spectators can help draw attention to the city as place to do business (expanding the reach into other target industries) • Bass fishing is considered a top freshwater sport and California is one of the top three states contributing to the national economic impact • Fishing tournaments attract and engage all age groups and skill levels • If Oakley can keep anglers and spectators in the city for the duration of the tournament (for lodging, dining, supplies, etc.) the economic impact to the city and local businesses could be substantial • Once developed, the planned 55-acre Oakley Regional Park at Sellers Avenue (pictured below) may be sufficient to hold small- to medium-sized tournaments but more research would need to be conducted

Figure 1. 2019 rendering of Oakley Regional Park; master plan is currently being updated

Target Industry	Business and Technical Services—includes operations providing back-office support functions, inbound call centers, small data centers, and specialized product fulfillment that support regional, national, and global markets.
Rationale	• The recommended development area and surrounding environment on Oakley's west side is conducive to attractive office park development, offering views of greenery and surrounding terrain • Oakley's location offers easy access to clientele throughout the East Bay • Occupations are a good match for the existing workforce • Sixty-five percent of the workers in the 30-mile labor shed area are in occupations that support this industry sector e.g., business and finance, IT, architecture, engineering, healthcare, sales and related (ESRI labor profile)

Target Industry	Advanced Manufacturing—refers to the use of innovative technology to improve products or processes. Advanced manufacturing industries constantly integrate new technologies into their products and processes.
Rationale	• Occupations are a good match for the existing workforce • Supports existing manufacturing and advanced manufacturing operations in Contra Costa County and the East Bay region • Development of the recommended light industrial district on Oakley's west side is perfectly suited to this type of operation (Figure 8~~Figure 7~~)

Figure 2. Examples of attractive business park settings

Target Industry	Agricultural Technology (AgTech)—encompasses ag-related manufacturing, processing, and services, including horticulture and aquaculture. AgTech companies use technology or provide services to improve yield, efficiency, and profitability e.g., robotics, temp or moisture sensors, aerial imaging.
Rationale	• Development and adoption of new agricultural technology is rapidly evolving, and California and the greater Bay Area is the center of innovation • The changing regulatory environment, higher operating costs, foreign and domestic competition, and shifts in market demands opens opportunities for communities able to meet market and cost demands • Once developed, the recommended light industrial district on Oakley's west side is perfectly suited to these types of operation (Figure 8~~Figure 7~~) • Commercial and industrial services including machine shops, equipment repair, metal fabrication, engineering firms, vehicle repair, and light manufacturing support the needs of both local and outside markets

Target Industry	Clean Technology (CleanTech)—is the term used to describe companies involved in energy, water, transportation, agriculture, and manufacturing using technology and processes to improve the long-term health of the environment. This can include a broad range of industry sectors including recycling, renewable energy, information technology, green transportation, electric motors, green chemistry, lighting, grey water, etc.
Rationale	• Could support existing employers in the region many of whom are already using some type of advanced technologies • Cleantech jobs are among the fastest growing in the nation • Development of the recommended light industrial sites is perfectly suited to this type of operation • A broad array of occupations are involved in cleantech, from highly degreed professionals to skilled trades—civil and process engineers, technicians, solar panel installers, IT, and lower skilled manufacturing and logistics workers • Industrial development on the waterfront could be attractive to these users; operations can cover the spectrum from small entrepreneurial firms to large multi-national corporations requiring a range of site and building sizes and configurations

D. Oakley's Value Proposition

Value Propositions are statements that convey benefits or solutions the community offers to businesses and specific industries. An effective value proposition answers the question "*why should my business locate in Oakley*?" Your responses to this question must be accompanied by fact-based proof points which will entice the audience to learn more.

Messages and proof points will be different for different audiences—local businesses, prospects, brokers, developers, media, workers—have different interests and priorities. Below are several potential value propositions and proof points for the City of Oakley's target industries.

The Appendix contains a guide to creating an effective Key Message Platform.

Sample Value Propositions for the City of Oakley

- Companies in the City of Oakley are in the heart of the East Bay Area and can easily reach major metro markets.
- Oakley employers count on highly productive workers and world-class training programs.
- Oakley has a large out-commuting workforce that is looking for local employment.
- Lower operational costs give you a greater return on your investment in Oakley.
- Oakley's [named] business park is the premier location for [industry] employers.
- Oakley's access to waterfront areas for recreation and sport is the best in the region.

Sample Proof Points

- Nearly 20,000 skilled workers commuting out of Oakley are looking for local employment
- Access to workforce and training resources including drone training and Los Medanos College's Process Technology (PTEC) certification programs where students can receive certification on advanced manufacturing skills in as little as 18 months
- Within [miles or minutes] of wine industry and ag growers and processers in East Bay and the Central Valley
- Operational costs X% lower than surrounding communities
- Easy proximity to centers of innovation including UC Davis
- XX acres of waterfront property

II. Work Plan

The 2023 Work Plan is an update of 2016-2017 Economic Development Work Plan and identifies specific actions that the City should take to achieve and boost long-term economic growth and economic diversification, by leveraging community assets.

A. Objectives

1. Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community
2. Promote and facilitate new business opportunities and new investments in the community
3. Update the marketing program
4. Provide tools and resources to help existing Oakley businesses grow and succeed
5. Improve the look and feel of the City while maintaining its small-town character

B. Work Plan Tasks

Objective 1—Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community

- Prepare acreage for the market that can support manufacturing, industrial services, offices, and related activities that will create high paying jobs and help diversify the local economy. Prioritize development of a light industrial park on 40+ acres located south of Main Street and east of Highway 160. This would include conducting an infrastructure needs assessment and plan for services such as electric, gas, water, wastewater, fiber optics, and roadways.
- Stay engaged with regional economic development efforts to ensure the city's needs and plans are represented in discussion of planning efforts and funding allocations (e.g., Plan Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership).
- Stay involved with Resilient East Bay Industrial Land Use Analysis (currently underway) and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors.
- To regain fishing tournament(s), (1) reach out to the sponsoring groups to learn what they require in a location (facility size, marina and other services, lodging rooms and dining places that will accommodate the expected number of anglers and spectators); (2) complete the Oakley Regional Park Master Plan; (3) make upgrades to the waterfront areas; (4) begin the work to fulfill the location requirements of sponsoring groups (5) start marketing.

Objective 2—Facilitate new business opportunities and new investments in the community

- Assist new and expanding businesses through the development and permit process by acting as the liaison and coordinating with other city and county departments and agencies (building, planning, public works, code enforcement, etc.).
- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.).
- Actively support the Northern Waterfront Economic Development Initiative Strategic Action Plan. This is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech.
- Continue outreach to and further develop relationships with the regional broker community; as a primary audience for the city's economic development marketing and messaging, include them on all print and electronic campaigns; make quarterly phone or personal contact.
- Support and assist current efforts to establish an Oakley Chamber of Commerce.

Objective 3—Create a comprehensive marketing program

- Adopt a budget for economic development efforts that will adequately support the goals.
- Select target industries, document Oakley's value proposition for each sector (see the Key Message Platform guide in the Appendix) and continue to update.
- Prepare economic development marketing materials that will serve as centerpiece to Request for Proposals (RFP) and other inquiries from prospective corporate investors (see Site Proposal Guide in the Appendix).
- Include market access advantages in messaging to companies and organizations considering investment in new or expanding facilities. Create map(s) for print and website that visually show Oakley's access to highways, airports, port facilities, and major markets.
- Establish a stand-alone economic development website to aid in driving traffic and delivering complete and unambiguous messaging on the advantages of Oakley for new investment (see content recommendations in the Appendix).
- Document Oakley's development costs and permitting process. Partner with building, planning, public works, code enforcement and other relevant departments and partner agencies to prepare simple materials that demonstrate the streamlined permitting process, rates and connection fees charged by the city and other agencies. Use flowcharts, other graphics, spreadsheets and testimonials from businesses and developers that prove to the market that Oakley truly is a 'Business Friendly Community.' Samples are provided in the Appendix.
- Longer-term, explore the regional competitive landscape for infrastructure costs (rates and connection fees for water, wastewater), permitting fees and approval times, and land costs for targeted investments to illustrate how Oakley compares with area communities. If and when Oakley rate data do not compare favorably, identify where there are advantages—faster timeline, better

quality water, state-of-the art facilities, etc. Don't hide the bad news, address it and incorporate advantages into key messages (sample included in the Site Proposal Guide in the Appendix).

- Document local and regional workforce training resources, particularly those programs that support target industries. Incorporate information into messaging, marketing materials and website.
- Be alert to emerging factors that put Oakley at a competitive disadvantage and look for ways to improve the community's standing.
- Implement a system for maintaining an inventory of sites and buildings for commercial and industrial development that details infrastructure, development status, and costs. The Chabin Team recommends Location One Information System (LOIS) software platform. LOIS is a high quality and affordable website platform known for ease of use, attractive graphics, and support for branding customization.
- Expand Oakley's engagement with TeamCalifornia and the state's GoBiz organizations to better understand how location selection projects are identified and channeled to local areas and be prepared to respond to requests for information.
- Continually add new content to the city's Story Map. Use it as a long-term visionary communications tool to promote the City's vision, priorities, investment opportunities, and progress towards a competitive economic development environment.

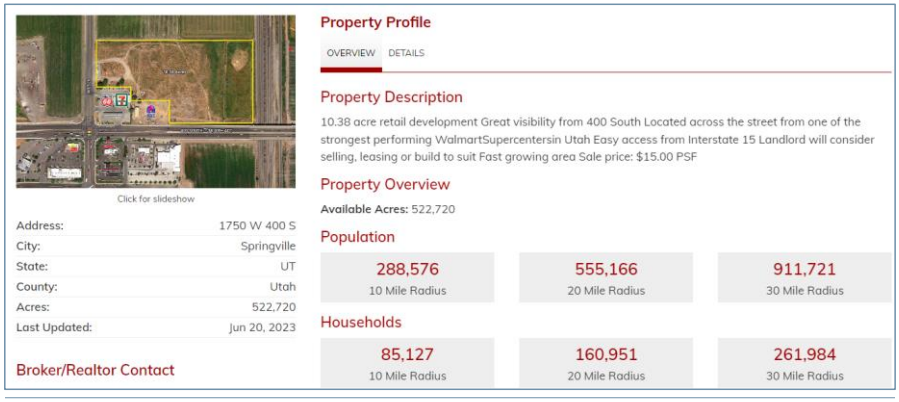


Figure 3. Sample online property inventory from Location One Information System (LOIS)

Objective 4—Provide tools and resources to help existing Oakley businesses grow and succeed

- Keep abreast of the technical training offered by the colleges and high schools in the district.
- Work closely with workforce and education partners to make joint visits to Oakley employers.
- Continue to support and promote the Oakley Entrepreneur Incubator space.
- Keep downtown businesses informed of the progress of Amtrak station and assist them to be prepared to take advantage e.g., collaborative messaging and marketing efforts, business directory, information kiosk.

Objective 5—Improve the look and feel of the city while maintaining its small-town character

- Continue efforts to improve appearance and amenities throughout the city.
- Continue working on downtown revitalization and establishing services around the Amtrak station for workers and residents.
- Continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses.

Figure 4. Investment in community amenities and revitalization support economic development and encourage private sector investment.

C. Launch Plan

The Action Plan includes several tasks—short-term, long-term, one-time and ongoing activities. The launch schedule below is meant to provide the city with some direction on where to start.

0-30 Days

- ❑ Present plan to council
- ❑ Prepare an internal department budget to support economic development goals and activities
- ❑ Meet with partner organizations to present the plan and garner participation
- ❑ Contact property owners to determine the feasibility of developing a business park

31-60 Days

- ❑ Meet with city departments and partner agencies to begin documenting the development process
- ❑ Begin regular outreach to broker and development community
- ❑ Begin collaborative employer visits

61-90 Days

- ❑ Incorporate Appendix B (website review and recommendations) in the pending RFP for new economic development website
- ❑ Identify properties for online inventory and subscribe to LOIS software platform
- ❑ Begin documenting value proposition and proof points
- ❑ Reach out to TeamCalifornia and GoBiz and begin regular engagement with these organizations

III. Gap Analysis

Business investment decisions are driven by considerations that reach far beyond properties. Business location selection comes only after carefully analyzing factors that are important to a company's near-term and long-term strategic interests.

Economic development best practices today acknowledge the complexities and work to ease the decision process by being prepared to show that the community is ready for corporate investment. The graphic below illustrates the variety of metrics considered during site selection. Collectively these factors can support or deny that a particular community is right for corporate investment.

The Chabin Team documented the City of Oakley's local assets and strengths on which investment attraction can be based. As presented in this section, our findings are the basis of the recommended target industries, value propositions, and economic development strategies. Strategies are focused on preparing for and demonstrating to corporate decision-makers that the City of Oakley understands the strategic and tactical needs associated with the industries targeted for business attraction.

This Gap Analysis presents a discussion of what a competitive community offers to businesses and how Oakley compares to that ideal. The discussion includes assets the city can leverage, and the readiness gaps the Chabin Team believes need to be addressed to improve Oakley's economic development competitiveness.

These findings are based on a review of information gathered from interviews, personal observations, data research, and materials collected during the consulting team's community visit and form the basis of the resulting recommendations. Data sources and other details are included in the Appendix.

A. Market Access and Transportation Infrastructure

The efficient movement of goods and people relies on a network of highways and arterial roads that connect sites to workers, customers, and vendors.

Oakley's Competitive Position

- City is located at the intersection of state highways 160 (north/south) and 4 (east/west)
- The Main Street/Highway 160 interchange averages 37,000 daily vehicle trips and 4,850 daily truck trips
- 20 miles to Interstate 680 via State Highway 4
- 30 miles to Interstate 5 North via State Highway 160
- 30 miles to Interstate 5 South via State Highway 160
- Five freight and passenger airports are located within less than two-hour drive

Tactical Recommendations

- Include these market access advantages in your messaging to prospects
- Create map(s) for print and website that visually show Oakley's access to highways and major markets (Figure 5~~Figure 1~~)

Competitive communities offer:

Highway access to and from business parks, sites, and employment centers that include at least two routes for trucks and employee vehicles

Access routes that are free of potential traffic flow impediments e.g., weight-limited bridges, low clearances, rail crossings, areas of traffic congestion, time-of-day restrictions

A commercial airport within a 60- to 90-minute drive

Rail cargo service and ocean ports as necessary

Pedestrian-friendly downtown, commercial and retail centers; local roadways that connect residents and visitors to amenities and recreational opportunities

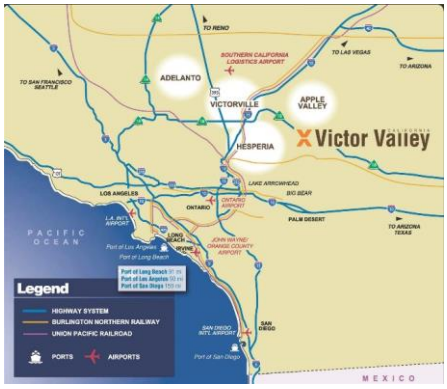


Figure 5. Sample maps displaying community location within a region, state, or nation

colleges, certificate training programs

An education system adept at producing workers with skills that are aligned with industry needs and the needs of a rapidly changing global economy

Local wages and fringe benefits structure reasonable for the region

History of positive labor-management relations

Amenities that attract and retain talent

B. Workforce, Education and Training

In today's market, the primary business location factor is the availability and quality of workers. Location investigations start by verifying that a sufficient labor supply exists and that there is a pipeline of workers so businesses will be able to attract the talent they need now and in the future.

Workforce

- Median age (34 years) in Oakley is younger than Contra Costa County (39 years), and comparison cities of Antioch (36), Brentwood (40), and Benicia (46)
- Unlike comparison cities and many other cities across the nation, in Oakley there is a slight (2.7%) five-year growth in Talent Pipeline (0-19 years) and Prime Workers (20-39 years)
- Fortunately, Oakley employers can draw from a labor force of 1.2 million in 30-mile radii
- Contra Costa County is historically a union community

Training Resources

- ~~Contra Costa Community College District operates three campuses in the county with 41,000 students enrolled during the 2020-21 academic year; San Pablo (main campus), Diablo Valley College in San Ramon, and Los Medanos College (LMC) in Brentwood which is just 10 miles from Oakley~~

- The Contra Costa Community College District includes three colleges and two centers all within 40 miles of Oakley. The Brentwood Center, just five miles from Oakley city center, offers AA and AS degrees, certifications and occupational training in fields including computer science, business, biology, and physical sciences.
- Between the three campuses a broad range of training programs are offered that align with local employers. Los Medanos College offers Process Technology (PTEC) certification where students learn advanced manufacturing skills through a certification program that can take as little as 18 months. Companies hiring Operations Technicians with PTEC certificates include refineries, chemical companies, local and regional water districts, food, wine and beer companies, and advanced manufacturing companies
- Mechanisms for maintaining effective outreach to the business community are reported to be in place e.g., 1) recent introduction of the Handshake platform joinhandshake.com to assist with job and employee search; 2) college maintains an outreach liaison to guide companies in how to engage students and instructors; 3) college staff development is guided by private sector skills requirements
- Drone training has been approved at Los Medanos Campus which uses Buchanan and Byron airfields

Challenges

- The share of Oakley's population with higher education degrees is unimpressive (18.6%). fortunately employers are able to draw workers from throughout the county which reports 42% of the population over the age of 25 has a bachelor, graduate, or doctorate degree ~~and does not compare well to countywide (41.7%) and comparison cities in the region (21% to 40%)~~
- ~~95% of Oakley's working population leaves the city for employment~~
- Employment in Oakley is heavily weighted to service and retail jobs (Figure 6~~Figure 2~~)
- Contra Costa College District – the contract education program that originally focused on technology sectors only success is with construction sector.

Tactical Recommendations

- Keep abreast of the technical training offered by the colleges in the district
- Work closely with the college/business outreach liaison and make joint visits to Oakley employers
- Include the training resources in the industry value propositions and prospect proposals

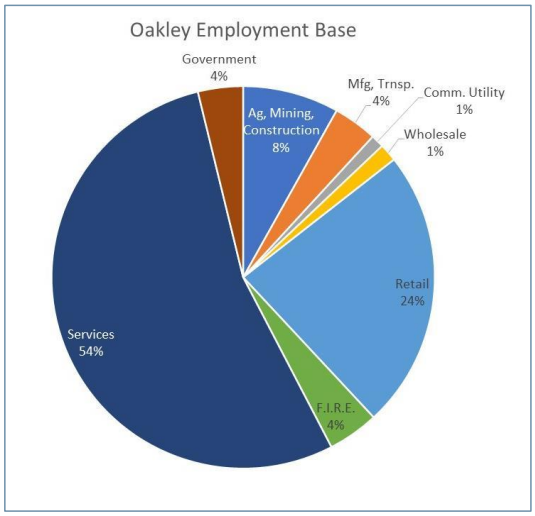


Figure 6. Distribution of Oakley's employment.
Source: 2022 Data Axle (ESRI Business Summary)

C. Real Estate and Infrastructure

Companies prefer sites or buildings that are shovel- or move-in-ready; sites that are supported by modern infrastructure with the capacity to accommodate current and future business needs. Getting properties market-ready can be a long-term endeavor. As communities work on preparing market-ready real estate, they should prioritize those properties that can be made ready with the least input. Have a plan to address any gaps in infrastructure and demonstrate a willingness to invest in required upgrades to expand and keep systems secure.

Sites and Buildings

- Very limited on market-ready sites and buildings to support diversifying the economy away from service and retail focus
- There is high demand in the region for small to medium size light industrial parks
- ~~There is land available in Oakley that is suitable for near-term development–small and large agriculture parcels–but nothing is ready for the market (Figure 7)~~
- The planned Amtrak station on Main Street offers Oakley an opportunity to continue developing downtown

Downtown

- Slated to open in first quarter 2025, the Amtrak San Joaquin station will connect Oakley to the Bay Area, Sacramento and Bakersfield. The station will have 275 parking stalls, a plaza and bistro and additional amenities to help create a transit hub in central downtown Oakley

Water

- Diablo Water District serves the City of Oakley.
- Surface water is purchased from Contra Costa Water District and Diablo Water District pulls water from three wells; all water is treated at Diablo's treatment facility and distributed throughout the system; water is blended with groundwater to maintain quality and reliability across the system
- Treatment system is being upgraded to ensure quality and reliability as demand grows; hard water issues which are common in the region are being addressed; distribution pressure is maintained through elevated storage tanks

Competitive communities offer:

Identified priority sites, detailed profiles, maps, aerials, photos

Business or industrial park settings or ready-to-go sites of one to 100 acres that are served with all utilities and properly zoned

Available buildings for diverse uses and adequate parking; spec buildings or plan

Controls in place to prevent undesired development nearby

Reliable and detailed information on the development process, timing, and costs

Land in and around the city for residential construction that will support population growth

Reliable, modern, redundant, secure services at a reasonable cost

Services with capacity sufficient to meet and exceed the industry's near-term needs

Broadband telecom serving sites and buildings that can meet significant data transfer requirements

Wastewater System

- Ironhouse Sanitary District provides the city's wastewater system. Appears to meet current community needs and capacity expansion and discharge quality challenges are being addressed to stay ahead of growth trends

Electric Power

- Electric power is provided by Pacific Gas & Electric (PG&E)

Challenges

- ~~Climate change- rising ocean level will lift groundwater and push contaminants around; Diablo Water District is aware of the need for investments to protect quality and reliability.~~
- Diablo Water District is aware of, monitors, and plans for the expected effects of climate change. Two seemingly conflicting stressors are impacting water supply and quality—drought and rising sea levels. Extreme drought conditions, frequency and intensity are expected to increase due to rising temperatures and greater precipitation variability. At the same time the more-slowly emerging threat of sea levels rising presents a risk of flooding and levee failure around the Delta which will cause major property damage and water quality issues[1]
- There is discussion but no solid plan for developing the waterfront
- Appears to be limited downtown properties to support entrepreneurial development

Tactical Recommendations

- The conventional structure is that cities operate water and wastewater services although services provided by private companies or through a utility district, like in Oakley, are seen in some parts of the country. Risk mitigation is the foremost consideration when companies are looking for a location to invest and create jobs. This is especially important when dealing with receiving and possibly expanding water/sewer services, building codes, zoning, road infrastructure, taxation, etc. Competitive communities ensure the user experience is seamless and hassle free—the definition of a "business friendly" community. Whether water/sewer services are under Oakley control, or remain as they are, the goal is to meet customer expectations.
- Focus on preparing 40 acres for a business park that will support light industrial development and be attractive to businesses thereby diversifying the local economy and creating higher-paying jobs. Build out of the 40 acres could accommodate more than 700,000 square feet of light industrial building space (Figure 8).
- Continue to work on building a secure and fast fiber optic network in Oakley's business and residential neighborhoods. Connectivity is a critical element to a business' location decision. The

[1] Sources: Delta Stewardship Council. June 2021. *Delta Adapts: Creating a Climate Resilient Future* and Diablo Water District. June 2021. *Water Shortage Contingency Plan.*

popularity of remote working increases the importance communities should be placing on building the network to deliver optimal services.

- Stay involved to ensure the city's needs and plans are represented in regional economic development efforts and that the city has access to tools and future funding resources, e.g., Plan Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership, etc.
- Stay involved and leverage the currently underway Resilient East Bay Industrial Land Use Analysis and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors
- Have documentation from city departments and partner agencies of infrastructure costs (rates and connection fees for water, wastewater, etc.) and permitting process to be able to communicate Oakley's competitive position
- Prepare and maintain an inventory of sites for new commercial and industrial development with details on the infrastructure and development status and costs; LOIS is recommended for features, ease of use, and cost
- Continue making downtown streetscape and revitalization improvements in preparation for the Amtrak station and additional traffic

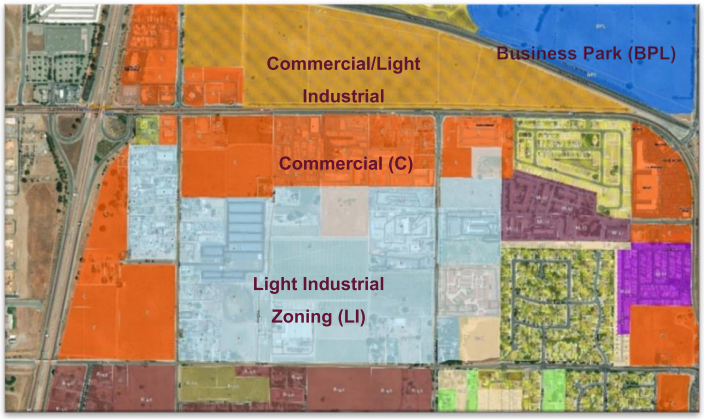


Figure 8~~7~~. Areas recommended for commercial and light industrial development are +/-40 acres at Main Street and East of Highway 160.

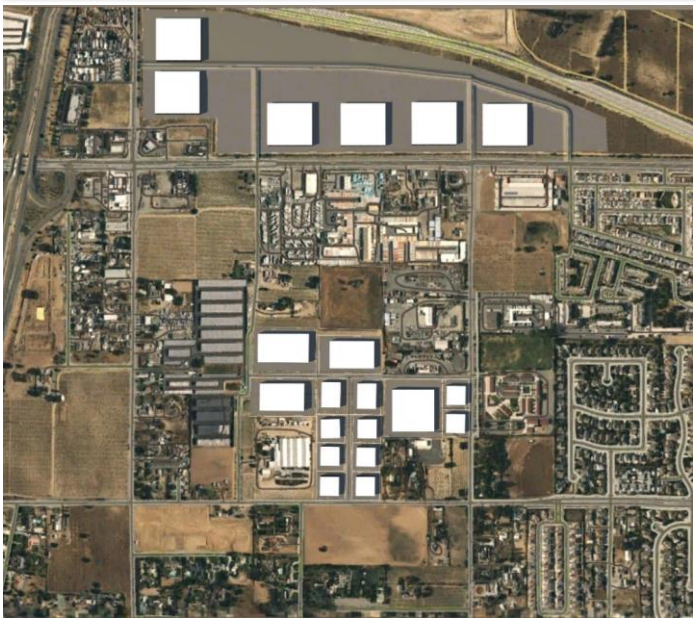


Figure 8. Sample layout for the subject properties which shows potential for job-creating industry development. The northern most area depicts six industrial flex buildings of 115,000 square feet each, a total of 690,000 square feet (as approved in the 2008 master plan. Below that are buildings ranging from 22,000 to 110,000 square feet. Depending on

D. Quality of Place

Quality of place investment helps employers attract and retain skilled workers and professionals. Achieving and maintaining a quality community requires continued engagement and ongoing investment in infrastructure and cultural amenities.

Competitive communities offer:

Investments that support the safety, health, and welfare of its citizens

Housing options for a mix of incomes

Lifestyle, cultural, and recreational amenities that make it a desirable place to live

Ongoing monitoring of metrics that measure Quality of Place e.g., cost of living index, crime rates, graduation rates, housing (supply, diversity, affordability)

Oakley's Competitive Position

Demographics

- Five-year average annual growth rate of the median household income in Oakley (5%) is on par with the County (5.9%) and better than the comparison cities (about 4%)
- Cost of living index is lower than countywide
- Share of population living below poverty (7%) is lower than countywide and Antioch, higher than Brentwood or Benicia
- Oakley is a safer community than comparison cities. 2021 annual property crimes were 14 per 1,000 population; violent crime rate was 1.5 per 1,000 population
- Five-year average annual population growth (1.8%) is slightly better than County (1.2%)
- The median household income growth rate (5%) is on par with County (5.9%), better than comparable cities in the region (about 4%)

Housing[2]

- Most of the people living in Oakley commute to other areas for employment; home values in Oakley are much more affordable relative to the rest of the Bay Area but the price of homes for sale and rent are increasing ~~dramatically~~

Education[3]

- Excellent graduation rate in Oakley's one high school, 98% in the 2022 academic year
- About 62% enroll in some postsecondary schooling
- Academic performance in English and Math are low

[2] City of Oakley 2023-2031 Housing Element Update adopted March 28, 2023

[3] California Department of Education, School Dashboard

Land Use Planning

- The General Plan addresses the need for continued support for industrial development including land available for manufacturing jobs
- Downtown development efforts are a great start at enhancing Oakley's identity (e.g., train station project)

Challenges

- Community appearance in several privately-owned areas beyond the downtown needs improving e.g., waterfront access, marinas, waterfront property
- Unbalanced focus on retail and high-cost housing while neglecting non-retail jobs, worker-affordable housing and diverse housing options
- 91% of the housing units are single family homes; there are few worker-affordable housing units or rentals, the rental vacancy rate was just 1% at the time the housing element was prepared
- ~~There are no emergency housing shelters in Oakley[4]~~

Tactical Recommendations

- Support efforts to improve appearance and amenities throughout the city
- Continue working on downtown and establishing services around the Amtrak station for workers and residents

~~[4] Source: City of Oakley 2023-2031 Housing Element Update adopted March 28, 2023~~

- Move forward quickly with a concrete plan for waterfront development, 55-acre Oakley Regional Park, and continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses

Figure 9. ~~Proposed Oakley Regional Park~~2019 drawing of the proposed Oakley Regional Park; park master plan is currently being updated

E. Economic Development Operations

A community's economic development success depends on leadership's support, including an agreed upon vision for the future, goals, and sufficient financial and human resources to implement an adopted program.

Oakley's Competitive Position

- Professional, approachable and service-oriented city staff
- Convergence on industry targets among educators, economic development organizations, and city government

Challenges

- Limited staff and financial resources for implementing a strong proactive marketing, business attraction, and business retention program
- The city's economic development work plan lacks a specific budget for marketing and program implementation
- Community actions on economic development are not aligned with job-creating trends in the region nor with attracting businesses that will diversify the local economy e.g., manufacturing, professional services, research and development

Tactical Recommendations

- Support and assist current efforts to establish an Oakley Chamber of Commerce
- Ensure a sufficient budget is available to support economic development goals and activities
- Establish a standalone website focused on economic development
- Prepare necessary economic development marketing and prospect response pieces to support business development efforts (much of this can be accomplished through a LOIS subscription)

Competitive communities offer:

Community-wide consensus on vision and goals and support for economic growth demonstrated by assistance, entrepreneurial programs, financing, business retention programs

The ability to convey under-standing of industry needs–real estate, infrastructure, workforce skills–with value propositions supported with proof points

The ability to demonstrate a clear and reasonable development path and operating costs

Willingness to be forthcoming about real, perceived, natural, or man-made risks and hazards e.g., earthquakes, tornados, hurricanes, toxic waste, major weather events that can close transportation routes for extended periods

A community profile with an overview of the history, composition of the economy, demographics, shopping amenities for workers and residents, recreation assets

Ability to quickly compile and deliver a professional and accurate proposal package that is delivered electronically and available for print

Market-ready property profiles, labor shed map, commute patterns, directory of local employers, testimonials

- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.)
- Actively support the North Waterfront Strategic Plan, this is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech

A competitive community budgets sufficient funds for economic development operations and activities. Guidelines:	
Total Operations	$8 to $10 per capita (rural communities) $15 per capita (urban communities)
Marketing Budget	$50,000 – minimum, communities up to 25,000 population $2.50 per capita – communities with up to 100,000 population $3.00 per capita – communities with 100,000+ population

IV. Appendix

A. Economic Scan, ESRI reports

B. Economic Development Website Review and Recommendations

C. Proposal package

D. LOIS product information

E. Key Message Platform

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING THE 2023 ECONOMIC DEVELOPMENT WORK PLAN DRAFTED BY CHABIN CONCEPTS, INC.

BE IT RESOLVED that the City Council of the City of Oakley reviewed and adopted the 2023 Economic Development Work Plan prepared by Chabin Concepts, Inc.

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of September 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____

Aaron Meadows, Mayor

ATTEST:

_____

Libby Vreonis, City Clerk

_____

Date

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: August 21, 2023

TO: City Council

FROM: Joshua McMurray, City Manager

SUBJECT: Approval of Response to Civil Grand Jury Report No. 2306, Affordable Housing, "A Plan Without a Home"

Approved and Forwarded to the City Council

Background and Analysis

The California Constitution established civil grand juries in each county. The California Code includes provisions on the formation of civil grand juries and their powers and duties. With respect to public agencies, civil grand juries are authorized to "investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit" (California Penal Code section 925a). The Penal Code also stipulates that a written response will be provided by the city or joint powers agency within 90 days after the civil grand jury submits a report.

The Contra Costa County civil Grandy Jury recently issued Civil Grand Jury Report No. 2306, Affordable Housing, "A Plan Without a Home" that requires a response from the City of Oakley.

Staff has prepared the attached response.

Consistency with the Oakley Strategic Plan 27+

These responses are consistent with the Strategic Plan 27+ Community and Economic Development goal.

Fiscal Impact

Costs include staff time to review and prepare the response to the Grand Jury Report.

Staff Recommendation

Approve the draft response to the Grand Jury Report and authorize the City Manager to send the response to the Civil Grand Jury.

Attachments

1. Contra Costa Civil Grand Jury Report 2306
2. Draft Response from the City of Oakley

Grand Jury

Contra
Costa
County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

June 22, 2023

Oakley City Council
3231 Main Street
Oakley, CA 94561

RE: Revised due date.

Dear Oakley City Council:

Attached is a copy of Grand Jury Report No. 2306, Affordable Housing: "A Plan Without a Home" prepared by the 2022-2023 Contra Costa County Civil Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency, or department responsible for responding to the report. Please respond to the Findings and Recommendations as they apply to your agency. Please also confirm in writing that the person responding to the report is authorized to do so. As the responding person or person responding on behalf of an entity, please indicate one of the following actions with respect to each finding:

(1) You agree with the finding.
(2) You disagree with the finding.
(3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, please specify the portion of the finding that is disputed and include an explanation of the reasons therefor.

In addition, Section 933.05(b) requires you to reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

The Penal Code also prescribes the obligations of a governing board or elected county official with regard to responding to the grand jury's findings and recommendations. Specifically, if the report contains one or more recommendations directed to you as an elected county official, or to the governing board of which you are a member, you must respond to these recommendations and to the supporting findings, as directed in the report.

After reviewing the response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) an electronic copy by e-mail to ctadmin@contracosta.courts.ca.gov. The response must be submitted to the Grand Jury no later than **September 13, 2023**.

Finally, please note that this report is provided at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,

Cynthia Roberts, Foreperson
2022-2023 Contra Costa County Civil Grand Jury

cc: Joshua McMurray, City Manager

Grand Jury

Contra
Costa
County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

June 16, 2023

Oakley City Council
3231 Main Street
Oakley, CA 94561

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Sincerely,

Cynthia Roberts, Foreperson
2022-2023 Contra Costa County Civil Grand Jury

cc: Joshua McMurray, City Manager

Affordable Housing

A Plan Without a Home

2022-2023
Contra Costa County
Civil Grand Jury
Report 2306
June 14, 2023

A REPORT BY
THE 2022-2023 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 2306

Affordable Housing

A Plan Without a Home

APPROVED BY THE GRAND JURY

Date 6-14-2023

CYNTHIA ROBERTS
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 6-14-2023

Hon. JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contact: Cynthia Roberts
Foreperson
(925) 608-2621

Contra Costa County Grand Jury Report 2306

Affordable Housing

A Plan Without a Home

TO:
Contra Costa County Board of Supervisors
City Councils for All Cities in Contra Costa County

Affordable Housing
A Plan Without a Home

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GLOSSARY AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
AH	Affordable Housing
Allocations	State-issued housing goals by income category that must be planned for and included in each County and city housing element plan
AMI	Area Median Income – Refer to Table 1
Builder's Remedy	A provision found in California's Housing Accountability Act (HAA) that allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are out of compliance with the Housing Element Law.
Extremely Low Income	30% or less of area AMI
HEP	Housing Element Plans
HCD	The State Department of Housing and Community Development
Inclusionary Housing Ordinance	Regulation, when adopted by a city or the County, requires new residential developments to include a minimum percentage of very low-, low-, and moderate-income households into residential developments of five units or more (generally 15%)
Low Income (LI)	50- 80% or less of area AMI.
RDA	Redevelopment Agency - dedicated to urban renewal.
RHNA	Regional Housing Needs Allocation
Measure X Housing Fund	Contra Costa County's 20-year, $12 million annual share of Measure X ½ cent sales tax to be used for housing & services.
NIMBY	Not in my back yard
SB 35	California Senate Bill 35 streamlines the housing construction process for cities and counties that fail to build enough housing to meet state-mandated requirements for very low- and low-income households.
Very Low Income (VLI)	30-50% of area AMI. Qualifications for this designation are based on the collective income of all the persons in a household (total household income).

Affordable Housing
A Plan Without a Home

SUMMARY

The civil grand jury began this investigation to understand how Contra Costa County is addressing the need for affordable housing. We started by reviewing California Housing and Community reports titled Regional Housing Needs Allocation (RHNA) results for the County. These reports, issued at the end of each Housing Element cycle, show housing permits issued for various resident income classification groups against state mandated targets. Each city plus unincorporated County areas of responsibility results are listed. Appendix 3 comprises results for the past 3 Housing Element cycles plus targets for the latest cycle 2023-2031.

After reviewing these reports, we realized that most cities and our County were not providing the required number of housing permits primarily for very low- and low-income resident housing. Close examination of these reports reveals the scale and accelerated progression of missed targets. Additionally, these reports show that the very low- and low-income resident categories reflect the largest percentage of missed RHNA and plan targets over the past 20 years.

Based on these initial findings, we focused our efforts on housing for residents classified as very low or low income. We wanted to understand who in local government is responsible for implementation of approved housing plans and why were those plans failing to address permit targets for very low- and low-income residents. What are the drivers/obstacles behind these missed targets, and what actions were being taken to increase the availability of affordable housing for these residents throughout our County.

What we found was that although there is ownership for the creation and approval of Housing Elements that address affordable housing targets, we could not find clear assigned responsibility inside local government to implement plans after approval. This problem, combined with the myriad of challenging obstacles outlined in this report has translated into years of missed targets for residents classified as very low or low income. Without significant changes to how local governments address affordable housing, cities and the County risk the imposition of State mandated solutions that bypass local development protocols. This report is a summation of our work, findings and recommendations for improvement.

METHODOLOGY

Documents

The grand jury reviewed numerous documents from local, County, regional, and State agencies. For a comprehensive list see the References section of this document.

Interviews

The grand jury conducted interviews with city and County leaders knowledgeable about the housing development process in the west, central and east County cities. We also interviewed:

- developers that specialize in affordable housing construction projects
- leaders with experience in addressing housing development issues
- various staff members with housing responsibilities

BACKGROUND

The housing element cycle was introduced in 1969, when the California State Legislature passed laws requiring that all cities and counties adequately plan to meet the housing needs of people at all income levels in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state).

The process involves significant planning from experts in local government, and citizens are asked proactively for input on these proposed plans before being submitted to the State for approval. The Department of Housing and Community Development (HCD) approves all HEPs. The role of the state, besides approval of each HEP, is to identify the total number of homes required by resident income classification so that cities and counties can include these numbers in their HEPs. These numbers are required to be included in each city and County HEP. Determining individual income classifications is a County-specific exercise. It starts with a determination of County Area Median Income (AMI). As noted in Table 1 below, the state defines for each County, which is then extrapolated into specific resident income classifications.

After development of housing allocation numbers by HCD, the data is passed down to the regional authority, the Association of Bay Area Governments, (ABAG), as a Regional Housing Need Determination (RHND). This is the first step in California's process to plan for the housing needs in each region of the state. It is RHND's responsibility to also track permits issued against allocation targets in each Housing Element Plan (HEP). This tracking of progress against targets is communicated through ABAG issued reports (Appendix 3).

The next step, allocation, is also the role of the regional authority, ABAG. It is their responsibility to allocate a share of the RHND housing numbers to each city and County as a Regional Housing Need Allocation (RHNA). These numbers are broken out by resident income, classified as very low income, low income, moderate income and above moderate income.

The next two tables reflect Contra Costa County's average median income, occupation, and wages of some of the County residents. We wanted to understand who in our community is part of the very low- and low-income groups. We realized that we all probably know someone who may be impacted by the shortage of affordable housing in the County.

Table 1 below, from the California Department of Housing and Community Development website, shows the state definition of income limits for residents in Contra Costa County based on the calculation of the average median income (AMI). AMI is based on the collective income of all the persons in a household (total household income).

Table 1: 2022 State Income Limits by Household

2022 State Income Limits

Contra Costa County

Income Limits by Household Size - Effective May 13, 2022

Median Family Income - $142,800

Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
1	$15,000	$30,000	$50,000	$76,750	$99,950	$119,950
2	$17,100	$34,300	$57,150	$87,700	$114,250	$137,100
3	$19,250	$38,600	$64,300	$98,650	$128,500	$154,200
4	$21,400	$42,850	$71,400	$109,600	$142,800	$171,350
5	$23,100	$46,300	$77,150	$118,400	$154,200	$185,050
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7	$26,550	$53,150	$88,550	$135,950	$177,050	$212,450
8	$28,250	$56,600	$94,250	$144,700	$188,500	$226,200

For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices
Income Limits from 2022 State Income Limits from the Department of Housing and Community Development
State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

Table 2 below contains data from govsalaries.com. It identifies by occupation some of the County occupations that fall into the very low- and low-income classifications as well as a few occupations that are just over the threshold, falling into the median income group.

Table 2: 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
Food Service Worker	$36,488	87%	113%	Extremely Low (<30% AMI)
Dishwasher	$38,853	82%	107%	Extremely Low
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Education Teachers, Postsecondary	$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	$126,289	25%	33%	Median
Computer and Mathematical Occupations	$132,023	24%	32%	Median

In addition to residents in these occupational categories, a lack of very low- and low-income affordable housing impacts senior County residents (over the age of 65). Seniors are one of the fastest growing population segments in the County. The most recent US Census for the County indicates that 6.7 percent of the total population, over 200,000 residents, is over the age of 65, an increase of 12.5 percent since 2010. The California Department of Aging projects that this group of residents will grow by over 150 percent by 2060.

The next two charts contain data extracted from published ABAG housing reports (Appendix 3). They highlight the disappointing results in housing permits issued against mandated allocations for very low- and low-income residents.

Chart 1 shows a 21-year decline in the percentage of permits issued for very low-income residents, even as allocation targets stayed relatively flat. For the upcoming 2023-2031 allocation cycle for very low-income housing, allocations have tripled.

Chart 1: Very-low Income Housing Allocations and Permits for CCC

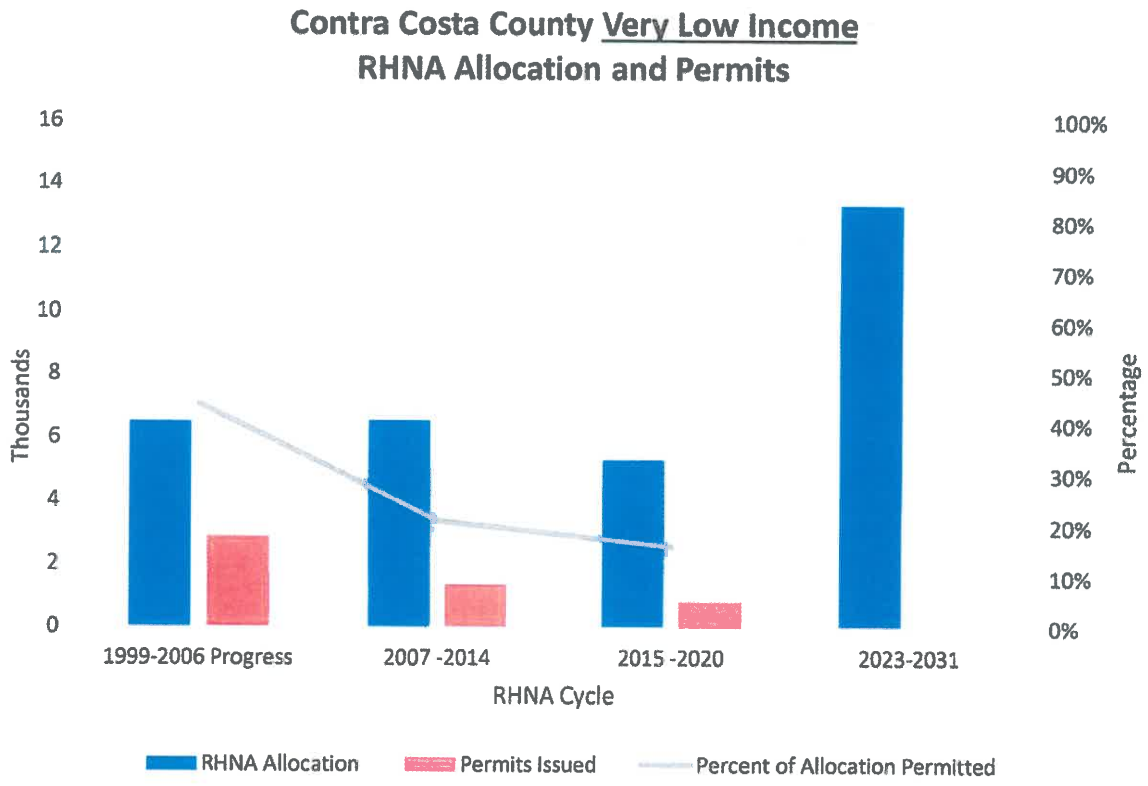
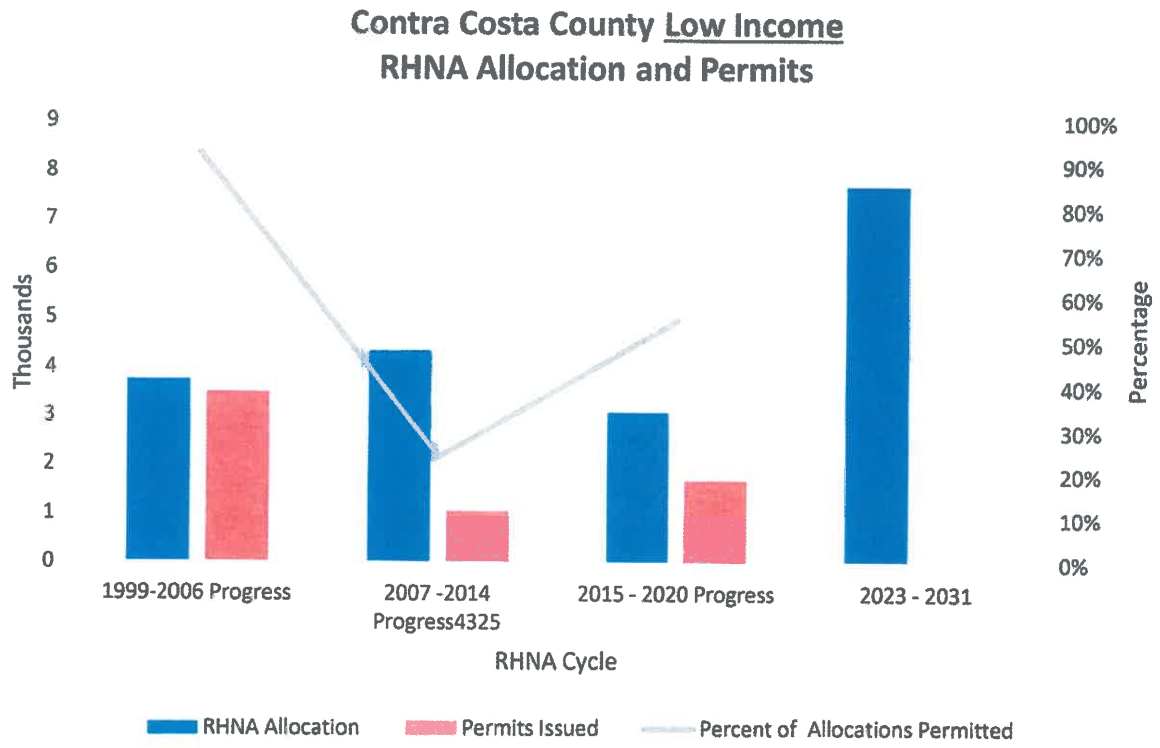


Chart 2 shows a 15-year decline in low-income housing permits, with an uplift in the most recent allocation cycle. However, the County still only issued permits for about half of the allocations mandated by the state for this same period. And again, the upcoming allocation cycle for 2023-2031 has a significant bump in the mandated allocation for low-income housing.

Chart 2: Low Income Housing Allocations and Permits for CCC



The data published in charts 1 & 2 above illustrates that over the period 1999-2020 the County has failed to provide the number of housing units mandated by the State of California and as they have planned for in their individual city and County element plans for very low- and low-income residents.

To understand the allocation targets and whether all income groups were equally impacted, the grand jury again looked at whether there had been any progress made against RHNA targets within any of the other income groups. What we found was that housing permits for high income housing had outpaced other income groups, with high income permits more than double all other income group housing permits combined. Close examination of the details published in the reports found in Appendix 3 validates this reality. The next 2 charts again use graphic descriptions of this published data to reinforce the magnitude of the problem.

Chart 3 looks at the past three Housing Element cycles results against allocations for the four income categories measured by RHNA reports for Contra Costa County. It also identifies new allocations for the current 2023-2031 Housing Element cycle. The income categories are VLI (very low), L (low), M (moderate), and H- (above moderate), which align with income categories measured in RHNA published progress reports. This chart also shows what percentage of the planned permits (allocation) resulted in a corresponding permit (Permits Issued) being issued for each income group as a percentage (Percent Permitted).

Chart 3: Contra Costa County
RHNA Allocations and Permits by Income Group

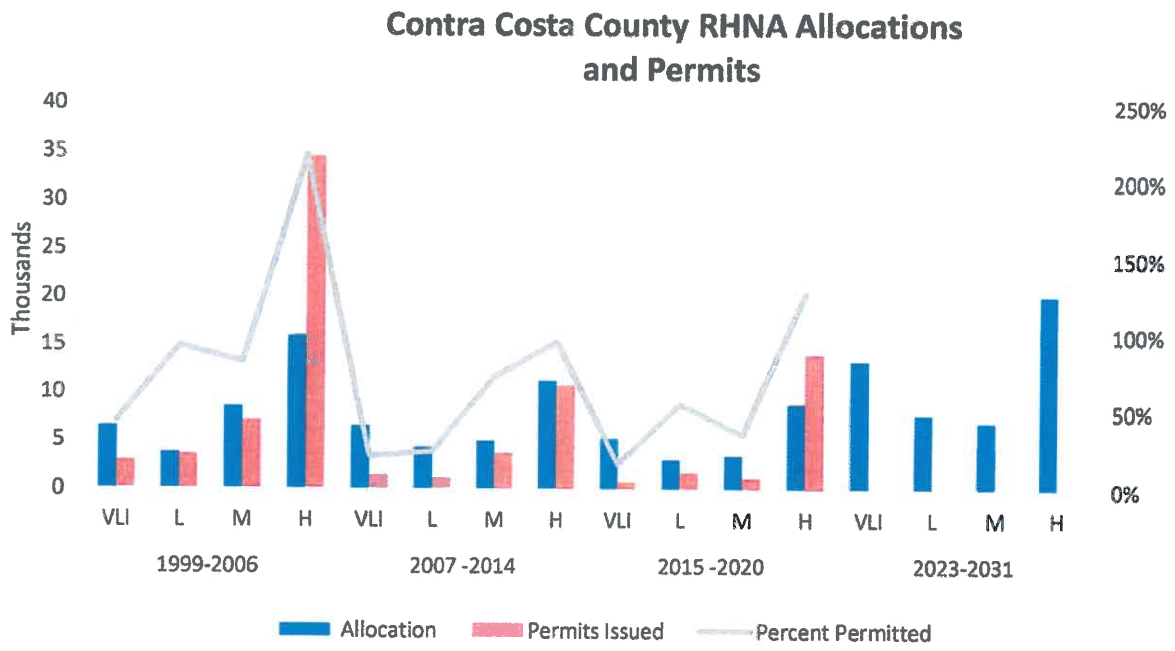


Chart 4 below takes a representative sample of cities in the County and shows the percentage of housing permits issued for very low- and low-income residents measured against all housing permits issued for the time period 1999-2020. Most of the cities identified fell short of their allocation goals.

Chart 4: Very Low and Low-Income Housing Permits as a % of All Permits by City

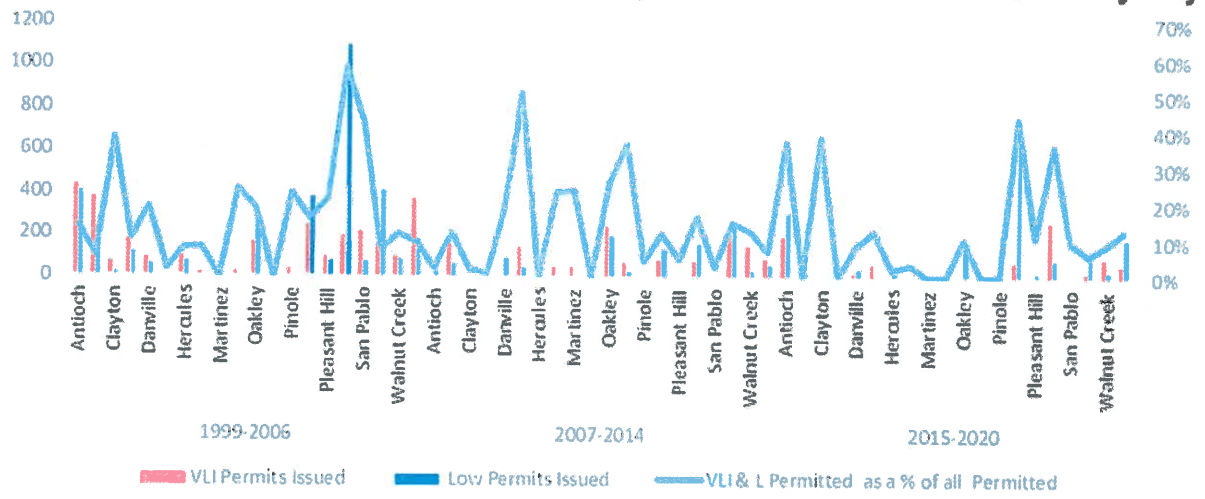
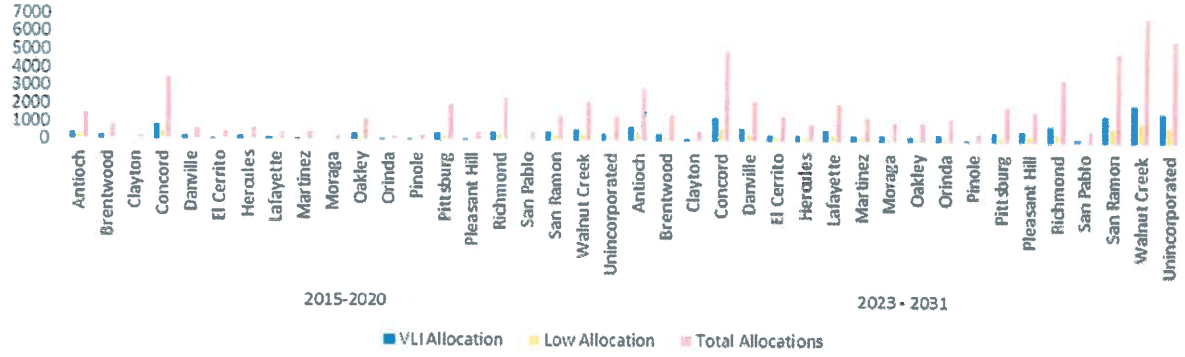


Chart 5 is a listing of all 19 cities in the County, showing how much housing was permitted for very low- and low-income residents in the last Housing Element cycle 2015-2020 and what is expected to be accomplished in 2023-2031. As the chart shows, the State of California has increased the mandatory allocation for very low- and low-income housing for many Contra Costa County cities and for the County itself.

Chart 5: Very Low and Low-Income Permit Allocations by City



Whether reviewing individual city details in Appendix 3 or reviewing the County results overall, the track record regarding very low- and low-income permitted units for affordable housing over the past 20 years is dismal. How will each city and the County meet more challenging targets (Appendix 5) for very low- and low-income housing in the next Housing Element cycle and what might enable attainment in the future?

DISCUSSION

In every interview the grand jury conducted with city and County officials, all communicated that they care deeply about the affordable housing issue in their communities. However, none of those interviewed acknowledged or identified themselves, their department or any other agency as having responsibility for the actual attainment of RHNA housing targets. Although we found the Housing Element Plans on the various city and the County entities, we did not find any language or group description that identified an owning entity that is either accountable or responsible for the execution of the Housing Element Plan, identifying and addressing obstacles, or attaining state mandated targets. The grand jury was unable to find any owner for the actual achievement of state mandated housing targets. Meaning that once a Housing Element plan containing the mandated housing targets for each income group was approved, no individual or department was responsible for implementing the approved Housing Element plan or accountable for the progress/results against the established targets within the plan.

Our investigation looked at three specific areas that should enable affordable housing. First, the RHNA targets identified in housing element plans and who in local government takes ownership to implement approved HEPs. Second, what control do our cities and the County have in the affordable housing development process? Finally, the state's relationship with our cities and the County: how decisions by the state impact affordable housing development in our County.
RHNA Targets and City and County Responsibility

Each city is required by the State of California to provide an updated housing element plan for approval every eight years. The Association of Bay Area Governments (ABAG), a Bay Area local government consortium whose mission is to strengthen cooperation and collaboration across local governments in order to build healthier and stronger communities, receives the affordable housing target data from the state. This data outlines how much housing will be needed, by income category, for the next reporting cycle. ABAG distributes the individual targets for each city and the County for the current cycle. ABAG then provides a report, before the next housing element cycle, which documents each city and the County results against targets.

Contra Costa County city and County performance in issuing housing permits for very low- and low-income residents for the last three housing element cycles, 1999-2006, 2007-2014 and 2015-2020, showed significant misses of actual permits issued against the targets.

The charts in Appendix 3 reflect the number of permits issued by city, against RHNA allocation targets for each housing element. Appendix 5 is the final RHNA allocation for 2023-2031. All data presented in appendices 3 and 5 reflect that our cities and County are permitting housing, primarily for residents in the 120 percent of median or higher income classification.

City and County officials are primarily focused on getting HCD to approve an individual housing element plan. In multiple interviews with various city officials, after HEP approval we did not find examples of consistent communication of progress to meeting targets for very low- and low-income residents. In these same interviews, RHNA targets were described as "aspirational, not

realistic, or not attainable." Interviewees used different words, but overall, RHNA targets were considered mostly an academic exercise that no one takes seriously. Furthermore, we did not find a specific owner for attainment of the housing element plan allocations, leading us to believe that this could well be one of the key reasons for our County's failure to realize (permit and build) affordable housing for very low- and low-income residents.

Additional Obstacles that Hinder the Development of AH

Six additional obstacles to the development of AH for residents identified as very low- and low-income are:

- limited availability of land;
- restrictive zoning policies specific to AH development;
- limited developer interest to bring projects forward;
- limited funding;
- lack of community support;
- NIMBY – an industry term that denotes opposition to development in a neighborhood, community, or city.

These obstacles are not uniform or constant across the County. Rather, some are more pronounced in one area or at one time.

Limited Availability of Land

Cities with less available land, but access to mass transit hubs, benefit from incentives to build AH close to transit centers. West County cities have benefitted the most from these projects. East County cities with large tracts of undeveloped land have had recent success in building AH projects for very low- and low-income residents. The Antioch Family and Senior Apartments project, completed in 2022, is an example of a successful AH project, in that it was submitted, approved, and completed in a relatively short time period with minimal roadblocks (References/ Bibliography East Bay Times October 22, 2022). Central County cities must balance extremely high land costs against AH development needs.

Restrictive Zoning Policies Specific to AH Development

City zoning ordinances vary greatly throughout the County but in many instances are not conducive to the development of AH. For instance, we conducted a limited proactive review of existing zoning policies to see if there were any subtle changes to local building codes that could be made to ease the approval of AH projects. Some cities zone land for AH development, but land that is far from basic services, in very expensive-to-develop areas, or in environmentally sensitive locations. Some cities have restrictive height zoning ordinances. Many cities do not have an inclusionary housing ordinance. (An inclusionary housing ordinance requires developers to set aside select units for very low- and low-income residents when proposing projects or to pay cities for the exclusion creating a local funding opportunity.)

Developer Interest to Bring Projects Forward

Actions by local city councils greatly influence how developers view their ability to successfully create an AH development. In our interviews with city officials and developers, it was determined that city councils that work openly to mitigate community concerns, don't flip flop after a project has been properly vetted, and are willing to team with developers as partners throughout the long approval and development process are viewed as fostering conducive and supportive environments for AH development. Failure to team with a developer or to actively address obstacles during the approval and development process often results in failing to meet AH targets.

Limited Funding

The lack of funding and the complexity associated with getting funding support for AH projects are obstacles. The state prioritizes AH projects that provide some local funding support. Developers who rely on tax incentives to help secure project funding get a better place in line to have their projects approved if there is demonstrated local funding support. City officials attribute the elimination of redevelopment agencies as a local funding source in 2012 as a key reason local funding has been so difficult to obtain. The County has been slow to provide alternative funding sources. Voters passed Measure X in 2020, and housing funds will finally be available in 2023. Other Bay Area counties took a more assertive role in providing alternative funding support for their cities.

In 2016, Alameda County passed measure A1, which dedicated $580 million for AH. In 2016, Santa Clara County passed Measure A, which allocated $950 million for AH. In Contra Costa County, Measure X carved out $240 million as a dedicated housing fund, with a stipulation that only $12 million annually for 20 years will be allocated to support housing. No funds are dedicated specifically to building housing for very low- and low-income residents, and there is no direct link of fund requests to achieving RHNA targets.

Lack of Community Support

Cities across the County have a wide range of policies around outreach and education about AH. The effort to educate communities as to why this housing issue is so important is broadly different across the County. In reviewing successful AH projects completed in the County citizen involvement and participation has shown to lessen local opposition to AH.

NIMBY Opposition and City Council response to NIMBY Opposition

NIMBY opposition was frequently cited by the developers that we interviewed as a primary cause of wasted resources and unnecessary project delays. Communities where projects get tied up in extensive local battles with non-supportive citizens or with city councils that reverse earlier decisions made through the normal local development process were cited by developers as influencing whether they would consider proposing AH projects in these communities.

Cities and Their Relationship with the State of California

The state grants cities and counties broad independence to do what is best for their community regarding housing development. But the state retains the ability to override local city jurisdiction.

The Builder's Remedy provision in California's Housing Accountability Act has been in place since 1990. It grants developers the authority to bypass any local zoning or approval process and move projects forward if a local government entity is not in compliance with its current Housing Element plans. Compliance has meant meeting the requirement to have an approved HEP. While in place for many years, the state, until recently, has rarely enforced this provision. City and County officials who were interviewed recognize that there is now a more intense state oversight process to plan submissions, and there are potential penalties for poor content plans or plans that do not get approved by state deadlines. This renewed intensity of focus has forced cities and counties to improve the quality of their Housing Element plans. The Builder's Remedy is the draconian solution that the state may enforce if cities insist on proposing Housing Element plans that are not implementable. The city and County officials interviewed for this investigation expect to get their housing element plans approved. But again, plan approval does not equal plan implementation.

Senate Bill 35 allows qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process. The bill amended the Government Code to restrict the ability of local governments to reject these projects. A project approved under SB 35 cannot be challenged under the California Environmental Quality Act (CEQA). This is an important feature of projects developed under SB35 as much has been discussed publicly about how CEQA lawsuits have been used to slow or stop the development of AH projects. Appendix 4 identifies individual cities and counties that have met their prorated very low- and low-income RHNA goals for the latest reporting period. It's a small list. In this County, only El Cerrito qualified for exemption from SB 35. We did not find examples of projects being developed in this County that have been or could be streamlined under SB 35.

Cities in this County that propose Housing Element plans, implement their approved plans, and meet RHNA targets for very low- and low-income residents will not run the risk of losing local development control through either Builder's Remedy or SB35.

Findings and Recommendations

Findings:

F1. Within existing city or County infrastructure there is no clear owner who is responsible for achieving RHNA permitting targets.

F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets.

F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.

F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).

F5. Many obstacles hinder the development of AH at the local level, specifically for very low- and low-income housing, including:
   a. Limited availability of land;
   b. Restrictive zoning policies specific to AH development;
   c. Limited developer interest to bring projects forward;
   d. Limited available funding;
   e. Lack of community support;
   f. NIMBY opposition & city council response to NIMBY opposition.

F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:
   a. Housing element plans that offer poor land choices for AH development;
   b. Restrictive height and high-density zoning policies;
   c. Lack of inclusionary housing ordinance(s) in many cities.

F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval

F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.

F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.

F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.

F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.

F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low- and low-income housing.

Recommendations:

R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.

R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress, biannually, against RHNA targets at council and supervisor meetings.

R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.

R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their community.

R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.

R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.

R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).

R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.

R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

REQUIRED RESPONSES

As required by California Penal Code sections 933(b) and 933.05, the 2022-2023 Contra Costa County civil grand jury requires responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1--F13	R1-R7 & R9-R10
Antioch City Council	F1-F13	R1-R10
Brentwood City Council	F1-F13	R1-R10
Clayton City Council	F1-F13	R1-R10
Concord City Council	F1-F13	R1-R10
Danville City Council	F1-F13	R1-R10
El Cerrito City Council	F1-F13	R1-R10
Hercules City Council	F1-F13	R1-R10
Lafayette City Council	F1-F13	R1-R10
Martinez City Council	F1-F13	R1-R10
Moraga City Council	F1-F13	R1-R10
Oakley City Council	F1-F13	R1-R10
Orinda City Council	F1-F13	R1-R10
Pinole City Council	F1-F13	R1-R10
Pittsburg City Council	F1-F13	R1-R10
Pleasant Hill City Council	F1-F13	R1-R10
Richmond City Council	F1-F13	R1-R10
San Pablo City Council	F1-F13	R1-R10
San Ramon City Council	F1-F13	R1-R10
Walnut Creek City Council	F1-F13	R1-R10

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

REFERENCES:

Bibliography:

- Association of Bay Area Governments:
  - RHNA 1999-2006 Final Report
  - RHNA San Francisco Bay Area Progress in Meeting 2007-2014
  - RHNA 2015 - 2020 Bay Area Building Permit Activity Report
  - RHNA Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031
  - RHNA - Regional Housing Needs Allocation
  - RHNA: Housing Element Law Changes from 1969 to 2020
- U.S. Census Quick Facts / Contra Costa County, CA
- Fannie Mae Area Median Income Lookup Tool / Contra Costa County, CA
- CEQA: The California Environmental Quality Act
- SB35 Affordable Housing: Streamlined Approval Process
- Housing Accountability Act (Government Code Section 65589.51): Builder's Remedy and Housing Elements
- Mercury News, February 13, 2023: New bill would extend controversial California housing law
- Mercury News, October 20, 2022: Antioch unveils its newest and largest affordable income apartment complex
- Contra Costa County Civil Grand Jury, 2015-2016, Report 1614: Where Will We Live? The Affordable Housing Waiting List is Closed
- Contra Costa Conservation and Development: Measure X Housing Fund
- Santa Clara County Office of Supportive Housing: 2016 Measure A - Affordable Housing Bond
- Alameda County HCD: Measure A1 Implementation Policies - Rental Housing Development Fund & Innovation and Opportunity Fund

Appendices

A-1. Contra Costa County Average Median Income 2022

2022 State Income Limits

Contra Costa County

Income Limits by Household Size - Effective May 13, 2022

Median Family Income - $142,800

Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
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For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices

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A-2. 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
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Licensed Practical and Licensed Vocational Nurses	$78,255	41%	53%	Low (80% AMI)
Education Teachers, Postsecondary	$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	$126,289	25%	33%	Median
Computer and Mathematical Occupations	$132,023	24%	32%	Median

A-3. Bay Area RHNA Allocations and Progress

CCC Progress in Meeting 1999-2006 Regional Housing Need Allocation

	Very Low			Low			Moderate			Above Moderate			
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	Total Permits Issued
Contra Costa County													
Antioch[a]	921	435	47%	509	403	79%	1,156	1,923	166%	1,873	3,213	172%	5,974
Brentwood[a]	906	376	42%	476	238	50%	958	2,166	226%	1,733	7,687	444%	10,467
Clayton[a]	55	67	122%	33	17	52%	84	16	19%	274	119	43%	219
Concord[a]	453	171	38%	273	115	42%	606	76	13%	987	2,411	244%	2,773
Danville[c]	140	85	61%	88	56	64%	216	84	39%	666	496	74%	721
El Cerrito[a]	37	0	0%	23	5	22%	48	19	40%	77	210	273%	234
Hercules[a]	101	96	95%	62	68	110%	195	93	48%	434	1,818	419%	2,075
Lafayette[a]	30	15	50%	17	2	12%	42	0	0%	105	186	177%	203
Martinez[b]	248	0	0%	139	0	0%	341	0	0%	613	424	69%	424
Moraga[a]	32	21	66%	17	0	0%	45	0	0%	120	65	54%	86
Oakley[a]	209	168	80%	125	293	234%	321	51	16%	553	1,888	341%	2,400
Orinda[b]	31	0	0%	18	0	0%	43	0	0%	129	157	122%	157
Pinole[a]	48	34	71%	35	6	17%	74	80	108%	131	52	40%	172
Pittsburg[a]	534	247	46%	296	381	129%	696	800	115%	987	2,477	251%	3,905
Pleasant Hill[a]	129	95	74%	79	69	87%	175	226	129%	331	362	109%	752
Richmond[a]	471	200	42%	273	1,093	400%	625	131	21%	1,234	805	65%	2,229
San Pablo[a]	147	214	146%	69	70	101%	123	16	13%	155	366	236%	666
San Ramon[a]	599	157	26%	372	407	109%	984	1,143	116%	2,492	5,538	222%	7,245
Walnut Creek[a]	289	99	34%	195	80	41%	418	175	42%	751	1,123	150%	1,477
Unincorporated[a]	1,101	372	34%	642	177	28%	1,401	77	5%	2,292	5,151	225%	5,777
Total	6,481	2,852	44%	3,741	3,480	93%	8,551	7,076	83%	15,937	34,548	217%	47,956

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CCC Progress in Meeting 2007-2014 Regional Housing Need Allocation

CONTRA COSTA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Antioch	516	8	2%	339	20	6%	381	834	219%	1,046	381	36%	2,282	1,243	54%
Brentwood	717	192	27%	435	58	13%	480	175	36%	1,073	1,608	150%	2,705	2,033	75%
Clayton	49	-	0%	35	1	3%	33	2	6%	34	46	135%	151	49	32%
Concord*	639	2	0%	426	-	0%	498	8	2%	1,480	216	15%	3,043	226	7%
Danville[2]	196	2	1%	130	84	65%	146	101	69%	111	287	259%	583	474	81%
El Cerrito	93	142	153%	59	38	64%	80	13	16%	199	163	82%	431	356	83%
Hercules[1]	143	-	0%	74	-	0%	73	-	0%	163	153	94%	453	153	34%
Lafayette[2]	113	47	42%	77	8	10%	80	8	10%	91	170	187%	361	233	65%
Martinez	261	48	18%	166	-	0%	179	4	2%	454	148	33%	1,060	200	19%
Moraga	73	-	0%	47	-	0%	52	-	0%	62	9	15%	234	9	4%
Oakley*	219	242	111%	120	191	159%	88	874	993%	348	331	95%	775	1,638	211%
Orinda	70	72	103%	48	20	42%	55	22	40%	45	137	304%	218	251	115%
Pinole	83	2	2%	49	1	2%	48	10	21%	143	59	41%	323	72	22%
Pittsburg	322	79	25%	223	126	57%	296	666	225%	931	839	90%	1,772	1,710	97%
Pleasant Hill	160	9	6%	105	1	1%	106	8	8%	257	194	75%	628	212	34%
Richmond	391	74	19%	339	153	45%	540	243	45%	1,556	892	57%	2,826	1,362	48%
San Pablo	22	-	0%	38	1	3%	60	35	58%	178	-	0%	298	36	12%
San Ramon	1,174	196	17%	715	255	36%	740	302	41%	834	2,247	269%	3,463	3,000	87%
Walnut Creek	456	150	33%	302	25	8%	374	19	5%	826	1,206	146%	1,958	1,400	72%
Contra Costa County*	815	88	11%	598	53	9%	687	330	48%	1,408	1,672	119%	3,508	2,143	61%
County Totals	**6,512**	**1,353**	**21%**	**4,325**	**1,035**	**24%**	**4,996**	**3,654**	**73%**	**11,239**	**10,758**	**96%**	**27,072**	**16,800**	**62%**

CCC Progress in Meeting 2015 - 2020 Regional Housing Need Allocation

Jurisdiction	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
	RHNA	Permits Issued			% RHNA Met	RHNA	Permits Issued			% RHNA Met	RHNA	Permits Issued			% RHNA Met	RHNA	permits issued	% RHNA Met
		Deed-Restricted	Non-Deed-Restricted	Total			Deed-Restricted	Non-Deed-Restricted	Total			Deed-Restricted	Non-Deed-Restricted	Total				
Contra Costa County	**5,264**	**798**	**19**	**817**	**16%**	**3,086**	**1,580**	**116**	**1,696**	**55%**	**3,496**	**260**	**953**	**1,213**	**35%**	**8,784**	**10,020**	**114%**
Antioch	349	175	18	193	55%	205	299	1	300	146%	214	0	34	34	16%	680	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,192	1144%
Clayton	51	0	0	0	0%	25	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	444	0	0	0	0%	559	5	5	10	2%	1,877	581	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	126	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	69	0	13	13	19%	166	459	277%
Hercules	220	0	0	0	0%	118	0	16	16	14%	100	0	217	217	217%	244	509	209%
Lafayette	138	7	0	7	5%	78	6	0	6	8%	85	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	89	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	86	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	54	0	30	30	56%	42	254	605%
Pinole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	126	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	742	292%	316	0	71	71	23%	1,063	976	92%
Pleasant Hill	116	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	438	266	0	266	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	265	36	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	164	0	164	58%	340	1,547	455%
Walnut Creek	606	96	0	96	16%	355	18	10	28	8%	381	0	44	44	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	183	84%	243	81	99	180	53%	532	1,534	288%

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	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
		Permits Issued					Permits Issued					Permits Issued						
Jurisdiction	RHNA	Deed Restricted	Non Deed Restricted	Total	RHNA Met	RHNA	Deed Restricted	Non Deed Restricted	Total	RHNA Met	RHNA	Deed Restricted	Non Deed Restricted	Total	RHNA Met	RHNA	Permits Issued	RHNA Met
Contra Costa County	9,204	798	[illegible]	911	16%	7,005	1,340	146	1,486	55%	7,406	500	953	1,453	35%	8,764	14,020	128%
Antioch	349	175	18	193	55%	205	299	1	300	146%	214	0	34	34	16%	680	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,192	1144%
Clayton	51	0	0	0	0%	25	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	444	0	0	0	0%	559	5	5	10	2%	1,677	501	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	126	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	69	0	13	13	19%	166	459	277%
Hercules	220	0	0	0	0%	116	0	16	16	14%	100	0	217	217	217%	244	509	209%
Lafayette	138	7	0	7	5%	78	6	0	6	8%	85	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	88	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	86	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	54	0	30	30	56%	42	254	605%
Pinole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	128	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	742	292%	316	0	71	71	22%	1,063	978	92%
Pleasant Hill	118	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	438	266	0	266	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	285	36	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	164	0	164	58%	340	1,547	455%
Walnut Creek	604	96	0	96	16%	355	18	10	28	8%	381	0	44	44	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	183	84%	243	31	99	130	53%	532	1,534	288%

RHNA: Regional Housing Needs Allocation

%RHMA Met >100

75> %RHNA Met >100

%RHN Met <75

Final RHNA Allocations for 2023-2031

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
CONTRA COSTA COUNTY					
Antioch	792	456	493	1,275	3,016
Brentwood	402	232	247	641	1,522
Clayton	170	97	84	219	570
Concord	1,292	744	847	2,190	5,073
Danville	652	376	338	875	2,241
El Cerrito	334	192	241	624	1,391
Hercules	344	198	126	327	995
Lafayette	599	344	326	845	2,114
Martinez	350	201	221	573	1,345
Moraga	318	183	172	445	1,118
Oakley	279	161	172	446	1,058
Orinda	372	215	215	557	1,359
Pinole	121	69	87	223	500
Pittsburg	516	296	346	894	2,052
Pleasant Hill	566	326	254	657	1,803
Richmond	840	485	638	1,651	3,614
San Pablo	173	100	132	341	746
San Ramon	1,497	862	767	1,985	5,111
Unincorporated Contra Costa	2,072	1,194	1,211	3,133	7,610
Walnut Creek	1,657	954	890	2,304	5,805

A-4. SB 35 Very Low Income and Low-Income Determination Summaries

Cities and Counties Not Currently Subject to SB 35 Streamlining Provisions

This determination represents Housing Element Annual Progress Report (APR) data received as of June 1, 2022. **The following 38 jurisdictions have met their prorated Lower (Very-Low and Low) and Above-Moderate Income Regional Housing Needs Assessment (RHNA)** for the Reporting Period and submitted their latest APR (2021).

These jurisdictions are not currently subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining), but the jurisdictions are still encouraged to promote streamlining. All other cities and counties beyond these 38 are subject to at least some form of SB 35 streamlining, as indicated on the following pages.

For more detail on the proration methodology or background data see the SB 35 Determination Methodology.

JURISDICTION	JURISDICTION
1 ATHERTON	20 MILL VALLEY
2 BELL	21 MONTE SERENO
3 BELLFLOWER	22 NEWPORT BEACH
4 BEVERLY HILLS	23 NORWALK
5 BUENA PARK	24 PLUMAS CO.
6 CALISTOGA	25 ROHNERT PARK
7 CARPINTERIA	26 ROLLING HILLS ESTATES
8 CORTE MADERA	27 SAINT HELENA
9 EL CERRITO	28 SAN BERNARDINO CO.
10 FOSTER CITY	29 SANTA ANA
11 FOUNTAIN VALLEY	30 SANTA CLARA CO.
12 GUADALUPE	31 SANTA MONICA
13 HILLSBOROUGH	32 SIERRA CO.
14 INDUSTRY	33 SOLVANG
15 LA HABRA	34 SONOMA CO.
16 LA QUINTA	35 UKIAH
17 LAGUNA NIGUEL	36 VILLA PARK
18 MENDOCINO CO.	37 WESTMINSTER
19 MENLO PARK	38 WOODSIDE

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Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include ≥10% Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (APR) (2021) and therefore **are subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 10% affordability.**

JURISDICTION	JURISDICTION	JURISDICTION
1 ADELANTO	28 BURBANK	55 DEL REY OAKS
2 ALAMEDA CO.	29 BUTTE CO.	56 DELANO
3 ALISO VIEJO	30 CALAVERAS CO.	57 DESERT HOT SPRINGS
4 ALTURAS	31 CALEXICO	58 DIAMOND BAR
5 AMADOR	32 CALIFORNIA CITY	59 DORRIS
6 AMADOR CO.	33 CALIPATRIA	60 DOS PALOS
7 APPLE VALLEY	34 CARSON	61 DUNSMUIR
8 ARCADIA	35 CERES	62 EAST PALO ALTO
9 ARCATA	36 CHOWCHILLA	63 EL CAJON
10 ARROYO GRANDE	37 CITRUS HEIGHTS	64 EL CENTRO
11 ARVIN 47	38 CLAYTON	65 EL MONTE
12 AUBURN	39 CLEARLAKE	66 ESCALON
13 AVALON	40 CLOVERDALE	67 ESCONDIDO
14 AVENAL	41 COACHELLA	68 ETNA
15 AZUSA	42 COLMA	69 EUREKA
16 BAKERSFIELD	43 COLTON	70 EXETER
17 BANNING	44 COLUSA	71 FAIRFAX 107
18 BARSTOW	45 COLUSA CO.	72 FARMERSVILLE
19 BEAUMONT	46 COMMERCE	73 FERNDALE
20 BELVEDERE	47 COMPTON	74 FILLMORE
21 BENICIA	48 CONCORD	75 FIREBAUGH
22 BIGGS	49 CORCORAN	76 FORT JONES
23 BISHOP	50 CORNING	77 FORTUNA
24 BLUE LAKE	51 COSTA MESA	78 FRESNO CO.
25 BLYTHE	52 CRESCENT CITY	79 GLENN CO.
26 BRADBURY	53 CUDAHY	80 GONZALES
27 BRAWLEY	54 DEL NORTE CO.	81 GRASS VALLEY

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JURISDICTION	JURISDICTION	JURISDICTION
82 GREENFIELD	117 LEMON GROVE	152 NOVATO
83 GRIDLEY	118 LEMOORE	153 OCEANSIDE
84 GUSTINE	119 LINCOLN	154 OJAI
85 HALF MOON BAY	120 LINDSAY	155 ORANGE COVE
86 HANFORD	121 LIVINGSTON	156 ORLAND
87 HAWAIIAN GARDENS	122 LOMA LINDA	157 OROVILLE
88 HAYWARD	123 LOMPOC	158 OXNARD
89 HESPERIA	124 LOOMIS	159 PACIFICA
90 HIGHLAND	125 LOS ANGELES CO.	160 PALMDALE
91 HOLTVILLE	126 LOS GATOS	161 PARLIER
92 HUGHSON	127 LYNWOOD	162 PASO ROBLES
93 HUMBOLDT CO.	128 MADERA	163 PATTERSON
94 HUNTINGTON BEACH	129 MADERA CO.	164 PERRIS
95 HUNTINGTON PARK	130 MARICOPA	165 PICO RIVERA
96 HURON	131 MARTINEZ	166 PINOLE
97 IMPERIAL	132 MARYSVILLE	167 PLACERVILLE
98 IMPERIAL CO.	133 MAYWOOD	168 PLEASANT HILL
99 INGLEWOOD	134 MCFARLAND	169 POMONA
100 INYO CO.	135 MENDOTA	170 PORTERVILLE
101 IRWINDALE	136 MERCED CO.	171 PORTOLA
102 ISLETON	137 MILLBRAE	172 POWAY
103 KERMAN	138 MODESTO	173 RANCHO CORDOVA
104 KERN CO.	139 MONTAGUE	174 RED BLUFF
105 KINGS CO.	140 MONTEBELLO	175 REDLANDS
106 KINGSBURG	141 MONTEREY	176 REDONDO BEACH
107 LA HABRA HEIGHTS	142 MONTEREY PARK	177 REEDLEY
108 LA MIRADA	143 MORENO VALLEY	178 RIALTO
109 LA PUENTE	144 MORRO BAY	179 RICHMOND
110 LAKE CO.	145 MOUNT SHASTA	180 RIDGECREST
111 LAKE ELSINORE	146 NATIONAL CITY	181 RIO DELL
112 LAKEPORT	147 NEEDLES	182 RIPON
113 LAKEWOOD	148 NEVADA CITY	183 RIVERBANK
114 LANCASTER	149 NEVADA CO.	184 RIVERSIDE

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JURISDICTION	JURISDICTION	JURISDICTION
115 LASSEN CO.	150 NEWMAN	185 RIVERSIDE CO.
116 LAWNDALE	151 NORCO	186 ROLLING HILLS
187 ROSS	213 SANTEE	239 TUOLUMNE CO.
188 SACRAMENTO	214 SARATOGA	240 TURLOCK
189 SACRAMENTO CO.	215 SAUSALITO	241 TWENTYNINE PALMS
190 SALINAS	216 SEASIDE	242 VALLEJO
191 SAN BERNARDINO	217 SEBASTOPOL	243 VENTURA CO.
192 SAN BRUNO	218 SELMA	244 VICTORVILLE
193 SAN DIEGO CO.	219 SHAFTER	245 VISALIA
194 SAN DIMAS	220 SHASTA CO.	246 WATERFORD
195 SAN FERNANDO	221 SHASTA LAKE	247 WEED
196 SAN GABRIEL	222 SIGNAL HILL	248 WEST HOLLYWOOD
197 SAN JACINTO	223 SISKIYOU CO.	249 WEST SACRAMENTO
198 SAN JOAQUIN	224 SOLANA BEACH	250 WESTLAKE VILLAGE
199 SAN JOAQUIN CO.	225 SONORA 260	251 WESTMORLAND
200 SAN JUAN BAUTISTA	226 SOUTH GATE	252 WHEATLAND
201 SAN LEANDRO	227 SOUTH LAKE TAHOE	253 WILDOMAR
202 SAN MARINO	228 STANISLAUS CO.	254 WILLIAMS
203 SAN MATEO CO.	229 STOCKTON	255 WILLITS
204 SAN PABLO	230 SUISUN CITY	256 WILLOWS
205 SAN RAFAEL	231 SUTTER CO.	257 WINDSOR
206 SAND CITY	232 TAFT	258 WOODLAKE
207 SANGER	233 TEHACHAPI	259 YOLO CO.
208 SANTA CLARITA	234 TEHAMA	260 YREKA
209 SANTA CRUZ CO.	235 TEHAMA CO.	261 YUBA CITY
210 SANTA MARIA	236 TORRANCE	262 YUCAIPA
211 SANTA PAULA	237 TULARE CO.	263 YUCCA VALLEY
212 SANTA ROSA	238 TULELAKE	

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Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include ≥ 50 Percent Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very low- and low-income) and **are** therefore **subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability**.

JURISDICTION	JURISDICTION	JURISDICTION
1 AGOURA HILLS	28 CANYON LAKE	55 DINUBA
2 ALAMEDA	29 CAPITOLA	56 DIXON
3 ALBANY	30 CARLSBAD	57 DOWNEY
4 ALHAMBRA	31 CARMEL	58 DUARTE
5 ALPINE CO.	32 CATHEDRAL	59 DUBLIN
6 AMERICAN CANYON	33 CERRITOS	60 EASTVALE
7 ANAHEIM	34 CHICO	61 EL DORADO CO.
8 ANDERSON	35 CHINO	62 EL SEGUNDO
9 ANGELS CAMP	36 CHINO HILLS	63 ELK GROVE
10 ANTIOCH	37 CHULA VISTA	64 EMERYVILLE
11 ARTESIA	38 CLAREMONT	65 ENCINITAS
12 ATASCADERO	39 CLOVIS	66 FAIRFIELD
13 ATWATER	40 COALINGA	67 FOLSOM
14 BALDWIN PARK	41 COLFAX	68 FONTANA
15 BELL GARDENS	42 CONTRA COSTA CO.	69 FORT BRAGG
16 BELMONT	43 CORONA	70 FOWLER
17 BERKELEY	44 CORONADO	71 FREMONT
18 BIG BEAR LAKE	45 COTATI	72 FRESNO
19 BREA	46 COVINA	73 FULLERTON
20 BRENTWOOD	47 CULVER CITY	74 GALT
21 BRISBANE	48 CUPERTINO	75 GARDEN GROVE
22 BUELLTON	49 CYPRESS	76 GARDENA
23 BURLINGAME	50 DALY CITY	77 GILROY
24 CALABASAS	51 DANA POINT	78 GLENDALE
25 CALIMESA	52 DANVILLE	79 GLENDORA
26 CAMARILLO	53 DAVIS	80 GOLETA
27 CAMPBELL	54 DEL MAR	81 GRAND TERRACE
82 GROVER BEACH	114 LOS ALAMITOS	146 OAKLEY

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JURISDICTION	JURISDICTION	JURISDICTION
83 HAWTHORNE	115 LOS ALTOS	147 ONTARIO
84 HEALDSBURG	116 LOS ALTOS HILLS	148 ORANGE
85 HEMET	117 LOS ANGELES	149 ORANGE CO.
86 HERCULES	118 LOS BANOS	150 ORINDA
87 HERMOSA BEACH	119 LOYALTON	151 PACIFIC GROVE
88 HIDDEN HILLS	120 MALIBU	152 PALM DESERT
89 HOLLISTER	121 MAMMOTH LAKES	153 PALM SPRINGS
90 IMPERIAL BEACH	122 MANHATTAN BEACH	154 PALO ALTO
91 INDIAN WELLS	123 MANTECA	155 PALOS VERDES ESTATES
92 INDIO	124 MARIN CO.	156 PARADISE
93 IONE	125 MARINA	157 PARAMOUNT
94 IRVINE	126 MARIPOSA CO.	158 PASADENA
95 JACKSON	127 MENIFEE	159 PETALUMA
96 JURUPA VALLEY	128 MERCED	160 PIEDMONT
97 KING CITY	129 MILPITAS	161 PISMO BEACH
98 LA CANADA FLINTRIDGE	130 MISSION VIEJO	162 PITTSBURG
99 LA MESA	131 MODOC CO.	163 PLACENTIA
100 LA PALMA	132 MONO CO.	164 PLACER CO.
101 LA VERNE	133 MONROVIA	165 PLEASANTON
102 LAFAYETTE	134 MONTCLAIR	166 PLYMOUTH
103 LAGUNA BEACH	135 MONTEREY CO.	167 POINT ARENA
104 LAGUNA HILLS	136 MOORPARK	168 PORT HUENEME
105 LAGUNA WOODS	137 MORAGA	169 PORTOLA VALLEY
106 LAKE FOREST	138 MORGAN HILL	170 RANCHO CUCAMONGA
107 LARKSPUR	139 MOUNTAIN VIEW	171 RANCHO MIRAGE
108 LATHROP	140 MURRIETA	172 RANCHO PALOS VERDES
109 LIVE OAK	141 NAPA	173 RANCHO SANTA MARGARITA
110 LIVERMORE	142 NAPA CO.	174 REDDING
111 LODI	143 NEWARK	175 REDWOOD CITY
112 LOMITA	144 OAKDALE	176 RIO VISTA
113 LONG BEACH	145 OAKLAND	177 ROCKLIN

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JURISDICTION	JURISDICTION	JURISDICTION
178 ROSEMEAD	199 SEAL BEACH	220 TULARE
179 ROSEVILLE	200 SIERRA MADRE	221 TUSTIN
180 SAN ANSELMO	201 SIMI VALLEY	222 UNION CITY
181 SAN BENITO CO.	202 SOLANO CO.	223 UPLAND
182 SAN CARLOS	203 SOLEDAD	224 VACAVILLE
183 SAN CLEMENTE	204 SONOMA	225 VENTURA
184 SAN DIEGO	205 SOUTH EL MONTE	226 VERNON
185 SAN FRANCISCO	206 SOUTH PASADENA	227 VISTA
186 SAN JOSE	207 SOUTH SAN FRANCISCO	228 WALNUT
187 SAN JUAN CAPISTRANO	208 STANTON	229 WALNUT CREEK
188 SAN LUIS OBISPO	209 SUNNYVALE	230 WASCO
189 SAN LUIS OBISPO CO.	210 SUSANVILLE	231 WATSONVILLE
190 SAN MARCOS	211 SUTTER CREEK	232 WEST COVINA
191 SAN MATEO	212 TEMECULA	233 WHITTIER
192 SAN RAMON	213 TEMPLE CITY	234 WINTERS
193 SANTA BARBARA	214 THOUSAND OAKS	235 WOODLAND
194 SANTA BARBARA CO.	215 TIBURON	236 YORBA LINDA
195 SANTA CLARA	216 TRACY	237 YOUNTVILLE
196 SANTA CRUZ	217 TRINIDAD	238 YUBA CO.
197 SANTA FE SPRINGS	218 TRINITY CO.	
198 SCOTTS VALLEY	219 TRUCKEE	

A-5. News Articles Regarding Affordable Housing

Bay Area News Group article

NEW HOMES

Bay Area cities may not hit state deadline

Only Alameda has had housing element OK'd ahead of Jan. 31 date

By Ethan Varian
evarian@bayareanewsgroup.com

Bay Area cities are running out of time to devise plans for enough new homes to ease the region's deepening housing crisis — and so far, state officials are sending most of their plans back to the drawing board.

Under state law, local jurisdictions have until Jan. 31 of next year to finalize their so-called housing elements — detailed road maps to meet their dramatically increased state-mandated housing goals. Between 2023 and 2031, the entire nine-county region is on the hook for approving over 441,000 new homes for residents of all income levels, more than double the amount for the current eight-year cycle.

As of last week, the California Department of Housing and Community Development had rejected drafts from 14 of

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the 15 Bay Area municipalities it had reviewed so far — with Alameda the lone success.

The agency told San Francisco, Oakland, Sunnyvale, Mountain View, Redwood City, Antioch and others to rewrite their drafts to provide proof the sites identified for future homes have a realistic chance of development, and to offer the possibility of rezoning certain neighborhoods for denser housing, among various other instructions.

Public officials and housing experts say the denials weren't a surprise given the state's high planning expectations. They anticipate many more rejection letters are on the way.

But HCD's hard line is raising questions about whether Bay Area cities and counties can meet the fast-approaching housing plan deadline at the end of January. Failing to do so risks missing out on affordable housing and infrastructure funding and could put jurisdictions in jeopardy of lawsuits, fines and the loss of local control over land-use decisions.

"I don't know if we're going to meet the deadline," said Mountain View Mayor Lucas Ramirez. "We're going to do the best we can. It may very well be that HCD says this is a strong start, but you have to do even more."

Judging by how the housing element process has gone in other parts of the state, that result seems possible for much of the Bay Area. In Southern California, just 48 of 196 local governments in the region have submitted housing elements after most blew their October 2021 deadline.

JOSE CARLOS FAJARDO — STAFF PHOTOGRAPHER

A view of a sitting area at Rosefield Village apartments during the grand opening celebration in Alameda last month. Alameda is the only Bay Area city whose housing element plan has been approved by the state

Mathew Reed, director of policy for the Silicon Valley affordable housing advocacy group SV@Home, said the state is demanding far more than during prior planning periods. For example, cities and counties are now expected to address housing equity and discrimination issues in their plans proactively. But Reed said Bay Area jurisdictions shouldn't use that increased burden as an excuse.

"It's been apparent that if you don't reach the bar (set by the state), you'll have more work," he said. "I'm not sure the public or elected officials have been as conscious of that fact."

Officials in Alameda spent years preparing their 228-page housing plan, which the state approved in August. Planning Director Andrew Thomas said while some residents protested the small island city's plans to accommodate more than 5,500 new homes, it was important to finalize the draft so the City Council could adopt it before the election in November.

"This is the City Council that's been involved in the preparation of this document for the last three years, and we decided this should be the City Council that makes the final decision," Thomas said.

Gov. Gavin Newsom, at a bill signing event last month in San Francisco, made clear that unlike in years past, state officials aren't going to look the other way if cities and counties ignore their housing responsibilities. In addition to withholding grant funding and imposing man-

datory rezoning timelines, the state is threatening to sue noncompliant jurisdictions to compel a judge to take over the process for approving and permitting new homes.

"At the end of the day we need to see local accountability," Newsom said. "We're going to celebrate success, but we're going to call out failure."

At the event, Newsom highlighted a first-ever state investigation by HCD into San Francisco's restrictive housing policies. He also singled out the town of Atherton, the wealthy San Mateo County enclave that gained national attention earlier this year when it scrubbed its housing element draft of town homes after tech industry residents — including billion-

Andreessen — vehemently objected to adding multifamily housing.

In an interview last month, Atherton Mayor Rick DeGolia said building multifamily homes considered affordable by state standards isn't practical because the cost of land in the town is around $8 million per acre, and there is little publicly owned land to develop. Instead, Atherton's housing element draft focuses on a program to help homeowners create new in-law units for rent.

"If (state officials) refuse, we're going to be in a fight with them," DeGolia said. Judging by Southern California's example, he expects to have until the end of 2023 to come to "some settlement with the state."

Reed, with SV@Home

hard," he said. "The expectation is to say, 'What can you do to address some of the things that are making it hard?' And the expectation is high."

In Oakland, meanwhile, residents of the largely suburban Rockridge neighborhood are asking the city to plan for more apartments and town homes in their community. In their rejection of Oakland's housing element, state officials directed the city to examine recommendations made by the Rockridge Community Planning Council.

"We believe that welcoming significant numbers of new residents to Rockridge would be entirely consistent with our values and the cherished historically diverse character of our neighborhood," the group wrote in a letter to city planning staff.

As the certification deadline approaches, housing advocates are warning cities of another, relatively little-known consequence of failing to finish their housing elements in time: the "builders' remedy." The three-decade-old law forces noncompliant cities to accept large housing projects with affordable units, even when the developments far exceed local zoning limits.

Chris Elmendorf, a law professor at UC Davis, said that while there are few known instances of the builders' remedy coming into play, developers have in recent years become emboldened to take advantage of other state housing laws that bypass local control.

"We're seeing the emergence of developers who are not relying on their relationships with city councils and instead on their rights under state law," he

East Bay Times article

AST BAY TIMES » SATURDAY, OCTOBER 22, 2022

Local News

ORE LOCAL NEWS » EASTBAYTIMES.COM

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ARGEST IN EASTERN CONTRA COSTA COUNTY

Antioch unveils affordable housing complex

he 394-unit development sits on 14.85 acres in northeast section of the city

y Judith Prieve
rrieve@bayareanewsgroup.com

The largest affordable-income amily and senior apartment complex ever in east Contra Costa ounty has opened in the northast area of Antioch.

The new 394-unit complex, hich was celebrated at a ribbonutting Thursday, is expected to asen the shortage of affordable ousing in the city and breathe new life into the Bridgehead area, which lost major retailer Kmart and has not seen much development in recent years. The apartments were developed by AMCAL, a Southern California developer that has been constructing affordable housing since the 1990s.

Located southwest of East 18th Street and Holub Lane just west of Highway 160, the AMCAL Family and Senior Apartments include 11 three-story buildings on 14.85 acres between two residential neighborhoods. Of the 390 affordable apartments in the gated complex, 214 are designed for families and 180 for tenants 55 and older. Four will be manager apartments.

"We're excited; tenants are starting to move in," said Alex Pratt, AMCAL vice president of development. "This is an intergenerational project, and there are 394 units and 100%

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Developer AMCAL unveiled its newly opened affordable housing complex, the Antioch Family and Senior Apartments, in northeastern Antioch on Thursday. JUDITH PRIEVE STAFF

Builder's Remedy Article - The Fix

The 'fix' almost nobody wants

The 'builder's remedy' could OK projects in cities behind on their state-mandated housing plans

By Ethan Varian
evarian@bayareanewsgroup.com

It's a NIMBY's worst nightmare: high-rise apartment buildings going up in suburban neighborhoods — and local officials helpless to halt construction.

That scenario could soon become a possibility for Bay Area cities large and small should they fail to convince the state they're doing enough to help solve a deepening housing crisis.

It's all thanks to a little-used section of state housing law known as the "builder's remedy." Uncertainties remain, but the three-decade-old provision could enable developers to push through projects of virtually any size almost anywhere they please, as long as a portion of the building includes affordable units.

The builder's remedy would only apply to Bay Area cities without a state-approved plan to meet their upcoming homebuilding goals, which are updated every eight years. The penalty doesn't kick in until early next year, but many jurisdictions appear unlikely to have plans ready in time.

Housing experts and advocates say that means a surge of proposals may be on the horizon, especially in wealthier areas that have made it challenging to build denser housing, but where developers stand to see higher profits if they can build.

"If you're not going to tell developers where they can build multifamily housing, the state is saying they don't have to follow your rules," said San Francisco real estate attorney Daniel Golub,

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Builders

FROM PAGE 1

adding he's received "very substantial interest" about the builder's remedy in recent months.

It's already starting in Southern California — where over a hundred cities are behind on their housing plans due last year and developers have blitzed a handful of affluent enclaves with builder's remedy proposals in recent months. That includes more than a dozen high-rise projects in Santa Monica and a 2,300-unit oceanside complex in Redondo Beach.

In the Bay Area, cities have until Jan. 31 to get their housing plans certified and stave off a similar outcome. But so far, just two — Alameda and Emeryville — have approvals. However, the growing interest in the builder's remedy is adding pressure to meet the fast-approaching deadline.

A big part of why developers see the provision as a viable option now, despite it being on the books since 1990, appears to be that new state laws and policies have added teeth to the planning process for housing.

Homebuilding targets set by the state have doubled or even tripled for many cities. As a whole, the Bay Area is on the hook for approving more than 441,000 units for all income levels over the next decade, representing a 15% increase in the region's total homes.

JANE TYSKA – STAFF PHOTOGRAPHER

A drone photographs development along Clement Avenue in Alameda, one of only two Bay Area cities that have had their housing plans approved by the state.

For the current expiring eight-year cycle, the Bay Area permitted only about 190,000 units, according to state housing data. Of that amount, just 44,000 are for low- or middle-income residents, well under half the combined goal for those income levels.

This time around, state officials, including Gov. Gavin Newsom, have made clear they won't simply rubber-stamp cities' housing plans, and intend to hold jurisdictions accountable for actually meeting their new goals. The state is threatening fines, withholding affordable housing funding and loss of permitting authority for cities that skirt their housing responsibilities.

Paul Campos, a senior vice president with the Bay Area Building Industry Association, said despite the rush of builder's remedy proposals in Southern California, the provision's requirement that 20% of units be affordable makes it challenging for projects to actually "pencil out" — developer-speak for "turn enough of a profit to get built."

In part because of that financial reality, Campos said it's unlikely the Bay Area will see many projects that are drastically larger than what local zoning laws already allow. Instead, he views the provision as a way to "soften or eliminate some heavy-handed local regulations." For example, developers could add a few stories onto apartment projects to offset city development fees.

The type of city where the builder's remedy makes the most sense, Campos and other experts said, is one where rents are high and developers have often struggled to get large projects across the finish line.

Palo Alto, which has a population and median rent level roughly similar to that in Santa Monica, could fit the bill.

"(Santa Monica is) encountering now what we very possibly will be in three months," said Palo Alto Mayor Pat Burt.

Burt said Palo Alto is "racing" to finalize its plan for where new housing should be built, but he doesn't expect to meet the state's Jan. 31 deadline.

It's unclear what the upscale Silicon Valley suburb, home to Stanford University, would do if faced with a flurry of builder's remedy applications. Burt expects an eventual court ruling on the Southern California proposals will determine whether Palo Alto would need to approve them.

Sonja Trauss, founder of the San Francisco-based housing advocacy group YIMBY Law, which launched an online workshop to help take advantage of the builder's remedy, acknowledged the scheme has not been legally tested. Potential sticking points include how the state's strict environmental laws apply and whether a city can deny proposals by essentially self-certifying its housing plan.

Another question is whether a builder's remedy proposal would still be valid if a noncompliant city gets its housing plan certified after the planning and permitting process for the project has already begun. The state housing department has said such projects must go through.

Still, Trauss said cities planning on challenging the provision shouldn't expect an easy victory.

"They may go to court, and they could prevail, but it's definitely going to be a fight," she said.

For some local officials, a brewing clash over the builder's remedy is only the latest result of what they say are punitive state laws and policies that are wresting away local control and threatening to destroy the character of their cities. The looming specter of largely unrestricted development is creating a sense of urgency to push back.

"It's the responsibility of the state Legislature to step in and ensure we don't witness a drastic overreach," Burt said.

State Sen. Scott Wiener, a Democrat from San Francisco and one of the principal backers of recent laws that have cleared the way for the builder's remedy, said he has no such intent.

"It's time to actually have enforceable standards," Wiener said. "What's more important, local control or having enough housing for everyone?"

For now, he said the builder's remedy appears to be serving its primary purpose by convincing cities to get their housing plans in order sooner rather than later.

"The goal is not to ever have to invoke the builder's remedy," he said.

Aaron Meadows
Mayor

Anissa Williams
Vice Mayor

Dr. George Fuller
Councilmember

Shannon Shaw
Councilmember

Hugh Henderson
Councilmember

September 13, 2023

Contra Costa County Civil Grand Jury
P.O. Box 431
Martinez, CA 94553
Also via email to ctadmin@contracosta.courts.ca.gov

RE: City of Oakley's Response to Grand Jury Report No. 2306 "Affordable Housing: 'A Plan Without a Home'"

Dear Foreperson Roberts,

Pursuant to California Penal Code Section 933.05, this letter responds to your letter dated June 22, 2023, requesting that the City of Oakley submit its response to the findings and recommendations included in Grand Jury Report No. 2306, "Affordable Housing: 'A Plan Without a Home'."

The City Council reviewed and authorized this response at its September 12, 2023 City Council meeting.

Grand Jury Findings and City Responses

F1. Within existing city or County infrastructure there is no clear owner who is responsive for achieving RHNA permitting targets.

City response: ***Partially Disagree.*** We partially disagree with Finding 1 because while a single entity is responsible for reporting on RHNA permitting targets, jurisdictions do not develop housing projects. State Housing Law only requires that jurisdictions plan to address barriers to development, accommodate all types of housing based on the RHNA allocations, and report their progress towards RHNA.

F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets.

City response: **Partially Disagree.** We partially disagree with Finding 2 because while City and County officials recognize the challenges ahead, our Housing Element identifies a clear path to accommodate the RHNA targets and we are actively exploring and implementing strategies to work towards meeting state-mandated regional housing (RHNA) targets.

F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.

City response: **Partially Disagree.** We partially disagree with Finding 3 because while there are no legal or financial penalties if the cities and County do not achieve their RHNA targets, there are penalties for not accommodating RHNA in a Housing Element and the consequences for not issuing adequate permits can be considered punitive.

F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).

City response: **Partially Disagree.** It is true that many cities and the County as a whole missed their RHNA targets for very low and low-income housing, and that RHNA Allocation for very low- and low-income housing has continued to increase. However, the increase in RHNA allocation is not to the extent mentioned in this report. RHNA numbers from the past 3 cycles hgfdsa

indicate that the current (6th) cycle has had the largest increase of 2.5x from the previous cycle in very low- and low-income housing requirements.

Cycle	Very Low	% permitted	Low	% permitted
1999 - 2006	6,481	44%	3,741	48%
2007 - 2014	6,512	21%	4,325	24%
2015 - 2020	5,264	16%	3,086	55%
2023 - 2031	13,346	n/a	7,685	n/a

F5. Many obstacles hinder the development of AH at the local level, specifically for very low- and low-income housing, including:

a. Limited availability of land;
b. Restrictive zoning policies specific to AH development;
c. Limited developer interest to bring projects forward;
d. Limited available funding;
e. Lack of community support;

f. NIMBY opposition & city council response to NIMBY opposition.

City response: **Partially Disagree.** The City partially disagrees with this finding. The City of Oakley does not have restrictive zoning policies specific to AH development.

F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:

a. Housing element plans that offer poor land choices for AH development;
b. Restrictive height and high-density zoning policies;
c. Lack of inclusionary housing ordinance(s) in many cities.

City response: **Partially Disagree.** The City of Oakley has relied upon the Affordable Housing Overlay (AHO) zoning process to identify viable properties that are central to transportation, services, and amenities that can be developed for Affordable Housing. In past Housing Element cycles, HCD has been supportive of Oakley's AHO. Oakley's AHO has been referred to as a successful tool for AH in a 2019 Terner Center Case Study.

F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval.

City response: **Partially Disagree.** We agree that there are penalties that are directly related to not meeting statutory deadline of the Housing Element. Builder's Remedy, where individuals may apply for a building permit on land that is not designated for housing, is one such penalty that is directly linked to meeting state deadlines for Housing Elements.

F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.

City response: **Disagree.** Builder's remedy and SB35 are not intended to address local obstacles. Instead, they are intended to provide a streamlined development process for jurisdictions that have fallen out of compliance with State Housing Law (Builder's Remedy) or where housing production does not meet the RHNA targets (SB35). The Housing Element and its associated programs are intended to address potential local constraints to housing development. Builder's Remedy also does not guarantee a good housing project; it simply expedites the review process to eliminate local discretion.

A variety of factors, such as market conditions, capital costs, financing, supply chain disruptions, and labor market conditions, may affect the construction and completion of approved affordable housing projects. These factors are rarely associated with local obstacles and are beyond a jurisdiction's purview.

F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

City response: **Partially Disagree.** While the County and cities did not create or find new sources of funds for affordable housing after the State discontinued 452 RDAs, State law limits local jurisdictions' ability to create new funding sources. Voters need to approve virtually all new funding or financing mechanisms to generate the revenues or funds needed to preserve existing affordable housing and construct or finance new affordable housing. The Board of Supervisors and Town/City Councils cannot, for example, float bonds any longer without voter approval.

F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.

City response: **Agree.**

F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.

City response: **Disagree.** While local funding provided by bonds like Measure X Housing Fund in Contra Costa County can be a beneficial component, it is not a critical factor in a developer's overall ability to raise funds for an affordable housing (AH) development. Developers often require multiple sources of funding, or "stacking" strategies available to them, including federal and state grants, tax credits, private investments, and partnerships with nonprofit organizations.

F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in

addressing NIMBY opposition, have been successful in attracting AH projects.

City response: **Partially Disagree.** The City of Oakley has proactively engaged citizens, addressed zoning obstacles, identified viable sites for affordable housing, makes reasonable zoning concessions, works collaboratively with developers, provides local funding support, and is united in addressing NIMBY opposition, and still has difficulty attracting enough very low- and very-low affordable housing units to satisfy the RHNA.

F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low- and low-income housing.

City response: **Agree.**

Grand Jury Recommendations and City Responses

R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.

City response: **The recommendation has been implemented.** California's Housing Element Law acknowledges that local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. Cities and Counties are not responsible for the development and construction of housing to achieve the allocated RHNA targets. Instead, they are responsible for the effective implementation of their housing elements and associated programs to address any existing constraints to housing and for tracking and reporting the jurisdiction's progress toward achieving their RHNA. The Community Development Department is assigned with the responsibility of the above tasks.

R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress, biannually, against RHNA targets at council and supervisor meetings.

City response: **This recommendation has been implemented.** The City completes an annual housing report that is submitted to HCD.

R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.

City response: **The recommendation will not be implemented.** While we do not intend to pursue the recommended dedicated AH commission, we value the underlying principle of community engagement and recognize the importance of community input in the decision-making process. We will continue to explore alternative strategies that promote transparency, inclusivity, and community-driven solutions for affordable housing development in our city and County.

We remain committed to finding the most effective and sustainable approaches to address affordable housing challenges, working in collaboration with stakeholders and community members to achieve our shared goals.

R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their community.

City response: **The recommendation has been implemented.** Comprehensive Process Review: As required by State Law, jurisdictions have reviewed existing processes and identified programs to address any potential constraints to development through the Housing Element's Constraints and Zoning Analysis Section.

R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.

City response: **The recommendation has been implemented.** Each jurisdiction (city council or board of supervisors) must prepare an annual progress report (APR) on the jurisdiction's status and progress in implementing its housing element using forms and definitions adopted by

the California Department of Housing and Community Development (HCD). (Government Code Section 65400.) Each jurisdiction's APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of each year (covering the previous calendar year (CY)). HCD compiles and showcases all APRs through their interactive digital data dashboard with downloadable data sets.

R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

City response: **The recommendation has been implemented.** This recommendation has been implemented in previous Housing Cycles by utilizing an Affordable Housing Overlay.

R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light that review that will support AH in their community.

City response: **The recommendation has been implemented.** This recommendation has been implemented as the City has updated its Density Bonus Ordinance numerous times in the past and is in the process of updating it again with a completion date of November 2023.

R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).

City response: **The recommendation requires further analysis.** The City of Oakley has many already entitled residential units (over 4,700 units) for an inclusionary housing ordinance to be an effective solution in the future.

R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.

City response: **This recommendation has been implemented.** For example, the City has provided important density bonuses for very low- and low-income housing projects and has contributed resources to projects as well in the past.

R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

City response: **The recommendation requires further analysis.** Measure X funds are dispersed into several areas besides Affordable Housing, and it remains to be seen if sufficient funds will make it to the cities in the County that can help with Affordable Housing Projects. The use of Measure X funds for housing are currently being reported by the County here: https://www.contracosta.ca.gov/8530/Measure-X

Sincerely,

Joshua McMurray
City Manager

Enclosures:

CC: Aaron Meadows, Mayor
Anissa Williams, Vice mayor
Dr. George Fuller, Councilmember
Shannon Shaw, Councilmember
Hugh Henderson, Councilmember
Derek Cole, City Attorney
Danielle Navarro, Assistant City Manager
Brent Smith, Community Development Director

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023

TO: Joshua McMurray, City Manager

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

SUBJECT: Annexation No. 35 (Honey Creekside SD 9579) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Background and Analysis

On April 26, 2022, the City Council approved a vesting tentative map with certain Conditions of Approval for the proposed Honey Creekside project (Subdivision 9579) (the "Project"). The Project is designated as Single Family Residential in the Oakley 2020 General Plan and zoned R-6 (Single Family Residential) on the City of Oakley Zoning Map. The Project is currently comprised of APNs 033-030-028-6 and 033-030-032-8, which is expected to be subdivided into 57 single-family residential units at build-out.

The Conditions of Approval for the Honey Creekside project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to mitigate their financial impact to the City's parks, streetlighting, landscape and stormwater service budgets. The property owner for Brownstone has requested the City assist them with the annexation of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner for Honey Creekside executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of their project to CFD No. 2015-2. The FY 2023-24 special tax rates per single-family parcel are as follows:

FY 2023-24 Maximum Special Tax Rates per Single-Family Parcel	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$165.16
Community Parks Maintenance Tax	$364.74
Streetlighting Maintenance Tax	$72.01
Neighborhood Parks & Landscape Maintenance Tax	$182.56
Stormwater/Water Quality Maintenance Tax	$27.56
Total	**$812.03**

Therefore, successful annexation of the Honey Creekside project into CFD 2015-2 could provide up to $46,286 (in FY 2023-24 dollars) in revenue annually when all units are constructed. The taxes will be collected on the property tax rolls commencing in FY 2024-25.

Staff Recommendation

The conditions of approval for Honey Creekside (SD 9579) require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 35) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Staff recommends that the City Council adopt the Resolution Approving the Annexation (Annexation No. 35) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
    a. Exhibit A: Description of Services
    b. Exhibit B: Cost Estimate; and

c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 32.

2. Resolution Approving the Annexation (Annexation No. 35) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services);
3. Map – Annexation No. 35 to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services); and
4. Amendment No. 35 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 35 – Tax Zone No. 32

September 12, 2023

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. **Property Owner**. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. **Approval of Annexation**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. **Approval of Special Tax and the Services**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 32" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor's Parcel Nos.: 033-030-028-6 and 033-030-032-8

Acres: 10.61 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 35 - Tax Zone No. 32

Property Owner

By: HONEY LANE VENTURES LLC

Name: Jeff Lawrence

Title: authorized Agent

Notice Address: 7041 Koll Center Pkwy
Suite 130
Pleasanton, Ct. 94566

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Streetlighting

Maintenance, including servicing, repair, replacement and removal of streetlights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

Neighborhood Parks & Landscaping

Maintenance, including servicing, repair, replacement and removal of neighborhood parks (includes park amenities such as playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Maintenance, including servicing, repair, replacement and removal of parkways, landscape setbacks, landscaped roadway medians, open space, environmental preserves (including performance and management of environmental mitigation monitoring and annual reporting), publicly-owned masonry walls, fences, monuments and features, trails, bike paths, etc., both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Stormwater

Maintenance, including servicing, repair, replacement and removal of bio-retention facilities and drainage facilities (includes field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris from the drainage areas, bio-retention basins and City catch basins, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;

2. Any amounts needed for operating reserves and capital reserves; and

3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Cost Estimate
(FY 2023-24 Dollars)

Special Tax Component	FY 2023-24 Special Tax Requirement
Regional Park Maintenance Tax	$9,414
Community Parks Maintenance Tax	$20,790
Streetlighting Maintenance Tax	$4,105
Neighborhood Parks & Landscape Maintenance Tax	$10,406
Stormwater/Water Quality Maintenance Tax	$1,571
Total	**$46,286**

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 32

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 35 will be annexed to Tax Zone No. 32 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with

disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"CFD" or "CFD No. 2015-2" means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. **Developed Property** - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$165.16 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$123.87 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$82.58 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$495.49 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$364.74 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$273.55 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$182.37 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,094.21 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$72.01 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$54.01 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$36.01 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$216.04 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$182.56 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$136.92 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$91.28 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$1,551.97 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$27.56 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$20.67 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$13.78 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$234.30 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$495.49 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$371.62 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$247.75 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$247.75 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,094.21 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$820.66 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$547.11 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$547.11 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$216.04 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$162.02 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$108.02 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$108.02 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$1,551.97 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$234.30 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2024, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 35) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Numbers 033-030-028-6 and 033-030-032-8 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Numbers 033-030-028-6 and 033-030-032-8 are annexed into Tax Zone No. 32 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Numbers 033-030-028-6 and 033-030-032-8 are added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Numbers 033-030-028-6 and 033-030-032-8 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on September 12, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

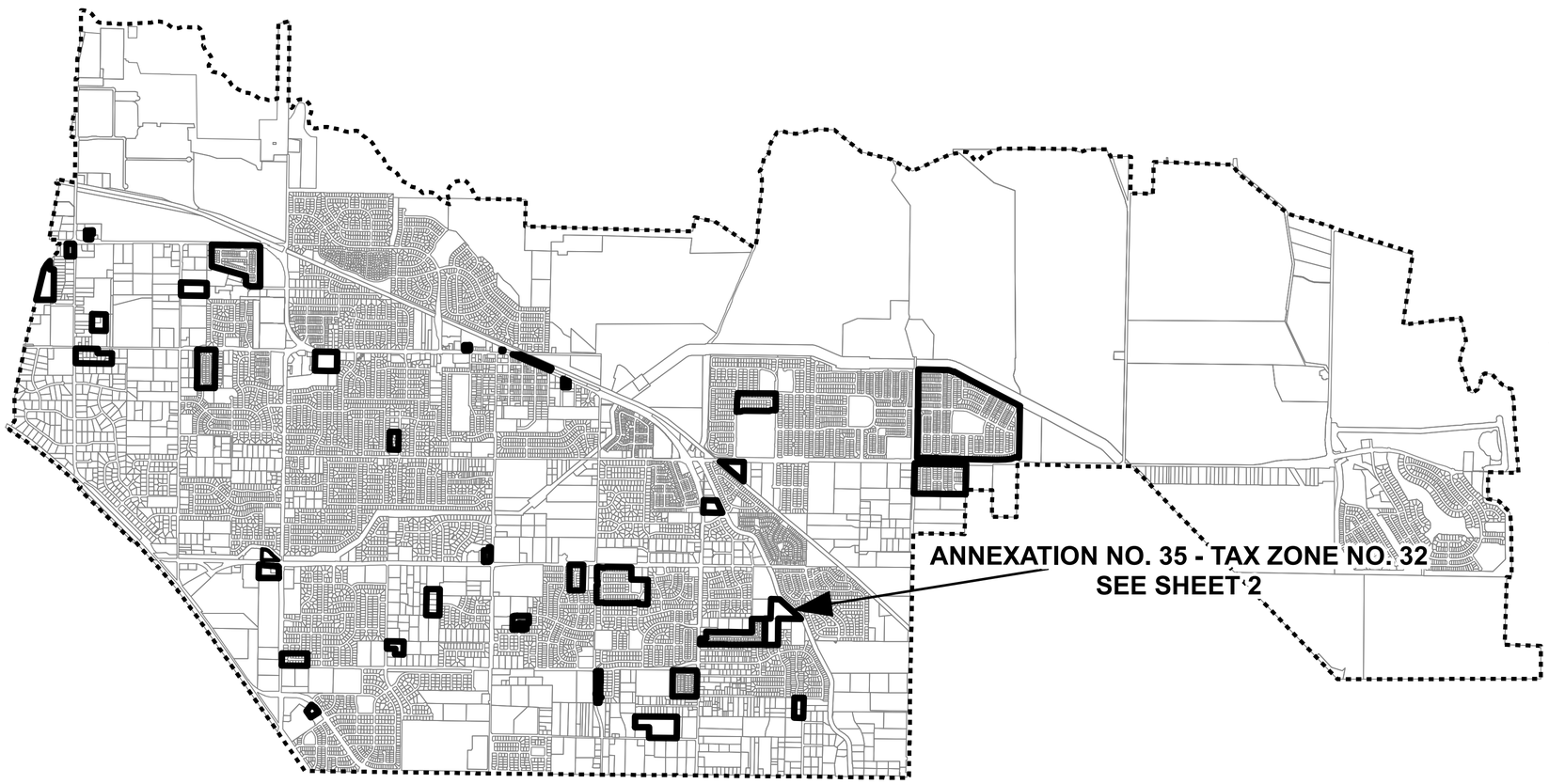
_____ _____
Libby Vreonis, City Clerk Date

ANNEXATION MAP No. 35 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2023.

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



I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 35 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2023, BY ITS RESOLUTION No. _____.

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

FILED THIS _____ DAY OF _____, 2023, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO ASSESSOR'S PARCEL NOS. 033-030-028-6 AND 033-030-032-8.

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

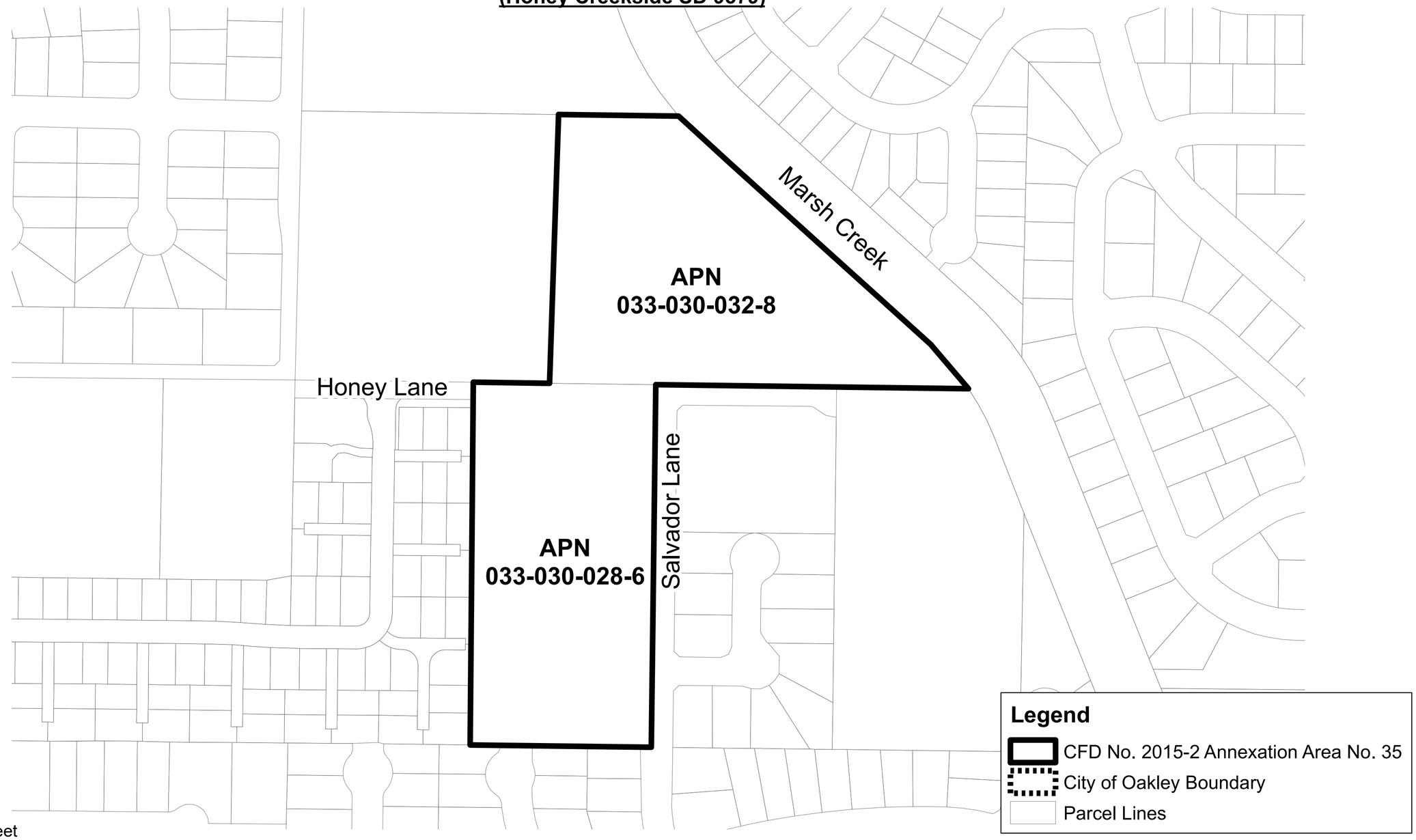
N

0 2,500 5,000 Feet

ANNEXATION MAP No. 35 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 35 - Tax Zone No. 32
(Honey Creekside SD 9579)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 35 TO NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 35 - Tax Zone No. 32 (Honey Creekside SD 9579)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 35 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 35 to Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2023, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in

accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 35 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2023

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT	Assessor's Parcel No.	Name(s) of Property Owner(s)	A
CITY OF	033-030-028-6	HONEY LANE VENTURES LLC	
	033-030-032-8	HONEY LANE VENTURES LLC	

OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 35 – Tax Zone No. 32

PARCEL DESCRIPTION AND OWNER OF LAND WITHIN ANNEXATION NO. 35 – TAX ZONE NO. 32

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 32

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 35 will be annexed to Tax Zone No. 32 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special

Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

“Property Owner” means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

“Proportionately” means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Unit” means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

“RMA” means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

“Special Tax” means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

“Special Tax Component” means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

“Special Tax Requirement” means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable

to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final

Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$165.16 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$123.87 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$82.58 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$495.49 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$364.74 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$273.55 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$182.37 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,094.21 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$72.01 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$54.01 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$36.01 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$216.04 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$182.56 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$136.92 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$91.28 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$1,551.97 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$27.56 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$20.67 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$13.78 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$234.30 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$495.49 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$371.62 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$247.75 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$247.75 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,094.21 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$820.66 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$547.11 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$547.11 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$216.04 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$162.02 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$108.02 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$108.02 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$1,551.97 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$1,551.97 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$234.30 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$234.30 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2024, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: September 12, 2023

TO: Joshua McMurray, City Manager

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

SUBJECT: Annexation No. 9 (Elm Lane Apartments) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)

Approved and Forwarded to the City Council

Background and Analysis

On June 10, 2021, the City Council approved a development plan with certain Conditions of Approval for the proposed project of a 170-unit affordable/workforce housing project. The proposed project consists of seven multi-family housing apartment buildings with associated parking, lighting, and landscaping as shown on the project plans dated April 22, 2021. The Elm Lane Apartments project, located between Elm Lane and Highway 160, is currently comprised of APN 051-210-028.

The Conditions of Approval for the Elm Lane Apartments project require the property owner to mitigate their project's financial impact on fire protection services, which are currently provided by the Contra Costa County Fire Protection District ("CCCFPD"). On October 23, 2018, the Oakley City Council formed City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) ("CFD No. 2018-1"). CFD No. 2018-1 authorizes the annual levy of a special tax on parcels located within CFD No. 2018-1 to mitigate their financial impact on the fire protection services budget. The property owner for the Elm Lane Apartments project has requested that the City assist them with the annexing of their development into CFD No. 2018-1 to satisfy their Conditions of Approval.

Prior to tonight's City Council meeting, the property owner executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to Tax Zone 3 of CFD No. 2018-1 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the fire protection services budget.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the annexation of their project to CFD No. 2018-1.

The FY 2023-24 maximum special tax rate for Tax Zone 3 is $284.57 per multi-family residential unit. Annexation No. 9 (Elm Lane Apartments) is expected to consist of 170 multi-family residential units at build-out. Therefore, successful annexation into CFD No. 2018-1 could provide up to $48,376.90 (FY 2023-24 dollars) in revenue annually when the property is developed. The taxes can be collected on the property tax rolls commencing in FY 2024-25.

Staff Recommendation

The conditions of approval for the Elm Lane Apartments project located between Elm Lane and Highway 160 require the property owner to mitigate their project's financial impact on the fire protection services budget. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 9) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services);
    a. Exhibit A: Description of Services.
    b. Exhibit B: Cost Estimate; and
    c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 3
2. Resolution Approving the Annexation (Annexation No. 9) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)
3. Boundary Map – Annexation Map No. 9 to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services); and
4. Amendment No. 9 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 9 – Tax Zone No. 3
(Elm Lane Apartments)

September 12, 2023

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)" (the "CFD"), and it states as follows:

1. **Property Owner**. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. **Approval of Annexation**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. **Approval of Special Tax and the Services**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 3" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on October 31, 2018, as Document No. 20180177468. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the Office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor's Parcel Number: 051-210-028

Acres: 6.46 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 9 - Tax Zone No. 3

Record Owner:
Elm Lane Oakley, L.P.
a California limited partnership

By: PacH Anton South Holdings, LLC,
a California limited liability company
its Managing General Partner

By: Pacific Housing, Inc.,
a California nonprofit public benefit corporation,
its Manager

By: _____
Mark A. Wiese
President

By: Anton-AMREV Oakley, LLC,
a California limited liability company
its Administrative General Partner

By: Anton DevCo, Inc.,
a California corporation,
its Manager

By: _____
Rachel Green
Director of Development Services

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

DESCRIPTION OF SERVICES

The City of Oakley (the "City") is establishing the captioned community facilities district (the "CFD") to finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982):

Fire Protection Services

The proposed CFD special taxes shall provide and fund certain types of services including, but not limited to:

1. The annual operation, maintenance and servicing, including emergency medical services (EMS), fire suppression, rescue, hazardous conditions, and all other emergency and non-emergency calls for services;
2. Payment for the operation and maintenance of fire stations, equipment, vehicles, and other appurtenant facilities, etc.; and
3. Any other appurtenant services or expenses necessary to ensure the continued annual operation and maintenance of the services previously referenced.

Administrative Expenses and Reserve Collection

In addition, the following costs will be funded by the special taxes levied within the CFD: Administrative Expenses, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including costs incurred to determine, levy and collect the special taxes, including compensation of City staff for administrative work performed in relation to the CFD and a proportionate amount of the City's general administrative overhead related thereto, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the property tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;
2. Any amounts needed to establish or replenish operating reserves and capital reserves; and
3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

COST ESTIMATE
(FY 2023-24 Dollars)

Fire Protection Services	$48,377

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 3

Special Taxes in the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD" or "CFD No. 2018-1") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2018-1, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2018-1, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) pursuant to Annexation No. 9 will be annexed to Tax Zone No. 3 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Dwelling Unit" means a secondary Residential Unit of reduced size, as defined in California Government Code Section 65852.2(j)(1) as that may be amended from time to time, that shares a Parcel with the primary Residential Unit on a Single-Family Parcel. An Accessory Dwelling Unit shall be considered an additional Residential Unit for the purposes of calculating the Special Tax.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, Parcel Map or functionally equivalent map or instrument recorded in the Office of the County Recorder. In the absence of such map, the Administrator will make the final "Acre" or "Acreage" determination utilizing available spatial and Geographic Information Systems (GIS) data.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs incurred by the City or their designee, acting for and on behalf of the CFD as the Administrator thereof, to compute, determine, levy and collect the Special Taxes, including salaries of City staff and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the CFD; the costs of collecting installments of the Special Taxes, including charges levied by the County, the costs related to the preparation of required reports; and any other costs required to administer the CFD as determined by the Administrator. Administrative expenses shall also include amounts estimated or advanced by the City, public agency, or the CFD for any other administrative purposes related to the CFD.

"Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2018-1 as set forth in the documents adopted by the Council when CFD No. 2018-1 was formed.

"Building Permit" means a building permit having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"Building Square Footage" or "Bldg. Sq. Ft." means the floor area square footage reflected on the original building permit issued for construction of a Non-Residential Parcel, plus or minus any square footage subsequently added or eliminated from a building on a Non-Residential Parcel after the issuance of a subsequent building permit for expansion or renovation of such building.

"Capital Reserves" means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for asset replacement, long-term capital projects, or other large anticipated expenditures.

"CFD" or "CFD No. 2018-1" means the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

"City" means the City of Oakley.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Parcel" means a Parcel designated by the County Assessor as having a commercial land use, which includes but is not limited to, grocery stores, shopping centers, motel, hotel, retail stores, service stations, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home, or co-op land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2018-1.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year in which Special Taxes are to be levied. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a Final Map, Parcel Map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), that creates lots that do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" or "Parcel Map" shall not include an Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial Parcel" means a Parcel designated by the County Assessor as having an industrial land use, which includes but is not limited to, research and development, warehouses, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Institutional Parcel" means a Parcel designated by the County Assessor as having an institutional land use, which includes but is not limited to, churches, hospitals, schools, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means the maximum Special Tax determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having multiple Land Use Classifications such as a residential Land Use Classification and a commercial Land Use Classification, or a residential Land Use Classification and an industrial Land Use Classification.

"Mobile Home Parcel" means a Parcel designated by the County Assessor as having movable or portable dwelling spaces available to be connected to utilities. As it relates to Mobile Home Parcels, Residential Units are the number of mobile home spaces on each Parcel.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land use which includes duplexes, triplexes, fourplexes and apartments. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Office, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County

Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Office Parcel" means a Parcel designated by the County Assessor as having an office land use, including medical and dental offices and office condominiums. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"**Operating Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for necessary cash flow for the first six months of each Fiscal Year, working capital to cover operation, maintenance, and service cost overruns or any unexpected expenditures, funds to cover delinquencies in the payment of Special Taxes, and a reasonable buffer to prevent large variations in annual Special Tax levies.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as a recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property within each respective Tax Zone.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2018-1 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-1 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Residential Unit" means an individual residential dwelling unit such as a Single-Family Parcel, Condominium Parcel, townhome, apartment, co-op, etc.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use and a Residential Unit, including residential Condominium Parcels. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use

Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means the tax levied on Taxable Property within CFD No. 2018-1 to pay the annual Special Tax Requirement.

"Special Tax Requirement" means, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; (iii) any amounts needed to establish or replenish Operating Reserves and Capital Reserves; and (iv) amounts needed to cover any delinquencies in the payment of the Special Tax which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, that may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2018-1 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All property within CFD No. 2018-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2018-1, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2018-1 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2018-1 that constitutes the Property Owner's approval and unanimous vote in favor of annexing into CFD No. 2018-1, and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2018-1 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall: (i) identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2018-1, (ii) determine the Land Use Classification for each Taxable Parcel, (iii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (iv) determine the Special Tax Requirement for the CFD.

In any Fiscal Year, if it is determined that a Final Map or Parcel Map for a portion of property in CFD No. 2018-1 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, and the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2023-24 Maximum Special Tax for all Taxable Parcels of Developed Property within Tax Zone No. 3 shall be as shown below in Table No. 1.

Table No. 1 - Developed Property	
Land Use Classification	**Fiscal Year 2023-24 Maximum Special Tax**
Residential	
Single-Family Parcel	$351.25 per Residential Unit
Accessory Dwelling Unit	$105.36 per Accessory Dwelling Unit
Multi-Family Parcel	$284.57 per Residential Unit
Mobile Home Parcel	$490.56 per Residential Unit
Non-Residential	
Commercial Parcel	$388.16 per 1,000 Bldg. Sq. Ft.
Office Parcel	$597.24 per 1,000 Bldg. Sq. Ft.
Industrial Parcel	$269.09 per 1,000 Bldg. Sq. Ft.

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon all the Land Use Classifications identified on the Parcel. For example, if a Parcel has commercial on the ground floor and 50 apartments on the higher floors, the Mixed Use Parcel will be taxed as a Non-Residential Parcel using the Building Square Footage of commercial plus 50 Multi-Family Parcel Residential Units in accordance with Table No. 1 above.

If a Single-Family Parcel contains one primary Residential Unit and one or more secondary Accessory Dwelling Units, the Maximum Tax each Fiscal Year shall be calculated as the sum of the Single-Family Parcel Residential Unit plus the additional Accessory Dwelling Unit(s) in accordance with Table No. 1 above.

2. Escalation of Maximum Special Tax

Commencing on July 1, 2024, and each July 1 thereafter, the Maximum Special Tax Rates for Developed Property shown in Table No. 1 above shall be increased by 5% from the Maximum Special Tax in effect for the current fiscal year. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy all Parcels of Taxable Property therein as follows:

Step 1: Each Parcel of Developed Property shall be levied Proportionately up to 100% of the Maximum Special Tax for such Fiscal Year until the amount levied is equal to the Special Tax Requirement.

The Special Tax for CFD No. 2018-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2018-1.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity if Authorized Services are being provided and is necessary to pay the Special Tax Requirement.

H. PREPAYMENT OF SPECIAL TAX

The Maximum Special Tax may not be prepaid and shall continue to be levied in accordance with Section D of this Rate and Method of Apportionment on an annual basis

on all Taxable Property in CFD No. 2018-1 for the purpose of funding ongoing Authorized Services.

I. REVIEW/APPEALS OF THE SPECIAL TAX

The Administrator may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Administrator shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any property owner appeals, as herein specified.

Any property owner who believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Administrator regarding such error. If following such consultation, the Administrator determines that an error has occurred; the Administrator in consultation with the City Manager shall take any of the following actions to correct the error:

- Amend the Special Tax levy on the property owner's Property Tax Bill for the current Fiscal Year, or
- Have the CFD reimburse the property owner for the amount of overpayment for the current Fiscal Year if CFD funds are available, or
- Grant a credit against, eliminate or reduce the future Special Taxes on the property owner's Assessor's Parcel(s) for overpayment for the current Fiscal Year.

If following such consultation and action (if any by the Administrator), the property owner believes such error still exists, such person may file a written notice with the City Manager appealing the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the City Manager), the property owner believes such error still exists, such person may file a written notice with the City Council appealing the amount of the Special Tax levied on such Assessor's Parcel. If the City Council determines an error exists; the Administrator shall take any actions as described above, in order to correct the error. The decision of the City Council shall be final and binding to all persons.

J. REPEAL OF THE SPECIAL TAX

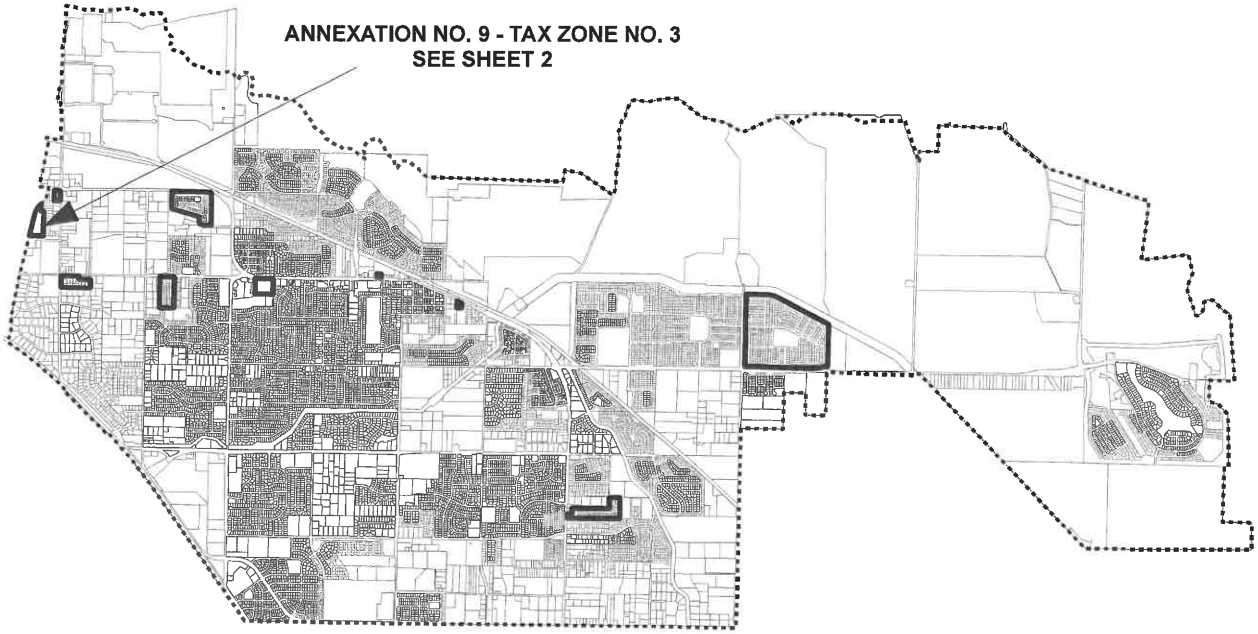
If the levy of the Special Tax is repealed by initiative or any other action participated in by the property owners of Assessor's Parcels in CFD No. 2018-1, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied. The obligation to provide the Authorized Services previously funded by the repealed Special Tax shall become the joint obligations of the property owners of Assessor's Parcels within CFD No. 2018-1.

K. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

ANNEXATION MAP No. 9 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2023.

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

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 9 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA,WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2023, BY ITS RESOLUTION No. _____.

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

FILED THIS _____ DAY OF _____, 2023, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 25TH DAY OF SEPTEMBER, 2018 IN BOOK 87 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGES 17-18.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY FOR ASSESSOR PARCEL NUMBER 051-210-028.

Legend

- CFD No. 2018-1 Boundary
- Oakley City Limits/CFD No. 2018-1 Future Annexation Area
- Parcel Lines

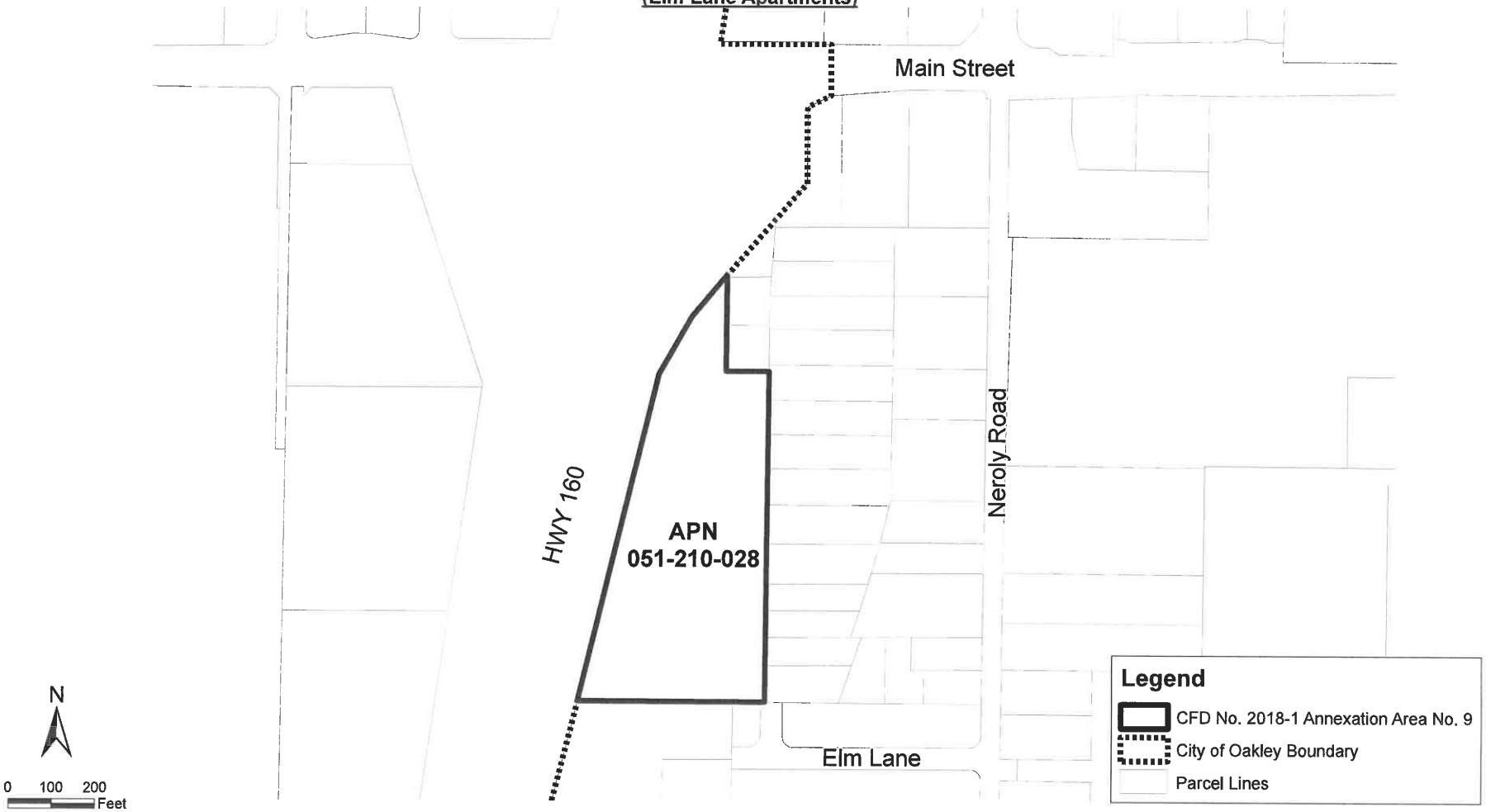
N

0 2,500 5,000 Feet

ANNEXATION MAP No. 9 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 9 - Tax Zone No. 3
(Elm Lane Apartments)



RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 9) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Future Annexation Area)", authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on October 23, 2018, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on October 31, 2018, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Number 051-210-028 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Number 051-210-028 is annexed into Tax Zone No. 3 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Number 051-210-028 is added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Number 051-210-028 is described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the September 12, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

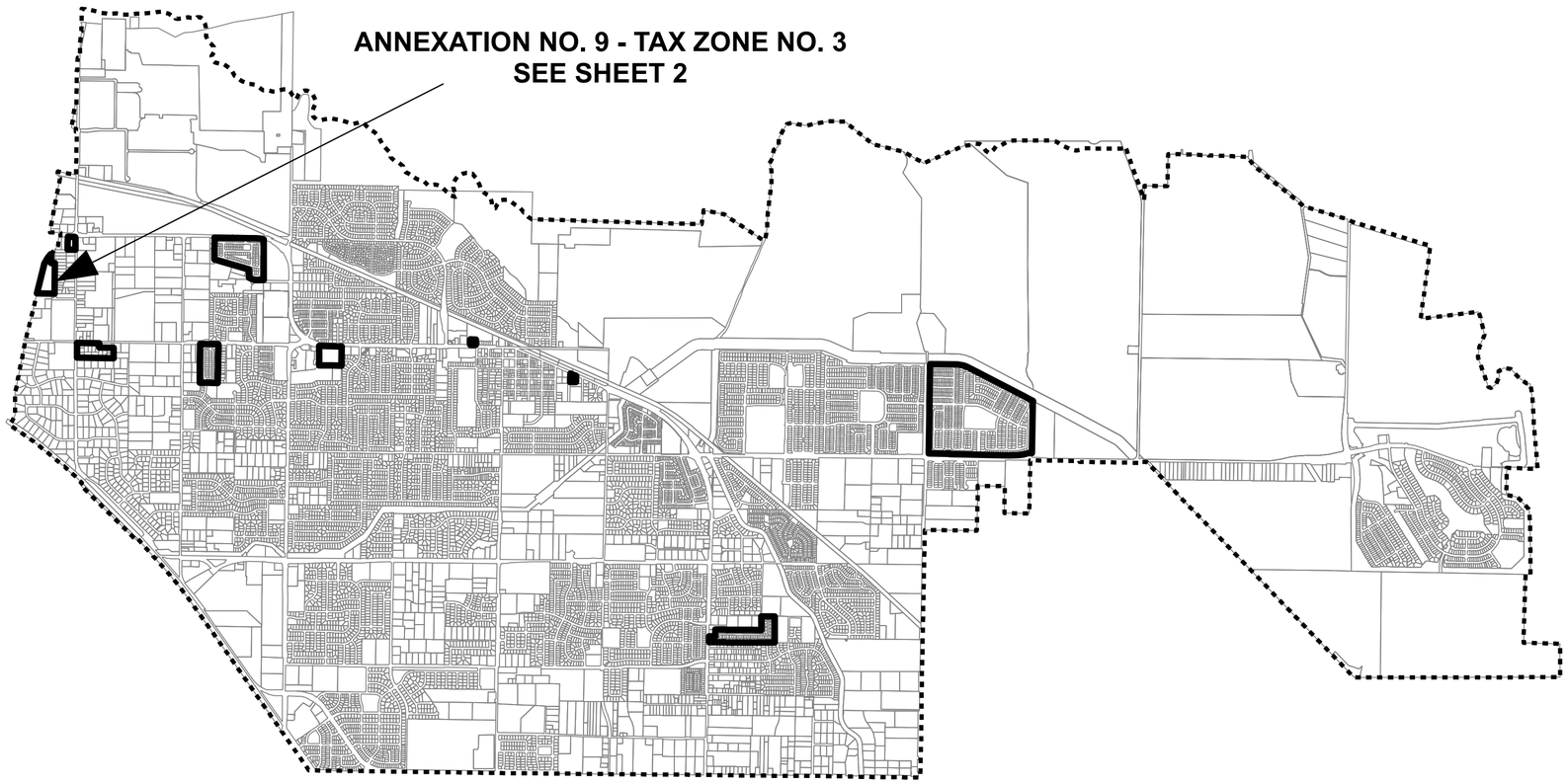
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

ANNEXATION MAP No. 9 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2023.

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

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 9 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA,WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2023, BY ITS RESOLUTION No. _____.

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

FILED THIS _____ DAY OF _____, 2023, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1 (FIRE PROTECTION SERVICES), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 25TH DAY OF SEPTEMBER, 2018 IN BOOK 87 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGES 17-18.

Legend

- CFD No. 2018-1 Boundary
- Oakley City Limits/CFD No. 2018-1 Future Annexation Area
- Parcel Lines

N

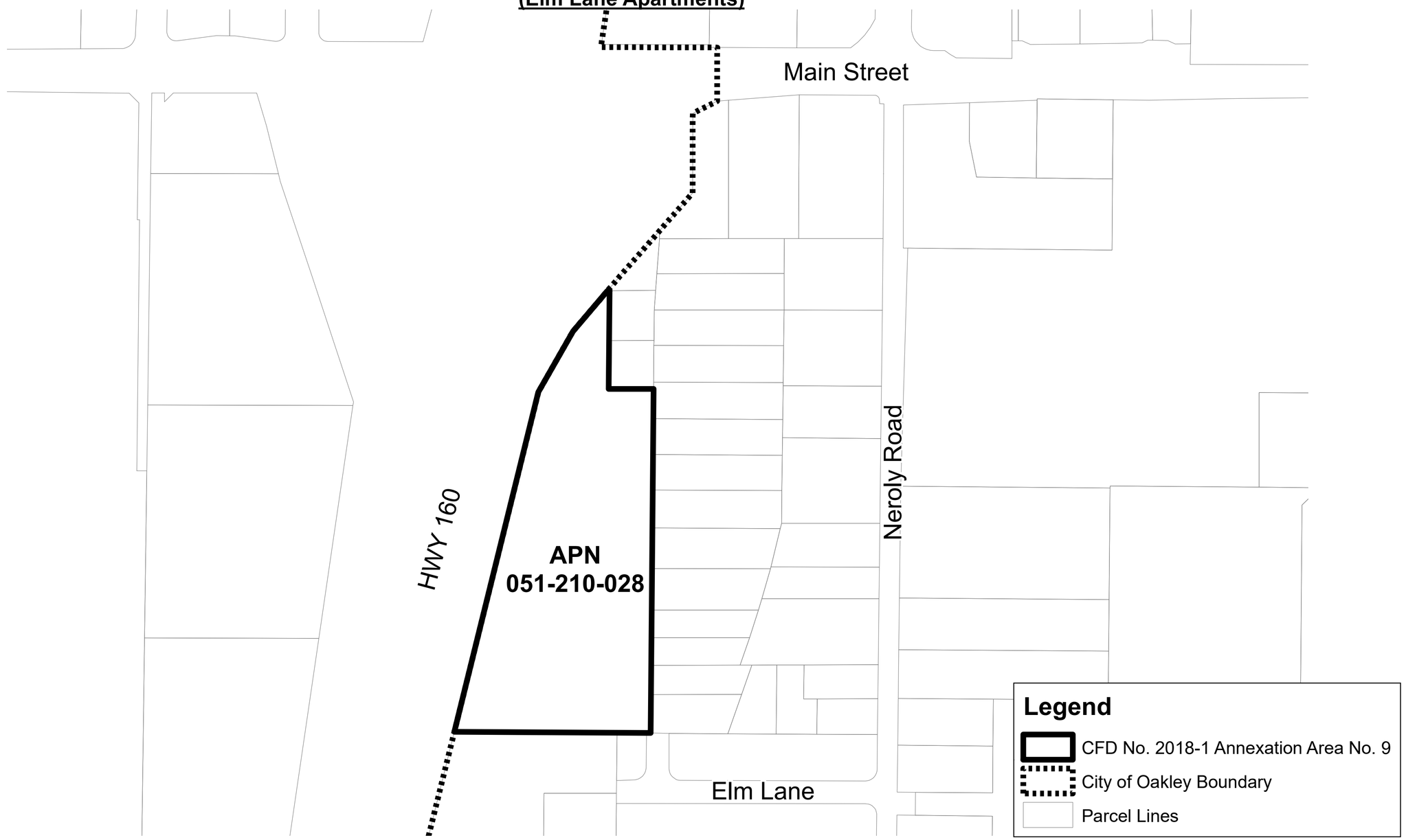
0 2,500 5,000 Feet

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY FOR ASSESSOR PARCEL NUMBER 051-210-028.

ANNEXATION MAP No. 9 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2018-1
(FIRE PROTECTION SERVICES)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 9 - Tax Zone No. 3
(Elm Lane Apartments)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 9 TO
NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 9 - Tax Zone No. 3
(Elm Lane Apartments)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on October 31, 2018, as Document No. 20180177468, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 9 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 2018-0152310 in the Office of the County Recorder of the County of Contra Costa, State of California on September 25, 2018, in Book 87 at Page 17-18 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 9 to Community Facilities District No. 2018-1 (Fire Protection Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2023, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described

herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 9 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2023

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT	Assessor's Parcel No(s).	Name(s) of Property Owners	A
CITY OF	051-210-028	ELM LANE OAKLEY, L.P.	

OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

Annexation No. 9 – Tax Zone No. 3

ASSESSOR'S PARCEL NUMBER AND OWNERS OF LAND WITHIN ANNEXATION NO. 9 – TAX ZONE NO. 3

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2018-1
(Fire Protection Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 3

Special Taxes in the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (the "CFD" or "CFD No. 2018-1") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2018-1, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2018-1, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) pursuant to Annexation No. 9 will be annexed to Tax Zone No. 3 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Dwelling Unit" means a secondary Residential Unit of reduced size, as defined in California Government Code Section 65852.2(j)(1) as that may be amended from time to time, that shares a Parcel with the primary Residential Unit on a Single-Family Parcel. An Accessory Dwelling Unit shall be considered an additional Residential Unit for the purposes of calculating the Special Tax.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, Parcel Map or functionally equivalent map or instrument recorded in the Office of the County Recorder. In the absence of such map, the Administrator will make the final "Acre" or "Acreage" determination utilizing available spatial and Geographic Information Systems (GIS) data.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs incurred by the City or their designee, acting for and on behalf of the CFD as the Administrator thereof, to compute, determine, levy and collect the Special Taxes, including salaries of City staff and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the CFD; the costs of collecting installments of the Special Taxes, including charges levied by the County, the costs related to the preparation of required reports; and any other costs required to administer the CFD as determined by the Administrator. Administrative expenses shall also include amounts estimated or advanced by the City, public agency, or the CFD for any other administrative purposes related to the CFD.

"Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2018-1 as set forth in the documents adopted by the Council when CFD No. 2018-1 was formed.

"Building Permit" means a building permit having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"Building Square Footage" or "Bldg. Sq. Ft." means the floor area square footage reflected on the original building permit issued for construction of a Non-Residential Parcel, plus or minus any square footage subsequently added or eliminated from a building on a Non-Residential Parcel after the issuance of a subsequent building permit for expansion or renovation of such building.

"**Capital Reserves"** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for asset replacement, long-term capital projects, or other large anticipated expenditures.

"**CFD" or "CFD No. 2018-1"** means the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services).

"City" means the City of Oakley.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Parcel" means a Parcel designated by the County Assessor as having a commercial land use, which includes but is not limited to, grocery stores, shopping centers, motel, hotel, retail stores, service stations, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home, or co-op land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2018-1.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year in which Special Taxes are to be levied. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a Final Map, Parcel Map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), that creates lots that do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" or "Parcel Map" shall not include an Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial Parcel" means a Parcel designated by the County Assessor as having an industrial land use, which includes but is not limited to, research and development, warehouses, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Institutional Parcel" means a Parcel designated by the County Assessor as having an institutional land use, which includes but is not limited to, churches, hospitals, schools, etc. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means the maximum Special Tax determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having multiple Land Use Classifications such as a residential Land Use Classification and a commercial Land Use Classification, or a residential Land Use Classification and an industrial Land Use Classification.

"Mobile Home Parcel" means a Parcel designated by the County Assessor as having movable or portable dwelling spaces available to be connected to utilities. As it relates to Mobile Home Parcels, Residential Units are the number of mobile home spaces on each Parcel.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land use which includes duplexes, triplexes, fourplexes and apartments. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Office, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

“Office Parcel” means a Parcel designated by the County Assessor as having an office land use, including medical and dental offices and office condominiums. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

“**Operating Reserves”** means any amounts that shall be collected, accumulated, and/or held for the CFD in each Fiscal Year to provide for necessary cash flow for the first six months of each Fiscal Year, working capital to cover operation, maintenance, and service cost overruns or any unexpected expenditures, funds to cover delinquencies in the payment of Special Taxes, and a reasonable buffer to prevent large variations in annual Special Tax levies.

“Property Owner” means the Property Owner of record per current County Assessor records unless more current information is available such as a recorded deed of sale, etc.

“Proportionately” means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property within each respective Tax Zone.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2018-1 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-1 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Residential Unit” means an individual residential dwelling unit such as a Single-Family Parcel, Condominium Parcel, townhome, apartment, co-op, etc.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use and a Residential Unit, including residential Condominium Parcels. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code, or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign the appropriate Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means the tax levied on Taxable Property within CFD No. 2018-1 to pay the annual Special Tax Requirement.

"Special Tax Requirement" means, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; (iii) any amounts needed to establish or replenish Operating Reserves and Capital Reserves; and (iv) amounts needed to cover any delinquencies in the payment of the Special Tax which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, that may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2018-1 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All property within CFD No. 2018-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2018-1, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2018-1 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2018-1 that constitutes the Property Owner's approval and unanimous vote in favor of annexing into CFD No. 2018-1, and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2018-1 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall: (i) identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2018-1, (ii) determine the Land Use Classification for each Taxable Parcel, (iii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (iv) determine the Special Tax Requirement for the CFD.

In any Fiscal Year, if it is determined that a Final Map or Parcel Map for a portion of property in CFD No. 2018-1 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, and the County Assessor does not yet recognize the new Parcels that will be created by the

Final Map or Parcel Map, and one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2023-24 Maximum Special Tax for all Taxable Parcels of Developed Property within Tax Zone No. 3 shall be as shown below in Table No. 1.

Table No. 1 - Developed Property	
Land Use Classification	**Fiscal Year 2023-24 Maximum Special Tax**
Residential	
Single-Family Parcel	$351.25 per Residential Unit
Accessory Dwelling Unit	$105.36 per Accessory Dwelling Unit
Multi-Family Parcel	$284.57 per Residential Unit
Mobile Home Parcel	$490.56 per Residential Unit
Non-Residential	
Commercial Parcel	$388.16 per 1,000 Bldg. Sq. Ft.
Office Parcel	$597.24 per 1,000 Bldg. Sq. Ft.
Industrial Parcel	$269.09 per 1,000 Bldg. Sq. Ft.

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon all the Land Use Classifications identified on the Parcel. For example, if a Parcel has commercial on the ground floor and 50 apartments on the higher floors, the Mixed Use Parcel will be taxed as a Non-Residential Parcel using the Building Square Footage of commercial plus 50 Multi-Family Parcel Residential Units in accordance with Table No. 1 above.

If a Single-Family Parcel contains one primary Residential Unit and one or more secondary Accessory Dwelling Units, the Maximum Tax each Fiscal Year shall be calculated as the sum of the Single-Family Parcel Residential Unit plus the additional Accessory Dwelling Unit(s) in accordance with Table No. 1 above.

2. Escalation of Maximum Special Tax

Commencing on July 1, 2024, and each July 1 thereafter, the Maximum Special Tax Rates for Developed Property shown in Table No. 1 above shall be increased by 5% from the Maximum Special Tax in effect for the current fiscal year. Each annual

adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy all Parcels of Taxable Property therein as follows:

Step 1: Each Parcel of Developed Property shall be levied Proportionately up to 100% of the Maximum Special Tax for such Fiscal Year until the amount levied is equal to the Special Tax Requirement.

The Special Tax for CFD No. 2018-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2018-1.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity if Authorized Services are being provided and is necessary to pay the Special Tax Requirement.

H. PREPAYMENT OF SPECIAL TAX

The Maximum Special Tax may not be prepaid and shall continue to be levied in accordance with Section D of this Rate and Method of Apportionment on an annual basis on all Taxable Property in CFD No. 2018-1 for the purpose of funding ongoing Authorized Services.

I. REVIEW/APPEALS OF THE SPECIAL TAX

The Administrator may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Administrator shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any property owner appeals, as herein specified.

Any property owner who believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the Administrator regarding such error. If following such consultation, the Administrator determines that an error has occurred; the Administrator in consultation with the City Manager shall take any of the following actions to correct the error:

- Amend the Special Tax levy on the property owner's Property Tax Bill for the current Fiscal Year, or

- Have the CFD reimburse the property owner for the amount of overpayment for the current Fiscal Year if CFD funds are available, or

- Grant a credit against, eliminate or reduce the future Special Taxes on the property owner's Assessor's Parcel(s) for overpayment for the current Fiscal Year.

If following such consultation and action (if any by the Administrator), the property owner believes such error still exists, such person may file a written notice with the City Manager appealing the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the City Manager), the property owner believes such error still exists, such person may file a written notice with the City Council appealing the amount of the Special Tax levied on such Assessor's Parcel. If the City Council determines an error exists; the Administrator shall take any actions as described above, in order to correct the error. The decision of the City Council shall be final and binding to all persons.

J. REPEAL OF THE SPECIAL TAX

If the levy of the Special Tax is repealed by initiative or any other action participated in by the property owners of Assessor's Parcels in CFD No. 2018-1, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied. The obligation to provide the Authorized Services previously funded by the repealed Special Tax shall become the joint obligations of the property owners of Assessor's Parcels within CFD No. 2018-1.

K. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023

TO: Joshua McMurray, City Manager

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

SUBJECT: Annexation No. 36 (McDonald's at Laurel Plaza) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Background and Analysis

On April 11, 2023, the City Council adopted a resolution with certain Conditions of Approval approving the Design Review (DR 09-20) and Conditional Use Permit (CUP 03-20) for a McDonald's project located in the Laurel Plaza shopping center on the northwest corner of Laurel Road and O'Hara Avenue comprised of APN 035-510-006-6. The proposed 1.709-acre project consists of one 4,365 square-foot restaurant building including dine-in and drive-through service with associated parking, lighting, and landscaping improvements.

The Conditions of Approval for the McDonald's project require the property owner to mitigate their development project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to mitigate their financial impact to the City's parks, streetlighting, landscape and stormwater service budgets. The property owner for the McDonald's project has requested that the City assist them with the annexing of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner for the McDonald's project executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to mitigate their development project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of their development project to CFD No. 2015-2. The FY 2023-24 special tax rates per commercial acre are as follows:

FY 2023-24 Maximum Special Tax Rates per Commercial Acre	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$495.49
Community Parks Maintenance Tax	$1,094.21
Streetlighting Maintenance Tax	$216.04
Neighborhood Parks & Landscape Maintenance Tax	$1,463.90
Stormwater/Water Quality Maintenance Tax	$600.00
Total	**$3,869.64**

Therefore, successful annexation of the McDonald's project into CFD 2015-2 could provide up to $6,613.21 (in FY 2023-24 dollars) in revenue annually when all the parcels are developed. The taxes can be collected on the property tax rolls commencing in FY 2024-25.

Staff Recommendation

The Conditions of Approval for the McDonald's project require the property owner to mitigate their development project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 36) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Staff recommends that the City Council adopt the Resolution Approving the Annexation (Annexation No. 36) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services);
    a. Exhibit A: Description of Services

b. Exhibit B: Cost Estimate; and
c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 33.

2. Resolution Approving the Annexation (Annexation No. 36) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)
3. Map – Annexation No. 36 to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services); and
4. Amendment No. 36 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 36 – Tax Zone No. 33

September 12, 2023

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. **Property Owner.** This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. **Approval of Annexation.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. **Approval of Special Tax and the Services.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 33" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Assessor's Parcel No.: 035-510-006-6

Acres: 1.709 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 36 - Tax Zone No. 33

Property Owner

By: OHARA PROPERTIES LLC

Name: MATTHEW D. BEINKE

Title: MEMBER

Notice Address:

3820 BLACKHAWK RD

DANVILLE, CA 94506

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Streetlighting

Maintenance, including servicing, repair, replacement and removal of streetlights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

Neighborhood Parks & Landscaping

Maintenance, including servicing, repair, replacement and removal of neighborhood parks (includes park amenities such as playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Maintenance, including servicing, repair, replacement and removal of parkways, landscape setbacks, landscaped roadway medians, open space, environmental preserves (including performance and management of environmental mitigation monitoring and annual reporting), publicly-owned masonry walls, fences, monuments and features, trails, bike paths, etc., both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Stormwater

Maintenance, including servicing, repair, replacement and removal of bio-retention facilities and drainage facilities (includes field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris from the drainage areas, bio-retention basins and City catch basins, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;

2. Any amounts needed for operating reserves and capital reserves; and

3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Cost Estimate
(FY 2023-24 Dollars)

Special Tax Component	FY 2023-24 Special Tax Requirement
Regional Park Maintenance Tax	$847
Community Parks Maintenance Tax	$1,870
Streetlighting Maintenance Tax	$369
Neighborhood Parks & Landscape Maintenance Tax	$2,502
Stormwater/Water Quality Maintenance Tax	$1,025
Total	**$6,613**

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 33

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 36 will be annexed to Tax Zone No. 33 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with

disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"CFD" or "CFD No. 2015-2" means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the

Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator

shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. **Developed Property** - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$165.16 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$123.87 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$82.58 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$495.49 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$364.74 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$273.55 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$182.37 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,094.21 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$72.01 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$54.01 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$36.01 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$216.04 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,463.90 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,097.93 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$731.95 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel	$1,463.90 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$600.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$450.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$300.00 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$600.00 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$495.49 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$371.62 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$247.75 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$247.75 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,094.21 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$820.66 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$547.11 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$547.11 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$216.04 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$162.02 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$108.02 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$108.02 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel	$1,463.90 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$600.00 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2024, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. _____

RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 36) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Assessor's Parcel Number 035-510-006-6 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Assessor's Parcel Number 035-510-006-6 is annexed into Tax Zone No. 33 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Assessor's Parcel Number 035-510-006-6 is added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Assessor's Parcel Number 035-510-006-6 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on September 12, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

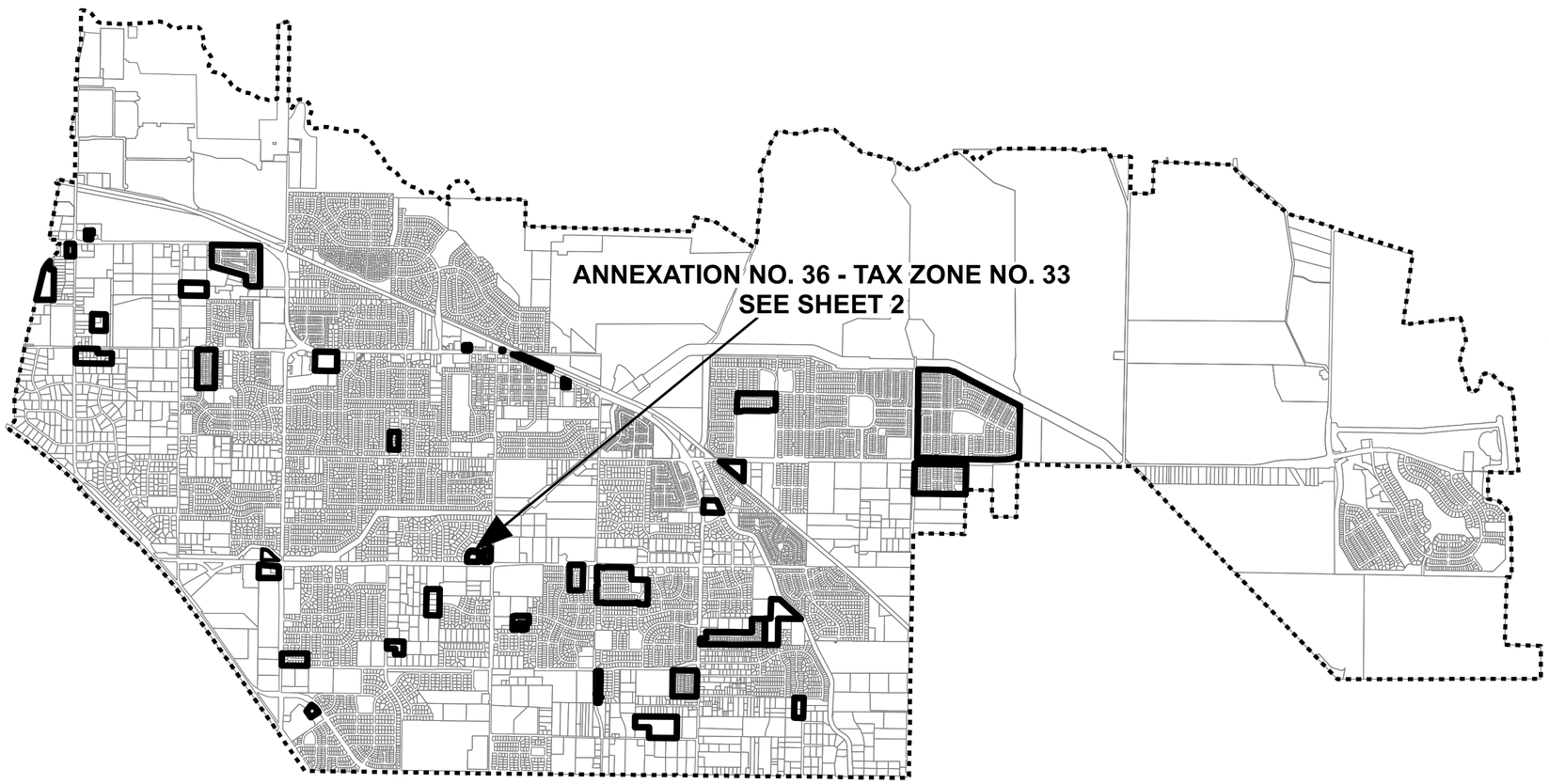
_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

ANNEXATION MAP No. 36 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2023.

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

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 36 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2023, BY ITS RESOLUTION No. _____.

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

FILED THIS _____ DAY OF _____, 2023, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO ASSESSOR'S PARCEL NO. 035-510-006-6.

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

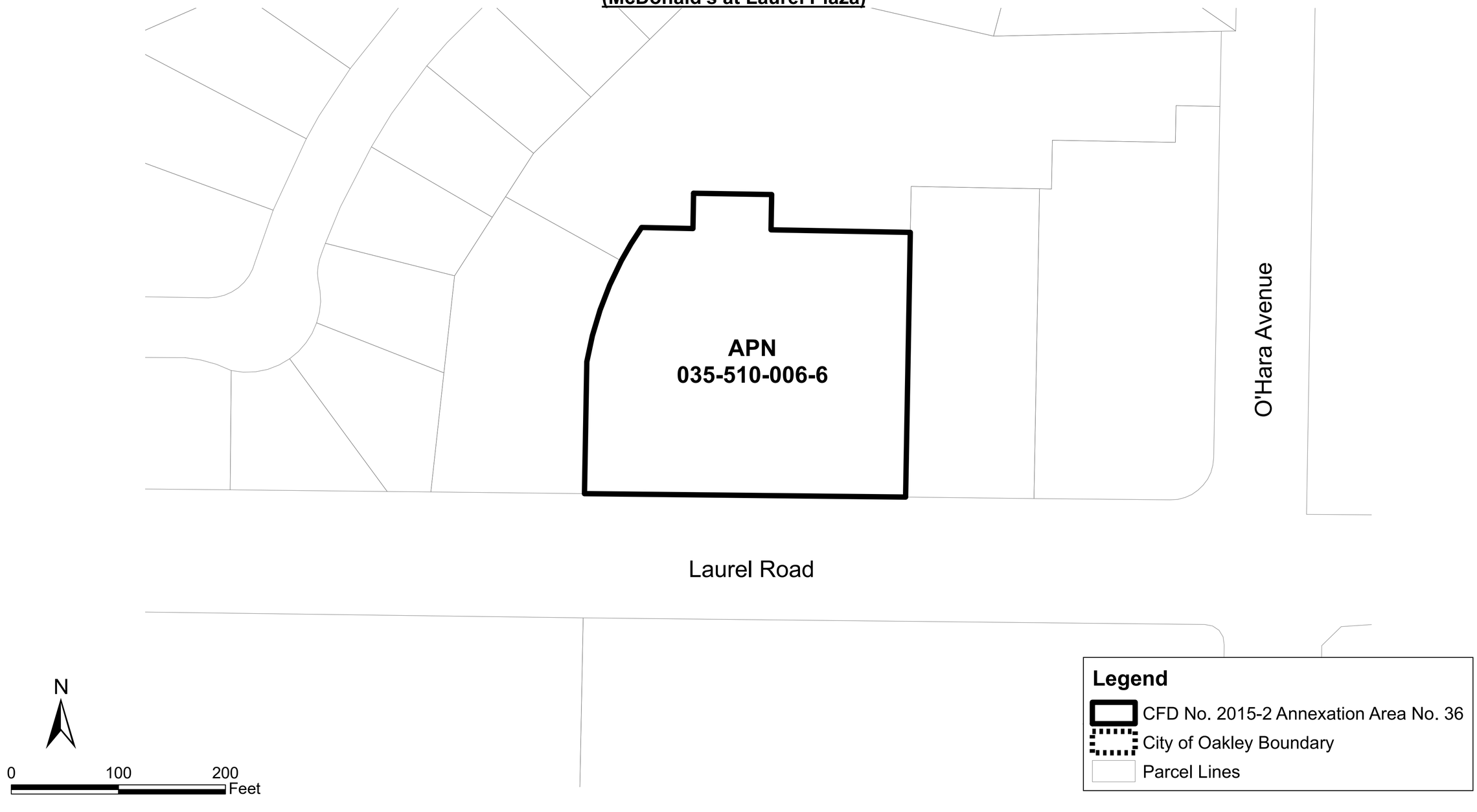
N

0 2,500 5,000 Feet

ANNEXATION MAP No. 36 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 36 - Tax Zone No. 33
(McDonald's at Laurel Plaza)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 36 TO
NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 36 - Tax Zone No. 33
(McDonald's at Laurel Plaza)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 36 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 36 to Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2023, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in

accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 36 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2023

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT	Assessor's Parcel No(s).	Name(s) of Property Owner(s)	A
CITY OF	035-510-006-6	OHARA PROPERTIES LLC	

OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 36 – Tax Zone No. 33

ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND WITHIN ANNEXATION NO. 36 – TAX ZONE NO. 33

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 33

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 36 will be annexed to Tax Zone No. 33 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special

Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

“Mixed Use Parcel” means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

“Multi-Family Parcel” means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

“Non-Residential Parcel” means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

“Property Owner” means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

“Proportionately” means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Unit” means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

“RMA” means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that

the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$165.16 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$123.87 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$82.58 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$495.49 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$364.74 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$273.55 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$182.37 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,094.21 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$72.01 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$54.01 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$36.01 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$216.04 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,463.90 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,097.93 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$731.95 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel	$1,463.90 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$600.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$450.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$300.00 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$600.00 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre

parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2023-24 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2023-24 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$495.49 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$371.62 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$247.75 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$247.75 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,094.21 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$820.66 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$547.11 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$547.11 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$216.04 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$162.02 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$108.02 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$108.02 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$1,463.90 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel	$1,463.90 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$600.00 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$600.00 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2024, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023
TO: Joshua McMurray, City Manager
FROM: Ken Strelo, Planning Manager
SUBJECT: Adoption of the State of California Density Bonus Law (SDBL) - Repeal Local Density Bonus Regulations (Oakley Municipal Code Section 9.1.412) and Replace with Adoption of the State Density Bonus Law by Reference (RZ 03-23)

Summary

This is a City-initiated request for approval of a Zoning Text Amendment (RZ 03-23) to repeal Oakley Municipal Code Section 9.1.412 "Residential Density Bonus and Incentives" which consists of Oakley's local regulations related to residential density bonuses and replace with adoption of the State Density Bonus Law (SDBL) by reference (California Government Code Sections 65915-65918). The purpose of this amendment is to ensure the City's ordinance is always up to date and in compliance with State law, which has been updated 10 times between 2018 and 2023. This amendment will also direct potential applicants to the most up to date State regulations providing them with accurate density bonus tools and regulations. On August 15, 2023, the Planning Commission adopted a resolution recommending the City Council adopt an ordinance approving the proposed Zoning Text Amendment.

Background

LOCAL ORDINANCE AND STATE LAW

Oakley Municipal Code ("OMC") Section 9.1.412 (Residential Density Bonus and Incentives) regulates and implements the State [of California] Density Bonus Law ("SDBL"). The local regulations closely mirror the SDBL. Specifically, the code allows for a sliding scale of density bonuses and the granting of one or more concessions based on the amount and type of affordable housing that is provided, an unlimited number of waivers or reductions of local regulations, and parking reductions based on unit size.

OMC Section 9.1.412 was adopted by Ordinance No. 11-10 on September 10, 2010. The last part of the ordinance includes a "No Conflict with State Law" statement which clarifies if any part of Oakley's ordinance conflicts with any density bonus State law that the State law shall supersede. This statement ensures that, in practice, the City implements density bonuses in compliance with State law. As stated in Chapter 6 of the 2023-2031 Housing Element Update, while the Zoning Code language defers to State law, some of the criteria, such as levels of density

bonus allocations and maximum parking requirements, are not up to date. As a result of this slight inconsistency, one of the Housing Element's programs is to review and update the City's Density Bonus Ordinance to ensure consistency with State law.

Between 2018 and 2023, the State amended the SDBL ten times. Staff has found it challenging to regularly update the Municipal Code to keep pace with changing State laws. When it comes to complex regulations, such as density bonus law, it can be confusing to communicate to applicants and the public what regulations apply to density bonus projects, especially when the City's ordinance and State regulations do not match word for word. Oakley's ordinance largely replicates and codifies SDBL requirements; however, since it was adopted in 2010 and has not undergone any amendments, the ordinance does not currently comply with the SDBL.

CONTRA COSTA COUNTY COLLABORATIVE (C4)

Since mid-2021, the City of Oakley has been receiving housing-related technical assistance through the Association of Bay Area Governments (ABAG) as part of the Regional Early Action Planning (REAP) Grant Program from the State Housing and Community Development Department (HCD). The Contra Costa County Collaborative (C4) allows staff from every jurisdiction within the county (represented by the Planning Manager for Oakley) to meet monthly to discuss housing-related issues, including getting the housing elements completed and certified, strategizing housing element implementation, and complying with evolving state laws.

Recently, several C4 representatives discussed repealing their local density bonus regulations/ordinances and simply referencing State law. This approach will simplify and clarify local implementation and eliminate the need for future amendments to the zoning ordinance.

STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915–65918)

The SDBL was adopted in 1976 to address California's affordable housing needs. The SDBL required local agencies to allow increased density, reduced standards, and development incentives based on the number and type of affordable housing units proposed. Over time, the law has been expanded to include housing for households at a wider range of income levels and with specialized needs (e.g., seniors, students, foster youth, formerly homeless persons, or disabled veterans).

The SDBL applies to housing projects, including mixed-use developments, new subdivisions, or common-interest developments. Density bonuses and associated incentives and concessions are intended to offset the financial burden of

constructing affordable units. The density bonus and associated concessions are based on the amount and type of affordable units provided and include the following:

- Density Bonus: An increase above the maximum allowed density permitted in the General Plan Land Use Element or Zoning Code. The amount of the bonus is set on a sliding scale based on the percentage of affordable units at each income level.

- Incentives/Concessions: Modifications to City regulatory or development standards that result in actual and identifiable cost reductions to provide for affordable housing costs or rents. The number of required incentives is based on the percentage of affordable units provided in the qualifying project. For example, developers may ask for increased height above that allowed by the zoning regulations.

- Reductions/Waivers: Modification to City development standards that would physically prevent the construction of a housing development at the density permitted with a bonus and any concessions, except where the waiver would cause a public health or safety concern, harm historical property, or would be contrary to the law. There is no limit to the number of reductions/waivers that may be requested. For example, applicants may request decreased setbacks and/or increased floor area ratio and/or waiver of hillside regulations.

- Reduced Parking Ratios: Parking ratios are defined based on unit size:
    - Zero to one bedroom: one onsite parking space per unit
    - Two to three bedrooms: one and one-half onsite parking spaces per unit
    - Four or more bedrooms: two and one-half parking spaces per unit.

  Like many jurisdictions, the reduced parking ratios for Oakley are lower than the Municipal Code parking requirements.

Proposed Ordinance

Adoption of the proposed ordinance will repeal the existing density bonus regulations and replace them with a new ordinance that will adopt the SDBL by reference and identify when the regulations apply. The proposed ordinance also contains requirements related to physical constraints and parking reductions, outlines application requirements, and specifies the approval process for projects. The proposed ordinance also acknowledges future State law amendments may occur.

With adoption of this ordinance, in future years as the legislature continues to amend and/or refine SDBL, the Oakley Municipal Code would remain consistent with State

law and zoning text amendments for density bonuses would not be necessary. In addition, by referencing State law, City Staff will find more consistency and efficiency when processing applications and communicating relevant regulations to applicants, the public, and City officials.

Planning Commission Public Hearing

On August 15, 2023, the City of Oakley Planning Commission held a public hearing on the proposed Zoning Text Amendment in order to make a recommendation to the City Council. During the hearing, Staff provided a presentation summarizing the request, analysis, findings, and Staff recommendation. Upon conclusion of the public hearing, the Planning Commission voted unanimously (3-0 with two absent) and adopted Planning Commission Resolution No. 12-23, recommending the City Council adopt the proposed ordinance.

Analysis

Repealing the existing density bonus regulations and replacing to reference State law would be consistent with the Housing Element of Oakley's General Plan, result in the removal of government constraints, and eliminate the need to annually review the State law and continually update the Zoning Ordinance when it is amended.

Consistency with the Housing Element is through direct implementation of Action 1.6 titled "Density Bonus Ordinance" found in Chapter 8 (Housing Plan) of the Housing Element. Action 1.6 includes subitems such as using the Density Bonus Ordinance and associated incentives to encourage affordable housing and revising the Density Bonus Ordinance to comply with State law. It also requires the City to monitor State law and revise the Density Bonus Ordinance when required by any future revisions to State Density Bonus Law. The main objective of this Action is to "Implement [the] Density Bonus Ordinance in compliance with State law." The timeframe for implementation is January 31, 2024. Adoption of this ordinance will implement the subitems in this Action related to the Objective to implement the Density Bonus Ordinance in compliance with State law.

Findings

Draft findings can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal. One of the Objectives within the Goal

speaks to providing affordable housing sites that meet our legislative Regional Housing Needs Allocation (RHNA). While this ordinance will not directly create or identify specific sites, it will ensure that all sites eligible for affordable housing will be processed under the most up to date State Density Bonus Law.

Environmental Determination

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

Fiscal Impact

No fiscal impact is associated with the preparation of this staff report and accompanying attachments. Costs associated with revising the Zoning Code on City-initiated projects, including staff time associated with this zoning text amendment, are funded through the City's General Fund. Adopting State law by reference may reduce future costs associated with monitoring and updating the Ordinance.

Staff Recommendation

Staff recommends the City Council waive the first reading and introduce an Ordinance repealing Oakley Municipal Code Section 9.1.412 and replacing with adoption of the State Density Bonus Law by reference, finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments

1. Legislative History Summary (2019-2023)
2. Summary of Pending 2023-2024 Legislation
3. Planning Commission Resolution No. 12-23
4. Proposed Ordinance

California State Density Bonus Law

Legislative History Summary (2019 – 2023)

2019

- SB 1227 requires a 35% density bonus for housing developments that include at least 20% of its units for low-income college students.
- AB 2797 requires density bonuses in the Coastal Zone to be consistent with the California Coastal Act.
- AB 2372 allows developers to request a floor-area-ratio bonus rather than a traditional density bonus for projects that meet specific requirements.
- AB 2753 requires local governments to notify applicants of required information for a project to be determined complete and provide information on the project's eligibility for density bonus and reduced parking ratios.

2020

- AB 1763 provides incentives for 100% affordable housing projects, such as an 80% density bonus and an additional concession entitlement. For projects located within ½ mile of a major transit stop, AB 1763 eliminates all local government limits on density and parking and allows a height limit of up to three stories or 33 feet.

2021

- AB 2345 provides for up to 50% density bonus for mixed-income developments, reduces parking requirements for many projects qualifying for a density bonus, lowers some thresholds for obtaining concessions, and adopts density bonus reporting requirements.

2022

- AB 571 prohibits local governments from charging affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, against affordable units in density bonus housing developments.
- AB 634 allows local government to adopt an ordinance requiring an affordability period of more than 55 years in density bonus housing projects, except for developments financed with low-income housing tax credits.
- SB 290 provides additional incentives to student housing development, reconciles text regarding public health and safety between the Housing Accountability Act and Density Bonus Law, defines 'total units' in a density bonus project, reduces parking requirements for moderate-income units, and clarifies

that the Density Bonus Law applies to both rental and for-sale housing developments.

- SB 728 allows developers in for-sale density bonus housing developments to sell affordable units to nonprofit housing corporations instead of selling the units directly to a low- or moderate-income homebuyer.

2023

- AB 682 establishes “shared housing” as a new category of housing eligible for a density bonus and other associated benefits and establishes a method of determining base densities.
- AB 1551 readopts legislation that sunsetted at the end of 2021 requiring that cities and counties provide a “development bonus” to commercial developers if they meet certain requirements.
- AB 2334 provides special benefits to housing developments based on vehicle miles travelled.

California State Density Bonus Law

Summary of Pending 2023-2024 Legislation

Bills Related to Density Bonus Law Introduced in the 2023 – 2024 Legislative Session

AB 440 (passed Assembly May 25) would amend provisions related to the calculation of maximum allowable residential density under the State Density Bonus Law.

AB 1287 (passed Assembly May 31) proposes to require jurisdictions to grant an additional density bonus calculated as specified by the bill, additional concessions for projects that meet the bill's requirements, and amend the Density Bonus Law to supersede the California Coastal Act

SB 713 (passed Senate May 22) would affirm that the Density Bonus Law supersedes an ordinance, regulation or other local law enacted by a voter initiative that conflicts with the Density Bonus Law.

AB 1287 (passed Assembly May 31) would allow stackable moderate-income density bonus. Projects can receive an additional 50% bonus by adding 15% moderate-income units after maxing out the regular density bonus.

AB 1630 (introduced February 17) would classify student, faculty, and staff housing as a permitted use on all real property within 1,000 feet of a university campus, where at least 20% of the units be rented to students, staff, or faculty and at least 20% of the units must be affordable to lower-income households. For ministerial projects, the bill does not allow for jurisdiction to impose parking, floor area ratio, or density requirements.

AB 637 (introduced February 9) would allow jurisdictions to deny the granting of a concession, incentive, or waiver of development standard required by the Density Bonus Law with a written finding based upon substantial evidence that the concession, incentive, or waiver of development standard would alter the requirements of a local inclusionary housing program, policy, or ordinance.

AB 323 (passed Assembly May 31) requires that affordable ownership inclusionary units in a Density Bonus project are first offered to future low-income homeowners, only if there are no takers can a nonprofit buy it to operate as a rental unit for a low-income renter.

PLANNING COMMISSION
RESOLUTION NO. 12-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY RECOMMENDING THAT THE OAKLEY CITY COUNCIL ADOPT AN ORDINANCE REPEALING OAKLEY MUNICIPAL CODE SECTION 9.1.412 AND REPLACING WITH ADOPTION OF THE STATE DENSITY BONUS LAW BY REFERENCE (RZ 03-23) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, California's Density Bonus Law (Gov. Code, § 65915 et seq.) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing; and

WHEREAS, California Government Code Section 65915(a) requires that local governments adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented; and

WHEREAS, Section 9.1.412 of the Oakley Municipal Code ("OMC") contains the regulations implementing the State Density Bonus Law; and

WHEREAS, State law has been amended ten times between 2018 through 2022, requiring regular changes and updates to the Municipal Code; and

WHEREAS, OMC Section 9.1.412 was codified through adoption of Ordinance No. 11-10 on September 10, 2010 and has not undergone an amendment since, requiring an amendment to be consistent with State law; and

WHEREAS, adopting the State Density Bonus Law by reference will ensure that the Oakley Municipal Code remains current whenever the State Legislature amends the State Density Bonus Law; and

WHEREAS, on or before August 4, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed Zoning Code amendments related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; 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.

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

A. The Planning Commission recommends that the City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

B. Repealing the existing density bonus regulations and replacing to reference State law would be consistent with the Housing Element of Oakley's General Plan, result in the removal of government constraints, and eliminate the need to annually review the State law and continually update the Zoning Ordinance when it is amended.

C. Consistency with the Housing Element is through direct implementation of Action 1.6 titled "Density Bonus Ordinance" found in Chapter 8 (Housing Plan) of the Housing Element. Action 1.6 includes subitems such as using the Density Bonus Ordinance and associated incentives to encourage affordable housing and revising the Density Bonus Ordinance to comply with State law. It also requires the City to monitor State law and revise the Density Bonus Ordinance when required by any future revisions to SDBL. The main objective of this Action is to "Implement [the] Density Bonus Ordinance in compliance with State law." The timeframe for implementation is January 31, 2024. Adoption of this ordinance will implement the subitems in this Action related to the Objective to implement the Density Bonus Ordinance in compliance with State law.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, The Planning Commission hereby recommends that the City Council adopt an ordinance repealing Oakley Municipal Code Section 9.1.412 and replace with adoption of the State Density Bonus Law by reference with revisions as shown in the Exhibit "A" to this Resolution, 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 this 15th day of August 2023 by the following vote:

AYES: Chuiko, Price, Verduzco
NOES:
ABSTENTION:
ABSENT: Krieg, Ramirez

APPROVED:

Oleksii Chuiko, Chair

08/21/2023
Date

ATTEST:

Libby Vreonis, City Clerk

DRAFT ORDINANCE NO. -23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY REPEALING OAKLEY MUNICIPAL CODE SECTION 9.1.412 AND REPLACING WITH ADOPTION OF THE STATE DENSITY BONUS LAW BY REFERENCE (RZ 03-23) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, California's Density Bonus Law (Government Code Section 65915 et seq.) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing; and

WHEREAS, California Government Code Section 65915(a) requires that local governments adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented; and

WHEREAS, Section 9.1.412 of the Oakley Municipal Code ("OMC") contains the regulations implementing the State Density Bonus Law; and

WHEREAS, State law has been amended ten times between 2018 through 2022, requiring regular changes and updates to the Municipal Code; and

WHEREAS, OMC Section 9.1.412 was codified through adoption of Ordinance No. 11-10 on September 10, 2010 and has not undergone an amendment since, requiring an amendment to be consistent with State law; and

WHEREAS, this ordinance ("Ordinance") repeals OMC Section 9.1.412 and replaces the contents thereof to adopt the State Density Bonus Law by reference. As amended by this Ordinance, OMC Section 9.1.412 will provide that density bonuses and other affordable housing incentives required by State law (including but not limited to Government Code Section 65915 et seq.) will be available to applicants on the terms and conditions specified in State law; and

WHEREAS, adopting the State Density Bonus Law by reference will ensure the Municipal Code remains current whenever the State Legislature amends the State Density Bonus Law; and

WHEREAS, on _____, the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning

Commission adopted Planning Commission Resolution No. ____ recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before _____, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on _____ the City Council held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. Repealing the existing density bonus regulations and replacing to reference State law would be consistent with the Housing Element of Oakley's General Plan, result in the removal of government constraints, and eliminate the need to annually review the State law and continually update the Zoning Ordinance when it is amended.

B. Consistency with the Housing Element is through direct implementation of Action 1.6 titled "Density Bonus Ordinance" found in Chapter 8 (Housing Plan) of the Housing Element. Action 1.6 includes subitems such as using the Density Bonus Ordinance and associated incentives to encourage affordable housing and revising the Density Bonus Ordinance to comply with State law. It also requires the City to monitor State law and revise the Density Bonus Ordinance when required by any future revisions to SDBL. The main objective of this Action is to "Implement [the] Density Bonus Ordinance in compliance with State law." The timeframe for implementation is January 31, 2024. Adoption of this ordinance will implement the subitems in this Action related to the Objective to implement the Density Bonus Ordinance in compliance with State law.

C. The Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as the proposed Ordinance will comply with, implement, and adopt by reference State Density Bonus Law.

SECTION 3. Section 9.1.412 of the Oakley Municipal Code titled, "Residential Density Bonus and Incentives" is hereby repealed and amended in its entirety in order to comply with State Density Bonus Law, as follows:

" **9.1.412 Residential Density Bonus and Incentives**

a. Purpose. The purpose of this Section is to establish a program in accordance with California Government Code Section 65915 et seq. to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.

b. Applicability.

1) General. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as it may be amended from time to time.

2) Compliance. The applicant shall comply with all requirements stated in California Government Code Sections 65915 through 65918. The requirements of California Government Code Sections 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.

3) Excluded development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code Section 65915.

4) Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code Section 65915. Any changes to California Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.

5) Replacement Housing Requirement. Pursuant to subdivision (c)(3) of California Government Code Section 65915, an applicant will be ineligible for a

density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.

c. Density Increase and Other Incentives.

1) General. If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

2) Density Bonus Units. Except as otherwise required by California Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

3) Market-rate senior citizen housing developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

d. Physical Constraints and Parking Waivers.

1) Physical Constraints. Except as restricted by California Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

a) The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b) The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of

Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

c) The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

d) The waiver or reduction of the development standard would be contrary to state or federal law.

2) Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code Section 65915(p), as that section may be amended from time to time.

e. Retention of Density Bonus Units. Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the City of Oakley and the applicant shall agree to an appropriate method of ensuring the continued availability of the density bonus units.

f. Application Procedure for Density Increase or Other Incentives.

1) Application Requirements. An application for a density increase or other incentives under this Article for a housing development shall be submitted in writing to the Community Development Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Article, and in connection with the project for which the request is made, including, but not limited to, the following:

a) A brief description of the proposed housing development;

b) The total number of housing units and/or shared housing units (as defined in California Government Code Section 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;

c) The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;

d) The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;

e) The zoning, general plan designations, and assessor's parcel number(s) of the project site;

f) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;

g) The proposed method of ensuring the continued availability of the density bonus units;

h) Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and

i) A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

g. Application Processing. The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Article shall be considered by the Community Development Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____

Aaron Meadows, Mayor Date

ATTEST:

_____

Libby Vreonis, City Clerk Date

ORDINANCE NO. XX-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY REPEALING OAKLEY MUNICIPAL CODE SECTION 9.1.412 AND REPLACING WITH ADOPTION OF THE STATE DENSITY BONUS LAW BY REFERENCE (RZ 03-23) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, California's Density Bonus Law (Government Code Section 65915 et seq.) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing; and

WHEREAS, California Government Code Section 65915(a) requires that local governments adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented; and

WHEREAS, Section 9.1.412 of the Oakley Municipal Code ("OMC") contains the regulations implementing the State Density Bonus Law; and

WHEREAS, State law has been amended ten times between 2018 through 2022, requiring regular changes and updates to the Municipal Code; and

WHEREAS, OMC Section 9.1.412 was codified through adoption of Ordinance No. 11-10 on September 10, 2010 and has not undergone an amendment since, requiring an amendment to be consistent with State law; and

WHEREAS, this ordinance ("Ordinance") repeals OMC Section 9.1.412 and replaces the contents thereof to adopt the State Density Bonus Law by reference. As amended by this Ordinance, OMC Section 9.1.412 will provide that density bonuses and other affordable housing incentives required by State law (including but not limited to Government Code Section 65915 et seq.) will be available to applicants on the terms and conditions specified in State law; and

WHEREAS, adopting the State Density Bonus Law by reference will ensure the Municipal Code remains current whenever the State Legislature amends the State Density Bonus Law; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission

adopted Planning Commission Resolution No. 12-23 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before September 1, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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, and was mailed out to outside agencies and to parties requesting such notice; and

WHEREAS, on September 12, 2023, the City Council held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. Repealing the existing density bonus regulations and replacing to reference State law would be consistent with the Housing Element of Oakley's General Plan, result in the removal of government constraints, and eliminate the need to annually review the State law and continually update the Zoning Ordinance when it is amended.

B. Consistency with the Housing Element is through direct implementation of Action 1.6 titled "Density Bonus Ordinance" found in Chapter 8 (Housing Plan) of the Housing Element. Action 1.6 includes subitems such as using the Density Bonus Ordinance and associated incentives to encourage affordable housing and revising the Density Bonus Ordinance to comply with State law. It also requires the City to monitor State law and revise the Density Bonus Ordinance when required by any future revisions to the State Density Bonus Law. The main objective of this Action is to "Implement [the] Density Bonus Ordinance in compliance with State law." The timeframe for implementation is January 31, 2024. Adoption of this ordinance will implement the subitems in this Action related to the Objective to implement the Density Bonus Ordinance in compliance with State law.

C. The Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as the proposed Ordinance will comply with, implement, and adopt by reference State Density Bonus Law.

SECTION 3. Section 9.1.412 of the Oakley Municipal Code titled, "Residential Density Bonus and Incentives" is hereby repealed and amended in its entirety in order to comply with State Density Bonus Law, as follows:

" **9.1.412 Residential Density Bonus and Incentives**

a. Purpose. The purpose of this Section is to establish a program in accordance with California Government Code Section 65915 et seq. to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.

b. Applicability.

1) General. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as it may be amended from time to time.

2) Compliance. The applicant shall comply with all requirements stated in California Government Code Sections 65915 through 65918. The requirements of California Government Code Sections 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.

3) Excluded development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code Section 65915.

4) Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code Section 65915. Any changes to California Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.

5) Replacement Housing Requirement. Pursuant to subdivision (c)(3) of California Government Code Section 65915, an applicant will be ineligible for a

density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.

c. Density Increase and Other Incentives.

1) General. If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

2) Density Bonus Units. Except as otherwise required by California Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

3) Market-rate senior citizen housing developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

d. Physical Constraints and Parking Waivers.

1) Physical Constraints. Except as restricted by California Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

a) The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b) The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of

Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

c) The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

d) The waiver or reduction of the development standard would be contrary to state or federal law.

2) Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code Section 65915(p), as that section may be amended from time to time.

e. Retention of Density Bonus Units. Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the City of Oakley and the applicant shall agree to an appropriate method of ensuring the continued availability of the density bonus units.

f. Application Procedure for Density Increase or Other Incentives.

1) Application Requirements. An application for a density increase or other incentives under this Article for a housing development shall be submitted in writing to the Community Development Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Article, and in connection with the project for which the request is made, including, but not limited to, the following:

a) A brief description of the proposed housing development;

b) The total number of housing units and/or shared housing units (as defined in California Government Code Section 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;

c) The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;

d) The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;

e) The zoning, general plan designations, and assessor's parcel number(s) of the project site;

f) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;

g) The proposed method of ensuring the continued availability of the density bonus units;

h) Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and

i) A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

g. Application Processing. The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Article shall be considered by the Community Development Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq."

SECTION 4. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 5. Effective Date and Posting.

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 26th day of September 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: September 12, 2023
TO: Joshua McMurray, City Manager
FROM: Ken Strelo, Planning Manager
SUBJECT: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) – Continued from August 8, 2023

Approved and Forwarded to the City Council

Summary

This is a continued public hearing on an application by ACD-TI Oakley, LLC ("Applicant") requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Background

GENERAL PLAN

Specific Plan (SP) – The project sites are designated Specific Plan (SP) in the Oakley General Plan (Figure 2-2: Land Use Diagram). The General Plan was amended to add the SP land use designation and apply it to the East Cypress Corridor Specific Plan ("ECCSP") through adoption of City Council Resolution 47-09 adopted on March 10, 2009.

ZONING

SP-1 (East Cypress Corridor Specific Plan) District – The ECCSP was adopted by Ordinance 10-09, resulting in the SP-1 District zoning classification for the entire Specific Plan area, on March 24, 2009.

Project Description

ENTITLEMENT AND DEVELOPMENT AGREEMENT HISTORY

The Applicant has ownership of five separately entitled developments within the ECCSP that are all under their own respective development agreements with terms set to expire on December 13, 2025. These projects are identified by the owner as the "Grand Cypress Preserve" project, sometimes also referred to as the "Cypress Preserve" project. A summary of the projects with their tentative map entitlements and development agreements is listed below:

- KT KB Oakley LLC Subdivision 9311 (Planning Area 1)
  - 5/8/2012: Vesting Tentative Map approved (City Council Resolution 45-12)
  - 9/12/2005: Development Agreement approved (Ordinance 25-05)
  - 5/22//2012: Development Agreement Amendment (Ordinance 03-12)

- Lesher Trust Subdivision 9404 (Planning Area 1)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 98-15)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 150-20)
  - 9/26/2005: Development Agreement approved (Ordinance 25-05)
  - 1/10/2012: Development Agreement Amendment (Ordinance 25-11)

- Dal Porto South Subdivision 9401 (Planning Area 3)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 96-15)
  - 8/11/2015: Development Agreement approved (Ordinance 10-15)

- Bethel Island LLC Subdivision 9156 (Planning Area 4)
  - 11/8/2011: Vesting Tentative Map approved (City Council Resolution 122-11)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 149-20)
  - 1/10/2012: Development Agreement approved (Ordinance 26-11)

- Pacific West Communities Minor Subdivision 11-976 (Planning Area 6-H)
  - 1/24/2012: Tentative Parcel Map approved (City Council Resolution 11-12)
  - 1/10/2012: Development Agreement approved (Ordinance 27-11)

MASTER AMENDMENT TO DEVELOPMENT AGREEMENTS

The proposed amendment document is officially titled, "Amendment to Certain Development Agreements By and Between City of Oakley and ACD-TI Oakley, LLC Relating to the Projects Comprising the 'Cypress Preserve Project' and Located in the East Cypress Corridor Specific Plan Area." For the purposes of this request and simplifying its name, that document is referred to as the "Grand Cypress Preserve Development Agreements Master Amendment" or "Master Amendment."

The Master Amendment includes recitals that provide background and references to the original Development Agreements for all of the projects and two Development Agreement Amendments for KT KB Oakley LLC and Lesher Trust which received term extensions to match the December 12, 2025 expiration date created for the other three projects. The applicant is requesting an extension of the term to December 13, 2035 (10-year extension) for all of the Development Agreements. As described in Part C of the Recitals, the request is due to the "…current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions…". The language providing the extension is found under Part 2.1 "Amendments to Term" of the Agreement section of the proposed Development Agreement. The specific language is proposed as follows:

> The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2035" and thereby extend the Term of each such agreement an additional ten (10) years beyond December 13, 2025.

This Development Agreement Master Amendment also proposes a Part 2.3 titled, "Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures." This section calls attention to three Mitigation Measures ("MM") from the ECCSP EIR adopted on March 10, 2009 by City Council Resolution 46-09 (MMs 3.8-12, 3.13-4, and 3.13-16). These MMs all refer to the requirement for the Rock Slough Bridge to be constructed and installed before 20% (800 units) of the ECCSP is constructed. The proposed amendment language will serve to clarify to the developers of the Grand Cypress Preserve project that residential units in the existing Summer Lake South project and undeveloped Summer Lake North project are not counted toward the units that will prompt implementation of these MMs. This clarification has been determined by the City Attorney through analysis of the ECCSP EIR and the "Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East

Cypress Corridor Specific Plan Area" referred to as the City-County Transition Agreement. This clarification does not result in amending the referenced EIR MMs.

Planning Commission Public Hearing

On July 18, 2023, the City of Oakley Planning Commission held a public hearing on the proposed project in order to make a recommendation to the City Council. During the hearing, City Staff provided a presentation summarizing the request, analysis, and findings, and Staff recommendation to the Commission and public. The applicant spoke and reiterated their reasoning behind the request. No members of the public provided oral comments.

Prior to the meeting, Staff received one written comment from Contra Costa Water District ("CCWD"). That letter was also forwarded to the Planning Commission. In summary, the letter brought attention to agreements between CCWD and the applicant as well as the importance of the levee for the canal undergrounding project. Staff responded to CCWD that the term extension would not have any negative effect on their standing agreements, and it may increase the likelihood the project, including the levee, remains feasible and is eventually developed. Upon conclusion of the public hearing, the Planning Commission voted unanimously in favor of the proposed Development Agreements Master Amendment (4-0) with one absence and adopted Planning Commission Resolution No. 11-23.

August 8, 2023 City Council Public Hearing

This project was originally scheduled for public hearing and consideration by the City Council on August 8, 2023 and it was placed as Item 4.1 on that meeting's agenda. Due to circumstances related to the underlying project, the item was continued to a date certain, September 12, 2023. Prior to the continuation, the Mayor announced that the City Council received two separate public comments on the item prior to the meeting, and allowed for any additional public comments of which there were none. Since the item was announced to be continued to a date certain, no additional public noticing was required; therefore, the Notice of Public Hearing included as Attachment 2 to this Staff Report is the notice that was published, posted and mailed for the August 8, 2023 meeting.

Analysis

The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs in the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not

result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps.

The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future.

Findings

Draft findings can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal by serving to preserve existing entitlements of the ECCSP which will help to implement the objective to “Plan and develop Cypress Corridor holistically with improvements and commerce to service new development to ease downtown traffic.” It will also serve to implement the Community Health and Safety Goal. Future development of these properties and the cooperation by the developer to be involved in project-related fair share agreements ensure crucial infrastructure such as improvements to East Cypress Road can be completed in a desirable timeframe. This type of improvement will result in a full right of way width with multi-modal travel design and enhanced pedestrian safety.

Fiscal Impact

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

Staff Recommendation

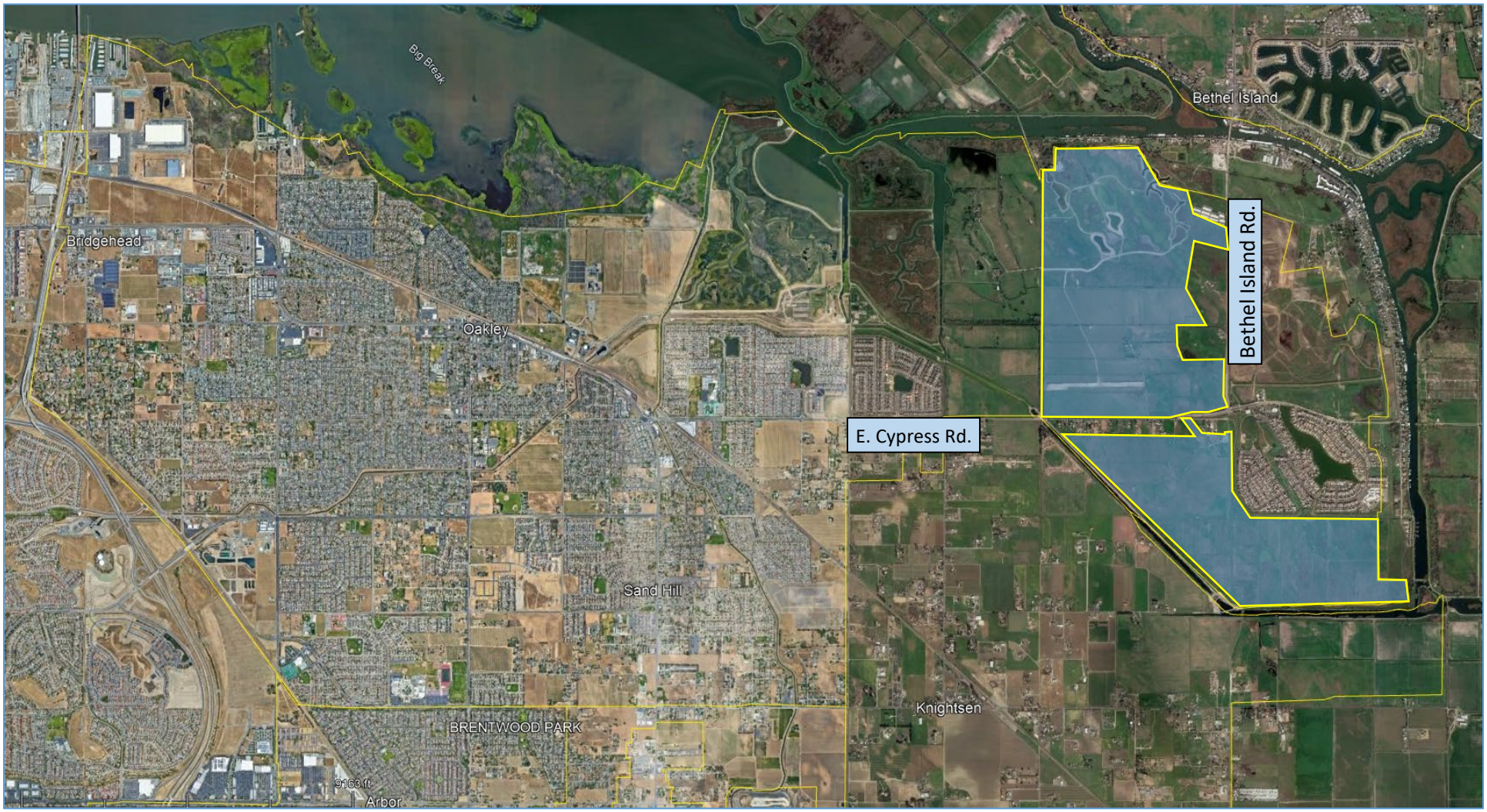
Staff recommends the City Council waive the first reading and introduce the proposed ordinance approving the project titled, Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Attachments

1. Vicinity Map
2. Notice of Public Hearing (For Original Public Hearing Date of August 8, 2023)
3. Planning Commission Resolution 11-23
4. Grand Cypress Preserve Development Agreements Master Amendment
5. Proposed Ordinance

Vicinity Map

Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)
APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 8, 2023** 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 as described below:

Project Name: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Project Location: Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Applicant: ACD-TI Oakley, LLC, 11611 San Vicente Blvd. Ste. #610, Los Angeles, CA 90049. Attn: Andrew Han; andrew.han@greatlawnanalytics.com

Request: This is a request for approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035. The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District.

How to Review: The Staff Report and its attachments will be available for public review, on or before **August 2, 2023** 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 8, 2023 City Council** 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 Ken 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.

PLANNING COMMISSION
RESOLUTION NO. 11-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL APPROVE THE GRAND CYPRESS PRESERVE DEVELOPMENT AGREEMENTS MASTER AMENDMENT (DA 01-23) (APNS: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; AND 032-082-013)

WHEREAS, on June 29, 2023, Andrew Han of ACD-TI Oakley, LLC ("Applicant" filed an application requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC and Lesher Trust (Planning Area 1) Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013; and

WHEREAS, the project is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the project is within the scope of related entitlements approved under the analysis of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009; and

WHEREAS, on or before July 7, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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, and was mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on July 18, 2023, the Planning Commission opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, 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

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the East Cypress Corridor Specific Plan and all related documents, and the information submitted to the Planning Commission at its July 18, 2023, meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

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

A. The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific in the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps; and

B. The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed; and

C. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future; and

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 Planning Commission hereby recommends that the City Council approve the "Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)" by and between ACD-TI Oakley, LLC and the City of Oakley, substantially in the form attached as Attachment 3 to the Planning Commission July 18, 2023 Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley this 18th day of July 2023 by the following vote:

AYES: Krieg, Price, Ramirez, Verduzco
NOES:
ABSTENTIONS:
ABSENT: Chuiko

APPROVED:

Diego Verduzco, Vice Chair

ATTEST:

Libby Vreonis, City Clerk

7/25/23
Date

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Oakley
3231 Main Street
Oakley, CA 94561

(Space Above This Line Reserved For Recorder's Use)

This instrument is exempt from recording fees pursuant to Government Code section 27383.

Documentary Transfer Tax is $0.00 (exempt per Revenue & Taxation Code section 11922, Transfer to Municipality).

AMENDMENT TO CERTAIN
DEVELOPMENT AGREEMENTS BY AND BETWEEN
CITY OF OAKLEY AND ACD-TI OAKLEY, LLC
RELATING TO THE PROJECTS COMPRISING THE
"CYPRESS PRESERVE PROJECT" AND LOCATED IN THE
EAST CYPRESS CORRIDOR SPECIFIC PLAN AREA

FIRST AMENDMENT TO
DEVELOPMENT AGREEMENTS

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENTS ("**First Amendment**") is entered into this ____ day of _____, 2023, by and between the City of Oakley, a California municipal corporation ("**City**"), and ACD-TI OAKLEY, LLC, a Delaware limited liability company ("**Developer**"), pursuant to California Government Code ("**Government Code**") sections 65864 et seq. Developer and City are each sometimes individually referred to herein as a "**Party**" and collectively referred to herein as "**Parties**."

RECITALS

This First Amendment is entered into upon the basis of the following facts, findings, understandings and intentions of the parties:

A. As of the Effective Date, Developer is the owner in fee of the following properties situated in the City of Oakley, California, as more particularly described as follows:

1. That approximately 357 acre real property legally described on Exhibit A-1 attached hereto, which real property is part of the area designated as "Planning Area 1" by the City's East Cypress Corridor Specific Plan ("**Specific Plan**") and is sometimes referred to herein as the "**Lesher Property**";

2. That approximately 334.11 acre real property legally described on Exhibit A-2 attached hereto, which real property is part of the area designated as "Planning Area 1" by the Specific Plan and is sometimes referred to herein as the "**KT-KB Property**";

3. That approximately 350.94 acre real property legally described on Exhibit A-3 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 4" by the Specific Plan and is sometimes referred to herein as the "**PA4 Property**";

4. That approximately 16.4 acre real property legally described on Exhibit A-4 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 6-H" by the Specific Plan and is sometimes referred to herein as the "**PA6-H Property**"; and

5. That approximately 182.5 acre real property legally described on Exhibit A-5 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 3" of the Specific Plan and is sometimes referred to herein as the "**PA3 Property**". The Lesher Property, the KT-KB Property, the PA4 Property, the PA6-H Property and the PA3 Property are referred to herein collectively as the "**Cypress Preserve Properties**".

B As of the Effective Date, Developer, as successor in interest to the original developer party thereto, and the City are parties to the following development agreements with respect to the Cypress Preserve Properties:

1. With respect to the Lesher Property, that certain *Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* with the City effective October 12, 2005 (Recorder's Document No. DOC-2005-0388735-00) ("**Original Lesher Agreement**"), which agreement was subsequently amended by that certain *First Amended Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* dated January 10, 2012 (Recorder's Document No. DOC-2012-0102367-00) ("**Lesher Agreement**"). By its express terms, the Lesher Agreement superseded the Original Lesher Agreement in its entirety;

2. With respect to the KT-KB Property, that certain *Development Agreement By And Between The City of Oakley And KT-KB Oakley LLC Relating To The Project Known As "Lesher/Dal Porto North, Planning Area 1"* dated May 22, 2012 (Recorder's Document No. DOC-2012-0160207-00) ("**KT-KB Agreement**");

3. With respect to the PA4 Property, that certain *Development Agreement By And Between The City of Oakley And Bethel Island LLC Relating To The Project Known As "Bethel Island, LLC, Planning Area 4"* dated January 26, 2012 (Recorder's Document No. DOC-2012-0029930-00) ("**Bethel Agreement**");

4. With respect to the PA6-H Property, that certain *Development Agreement By And Between The City of Oakley And Pacific West Communities, Inc. Relating To The Project Known As "Planning Area 6-H"* dated January 24, 2012 (Recorder's Document No. DOC-2012-0029931-00) ("**PacWest Agreement**"); and

5. With respect to the PA3 Property, that certain *Development Agreement By And Between The City of Oakley And ACD-TI Oakley, LLC Relating To The Area Known As "Dal Porto South, Planning Area 3"* dated January 4, 2016 (Recorder's Document No. DOC-2016-0007999-00) ("**Dal Porto Agreement**"). The Lesher Agreement, the KT-KB Agreement, the Bethel Agreement, the PacWest Agreement and the Dal Porto Agreement are referred to herein collectively as the "**Development Agreements**".

C. Pursuant to Section 1.4 of each of the Development Agreements, the Term of each of the Development Agreements ("**Term**") is scheduled to expire on December 13, 2025. Given the current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions, the Parties now desire to extend the Term of each of the Development Agreements as provided herein.

D. The Planning Commission, after duly noticed public hearing, recommended approval of this First Amendment on July 18, 2023 pursuant to Resolution No. 11-23. The City Council, after duly noticed public hearings, adopted Ordinance No._____ approving this First Amendment and authorizing its

execution on _____, 2023. Ordinance No. _____ became effective on _____, 2023 ("**Enacting Ordinance**").

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other valuable consideration and pursuant to Section 4.1 of the Development Agreement, the parties hereto agree to the following:

1. Defined Terms. All capitalized terms used herein shall have the meanings given in the Development Agreement, except as expressly otherwise defined in this First Amendment.

2. Enumeration of Specific Amendments. The Development Agreement is hereby revised to incorporate the following amendments.

2.1 Amendments to Term. The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2035" and thereby extend the Term of each such agreement an additional ten (10) years beyond December 13, 2025.

2.2 Life of Subsequent Approvals. Section 2.1 of the Lesher Agreement is hereby amended to add new subsection (j) thereto, Section 2.1 of the Bethel Agreement is hereby amended to add new subsection (h) thereto, Section 3.1 of the KT-KB Agreement is hereby amended to add new subsection (h) thereto, and Section 3.1 of the PacWest Agreement is hereby amended to add new subsection (i) thereto, and subsection (h) of Section 3.1 of the Dal Porto Agreement is hereby deleted in its entirety and said Section 3.1 is hereby amended to add new subsection (h), all of which new subsections are as set forth below:

> Life of Subsequent Approvals. The term of any Subsequent Approval shall automatically be extended for the longer of the duration of the Term of this Agreement (including any extensions) or the term otherwise applicable to such Subsequent Approval. The Term of this Agreement and the term of any subdivision map or other Subsequent Approval shall be tolled and extended during the period of time during which (i) a development moratorium (including, but not limited to, a water or sewer moratorium or water and sewer moratorium), or (ii) the actions or inactions of other public agencies that regulate land use, development, or the provision of services to the land, prevents, prohibits, or delays development of the Property, or (iii) a lawsuit involving any such development approvals or permits is pending.

2.3 Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures. The EIR adopted by the City Council (City Council Resolution 46-09) on March 10, 2009 for the East Cypress Corridor Specific Plan includes Mitigation Measures that relate to the timing of

construction of the Bethel Island Bridge that is planned to cross over Rock Slough and continue south to the intersection with Delta Road. Construction of the bridge is required by Mitigation Measures 3.8-12, 3.13-4, and 3.13-16. Details of those MMs require the first two lanes of the bridge be constructed before 20% of the project (800 units) is constructed. This section is to clarify that based on the language in the Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East Cypress Corridor Specific Plan Area (City-County Transition Agreement) and the ECCSP EIR, the Summer Lake South project (built out) and Summer Lake North project residential units are not counted toward the 800 units to prompt implementation of these mitigation measures.

3. Continued Effectiveness. Except as expressly modified by this First Amendment, all of the Development Agreements remain unmodified and in full force and effect in accordance with their terms, and the Parties mutually acknowledge and agree that the Parties are in full compliance with the provisions thereof.

4. Effective Date and Recordation. The "**Effective Date**" of this First Amendment shall be the effective date of the Enacting Ordinance. The Parties shall execute this Frist Amendment promptly following the Effective Date, whereupon the City shall record this First Amendment in accordance with Government Code section 65868.5. In the event City shall fail for any reason to timely record this First Amendment as set forth herein, Developer shall have the right to record this First Amendment in the official records of Contra Costa County.

5. Exhibits. The following exhibits are attached to this Third Amendment and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibit A-1 Legal Description of Lesher Property

Exhibit A-2 Legal Description of the KT-KB Property

Exhibit A-3 Legal Description of the PA4 Property

Exhibit A-4 Legal Description of the PA6-H Property

Exhibit A-5 Legal Description of the PA3 Property

6. Construction. This First Amendment has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities be construed against the drafting Party shall apply to the interpretation or enforcement of this First Amendment. The Recitals contained in this First Amendment, and the introductory paragraph preceding the Recitals, are hereby incorporated into this First Amendment as if fully set forth herein.

7. Severability. If any portion, part, article, section, subsection, subdivision, sentence, phrase, word, term, provision, covenant, or condition of this First Amendment (each a "**Portion**") or the application of any Portion of this First Amendment to a

particular situation is held by a court or other authority of competent jurisdiction to be invalid, void or unenforceable, such Portion shall be considered severed from this First Amendment and the remainder of this First Amendment, or the application of this First Amendment to other situations, shall continue in full force and effect unless amended or modified by the mutual consent of the Parties.

8. Cooperation in the Event of Challenge. In the event of any legal or equitable acts, action or other proceeding instituted by a third-party, other governmental entities or officials challenging the validity of this First Amendment or any Portion thereof, the Parties hereby agree to cooperate in defending said action or proceeding.

9. Counterparts. This First Amendment may be executed in two duplicate counterparts, each of which is deemed to be an original.

[*This space intentionally blank*]

IN WITNESS WHEREOF, City and Developer have executed this First Amendment as of the date first written above.

"CITY"

City of Oakley, a municipal corporation

By:_____
Joshua McMurray, City Manager

APPROVED AS TO FORM:

By:_____
Derek P. Cole, City Attorney

“DEVELOPER”

ACD-TI OAKLEY, LLC,

a Delaware limited liability company

By: TI Capital Management, LLC, a Delaware limited liability company, its Sole Member

By: _____

Name: Ziad Ghandour

Its: Sole Member

[*signature must be notarized*]

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 _____)

On _____ before me
_____ (insert name and title of the officer)
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 _____ (Seal)

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 _____)

On _____ before me
_____ (insert name and title of the officer)
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 _____ (Seal)

EXHIBIT A-1

LEGAL DESCRIPTION OF THE LESHER PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

A portion of the South 1/2 of Section 21, and a portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter, Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the Southwest corner of Section 21; Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54' 46" East 30.00 feet (North 89° 33' 30" East 30.00 feet) to the true point of beginning, said point of beginning being a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said point of beginning Northerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, North 0° 06' 24" East 980.10 feet (North 0° 32' West 982.77 feet) to the Southwestern corner of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Anthony J. Dal Porto and Edith M. Dal Porto, recorded April 3, 1952, in Book 1914 of Official Records, Page 212, Contra Costa County Records; thence leaving said common corner, Easterly along the Southern line of said Dal Porto Parcel (1914 OR 212) North 89° 18' 47' East 3975.97 feet (North 89° 18' East 3975.97 feet) to the Southeastern corner of said Dal Porto Parcel (1914 OR 212); thence leaving said Southern line and said Southeastern corner Southerly along the Eastern line of the aforesaid Dutra parcel (3233 OR 587) the following courses and distances: South 5° 45' 47" West 1.97 feet (South 5° 40' West 1.97 feet); thence South 26° 09' 02" East 1181.27 feet (South 25° 58' 30" East 1182.4) to a point on the Northerly line of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux., recorded February 24, 1942, in Book 725 of Official Records, Page 82, Contra Costa County Records; thence leaving said Eastern line Westerly along the Northern lines of said Gill Parcel (725 OR 82) the following courses and distances: North 87° 19' 56" West 50.90 feet (North 87° 21' West 50.9 feet); thence North 89° 48' 56" West 775.27 feet (North 89° 50' West 775.27 feet) to the Northwestern corner of said Gill Parcel (725 OR 82), said Northwestern corner being common with the Northeastern corner of that parcel of land described in the Deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said common corner Westerly along the Northern line of said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) South 89° 18'

47” West 3671.25 feet (South 89° 18’ West 3657.9 feet) to the Northwestern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northwestern corner being common with the Southeastern corner of the aforesaid Dutra Parcel (3233 OR 587); thence leaving said common corner Northerly along the aforesaid Eastern line of Jersey Island Road, a 60 foot wide County Road, North 0° 38’ 45” West 73.70 feet (North 0° 21 West 73.7 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association to Frank R. Shellenberger, dated May 24, 1943, recorded June 18, 1943, in Book 734 of Official Records, Page 165, Contra Costa County Records.

Being APN 032-082-005

PARCEL TWO:

INTENTIONALLY DELETED

PARCEL THREE:

A portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the corner common to Sections 20, 21, 28 and 29, of Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54’ 46” East, 30.00 feet (North 89° 33’ 30” East 30.00 feet) to a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence Southerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, South 0° 38’ 45” East 73.7 feet (South 0° 21’ East 73.7 feet) to the true point of beginning; said point of beginning being common with the Southwestern corner of said Dutra Parcel (3233 OR 587) and said Southwestern corner being common with the Northwestern corner of parcel of land described in the deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said point of beginning and said common corner Easterly along the Northern line of the said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) North 89° 18’ 47” East 3671.25 feet (North 89° 19’ East 3657.9) to the Northeastern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northeastern corner being common with the Northwestern corner of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux, recorded February 24, 1942, in Book 725 of Official Records, at Page 82, Contra Costa County Records; thence Southerly along the Western lines of said Gill Parcel (725 OR 82) the

following courses and distances: South 8° 33’ 56” East 540.86 feet (South 8° 35’ West 540.86 feet); thence South 26° 06’ 56” East 418.46 feet (South 26° 08’ East 418.46 feet) to the Southwestern corner of said Gill Parcel; thence leaving said Southwestern corner Easterly along the Southern line of said Gill Parcel (725 OR 82) North 89° 21’ 04” East 1157.89 feet (North 89° 20’ East 1157.89 feet) to the Southeastern corner of said Gill Parcel (725 OR 82), said Southeastern corner being a point on the Western line of Bethel Island Road a 60 foot wide county road; thence leaving said Southeastern corner Southerly along said Western line South 0° 30’ 56” East 1557.20 feet (South 0° 32’ East 1557.2 feet); thence along a tangent curve, concave to the Northwest and having a radius of 50.00 feet through a central angle of 89° 38’ 56” an arc distance of 78.23 feet (central angle of 89° 40’ an arc distance of 78.25 feet) to a point of the Northern line of Cypress Road, a 60 foot wide county road; thence Westerly along said Northern line South 89° 08’ 00” West 4892.11 feet (South 89° 08’ West 4892.5 feet) to a point on the Northeastern line of the ten foot wide strip of land described in the deed from the Bank of America National Trust and Savings Association, to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309, Contra Costa County Records; thence leaving said Northern line Northwesterly along said Northeastern line North 45° 25’ 00” West 196.23 feet (North 45° 25’ West 195.4 feet) a point on the aforesaid Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said Northeastern line Northerly along said Eastern line North 0° 38’ 45” West 2397.42 (North 0° 21’ West 2396.9 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil gas, minerals and other hydrocarbons as reserved in the deed from Bank of America National Trust and Savings Association, a National Banking Association, to Charles E. Peterson, et at., dated June 17, 1943, recorded February 21, 1944, in Book 773 of Official Records, Page 26, Contra Costa County Records. Said Reservation also provides for all easements and rights necessary or convenient for production, storage and transportation thereof and exploration and testing of said property.

FURTHER EXCEPTING THEREFROM, that portion described in that certain Offer of Dedication – Road Purposes (fee title) to Contra Costa County, a political subdivision of the State of California, and its successors or assigns, recorded December 30, 2005, as Instrument No. 2005- 0499229, Contra Costa County Records.

Being APN 032-082-013

EXHIBIT A-2
LEGAL DESCRIPTION OF THE KT-KB PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

Portion of the South 1/2 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of said Section 21; thence from said point of commencement North 89° 33' 30" East, 30 feet to the East line of a County Road; thence North 0° 32' West along said East line, 982.77 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning North 0° 32' West, continuing along said East line, 814.53 feet to the South line of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence along said South line South 89° 21' East, 519.6 feet and South 85° 30' East, 1616.9 feet; thence leaving said South line South 1° 33' East, 6 feet to the center of a drainage ditch; thence South 85° 41' 30" East, 1668.6 feet along said center line to a point on the Southwest line of said Dal Porto parcel; thence South 40° 34' East along said Southwest line, 277.8 feet to an iron pipe at the Southeast corner of said Dal Porto parcel; thence South 40° 34' East, 49.5 feet to the center line of a drainage canal; thence South 5° 40' West along said center line, 254.43 feet; thence South 89° 18' West, 3975.97 feet to the point of beginning.

EXCEPTING FROM PARCEL ONE: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 18, 1943, Book 734 Official Records, Page 165.

PARCEL TWO:

Portion of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Southerly bank of Dutch Slough which bears South 83° 26' West, 288.9 feet from the most westerly corner of the tract of land described in the Deed to Bolusiano Perez, et ux, recorded October 10, 1940, Book 559 Official Records, Page 259; thence from said point of beginning South 44° East, 436.5 feet to a point on the Westerly bank of a drainage canal; thence along said bank South 51° 43' East, 1547.2 feet; South 10° 3' East, 1340 feet and South 5° 48' West, 1197.8 feet to a black pipe; thence North 40° 34' West, 959 feet to a black pipe; thence North 85° 43' West, 1237.4 feet to a black pipe; thence South 1° 33' East, 478.7 feet to a black pipe; thence North 85° 30' West, 1616.9 feet to a black pipe; thence North 89° 21' West, 539.13 feet to a black pipe on the East line of the County Road; thence along the East line of the County Road North 0° 25' West, 1211.1 feet; North 0° 10' West, 622.6 feet and North 0° 15' East, 561.1 feet to the Southwest corner of the tract of land described in the Deed to

Herbert S. Miller, et al, recorded December 31, 1931, Book 295 Official Records, Page 101; thence along the South line of said tract South 89° 45' East, 569 feet to the Southeast corner thereof; thence North 0° 15' East along the East line of said tract and the extension Northerly thereof, 933.1 feet to the Southerly bank of Dutch Slough; thence along said Southerly bank South 88° 5' East, 356.7 feet; North 82° 26' East, 354.6 feet; South 89° 23' East, 497.2 feet and South 85° 32' East, 597.1 feet to the point of beginning.

EXCEPTING FROM PARCEL TWO:

1. Reservations for oil, gas and other hydrocarbons and minerals and certain appurtenant rights, as provided for in the Deed from Bank of America National Trust and Savings Association, recorded April 3, 1941, Book 576 Official Records, page 350.

2. The parcel of land described in the Deed to Claude L. Sump, recorded April 15, 1944, Book 773 Official Records, Page 285 (not excepting however, the right of way reserved in said Deed (773 OR 285).

3. The parcel of land described in the Deed to Hylas B. Baldwin, et ux, recorded April 26, 1944, Book 774 Official Records, Page 363, not excepting however, the right of way reserved in said Deed (774 OR 363).

4. The parcel of land described in the Deed to J. B. Baldwin, et ux, recorded May 8, 1944, Book 606 Official Records Page 211, not excepting however, the right of way reserved in said Deed (606 OR 211).

5. The tract of land designated on the Map of Dutch Slough Subdivision filed April 12, 1944, Map Book 27, Page 21, Contra Costa County Records.

PARCEL THREE:

A right of way (not to be exclusive) created in reference to the premises in the deed to Claude L. Sump, et ux, recorded April 15,1944, Book 773, Page 285 of Official Records; in the deed to Hylas B. Baldwin, et ux, recorded April 26,1944, Book 774, Page 363 of Official Records and in the deed to J.B. Baldwin, et ux, recorded May 8,1944, Book 606, Page 211 of Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over the following described strips of land:

1) A strip of land bounded as follows: On the north by the south bank of Dutch Slough; on the east by the west line of the tract of land designated on the map of Dutch Slough Subdivision, filed April 12,1944, Map Book 27, Page 21, Contra Costa County Records; on the south by the south line of the existing road along the top of the levee and on the west by the parcel of land described in the deed to Anthony Dal Porto, et ux, recorded April 3,1941, Book 576, Page 350 of Official Records.

2) The strip of land described as Parcel One in the deed to Anthony J. Dal Porto, et ux, recorded April 12, 1944, Book 606, Page 108 of Official Records.

PARCEL FOUR:

Portion of the Northeast 1/4 of the Southwest 1/4 and portion of the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows: Commencing at the Southeast corner of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence from said point of commencement North 40° 34' West along the South line of said Dal Porto parcel, 576 Official Records, Page 350, 177.8 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning and continuing along said South line North 40° 34' West, 581.2 feet; North 85° 43' West, 1237.4 feet and South 1° 33' East, 478.7 feet; thence leaving said South line and continuing South 1° 33' East, 6 feet to the center line of a drainage ditch; thence South 85° 41' 30" East, along said center line, 1668.6 feet to the point of beginning.

EXCEPTING FROM PARCEL FOUR: Rights saved, excepted and reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 25, 1943, Book 735 Official Records, Page 282, as follows:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easement and rights necessary or convenient for the production, storage and transportation thereof and the exploration and testing of the said real property and also the right to drill for, produce and use water from the said real property in connection with its drilling or mining operations thereon."

EXCEPTING FROM PARCELS ONE, TWO AND FOUR ABOVE:

Rights granted in that certain Corrective Quitclaim Deed, from KT-KB Oakley LLC, a California limited liability company to Robert A. Dal Porto, Sr. and Donald J. Dal Porto dated July 18, 2005, Series No. 2005-0267032, Contra Costa County Records.

APN: 032-082-001

EXHIBIT A-3
LEGAL DESCRIPTION OF THE PA4 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE

Portion of Section 33 and portion of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the corner common to Sections 27, 28, 33 and 34, and running thence along the line common to Sections 27 and 34, South 89° 43' East, 814.2 feet to an iron pipe; thence South 0° 23' 30" West, 2560.2 feet to an iron post; thence South 0° 23' 30" West, 75.6 feet to a point on the East and West midsection line of said Section 34; thence along said midsection line South 89° 54' 15" West, 640.4 feet to a point on the Northeasterly line of the right of way of the Contra Costa Canal; thence along said Northeasterly line North 44° 35' West, 3724.9 feet to a point on the line common to Sections 28 and 33; thence along said common line South 89° 43' East, 2458.9 feet to the point of beginning.

Excepting from Parcel One:

"Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97- 193264, Contra Costa County Records.

1. That portion thereof described in the Deed to Contra Costa Water District, recorded March 26, 2010, Series No. 2010-59168, Official Records.

2. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-140-048

PARCEL TWO

Portion of the North 1/2 of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at an iron pipe on the line common to Sections 27 and 34, which pipe bears South 89° 43' East, 814.2 feet from the corner common to Sections 27, 28, 33 and 34, and running thence along said common line South 89° 43' East, 4184.1 feet to an iron pipe; thence continuing along said common line South 89° 43' East, 281.7 feet to the corner common to Sections 26, 27, 34 and 35; thence along the line common to Sections 34 and 35 South 1° 01' West, 2606.6 feet to the East quarter corner of said

Section 34; thence along the East and West midsection line of said Section 34 South 89° 54' 15" West, 4437.6 feet; thence North 0° 23' 30" East, 75.6 feet to an iron post; thence North 0° 23' 30" East, 2560.2 feet to the point of beginning.

Excepting from Parcel Two:

1. That portion of Parcel Two reserved in the Deed from Title Insurance and Trust Company (Trustee), recorded March 21, 1974, Book 7182, Page 27, Official Records, as follows:

"Beginning at the Northeasterly corner of Parcel Two above, running thence along the Easterly line thereof South 1° 01' West, 1717.51 feet; thence North 88° 59' West, 900 feet; thence North 01° 01' East, 1707.00 feet to the Northerly line of said Parcel Two; thence along said line 900.07 feet to the point of beginning."

2. "Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97-193264, Contra Costa County Records.

3. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-150-003

PARCEL THREE

The right of way described in the deed from West Coast Life Insurance Company to W. J. O'Hara, et ux, dated April 6, 1943 and recorded September 18, 1943, in Book 750, Page 29, Official Records, and in the deed from West Coast Life Insurance Company to Frank J. Dutra and Laura May Dutra, his wife, dated April 6, 1943 and recorded November 4, 1943, in Book 750, page 456, Official Records, and as reserved in the deed from Arthur E. Honegger, et ux, to Jerry E. Duarte, et ux, dated December 9, 1975 and recorded January 21, 1976, in Book 7743, page 240, Official Records, described as follows:

A non-exclusive right of way for use as a roadway for vehicles of all kinds, pedestrians and animals, and as a right of way for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or underground conduits to carry said lines over the following described parcel:

Beginning at the southeast corner of the Southwest quarter of the Northwest quarter of Section 33 in Township 2 North, Range 3 East, Mount Diablo Base and Meridian, and running thence along the east line of said Southwest quarter North 0° 19' East, 35.0 feet;, thence South 89° 51' East, 3738.8 feet to a point of the southwesterly line of the right of way of the Contra Costa Canal; thence along said southwesterly line South 44° 35' East, 49.3 feet to a point of the east and west midsection line of said Section 33;

thence along said midsection line North 89° 51' West, 3773.6 feet to the point of beginning.

PARCEL FOUR

A right of way [not to be exclusive] created in reference to the premises in the deed from Dante Massoni, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over a strip of land 50 feet in width the north line of which is parallel with and 50 feet northerly, measured at right angles, from the south line thereof and which south line is described as follows:

Beginning on the east-west midsection line of Section 33, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, at the most easterly corner of Parcel One, described in the deed to Arthur H. Honegger, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, thence from said point of beginning North 83° 51' West, along said midsection line 1635.52 feet to a west line of Parcel One above.

PARCEL FIVE INTENTIONALLY DELETED

PARCEL SIX

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted in the Deed to Arthur E. Honegger recorded August 27, 1976, Book 7994, Page 172, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land in the Easterly line of which is described as follows:

A portion of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southeast corner of said Section 28, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 28, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half of said Section 28, being also the West one quarter corner of said Section 27.

The West line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

PARCEL SEVEN

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted

in the Deed to Arthur E. Honegger, recorded August 27, 1976, Book 7994, Page 175, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land the Western boundary of which is described as follows:

A portion of Section 27, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southwest corner of said Section 27, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Western boundary line of Section 27, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half, of said Section 27, being also the West one quarter corner of said Section 27. The East line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

EXHIBIT A-4
LEGAL DESCRIPTION OF THE PA6-H PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Parcel "C", as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-010

Parcel Two:

Parcel "D", as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-011

EXHIBIT A-5
LEGAL DESCRIPTION OF THE PA3 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Portion of the South 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning on the North line of the South 1/2 of said Section 28 at the Northeast line of the 260 feet in width strip of land described in the Deed from Bank of America National Trust and Savings Association to United States of America, dated November 30, 1937, and recorded June 16, 1938, in Book 473 of Official Records, Page 2; thence from said point of beginning South 44° 35' East along said Northeast line to the South line of said Section 28; thence North 89° 58' East along said South line to the East line of said Section 28; thence North 0° 18' East along said East line to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to a point which bears North 0° 02' West, 30 feet from the Northeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to A.J. Cooley, dated June 10, 1950 and recorded June 27, 1950, in Book 1582 of Official Records, Page 460; thence South 0° 02" East at 30 feet the Northeast corner of said Cooley parcel, a total distance of 435.6 feet to the Southeast corner thereof; thence South 89° 58" West along the South line of said Cooley parcel, 1582 O.R. 460, and along the direct extension South 89° 58' West thereof to the Northeast line of the 125 feet in width strip of land described as Parcel 5 in the Judgment entered November 15, 1930, under action No. 30173, in the district court of the United States in and for the Northern district of California, Southern division, a certified copy of which was recorded November 15, 1950, in Book 1668 Official Records, Page 494; thence North 30° 53' 47" West along said Northeast line and along the extension Northerly thereof to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to the intersection thereof with the Southwest line of said United States of America Parcel, 1668 or 494, extended North 30° 53' 47" West; thence South 30° 53' 47" East, along said extended line and along the Southwest line of said United States of America parcel, 1668 or 494, to a point which bears North 89° 58' East from the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Eugene Conness, et ux, dated April 10, 1950 and recorded April 11, 1950, in Book 1536 of Official Records, Page 123; thence South 89° 58' West to the Southeast corner of said Conness parcel, 1536 O.R. 123; thence South 89° 58' west along the South line of said Conness parcel and along the direct extension South 89° 58' West thereof to the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Dora M. Henry, et vir, dated June 27, 1949, and recorded July 25, 1949, in Book 1416 of Official Records, Page 274; thence South 89° 58' West along the South line of said Henry Parcel, 1416 O.R. 274, 68.24 feet; thence South 89° 58' West to a point which is 45 feet Northeasterly measured at right angles from the Northeast line of said United States of America Parcel, 473 O.R. 2; thence North 44° 35' West parallel with the Northeast line of said

United States of America Parcel to the North line of the South 1/2 of the said Section 28; thence South 89° 58' West along said North line to the point of beginning.

EXCEPTING THEREFROM:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder", as reserved in the Deed from Bank of America National Trust and Savings Association to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309.

1. The interest conveyed to Contra Costa County by Deed from Earl M. Harrington, et ux, dated September 22, 1941 and recorded October 16, 1941, in Book 633 of Official Records, Page 44, "For Use as a Public Highway" over that portion of the premises lying within Cypress Road and Bethel Island Road.

2. Parcel "A", as shown on Parcel Map MS 950010, filed February 24, 2000, Parcel Map Book 178, Page 15, Contra Costa County Records.

Parcel Two:

The easement conveyed in the Deed from Arthur E. Honegger, a married man, recorded August 27, 1976, in Book 7994, Page 181, Official Records, Contra Costa County, as follows:

A portion of Section 33 and Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

An easement for irrigation purposes, water transport, construction, repair, and maintenance with ingress and egress to said easement. Said easement is a strip of land 30 feet wide, right angle measurement in, under, over, along and across a corridor of land, the centerline of which is described as follows:

Beginning at the Southeast corner of said Section 28, being along the common corner of Sections, 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 33, being also the centerline of said 30 foot wide irrigation easement, South 00° 18' West 2.485 feet, more or less, to a point on the Northeasterly boundary line of the right-of-way of the Contra Costa canal as described in the Deed from West Coast Life Insurance Company to the United States of America dated November 29, 1937 and recorded March 17, 1938 in Book 448, Page 155, Official Records. The side lines shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Thence, continuing with said 30 feet wide easement form the point of intersection of said centerline with the said Northeasterly boundary line of said canal the Southwestern boundary line of said strip is described as follows:

Said Southwestern boundary line is also the Northeastern boundary line of said canal thence, in a Southeasterly direction parallel with the Northeasterly boundary line of said

canal, thence along the last named line South 44° 35' West 225 feet, more or less, to a point of intersection with the East-West mid-section line of said Section 34.

The Northeasterly boundary line of said 30 feet wide strip, right angle measurement, shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Parcel Three:

A non-exclusive easement as an appurtenance to Parcel One above for a right of way for pedestrian and vehicular ingress and easement for maintenance, repair and replacement of electric lines, subterranean sewer and other utilities, over, under and upon an Easterly portion of said land lying within the area designated as “Temporary Private Access Easement to Remainder" as shown on the Parcel Map M.S. 10-95 in Book 178 of Parcel Maps at Page 15, Contra Costa County Records.

APN: 032-050-003

ORDINANCE NO. XX-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE GRAND CYPRESS PRESERVE DEVELOPMENT AGREEMENTS MASTER AMENDMENT (DA 01-23) BETWEEN THE CITY OF OAKLEY AND ACD-TI OAKLEY LLC (APNS: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; AND 032-082-013)

WHEREAS, the City has enacted a Development Agreement Ordinance A codified as Chapter 3 of Title 9 of the Oakley Municipal Code ("OMC") establishing the procedures and requirements for the consideration of development agreements pursuant to California Government Code Section 65864 et seq.; and

WHEREAS, on June 29, 2023, Andrew Han of ACD-TI Oakley, LLC ("Applicant" filed an application requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013; and

WHEREAS, the project is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the project is within the scope of related entitlements approved under the analysis of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009; and

WHEREAS, on July 18, 2023, the Planning Commission held a duly noticed public hearing at which it considered the Project, Staff's Report, Oakley General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan, the Revised EIR, and all comments received in writing and all testimony received at the public hearing (together the "Record"), and adopted Planning Commission 11-23 recommending the City Council adopt an ordinance approving the Project; and

WHEREAS, on or before July 28, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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, and was mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on August 8, 2023, the City Council held a duly noticed public hearing for the project and per recommendation from Staff, the City Council announced the item would be continued to a date certain, September 12, 2023. The Mayor then opened the public hearing and announced the City Council had received two public comments prior to the hearing and solicited additional comments from the public, of which there were none. Upon conclusion of the public comment period, the City Council continued to item to September 12, 2023; and

WHEREAS, on September 12, 2023, the City Council re-opened and continued the public hearing at which it considered the Project's Development Agreement, Staff's Report, Oakley General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan, the Revised EIR, and all comments received in writing and all testimony received at the public hearing (together the "Record"); and;

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the East Cypress Corridor Specific Plan and all related documents, and the information submitted to the City Council at its August 8, 2023 and September 12, 2023 meetings, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

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

SECTION1. Findings

A. Regarding the application requesting approval of the Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) by and between the City of Oakley and ACD-TI Oakley LLC:

1. The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific in the East Cypress Corridor Specific Plan ("ECCSP"). It is also compatible with the

uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps; and

2. The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed; and

3. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future; and

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

SECTION 2. Approval of the Master Amendment to the Development Agreements

The City Council hereby approves the Development Agreements Master Amendment (Exhibit “A) and authorizes and directs the Mayor to sign it.

SECTION 3. Recordation of Development Agreement

Within ten (10) days after the Mayor executes the Development Agreement, the City Clerk shall submit the Agreement to the County Recorder for recordation.

SECTION 4. Effective Date and Posting

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 26th day of September 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023
TO: Joshua McMurray, City Manager
FROM: Ken Strelo, Planning Manager
SUBJECT: Oakley Union Elementary School District Freestanding Electronic Reader Boards (SP 03-23) – Consideration of a proposed Sign Permit to replace multiple letterboard marquee static freestanding signs along various elementary and middle school frontages with double-sided freestanding electronic reader boards.

Summary

This is an application by Oakley Union Elementary School District ("Applicant") requesting approval of freestanding electronic reader boards to replace letterboard marquee static freestanding signs along various elementary and middle school frontages ("Project"). Two of the proposed signs are located in the public right of way. The signs are proposed to be double sided LED electronic reader boards with an 8' x 4' cabinet and 15.4 square foot sign area and standing 7'6" in height. Sign frames will consist of black aluminum and each sign will have a 3'10" wide pedestal-style base. School sites are zoned PS (Public and Semi-Public) District, P-1 (Planned Unit Development) District, or PR (Parks and Recreation) District. School site addresses include: 5000 Amaryllis St. (Almond Grove Elementary); 100 Simoni Ranch Rd. (Gehringer Elementary); 1141 Laurel Rd. (Laurel Elementary); 501 Norcross Ln. (Oakley Elementary); 1000 Vintage Pkwy. (Vintage Parkway Elementary); 4901 Frank Hengel Wy. (Delta Vista Middle); and 1100 O'Hara Ave. (O'Hara Middle). APNs 034-030-009, 034-080-030, 034-250-006, 035-090-035, 035-211-004, 037-170-017, and 037-192-027.

Background

GENERAL PLAN AND ZONING

- The General Plan Land Use Designations for the project sites include Public and Semi-Public (P), Residential Low/Medium (RLM), or Parks and Recreation (PR) as depicted in the Oakley 2022 Focused General Plan Update Figure 2-2 (Land Use Diagram).

- The zoning classifications for the project sites include PS (Public and Semi-Public) District, P-1 (Planned Unit Development) District, or PR (Parks and Recreation) District as depicted on the City of Oakley Zoning Map.

CITY OF OAKLEY SIGN ORDINANCE

Oakley Municipal Code ("OMC") Chapter 9.5 "Regulation of Signs and Outdoor Advertising" is colloquially referred to as the City's Sign Ordinance. The main purpose of the Sign Ordinance is to appropriately limit the placement, type, size, and number of signs in order to prevent traffic and safety hazards, and to ensure the installation and maintenance of quality, visually pleasing signage that will not detract from the property values, tax base, and social and economic standards of the community. The Sign Ordinance includes definitions of different types of signs, lists of types of signs able to be permitted by Staff or the City Council, standards of review, regulations for temporary signs, and a list of prohibited signs. The ordinance also regulates placement, size, and height for all types of signs.

Normally, a freestanding sign would require an administrative approval process pursuant to OMC Section 9.5.122 "Administrative Sign Permits" part a.5; however, "Signs with Changes in Color or Intensity" are included in the list of "Prohibited Signs" (OMC Section 9.5.114). This prohibition includes LED signs with the capability of producing scrolling, flashing, blinking, or otherwise moving or changing copy. There is a caveat included in description of these types of signs, which states the City Council may approve reader board signs associated with the civic center, schools, or freeway signs. In this case, the City Council will be considering LED reader boards associated with schools under the jurisdiction of Oakley Union Elementary School District. Staff will process this application using the freestanding sign regulations and provide an analysis and findings for the City Council to consider in order to provide a final determination.

Project Description

Over this summer, the applicant implemented a sign replacement program to upgrade letterboard marquee static freestanding signs located along the street frontages of elementary and middle schools in the Oakley Union Elementary School District. This program also includes a plan to install a new freestanding sign at Almond Grove Elementary School which does not yet have a freestanding sign onsite. The upgrade to electronic reader boards will increase the efficiency of messaging to school staff and administrators, teachers, students and their parents/guardians, and the general public. Although smaller in size, these signs would function in a similar manner to the City's Civic Center reader board and reader boards located along major arterial streets.

The signs will be double sided, full color outdoor LED style reader boards. Each side of the display will be capable of 14,336 pixels on a display area of 2'1" by 7'4" (or 15.4 square feet). The displays will be able to show 1 to 8 lines of text in a range of sizes and use custom images or videos. A sign cabinet of 8-feet wide by 4-feet tall and 1-foot deep will be positioned atop a black aluminum pedestal that stands about 3'6" in height and spans 3'10" in width. Total height of each sign is

approximately 7'6". A photo of one of the signs being replaced and the illustration of the proposed sign is shown in Figure 1, below:

Figure 1. Example of Sign to be Replaced and Illustration of Proposed Sign

There will be a total of eight freestanding electronic reader boards installed along school frontages. In addition to the freestanding signs, there is one wall sign being installed at Iron House Elementary School; however, that is outside the scope of this sign permit and will not require any permits through the City. The list below summarizes the sign replacements program:

- Almond Grove Elementary School: No replacement. New sign.
- Delta Vista Middle School: Replacement in new location.
- Gehringer Elementary School: Replacement in new location.
- Laurel Elementary School: Replacement in same location (existing sign is electronic).
- Oakley Elementary School: Replacement in same location.
- O'Hara Middle School: Two signs. Replacements in same locations.
- Vintage Parkway Elementary School: Replacement in same location.

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 negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Analysis

As explained in the project description, the City Council may approve reader boards associated with schools. Normally, improvements to the school grounds would fall outside of the jurisdiction of the City of Oakley. In the case of these signs, at least two are located in the public right of way. Given the requirements in the Sign Ordinance and the location of two of the signs in the public right of way resulting in the need for an encroachment permit, it was decided to bring all of the proposed signs to the City Council for consideration and in order to assure transparency of the process.

Although the Sign Ordinance does not include specific standards of review or required findings for electronic reader boards subject to City Council approval, it does include General Regulations (OMC section 9.5.108), Sign Permit General Standards for Approval (OMC section 9.5.116), and the Freestanding Sign criteria for Administrative Sign Permits (OMC section 9.5.122). Staff has applied portions of these areas as applicable to the analysis and conditions of approval for this sign permit.

GENERAL REGULATIONS

OMC section 9.5.108 “General Regulations” touches on many aspects of signage. Staff included a condition of approval that the signs shall comply with this section after installation, as applicable. Also, regulations that are related to design and operation have been individually included as conditions of approval, such as the four regulations related to illumination and the need to include the street number of the address on the signs. As conditioned, the proposed signs will comply with this section of the Sign Ordinance.

SIGN PERMITS

OMC section 9.5.116 “Sign Permits” includes a part “b” that includes General Standards of Approval as listed below:

- The materials, colors, design, height, size and scale of the sign are visually compatible with the structure, site, and use to which the sign corresponds, and the neighborhood in which the sign is located;
- The placement and size of the sign will not threaten or impair the safety of pedestrians, bicyclists, or motorists;
- The sign is of professional quality and is clear and legible;
- The height and size of the letters and graphics on the sign enable pedestrians and motorists to readily identify the message, facility or site from a sufficient distance that will enable them to safely and conveniently read the message or access the facility or the site;

- The sign does not unreasonably impair the visibility of existing signs on adjacent property;
- The sign complies with the purpose and standards of this title.

All of the signs proposed with this Sign Permit comply with the above standards of approval. For signs in the public right of way, an encroachment permit will be required, and the signs will be subject to compliance with sight visibility standards to ensure pedestrian and vehicular safety.

ADMINISTRATIVE SIGN PERMITS

OMC section 9.5.122 “Administrative Sign Permits” contains standards for freestanding signs. Staff has applied these standards to the proposed signs. When it comes to maximum heights and sign area, staff has applied the commercial and industrial standards as the closest applicable standard for a freestanding school sign. The maximum allowable height would be 8-feet tall, and the maximum allowable sign area would be 36 square feet on either side. At 7’6” in height and a sign area of just under 16 square feet on each side, the proposed signs meet the height and sign area sign criteria. There are also requirements for landscaping, addressing, placement, and overall size. The signs will be placed in existing landscaped areas, are being conditioned to include the street addresses, will be placed either perpendicular or in a manner most legible to those they are intended to serve, and will not be oversized in comparison to the purpose of the signs. Overall, the proposed signs will comply with the standards and regulations for freestanding signs.

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 Collaborative Partnership Goals”. The School District plans to use the reader boards for not only school news and events, but also community events. The reader boards will provide opportunities for more outreach to the general public for community based events and also result in a collaborative partnership between the City of Oakley and Oakley Union Elementary School District.

Fiscal Impact

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

Staff Recommendation

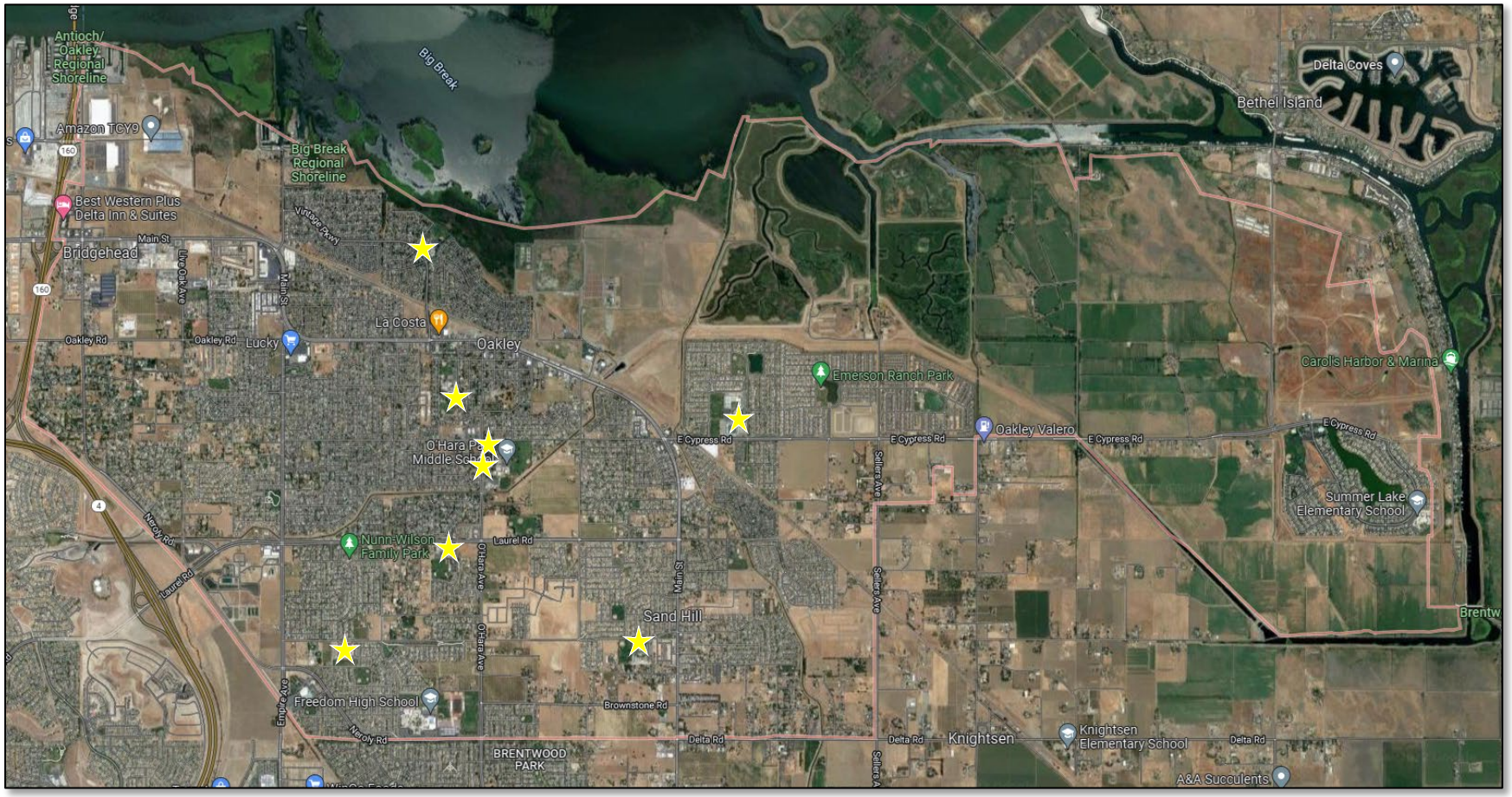
Staff recommends that the City Council adopt the resolution approving the project titled “Oakley Union Elementary School District Freestanding Electronic Reader Boards (SP 03-23)”, as conditioned.

Attachments

1. Vicinity Map
2. Applicant’s Plans
3. Proposed Resolution

Vicinity Map

Oakley Union Elementary School District Freestanding Electronic Reader Boards (SP 03-23)
APNs 034-030-009, 034-080-030, 034-250-006, 035-090-035, 035-211-004, 037-170-017, and 037-192-027



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Mount: Pedestal Custom (3' 6" x 3' 10")

Cabinet Color: Black
Face Color: Teal Green
Line Color: White

Outline Color: Black
Font: Friz Quadrata(b)
Logos: 10mm8linesoftext, vintageparkwaydolphin

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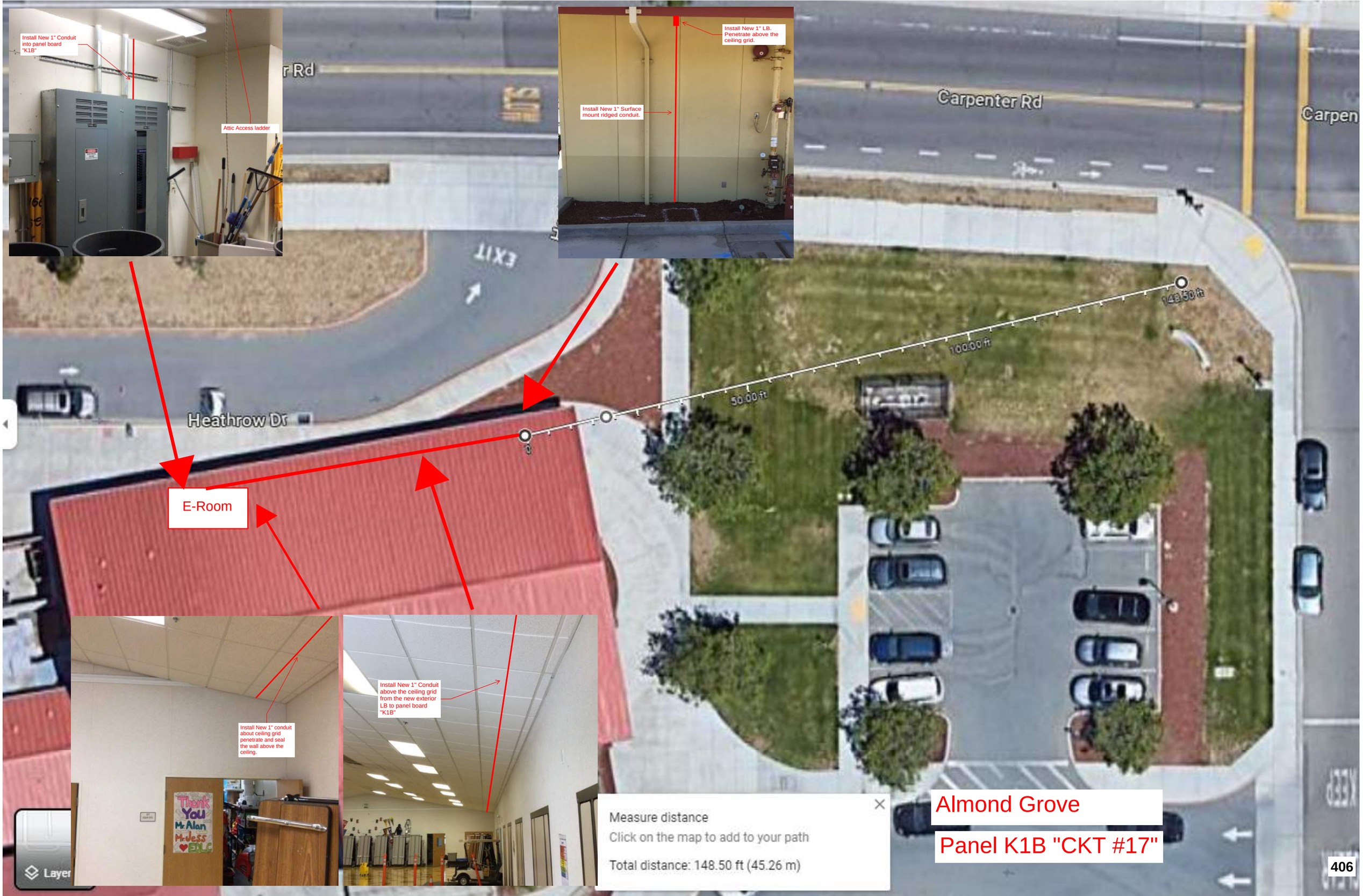
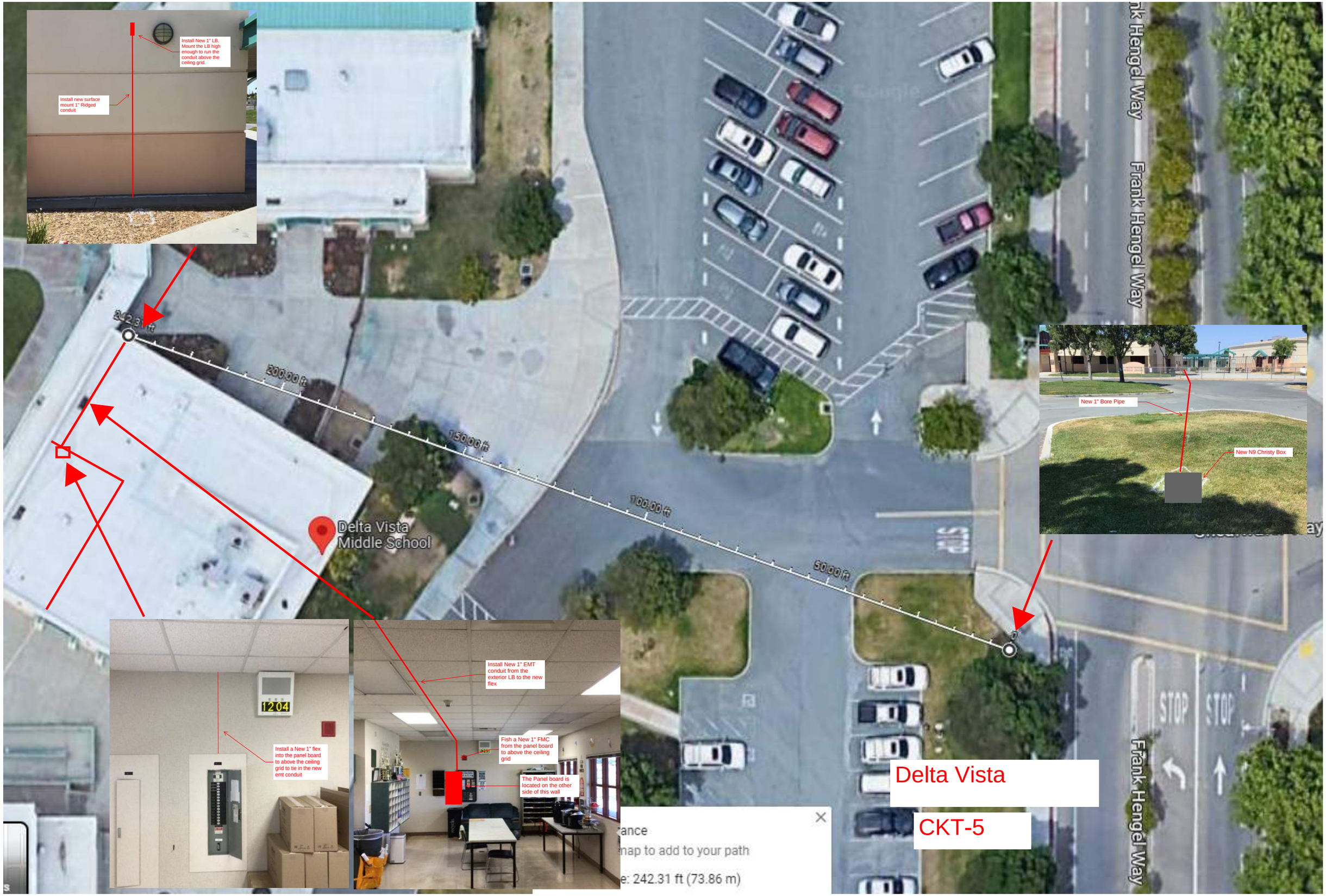
DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDITION OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL. ANY MEASUREMENTS SHOWN ARE APPROXIMATIONS; DIMENSIONS OF FINAL PRODUCT MAY VARY. LED IMAGES SHOWN ARE SIMULATED TO REPLICATE RESOLUTION FROM OPTIMUM VIEWING DISTANCE. A STEWART SIGN IS DESIGNED TO BE ILLUMINATED AT ALL TIMES, AS IT INCREASES THE LIFE OF THE SIGN'S LIGHTING COMPONENTS. SKETCHES ARE BASED OFF OF THIS PREMISE.

APPROVED AS SHOWN.
X _____ DATE _____ 1. _____
2. _____

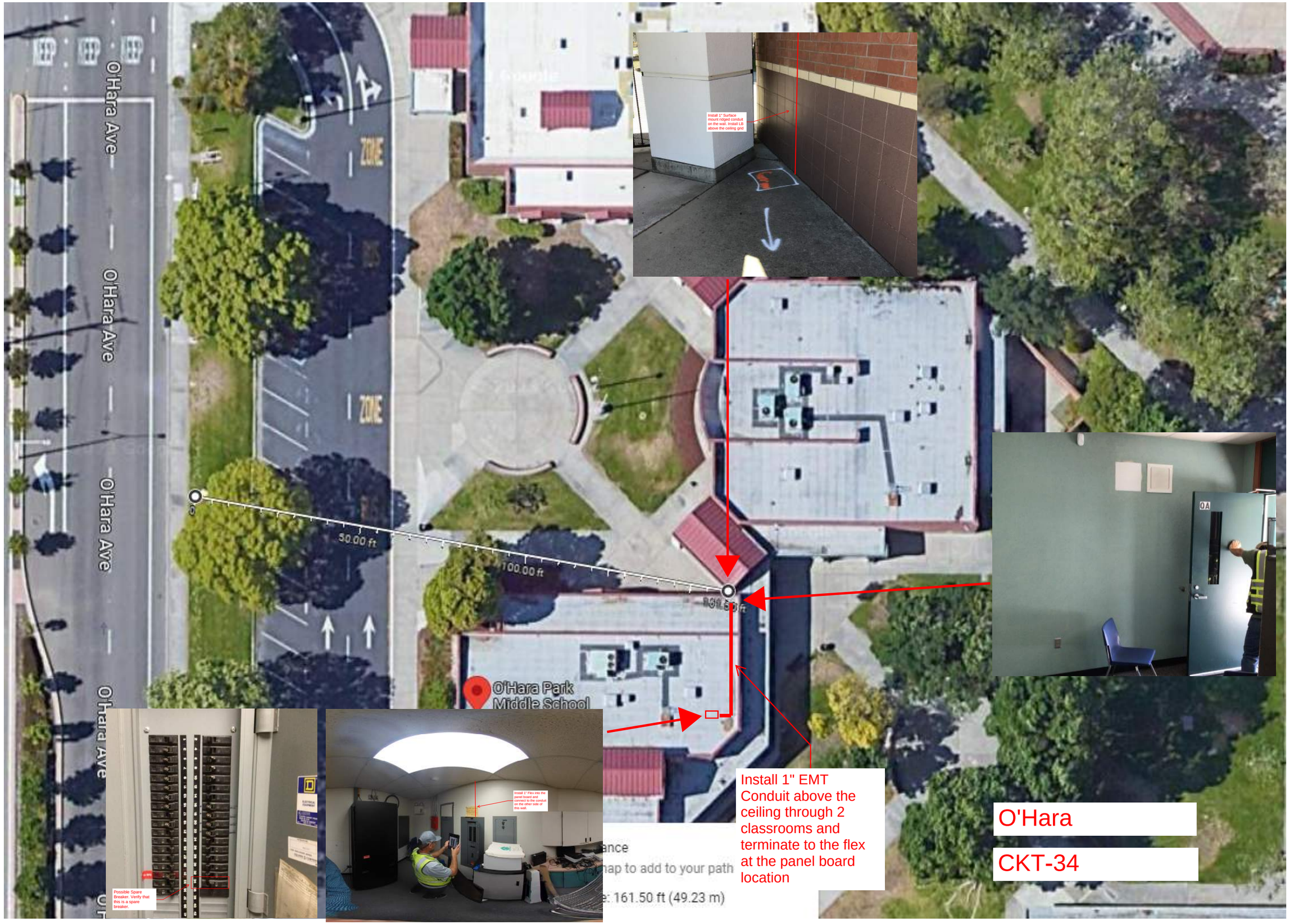
APPROVED WITH LISTED CHANGES.
X _____ DATE _____ 3. _____

Sketch #297374 Customer #1651660
8/15/2022 Shay Einhaus -PROPOSAL-

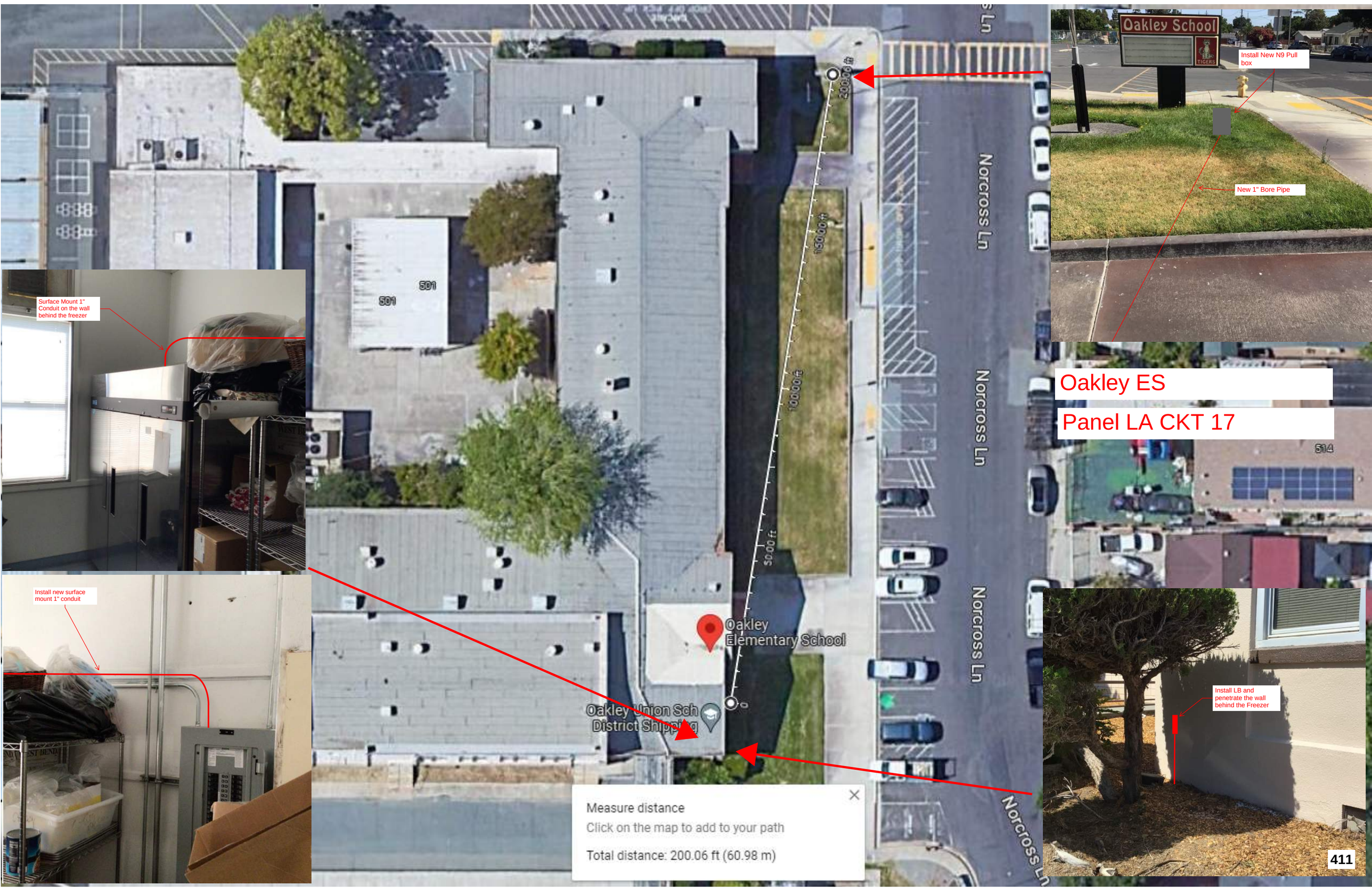

Install New 1" Conduit into panel board "K1B"
Attic Access ladder
Install New 1" LB. Penetrate above the ceiling grid.
Install New 1" Surface mount ridged conduit.
Carpenter Rd
Heathrow Dr
EXIT
E-Room
0
50.00 ft
100.00 ft
148.50 ft
Install New 1" conduit about ceiling grid penetrate and seal the wall above the ceiling.
Install New 1" Conduit above the ceiling grid from the new exterior LB to panel board "K1B"
Measure distance
Click on the map to add to your path
Total distance: 148.50 ft (45.26 m)
Almond Grove
Panel K1B "CKT #17"


Install New 1" LB. Mount the LB high enough to run the conduit above the ceiling grid.
Install new surface mount 1" Ridged conduit
242.31 ft
200.00 ft
150.00 ft
100.00 ft
50.00 ft
0
Delta Vista Middle School
Frank Hengel Way
Frank Hengel Way
Frank Hengel Way
STOP
STOP
New 1" Bore Pipe
New N9 Christy Box
Install a New 1" flex into the panel board to above the ceiling grid to tie in the new emt conduit
Install New 1" EMT conduit from the exterior LB to the new flex
Fish a New 1" FMC from the panel board to above the ceiling grid
The Panel board is located on the other side of this wall
Delta Vista
CKT-5
ance
nap to add to your path
e: 242.31 ft (73.86 m)

Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Simoni Ranch Rd
Huffaker Dr
Huffaker Dr
Huffaker Dr
Huffaker Dr
New 1" Bore Pipe
New N9 Pull Box
Install New 1" Surface mounted Conduit and LB. Penetrate above the ceiling grid.
50.00 ft
100.00 ft
150.00 ft
737
733
729
725
721
100
Measure distance
Click on the map to add to your path
Total distance: 200.85 ft (61.22 m)
Gehringer
Panel CR CKT-18


O'Hara Ave
O'Hara Ave
O'Hara Ave
O'Hara Ave
O'Hara Ave
ZONE
ZONE
30.00 ft
100.00 ft
O'Hara Park
Middle School
Install 1" Surface mount ridged conduit on the wall. Install LB above the ceiling grid
Install 1" Flex into the panel board and connect to the conduit on the other side of this wall.
Possible Spare Breaker. Verify that this is a spare breaker.
Install 1" EMT Conduit above the ceiling through 2 classrooms and terminate to the flex at the panel board location
O'Hara
CKT-34

W Cypress Rd
W Cypress Rd
W Cypress Rd
W Cypress Rd
O'Hara Ave
O'Hara Ave
200.00 ft
200.00 ft
550.10 ft
1" Bore Pipe
Install New N9 Chrisy box
1" Bore Pipe to Sign Location
Install New N9 Pull box
1" Bore Pipe to Electric Room
Install 1" EMT conduit to Panel "ML"
Install LB
Saw Cut concrete and extend bore pipe to the wall
Measure distance
Click on the map to add to yo
Total distance: 550.10 ft (16
O'Hara Park Middle School
O'Hara
Panel ML CKT-26


Oakley School
TIGERS
Install New N9 Pull box
New 1" Bore Pipe
Oakley ES
Panel LA CKT 17
Surface Mount 1" Conduit on the wall behind the freezer
Install new surface mount 1" conduit
Install LB and penetrate the wall behind the Freezer
Norcross Ln
Norcross Ln
Norcross Ln
Norcross Ln
501
501
514
Oakley Elementary School
Oakley Union Sch District Shipping
200.00 ft
150.00 ft
100.00 ft
50.00 ft
Measure distance
Click on the map to add to your path
Total distance: 200.06 ft (60.98 m)

Install New LB. Run the conduit high enough to get above the ceiling grid in the room on the other side of the wall.
Install New surface mounted 1" Ridged conduit
Saw cut concrete to Building
Fish 1" FMC down the wall into the top of Panel "AL"
Install 1" EMT Conduit from the LB to the flex at the panel board.
Vintage Pkwy
Vintage Pkwy
125.44 ft
100.00 ft
50.00 ft
1000
Vintage Park
CKT-29
New 1" Bore Pipe
Install New N9 Christy box
Measure distance
Click on the map to add to your path
Total distance: 125.44 ft (38.24 m)

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING A SIGN PERMIT FOR THE PROJECT KNOWN AS "OAKLEY UNION ELEMENTARY SCHOOL DISTRICT FREESTANDING ELECTRONIC READER BOARDS (SP 03-23)" LOCATED AT SEVEN DIFFERENT SCHOOL SITES (APNS 034-030-009, 034-080-030, 034-250-006, 035-090-035, 035-211-004, 037-170-017, 037-192-027)

WHEREAS, on August 22, 2023, Rianne Pfaltzgraff, on behalf of Oakley Union Elementary School District ("Applicant"), submitted a Sign Permit (SP 03-23) application requesting approval of freestanding electronic reader boards to replace letterboard marquee static freestanding signs along various elementary and middle school frontages ("Project"). Two of the proposed signs are located in the public right of way. The signs are proposed to be double sided LED electronic reader boards with an 8' x 4' cabinet and 15.4 square foot sign area and standing 7'6" in height. Sign frames will consist of black aluminum and each sign will have a 3'10" wide pedestal-style base. School sites are zoned PS (Public and Semi-Public) District, P-1 (Planned Unit Development) District, or PR (Parks and Recreation) District. School site addresses include: 5000 Amaryllis St. (Almond Grove Elementary); 100 Simoni Ranch Rd. (Gehringer Elementary); 1141 Laurel Rd. (Laurel Elementary); 501 Norcross Ln. (Oakley Elementary); 1000 Vintage Pkwy. (Vintage Parkway Elementary); 4901 Frank Hengel Wy. (Delta Vista Middle); and 1100 O'Hara Ave. (O'Hara Middle). APNs 034-030-009, 034-080-030, 034-250-006, 035-090-035, 035-211-004, 037-170-017, and 037-192-027; and

WHEREAS, the project sites are designated Public and Semi-Public (P), Residential Low/Medium (RLM), or Parks and Recreation (PR) as depicted in the Oakley 2022 Focused General Plan Update Figure 2-2 (Land Use Diagram), and zoned PS (Public and Semi-Public) District, P-1 (Planned Unit Development) District, or PR (Parks and Recreation) District as depicted on the City of Oakley Zoning Map; 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 September 12, 2023, the City Council considered the item as a regular calendar item where it received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance (Oakley Municipal Code Chapter 9.1), the City's Sign Ordinance (Oakley Municipal Code Chapter 9.5), and the information submitted to the City Council at its September 12, 2023 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

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. General Standards for Approval as required per Oakley Municipal Code Section 9.5.116(b.). In regard to the application requesting approval of a Sign Permit (SP 03-23) to allow the freestanding electronic reader boards to replace letterboard marquee static freestanding signs along various elementary and middle school frontages,

1. The materials, colors, design, height, size and scale of the signs are visually compatible with the structures, sites, and use to which the signs correspond, and the neighborhoods in which the signs are located, in that the signs will all have a consistent design throughout the school district where the frame and monument pedestal will consist of black aluminum, the height and sign area are within the regulations for other similar freestanding signs, and the signs will have top banners that include information for the respective schools;

2. The placement and size of the sign will not threaten or impair the safety of pedestrians, bicyclists, or motorists in that all signs are subject to compliance with sight visibility regulations. Signs proposed in the public right of way will require an encroachment permit where additional assurance will apply to the specific location and visibility around the sign;

3. The sign is of professional quality and is clear and legible in that the signs will consist of over 14,000 LED pixels on each side capable of 1-8 lines of text, graphics, or videos;

4. The height and size of the letters and graphics on the sign enable pedestrians and motorists to readily identify the message, facility or site from a sufficient distance that will enable them to safely and conveniently read the message or access the facility or the site in that the copy is electronically interchangeable and font and graphics sizes can be changed to increase visibility and legibility of any message on the signs, and the project is conditioned to add the applicable street number address to the base of each sign;

5. The sign is set in a manner that does not unreasonably impair the visibility of existing signs on adjacent properties in that the sign is located on school grounds that are not adjacent to other properties with signage in most case and any nearby signage is a far enough distance to not create any impairment from the proposed signs; and

6. The signs comply with the purpose and standards of Sign Ordinance in that they result in signs that the approval limits the placement, type, size, and number of signs in order to prevent traffic and safety hazards, and to ensure the installation and maintenance of quality, visually pleasing signage that will not detract from the property values, tax base, and social and economic standards of the community.

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Sign Permit (SP 03-23**), subject to the following Conditions of Approval:

Applicant shall comply with the requirements of the Oakley Municipal Code ("OMC"). Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated August 22, 2023 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 ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Sign Permit (SP 03-23)** is approved, as described in the application date stamped by the Planning Division on **August 22, 2023** and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. 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.

3. 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.

4. 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).

5. Installation of any signs must follow the regulations set forth within Oakley Municipal Code Title 9, Chapter 5 Regulation of Signs and Outdoor Advertising. All advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, included the area in which the cash registers are maintained.

6. The applicant shall coordinate with the Public Works and Engineering Division to obtain encroachment permits for any proposed signs that are located in or hang over the public right of way.

7. The applicant shall ensure that placement of the signs in the public right of way and on private property does not impair the safety of pedestrian, motorist, bicyclist, and vehicular travel.

General Regulations:

8. Any exterior illumination shall be concentrated on the area of the sign so as to minimize glare upon the street and any other properties.

9. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

10. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians, bicyclists, or operators of motor vehicles.

11. For energy conservation, light sources shall be energy efficient and shall utilize compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency.

12. The applicant shall install address numbers on both sides of the base of each sign for the purposes of assisting emergency response agencies and personnel to the site in an efficient manner. The addresses shall comply with address requirements of the Contra Costa County Fire Protection District.

ADVISORY NOTES

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

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

B. Comply with the requirements of the Ironhouse Sanitary District.

C. Comply with the requirements of the Contra Costa County Fire Protection District.

D. Comply with the requirements of the Diablo Water District.

E. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of September, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: September 12, 2023
TO: City Council
FROM: Joshua McMurray, City Manager
SUBJECT: Adopt a Resolution to Establish an Affordable Housing Ad-Hoc Advisory Committee

Background and Analysis

At the August 8th City Council meeting, the Mayor requested that Staff bring forward an item that would establish an Affordable Housing Ad-Hoc Advisory Committee. Currently the request was to form the committee. The attached resolution would do that and Staff recommends appointing no more than 2 City Councilmembers to the committee. If the City Council would like to appoint any members of the public to the committee, Staff would need to prepare an application, release it to the public and then bring applications back to the City Council for review and then appointment to the committee. Staff has also put an end date of the committee to December 31, 2023, which also can be moved at the City Council's discretion. For consideration, Ad-Hoc Committees are usually formed to address a single issue in a relatively short amount of time. They are not intended to be long-lasting or standing committees.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Community and Collaborative Partnerships goal of the Strategic Plan 27+.

Fiscal Impact

There is no fiscal impact associated with establishing an Ad-Hoc Committee.

Staff Recommendation

Staff recommends that the City Council approve the resolution establishing an Affordable Housing Ad-Hoc Advisory Committee and appoint no more than two Councilmembers to the committee.

Attachments

1. Draft Resolution

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ESTABLISHING AN AFFORDABLE HOUSING AD-HOC COMMITTEE

WHEREAS, the City Council has determined that an Affordable Housing Ad-Hoc Committee would be beneficial to the City at this current time; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley, that the Affordable Housing Ad-Hoc Committee is hereby established. The City Council has appointed _____ and _____ to serve on the committee. The Council further resolves that it may appoint members of the public to serve on the committee and would do so through a formal application and appointment process; and

BE IT FURTHER RESOLVED that the committee shall end on December 31, 2023, if not extended prior to and that the Affordable Housing Ad-Hoc Committee meet in full compliance with the California Open Meeting Laws.

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of September 2023 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

Business Name	Primary contact email address	Primary Address Phone #	Full Primary Address	Active Licenses
ALVO LANDSCAPE INC		(925) 325-8140	1224 WALNUT MDWS OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
CHRISTINA KEAS WELLNESS		(925) 918-1777	306 LAKESPRING PL OAKLEY CA 94561-3163	HOME BASED BUSINESS LICENSE
D&V VINTAGE TREASURES (RANCHO CO-OP)	ROCKINNURSEDEE@YAHOO.COM	(925) 430-4662	5685 MAIN ST OAKLEY CA 94561	BUSINESS LICENSE
HAIR BY ALYSSA NAVA		(415) 867-4945	3663 MAIN ST OAKLEY CA 94561-5781	BUSINESS LICENSE
KELLEE MORALES (JADE & CO SALON)	KELLEEMORALES@YAHOO.COM	(925) 698-2788	3663 MAIN ST OAKLEY CA 94561-5781	BUSINESS LICENSE
MACY SCHOENTHALER, MFT	MACYSTHERAPHY@GMAIL.COM	(925) 322-0413	60 KENWOOD CT OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
NATALIE BECKHAM, RDHAP	NATALIE.BECKHAM.RDHAP@GMAIL.COM	(925) 642-7790	202 SILVER BELL WAY OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
POKER'S TREASURE TROUG	NLENFORD@PACBELL.NET	(925) 679-1889	46 CLEARWOOD PL OAKLEY CA 94561-2414	HOME BASED BUSINESS LICENSE
RAINBOW ITALIAN ICE 2		(707) 410-7879	2623 MANRESA SHORE LN OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
WILLIAMS ESTATE PLANNING	BRET@WILLIAMSESTATEPLANNING.COM	(925) 469-0111	3330 MAIN ST OAKLEY CA 94561-3135	BUSINESS LICENSE
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