



STAFF REPORT

Date: Tuesday, November 10, 2015

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Adoption of Community Benefit Program

Approved and Forwarded to City Council:

A handwritten signature in black ink, appearing to read 'B. Montgomery', written over a horizontal line.

Bryan F. Montgomery, City Manager

Background and Analysis

The City of Oakley has continued to grow and develop since its incorporation in 1999. The Oakley community has become a destination for families who call it home with a high quality of life. This growth has accelerated in the past few years as the State and Regional economy has improved and continues to grow. The construction of Highway 4 and the BART extension provides a much needed transportation infrastructure into the East Contra Costa County region and its residential communities.

As result of improved economic outlook, private development corporations have been active in Oakley building new subdivisions and starting the planning process for new projects. The increased level of subdivision construction activity has brought commercial developers that are looking at their perspective projects in Oakley and working to start their planning and construction activities.

Staff has been exploring the concept of a Community Benefit Program to work in conjunction with the wide range of private development projects in the City of Oakley.

A community benefit offering is intended to add to the merits of the development project. It is not intended to create a means for applicants to transform undesirable projects into projects that appear to be desirable due to their community benefit. Rather, it is intended to provide applicants, who are already proposing projects that are generally beneficial to the City, a means of offsetting the negative impacts of these projects.

The community benefit program will be an avenue by which private developers may offer voluntary benefits to the community. Developers will be made aware of the opportunity to provide a community benefit at the time applications are submitted. Sometimes there is a public perception that only the developer benefits from a project, and this program may help to address that perception. The community

benefit would not be a project mitigation or related to conditions of approval. Also, the City could not deny or delay a project if it does not offer a community benefit. The community benefit can either be on the site of the development project or nearby, or it can be unrelated to the development project.

The attached Community Benefit Program was prepared by staff after extensive review and analysis from many different perspectives and with input and approval from the City Attorney.

Fiscal Impact

There is no direct Fiscal Impact to the City as a result of the Community Benefit Program. The cost of any benefit offerings will be paid by the developers.

Staff Recommendation

Staff recommends that the City Council adopt the resolution adopting the City of Oakley Community Benefit Program and direct staff to begin implementing the program.

Attachments

- 1) Resolution
- 2) Community Benefit Program

RESOLUTION NO. __-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE COMMUNITY BENEFIT PROGRAM AND ESTABLISHING PROCEDURES

WHEREAS, the City Council wishes to establish a program providing a pathway for the voluntary offering of community benefits that developers may wish to make;

WHEREAS, adoption of such program will help provide clear direction to developers processing development applications;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council hereby approves the Community Benefit Program as described on the attachment.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

COMMUNITY BENEFIT PROGRAM

Purposes

The intent of the Community Benefit Program is to provide a channel by which developers who have an interest in providing a voluntary supplementary benefit to the community may do so.

A community benefit is a voluntary, supplementary offer intended to allow developers who wish to contribute a physical improvement or funds to a community organization that is not related to the conditions of approval of the development project nor its mitigation measures.

Land development projects can sometimes lead to an impression in the community that the project solely benefits the project applicant. The Community Benefit Program is a method by which the applicant may offer a benefit to the community not associated with the development review process.

General Program

1. Although applicable to any and all projects, this program is focused on projects involving tentative subdivision maps, residential projects of five units or more, and all new-construction commercial projects.
2. Applicants for projects identified in Paragraph 1 shall be given a copy of this Program as part of the application process.
3. If an applicant desires to offer a community benefit, he/she may submit a writing detailing the nature of the community benefit. Community benefits may consist of a provision of additional amenities that would be attractive and usable by the general public that are in addition to the mitigation and conditions of approval required by the City, installation of improvements on public property, cash contributions to community nonprofits or public institutions, or other benefits of a similar nature.
4. A community benefit that will be installed on the property of the development project itself shall be approved by the Planning Manager. Community benefits that are proposed to be installed on City-owned property shall be approved by the City Manager. Community benefits that are to be installed on public property owned by an entity other than the City shall be approved by that jurisdiction prior to installation.
5. A contribution to a political party, an election campaign for public office, or in support or against any ballot measure shall not constitute a "community benefit" under this program.

6. If a community benefit is offered by a developer, the fact and nature of the benefit may be disclosed to the body reviewing the application by staff and/or the developer. The reviewing body shall not deny, continue or add additional conditions of approval to a project because of a lack of offer of a community benefit or the nature thereof.

Examples of Community Benefits

The following are examples of the types of community benefits envisioned by this program, although this is not an exhaustive list:

1. Amenities added to a development project that are above and beyond that which the City would typically require and which are attractive to, or usable by, the general public.
2. Landscaping improvements, on either public or private property.
3. Improvements to traffic circulation that would not otherwise be required by the City.
4. Public art; historic preservation or restoration.
5. Open space conservation, scenic easements, or other non-required dedications or gifts.
6. Bike/walking trails or improvements thereto.
7. Restoration of riparian habitats or water courses.
8. Cash or in-kind contributions to a community nonprofit organization, to the City or to another public agency serving Oakley.
9. Mitigation or elimination of an existing problem that would not be required as a condition of approval.