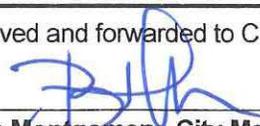




STAFF REPORT

Approved and forwarded to City Council


Bryan Montgomery, City Manager

Date: July 14, 2015

To: Bryan Montgomery, City Manager

From: Kenneth W. Strelow, Senior Planner

Project: Farr Tentative Parcel Map MS 15-976 (TPM 02-15)

Summary

This is a request for approval of a tentative parcel map subdividing approximately 2.1 acres into two lots of 47,000 sf. and 43,400 sf. in a manner consistent with the Agriculture Limited Land Use Area of the adopted East Cypress Corridor Specific Plan. The site is zoned SP-1 (East Cypress Corridor Specific Plan) District.

Recommendation

Staff recommends the City Council adopt the resolution approving Farr Tentative Parcel Map MS 15-976 (TPM 02-15), as conditioned.

Background and Project Description

General Plan and Zoning/Specific Plan

General Plan: SP (Specific Plan) – The project site is designated as “SP” (Specific Plan) in the Oakley General Plan. The “SP” designation was approved through adoption of City Council Resolution 49-07, at which time other specific land use modifications were made to the ECCSP area, including adding additional Commercial, Community Park, and Light Industrial acreage to the Specific Plan area.

Zoning: SP-1 (ECCSP) – The zoning classification for the project site is “SP-1” (ECCSP) District. The SP-1 District and ECCSP were approved with adoption of City Council Ordinance 10-09. The SP-1 District is further classified into land uses within the Specific Plan. The project site is located within “Planning Area – 6 (PA 6)” of the ECCSP. The parcels fall within the “Agriculture Limited” land use, as depicted by the ECCSP Exhibit 6 – Land Use Plan.

Surrounding Uses

The property lies along an approximately 1-mile stretch of rural residential properties that line the south side of East Cypress Road between Jersey Island Road and Bethel Island Road. Planning Area 3 of the ECCSP, known as Dal Porto South lies south of the property. The parcel directly to the west is planned to be a collector road between Dal Porto South Subdivision 9401 and East Cypress Road.

Tentative Parcel Map

The proposed tentative parcel map (MS 15-976) shows the approximately 2.1-acre property subdivided into two parcels. Parcel A is proposed at approximately 1.08-acres (47,000 square feet), and Parcel B is proposed at approximately 0.99-acres (43,400 square feet). Access to both parcels will be through a private easement that runs along the eastern edge of the property to the west. The easement will be quitclaimed at the time the property to the west is improved per the Specific Plan, at which point access will be taken directly from the adjacent roadway.

Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15 – Minor Land Divisions) of the State CEQA Guidelines.

Required Findings

The tentative parcel map was analyzed in relation to the required findings found in the City's subdivision ordinance (adopted County ordinance by reference), which generally state, "the City Council shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law. When approving the tentative map for a minor subdivision, the advisory agency shall make findings as required concerning the fulfillment of construction requirements. The proposed parcels must also comply with the regulations set forth in the East Cypress Corridor Specific Plan.

Analysis and Findings

The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in two parcels for the purpose of single family residential use. The two parcels meet the minimum lot size requirements of the ECCSP Agriculture Limited land use of 43,000 sf. The subdivision complies with all applicable regulations as set forth in the ECCSP.

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving Farr Tentative Parcel Map MS 15-976 (TPM 02-15), as conditioned.

Attachments

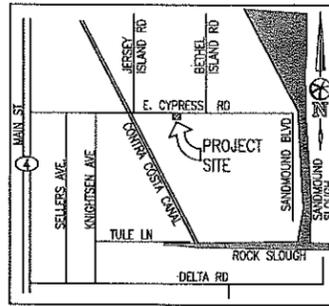
1. Vicinity Map
2. Tentative Parcel Map (Applicant's Plans), date stamped February 26, 2015
3. Proposed Resolution

VICINITY MAP

Farr Tentative Parcel Map MS 15-976 (TPM 02-15)

2601 E. Cypress Road. APN 032-070-006.





VICINITY MAP

NO SCALE

GENERAL NOTES

OWNER/DEVELOPER: JAMES & PATRICIA FARR, ET AL
 P.O. BOX 2567
 MARTINEZ, CA 94553
 (925) 228-9559

CIVIL ENGINEER: BELLECCI & ASSOCIATES, INC.
 2290 DIAMOND BLVD., SUITE 100
 CONCORD, CALIFORNIA 94520
 925.885.4569

A.P.N.: 032-070-005

ADDRESS: 2601 E. CYPRESS ROAD
 OAKLEY, CA 94561

SITE AREA: 2.1 ACRES

EXISTING ZONING: SP-1: ECCSP DEVELOPMENT

PROPOSED ZONING: SP-1: ECCSP DEVELOPMENT

EXISTING USE: SINGLE FAMILY RESIDENCE

PROPOSED USE: SINGLE FAMILY RESIDENCE

SERVICES:
 WATER SUPPLY- DIABLO WATER DISTRICT
 SANITARY SEWER- IRONHOUSE SANITARY DISTRICT
 STORM DRAIN- CITY OF OAKLEY
 GAS & ELECTRIC- PACIFIC GAS & ELECTRIC
 FIRE- EAST CONTRA COSTA FIRE PROTECTION DISTRICT
 TELEPHONE- AT&T
 CABLE TV- COMCAST
 LEVEE- RD 799

FLOODING: SITE FALLS WITHIN FIRM PANEL NUMBERS 06013L
 0360F, ZONE AE
 (EL 9, 1988 NAVD) - DATED JULY 16, 2009

TOPOGRAPHY: AERIAL TOPOGRAPHY PROVIDED
 BY KING & ASSOCIATES
 DATED OCTOBER 13, 2014

BASIS OF ELEVATION: ELEVATIONS SHOWN ARE BASED UPON THE
 NGS POINT 10 "063879". ELEVATION BEING
 TAKEN AS 23.6 FEET, 1988NAVD.

BASIS OF BEARINGS: CALIFORNIA COORDINATE SYSTEM, ZONE III (NAD 83).

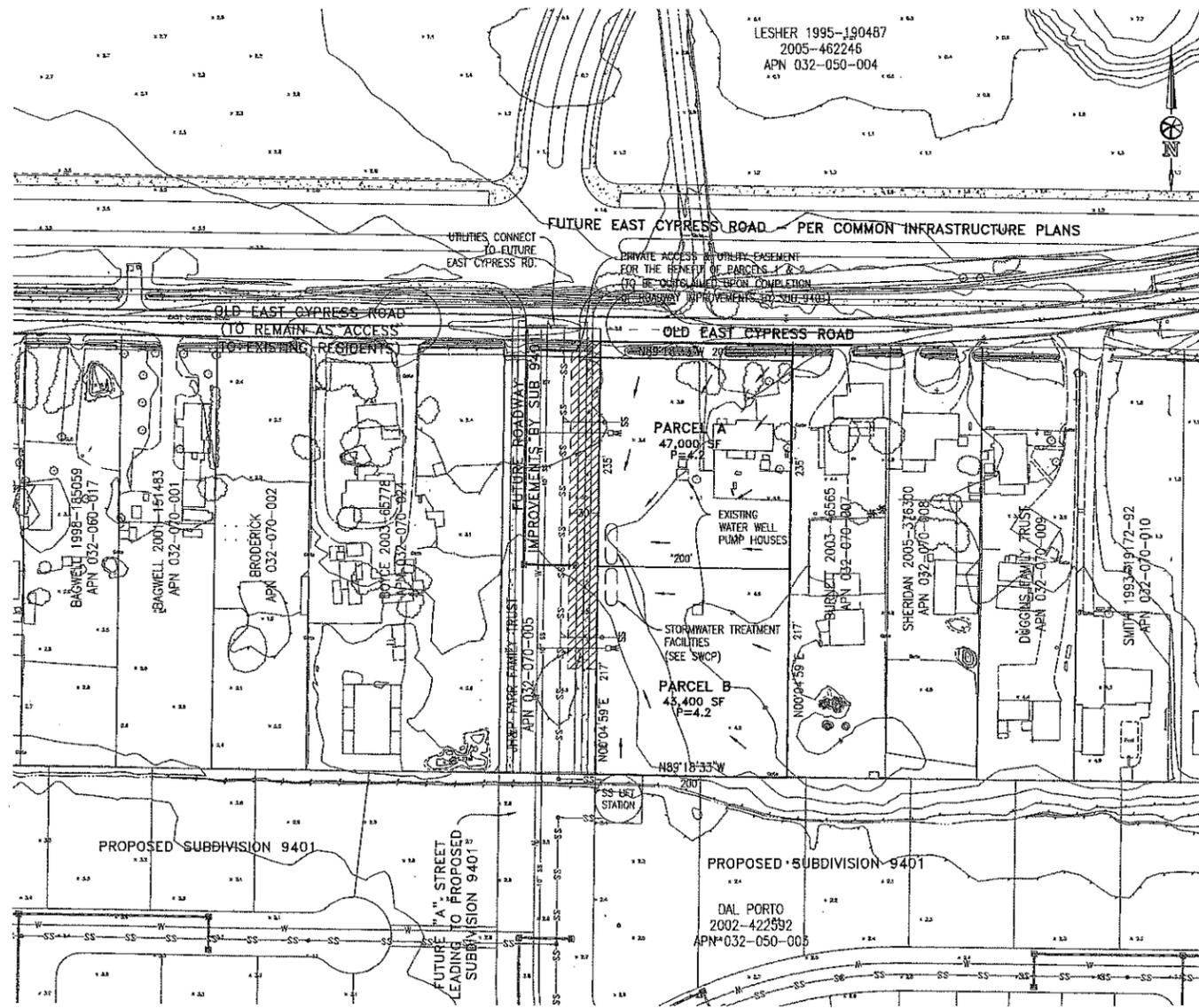
ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
BOT	BOTTOM
CB	CATCH BASIN
CCC	CONTRA COSTA COUNTY
CL	CENTERLINE
DG	DECOMPOSED GRAVEL
DWY	DRIVEWAY
EP	EDGE OF PAVEMENT
EX,EXIST	EXISTING
FC	FACE OF CURB
FL	FLOW LINE
HP	HIGH POINT
INV	INVERT
LI	LAKE INTERCONNECT
LP	LOW POINT
MAX	MAXIMUM
MED	MEDIUM
MIN	MINIMUM
NO	NUMBER
NTS	NOT TO SCALE
PAE	PRIVATE ACCESS EASEMENT
PL	PROPERTY LINE
PS	PUMP STATION
PUE	PUBLIC UTILITY EASEMENT
PV	PAVEMENT
RD	RECLAMATION DISTRICT
R/W	RIGHT-OF-WAY
SD	STORM DRAIN
SDE	STORM DRAIN EASEMENT
SDMH	STORM DRAIN MANHOLE
SHT	SHEET
SSL	SEWER SYSTEM LINE
SSMH	SEWER SYSTEM MANHOLE
STD	STANDARD
TYP	TYPICAL
WAPA	WESTERN AREA POWER AUTHORITY
WL	WATER LINE
WS	WATER SURFACE

VESTING TENTATIVE MAP &
 PRELIMINARY GRADING PLAN

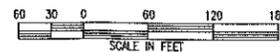
FARR PROPERTY
 EAST CYPRESS CORRIDOR SPECIFIC PLAN
 CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

FEBRUARY 2015



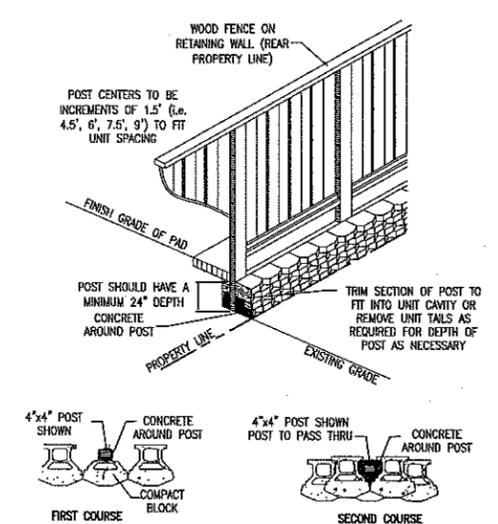
KEY MAP

SCALE: 1"=60'



LEGEND

(Symbol)	EXISTING TOPOGRAPHIC INFORMATION AND PROPOSED FUTURE DEVELOPMENT CONDITIONS SHOWN WITH GRAY LINES
(Symbol)	BOUNDARY/RIGHT-OF-WAY LINE
(Symbol)	LOT LINE
(Symbol)	CATCH BASIN, STORM DRAIN LINE, MANHOLE
(Symbol)	SANITARY SEWER LINE, MANHOLE
(Symbol)	WATER LINE
(Symbol)	SANITARY SEWER LATERAL (TO BE INSTALLED WITH ROADWAY IMPROVEMENTS)
(Symbol)	WATER SERVICE & METER BOX (TO BE INSTALLED WITH ROADWAY IMPROVEMENTS)



NOTES:
 1. MUST OBTAIN A BUILDING PERMIT FOR FENCE/WALL CONSTRUCTION.
 2. TOTAL WALL+FENCE HEIGHT NOT TO EXCEED 8'.
 3. ELEVATION DIFFERENCE OF LESS THAN 1' BETWEEN LOT AND ADJACENT PARCEL TO BE RETAINED BY THE FENCE AND HEADER BOARD.

CITY OF OAKLEY
 Planning Department
 FEB 26 2015
 RECEIVED

BELLECCI & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, CONSTRUCTION MANAGEMENT
 2290 DIAMOND BLVD., SUITE 100 CONCORD, CA 94520
 Phone (925) 855-4569 Fax (925) 855-4538

TENTATIVE PARCEL MAP
 VESTING TENTATIVE MAP EXHIBIT
 FARR PROPERTY
 OAKLEY

CALIFORNIA
 CONTRA COSTA COUNTY

SHEET 1 OF 1
 JOB NO. 13075

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING A TENTATIVE PARCEL MAP FOR FARR TENTATIVE PARCEL
MAP MS 15-976 (TPM 02-15) LOCATED AT 2601 EAST CYPRESS ROAD
APN 032-070-006**

FINDINGS

WHEREAS, on February 26, 2015, Owen Poole of ACD-TI Oakley, LLC. ("Applicant") filed an application known requesting approval of a tentative parcel map known as Farr Tentative Parcel Map MS 15-976 (TPM 02-15) ("Project"); and

WHEREAS, the application proposes to subdivide approximately 2.1 acres into two lots of 47,000 sf. and 43,400 sf. in a manner consistent with the Agriculture Limited Land Use Area of the adopted East Cypress Corridor Specific Plan; and

WHEREAS, the project site is designated SP-4 (East Cypress Corridor Specific Plan on the Oakley 2020 General Plan Land Use Map, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the site currently has one single family home, which would continue to occupy proposed Parcel "A"; and

WHEREAS, the applicant's plans include the Tentative Parcel Map titled "Farr Property East Cypress Corridor Specific Plan" date stamped received on February 26, 2015, assigned minor subdivision number MS 15-976, and attached to the project staff report ("Plans"); and

WHEREAS, on March 26, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15315 (Class 15 – Minor Land Divisions); and

WHEREAS, on July 2, 2015, the Notice of Public Hearing for the project was published in the Contra Costa Times, and mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on July 14, 2015, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

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

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan and the information submitted to the City Council at its July 14, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Subdivision (hereafter the "Record").

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

- A. Regarding the application requesting approval of Tentative Parcel Map for the project titled, Farr Tentative Parcel Map MS 15-976 (TPM 02-15), the City Council finds that:
1. The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in two parcels for the purpose of single family residential use; and
 2. The two parcels meet the minimum lot size requirements of the ECCSP Agriculture Limited land use of 43,000 sf; and
 3. The subdivision complies with all applicable regulations as set forth in the ECCSP.
- 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 the Project, subject to the following conditions:

Applicant shall comply with the requirements of the Oakley Municipal Code, unless otherwise stipulated in this resolution. Conditions of Approval are based on the plans received by the Planning Division and made a part of the City Council's meeting packet for July 14, 2015.

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

Planning Division Conditions

General:

1. This tentative parcel map is approved, as shown on the revised plans, date stamped by the Planning Division on February 26, 2015, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire on July 14, 2018. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on July 14, 2015.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. 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).

Subdivision Disclosures:

6. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

7. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

“This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zon guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase.

ADVISORY NOTES

THE FOLLOWING ADVISORY NOTES ARE PROVIDED TO THE APPLICANT AS A COURTESY BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th day of July, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date