

OAKLEY



CALIFORNIA

Agenda Date: 09/27/2016

Agenda Item: 4.2

STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: September 27, 2016
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: **Subdivision 9043 Tentative Map Extension (TME 04-16)**

SUMMARY

This is a public hearing on a request by Monte Davis of Discovery Builders, Inc. ("Applicant") for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9043 (known as "Aspen Lane Subdivision") for an additional one (1) year. The approved Tentative Map consists of approximately 5 acres subdivided into 16 detached single family residential lots. The project is located at 3530 Empire Avenue and zoned P-1 (Planned Unit Development) District. APNs 034-020-010.

Staff recommends the City Council adopt the resolution approving Subdivision 9043 Tentative Map Extension (TME 04-16), as conditioned.

BACKGROUND

General Plan and Zoning

The General Plan Land Use Designation for the project site is *Single Family Residential, Medium Density* ("SFM") as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram). The site is zoned P-1 (Planned Unit Development) District. The P-1 District was adopted in conjunction with the Tentative Map, and both the P-1 District and Tentative Map were found to be compatible with the SFM land use designation per City Council Ordinance 24-06.

Previous Entitlements and Subdivision Extensions

Oakley City Council adopted the project's California Environmental Quality Act ("CEQA") Mitigated Negative Declaration, Vesting Tentative Map, Conditional Use Permit, and Design

Review November 27, 2006 through the adoption of City Council Resolution 146-06. In conjunction with the project entitlements, the City Council also rezoned the project site to P-1 District through adoption of Ordinance No. 24-06 on December 11, 2006. The tentative map received a three (3) year approval period from its effective date, and therefore, was set to expire on November 27, 2009. However, through multiple state-wide automatic map extensions¹ the Tentative Map expiration date was extended for an additional seven (7) years, or November 27, 2016.

PROJECT DESCRIPTION

The applicant is requesting an extension of one (1) year to the entitlement of the approved Tentative Map. If approved, the map would not expire until November 27, 2017. The approved Tentative Map consists of subdividing approximately 5 acres into 16 lots. The average lot size on the approved Tentative Map is 8,604 square feet, with lot sizes ranging from 7,847 to 12,559 square feet. Gross density of the project, which includes all acreage, including streets, is 3.2 dwelling units per acre. The approved Tentative Map is included as an attachment to this Staff Report

ENVIRONMENTAL REVIEW

It can be seen with certainty that the request for an extension to the Tentative Map will not result in any new physical impacts to the project, and therefore not result in any new significant environmental impacts. The project falls within the scope of the original California Environmental Quality Act ("CEQA") analysis and no further environmental analysis is required.

ANALYSIS

The Subdivision Map Act (Government Code 66452.6 (e)) allows the governing body with authority to approve a tentative map to extend that approval for a period not to exceed six (6) additional years from the original expiration date. That original expiration date would include any automatic extensions, such as those mentioned above, and the extension does not have to occur in one approval. In other words, the City Council may grant multiple approvals on the same map, so long as requests for extensions are submitted prior to expiration of the map, pursuant to the Subdivision Map Act.

The applicant is requesting a one (1) year extension to the Tentative Map approval. The subdivision is located along Empire Avenue, which is fully improved and Carpenter Road, which is in need of frontage improvements. Discovery Builders, Inc. owns several approved subdivisions within the City of Oakley, and they recently received a one year extension to the approval of Duarte Ranch Subdivision 9027 (located on the southeast corner of Rose Avenue and Laurel Road). The Applicant has previously stated that initial plans are to develop Duarte Ranch, this project, and one other subdivision along the same timeline. Staff recommends the City Council consider approve the one (1) year extension for this

¹ SB 1185 (2008) – 12 months, AB 333 (2009) – 24 months, AB 208 (2011) – 24 months, and AB 116 (2013) – 24 months.

project. If the Applicant finds one year is not sufficient, the may submit another extension request in one year.

Conditions of Approval

Pursuant to the Subdivision Map Act, the City Council may approve or conditionally approve extensions to a tentative map. It is noted here and referenced in the proposed resolution's findings that all conditions of approval in Resolution 146-06 that are not modified in the proposed resolution are still in full effect for this Tentative Map. Revised conditions of approval are related to the expiration date of the Tentative Map, and updates to Public Works and Engineering requirements. All changes are included in the proposed resolution, which includes references to the condition of approval numbers in Resolution No. 146-06.

FINDINGS

Complete draft findings are included in the attached resolution.

RECOMMENDATION

Staff recommends the City Council adopt the resolution approving Subdivision 9043 Tentative Map Extension (TME 04-16), as conditioned.

ATTACHMENTS

1. Vicinity Map
2. Public Hearing Notice
3. Approved Tentative Map 9043
4. Draft Resolution

CITY CLERK'S READING FILE

1. City Council Ordinance No. 24-06
2. City Council Resolution No. 146-06

Vicinity Map

Subdivision 9043 Tentative Map Extension (TME 04-16)





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **September 27, 2016** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application for a **Tentative Map Extension**.

Project Name: Subdivision 9043 Tentative Map Extension (TME 04-16)

Project Location: 3530 Empire Avenue, Oakley, CA 94561. APN 034-020-010.

Applicant: Monte Davis, Discovery Builders, Inc. 4061 Port Chicago Highway, Suite H, Concord, CA 94520. mdavis@discoverybuilders.com.

Request: This is a public hearing on a request for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9043 (known as "Aspen Lane Subdivision") for an additional one (1) year. The approved Tentative Map consists of approximately 5 acres subdivided into 16 detached single family residential lots. The project is zoned P-1 (Planned Unit Development) District.

The Staff Report and its attachments will be available for public review, on or after September 23, 2016 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com.

Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Kenneth W. Strelo, Senior Planner 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.

GENERAL NOTES

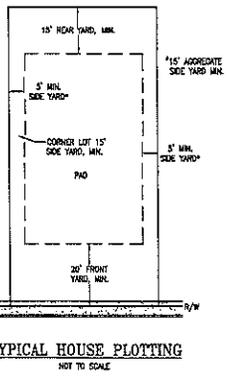
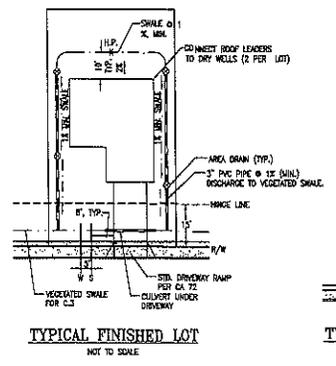
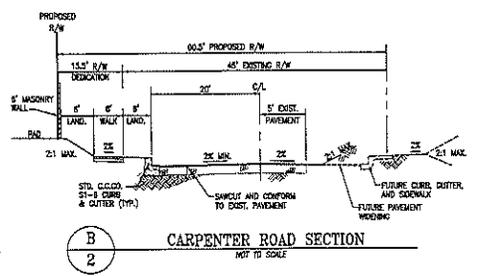
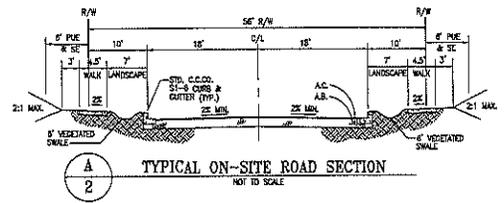
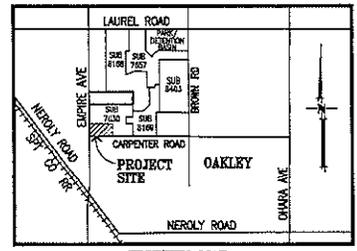
OWNER: DISCOVERY BUILDERS, INC.
4061 PORT CHICAGO HIGHWAY, SUITE H
DOWNEY, CA 90420
CONTACT: LOUIS PERZINS
(925) 682-6419 FAX: (925) 682-2047

APPLICANT/DEVELOPER: DISCOVERY BUILDERS, INC.
4061 PORT CHICAGO HIGHWAY, SUITE H
DOWNEY, CA 90420
CONTACT: LOUIS PERZINS
(925) 682-6419 FAX: (925) 682-2047

PLANNING/CIVIL ENGINEER: ENKLEY-HORN AND ASSOCIATES, INC.
556 - 112TH STREET, SUITE 1230
OAKLAND, CA 94607
CONTACT: SCOTT TAYLOR, P.E.
(510) 925-0712

SOILS ENGINEER: DMED, INC.
2210 CROW CANYON ROAD, SUITE 250
SAN RAMON, CA 94583
(925) 886-9000

VESTING TENTATIVE SUBDIVISION MAP ASPEN LANE SUBDIVISION 9043



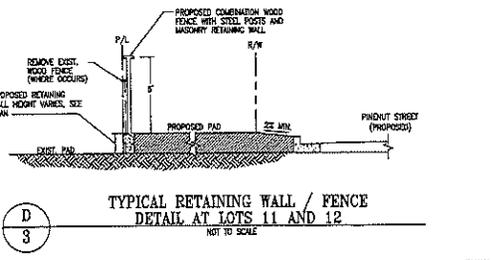
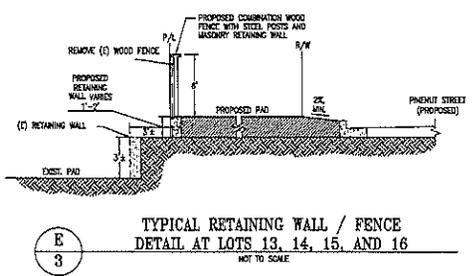
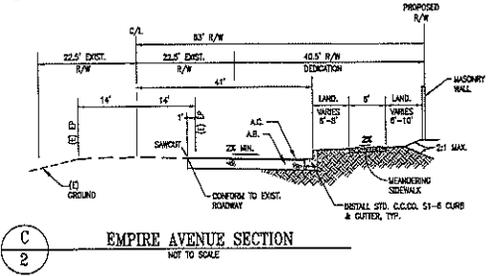
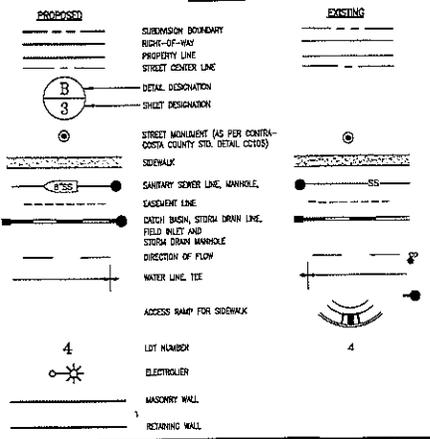
ABBREVIATIONS

- AB AGGREGATE BASE
- AC ASPHALT CONCRETE
- CB CATCH BASIN
- C/L CENTER LINE
- EXIST. EXISTING
- HP HIGH POINT
- LP LOW POINT
- P PAD
- P/L PROPERTY LINE
- PUC PUBLIC UTILITY EGGMENT
- R/W RIGHT OF WAY
- SD STORM DRAIN
- SS SANITARY SEWER
- TY. TYPICAL

LAND USE SUMMARY

LAND USE	NET ACRES	%	TOTAL UNITS
SINGLE-FAMILY RESIDENTIAL LOTS	3.16	70.2	16
STREET R/W (PINNACUT ST. & ACACIA DR.)	0.80	17.8	
EMPIRE AVE./CARPENTER RD. R/W DEDICATION	0.54	12.0	
NET TOTAL	4.5	100	16

LEGEND



APPROVED
JUN 27, 2006
27, 2006
CONTRAD/DEVELOPMENT

SHEET INDEX

1	COVER SHEET
2	VESTING TENTATIVE MAP AND DEVELOPMENT PLAN
3	PRELIMINARY GRADING PLAN

NOTE

1. PURSUANT TO SECTION 9043.1 OF THE SUBDIVISION MAP ACT, THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP.

Attachment 3

T:\Projects\9043\Subdivision\9043\CD\9043\9043.dwg 01/23/06 - 11:30am msh/afg

CITY APPROVAL

NO BY DATE

PREPARED UNDER THE SUBDIVISION OF

SCALE AS NOTED

DATE: OCT. 2006

DRAWN BY: J. ROSE

ENGINEER: SMT

CHECKED BY:

DATE:

SCOTT W. TAYLOR, P.E. 68454

EXPIRES: 6-30-2008

PC:

VESTING TENTATIVE MAP SUBDIVISION 9043

ASPEN LANE

COVER SHEET

CONTRA COSTA CALIFORNIA

OAKLEY

SHEET NO. 1 OF 3 SHEETS

JOB NO. DISC0000-0005

RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING A TENTATIVE MAP EXTENSION FOR THE PROJECT KNOWN
AS SUBDIVISION 9043 TENTATIVE MAP EXTENSION (TME 04-16)****FINDINGS**

WHEREAS, on August 22, 2016, Monte Davis of Discovery Builders, Inc. ("Applicant") filed an application requesting approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9043 (known as "Aspen Lane Subdivision") for an additional one (1) year. The project is located at 3530 Empire Avenue and zoned P-1 (Planned Unit Development) District. APNs 034-020-010; and

WHEREAS, on September 21, 2016, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the approved Tentative Map was set to expire on November 27, 2016; and

WHEREAS, the approved Tentative Map consists of approximately 5 acres subdivided into 16 detached single family residential lots; and

WHEREAS, the General Plan Land Use Designation for the project site is Single Family Residential, Medium Density ("SFM") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram); and

WHEREAS, the approved Tentative Map was originally approved by the Oakley City Council on November 27, 2006 through adoption of Resolution 146-06. Approval of the rezone to P-1 District was also on December 11, 2006 adoption of Ordinance 24-06; and

WHEREAS, it can be seen with certainty that the request for an extension to the Tentative Map will not result in any new physical impacts to the project, and therefore not result in any new significant environmental impacts. The project falls within the scope of the original California Environmental Quality Act ("CEQA") analysis and no further environmental analysis is required; and

WHEREAS, on September 16, 2016, the Notice of Public Hearing for the project was published in the Contra Costa Times, and on September 15, 2016 it was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, and at the project location, and mailed out to all owners of property within 500 feet of the project boundaries, outside agencies, and parties requesting such notice; and

WHEREAS, on September 27, 2016, 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 Subdivision Map Act, Vesting Tentative Map 9043, the applicable P-1 District, and the information submitted to the City Council at its September 27, 2016 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 Subdivision 9043 Tentative Map Extension (TME 04-16), the City Council finds that:
 - 1. The proposed Tentative Map Extension does not modify any of the original Tentative Map's design, and therefore, all of the findings made on the original Tentative Map (City Council Resolution 146-06) are still valid and apply to this extension; and
 - 2. All conditions of approval in City Council Resolution 146-06, not otherwise modified by this resolution, are still in effect.
- 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 applicant's request for Subdivision 9043 Tentative Map Extension (TME 04-16), subject to the following conditions:

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

Planning Department Conditions

- 1. Applicant shall comply with the requirements of the Oakley Municipal Code and applicable Conditions of Approval from City Council Resolution No. 146-06 and

City Council Ordinance No. 24-06. Any exceptions must be stipulated in these Conditions of Approval.

2. This approval shall extend the period of the Tentative Map and related approvals for a period of one (1) additional year, resulting in Subdivision 9043 expiring on November 27, 2017, unless it is further extended pursuant to the Subdivision Map Act or other automatic extensions. This extension shall constitute one (1) year of the maximum six (6) years of discretionary extension(s) allowed under Government Code section 66452.6(e). (Replaces Condition No. 2 of Resolution No. 146-06).
3. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
4. 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).

Public Works and Engineering Department Conditions

5. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Carpenter Road. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 45 miles per hour. The plan shall extend a minimum of 150 feet +/- beyond the limits of the proposed work. (New Condition).
6. Construct Acacia Drive and Pinenut Street to City public road standards for a 36-foot wide roadway within a 56-foot right-of-way, including curb, five-foot monolithic sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 18 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. (New Condition).
7. Complete the construction of the frontage of Empire Avenue to City public road standards for a 82-foot wide roadway within a 126-foot right of way, including curb, six-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, a sixteen foot wide landscaped median, necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 41 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. (Revises Condition No. 33 of Resolution No 146-06).

8. Condition No. 35 of Resolution No. 146-06 shall be deleted.
9. Construct the project streets to City public road standards and as shown on the Tentative Map with the following exceptions:
 - a. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - b. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans. (Combines Condition Nos. 36 and 37 of Resolution No. 146-06).
10. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program. The traffic calming measures shall be included on the improvement plans and are subject to the review and approval of the City Engineer. (Revises Condition No. 38 of Resolution No. 146-06).
11. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Carpenter Road. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 45 miles per hour. The plan shall extend a minimum of 150 feet +/- beyond the limits of the proposed work. (Revises Condition No. 41 of Resolution No. 146-06).
12. Convey to the City, by offer of dedication, the right of way for Empire Avenue for the planned future half width of 63-feet along the project frontage including any necessary widening for the bus turnout. (Revises Condition No. 42 of Resolution No. 146-06).
13. Convey to the City, by offer of dedication, the right of way for Carpenter Road for the planned future half width of 38-feet along the project frontage. (Revises Condition No. 43 of Resolution No. 146-06).
14. Install streetlights along all project streets and the project Carpenter Road and Empire Avenue frontages. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets and the lights along Carpenter Road and Empire Avenue shall be General Electric spun aluminum "cobra head" style with LEDs. (Revises Condition No. 47 of Resolution No. 146-06).

15. The burying of any construction debris is prohibited on construction sites. (New Condition).
16. Collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse consistent with the plans for Drainage Areas 30A and 130 as prepared by the Contra Costa County Flood Control and Water Conservation District. (Revises Condition No. 59 of Resolution No. 146-06).
17. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system to the City Engineer for review and approval. (Revises Condition No. 60 of Resolution No. 146-06).
18. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards. (Revises Condition No. 61 of Resolution No. 146-06).
19. Install public right of way landscaping along Carpenter Road and Empire Avenue concurrently with the construction of the sound wall. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street. (Revises Condition No. 64 of Resolution No. 146-06).
20. Condition No. 67.F (Child Care Fee) of Resolution No. 146-06 shall be deleted.
21. The second and third lines of the final Paragraph of Condition No. 67 of Resolution No. 146-06 shall be deleted so the paragraph reads as follows:

“The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.”
22. The applicant shall be responsible for paying the County Recorder’s fee for the Notice of Determination as well as the State Department of Fish and Game’s filing fee. (New Standard Condition).
23. Condition Nos. 69, 70, 72, and 73 of Resolution No. 146-06 shall be deleted. (Replaced by Condition No. 24 of this resolution).
24. Annex the property to the City of Oakley’s Community Facilities District No. 2015-2 (CFD No. 2015-2) which provides a funding mechanism to mitigate the Development’s fiscal impact associated with the City’s regional, community and neighborhood parks, public area landscaping, street lights and storm water

facilities. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of the annexation shall be paid by applicant in advance. The CFD's annual special tax rates per parcel will be set at the time of annexation. The annexation shall be completed prior to filing of the final parcel map.

25. Applicant shall comply with the drainage fee requirements for Drainage Areas 30A and 130 as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of final map approval. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District. (Revises Condition No. 74 of Resolution No. 146-06).

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the September 27, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date