



STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: June 13, 2017
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelow, Senior Planner
SUBJECT: **Stonewood 3 9183 Tentative Map Extension (TME 05-17) – Request for a three year extension to the expiration of Tentative Map 9183, located at the southeast and southwest corners of Carpenter Road/Simoni Ranch Road and Rose Avenue.**

Summary

This is a public hearing on a request by Richard Sestero of West Coast Home Builders (“Applicant”) for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9183 (known as “Stonewood 3 Subdivision”) for a period of three (3) additional years to allow time to record a final map on the second phase of the subdivision. The first phase had a final map recorded in October 2016, and grading has been completed. The approved Tentative Map consists of approximately 11.3 acres subdivided into 31 detached single family residential lots. The project is located on the southeast and southwest corners of Carpenter Road/Simoni Ranch Road and Rose Avenue and zoned P-1 (Planned Unit Development) and R-10 (Single Family Residential) District. APNs 034-230-001 and 034-470-033.

Staff recommends the City Council adopt the resolution approving Stonewood 3 9183 Tentative Map Extension (TME 05-17), extending the Tentative Map approval for an additional three years, as conditioned.

Background and Project Description

General Plan and Zoning

- The General Plan Land Use Designations for the project site are *Single Family Residential, High Density* (“SH”) and *Single Family Residential, Low Density* (“SL”) as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram).
- The site is zoned P-1 (Planned Unit Development) District (Ordinance No. 14-03; adopted in conjunction with Subdivision 8541) and R-10 (Single Family Residential) District.

Previous Entitlements and Subdivision Extensions

The Stonewood 3 Subdivision 9183 Tentative Map was originally approved by the Oakley City Council on June 6, 2009 through adoption of Resolution 82-09. The Tentative Map received the automatic two (2) years of validity after the approval, which set the expiration date at June 6, 2011. However, through multiple state-wide automatic map extensions¹, the Tentative Map expiration date was pushed out for an additional six (6) years, or to June 6, 2017.

The current request for three (3) additional years would extend the Tentative Map approval out to June 6, 2020. According to the Applicant, this would allow adequate time to complete current project under development within the City, and then to prepare and record the second final map on the Stonewood 3 development.

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. If this extension were approved for three additional years, under current legislation, three years of discretionary extensions would remain.

Staff is recommending approval of the three (3) year extension in order to allow the developer adequate time to complete projects currently under construction and record a final map for the remainder of Stonewood 3. An extension is required because the project does not qualify for any automatic extensions associated with recordation of the phase 1 final map. If an extension were to not be granted, the Tentative Map would retroactively expire on June 6, 2017, and any future phases of the project could not be developed without re-entitling the Tentative Map, which would be costly and time consuming. The developer would also lose all vested rights associated with the originally approved Tentative Map.

Conditions of Approval

Pursuant to the Subdivision Map Act, the City Council may approve or conditionally approve extensions to a tentative map. The proposed resolution includes references to conditions of

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

Subject: Stonewood 3 9183 Tentative Map Extension (TME 05-17)

Date: June 13, 2017

Page 3 of 3

approval in Resolution No. 82-09 (original TM approval), as applicable. There are three conditions of approval included in the proposed resolution that replace or revise conditions of approval from Resolution No. 82-09 related to annexation of the property into Community Facilities District No. 2015-2 and adding the requirements that street lights be "LEDs".

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving Stonewood 3 9183 Tentative Map Extension (TME 05-17), extending the Tentative Map approval for an additional three years, as conditioned.

Attachments

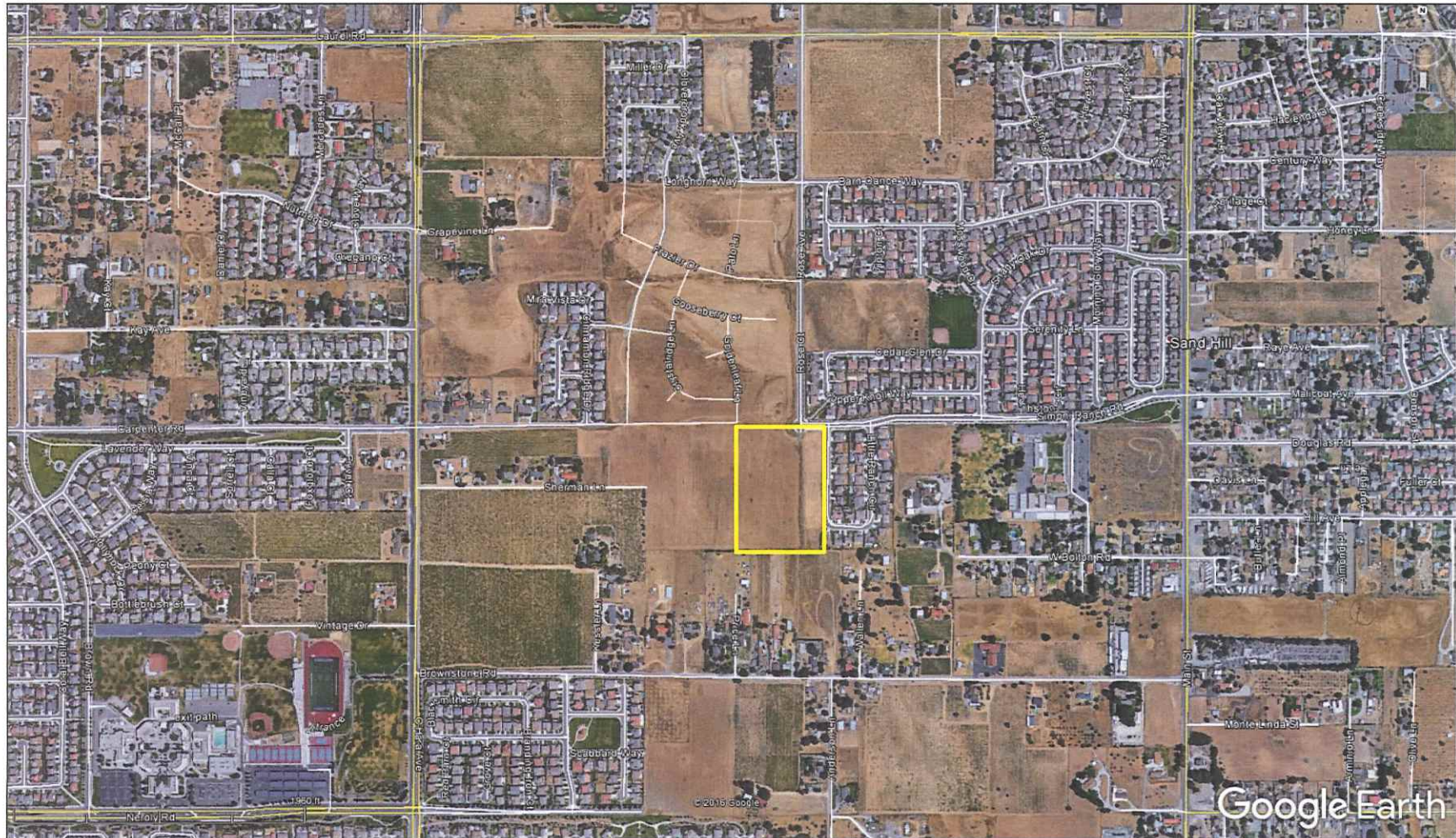
1. Vicinity Map
2. Public Hearing Notice
3. Draft Resolution

City Clerk's Reading File

1. City Council Resolution No. 82-09

Vicinity Map

Stonewood 3 9183 Tentative Map Extension (TME 05-17)





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **June 13, 2017** 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: Stonewood 3 9183 Tentative Map Extension (TME 05-17).

Project Location: Southeast and southwest corners of Carpenter Road/Simoni Ranch Road and Rose Avenue.

Applicant: Richard Sestero of West Coast Home Builders, Inc., 4021 Port Chicago Highway, Concord, CA 94520. dsestero@seenohomes.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 9183 (known as "Stonewood 3 Subdivision") for a period of three (3) additional years to allow time to record a final map on the second phase of the subdivision. The first phase had a final map recorded in October 2016, and grading has been completed. The approved Tentative Map consists of approximately 11.3 acres subdivided into 31 detached single family residential lots. The project is zoned P-1 (Planned Unit Development) and R-10 (Single Family Residential) District.

The Staff Report and its attachments will be available for public review, on or after June 9, 2017 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com. Please note that City Hall is closed on the 1st and 3rd Fridays of every month.

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.

RESOLUTION NO. XX-17**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING A TENTATIVE MAP EXTENSION FOR THE PROJECT KNOWN
AS STONEWOOD 3 9183 TENTATIVE MAP EXTENSION (TME 05-17).
APNs 034-260-024 and 034-470-033.****FINDINGS**

WHEREAS, on May 3, 2017, Richard Sestero of West Coast Home Builders, Inc. ("Applicant"), filed an application requesting to extend the approval of Tentative Map 9183 (known as "Stonewood 3 Subdivision") for a period of three (3) additional years to allow time to record a final map on the second phase of the subdivision. The first phase had a final map recorded in October 2016, and grading has been completed. The project is located on the southeast and southwest corners of Carpenter Road/Simoni Ranch Road and Rose Avenue and zoned P-1 (Planned Unit Development) and R-10 (Single Family Residential) District. APNs 034-230-001 and 034-470-033; and

WHEREAS, on June 2, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the map is currently set to expire on June 6, 2017; and

WHEREAS, Stonewood 3 Subdivision consists of approximately 11.3 acres subdivided into 31 detached single family residential lot; and

WHEREAS, the General Plan Land Use Designations for the project site are Single Family Residential, High Density ("SH") and Single Family Residential, Low Density ("SL") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). The site is zoned "P-1" (Planned Unit Development) District and R-10 (Single Family Residential) District; and

WHEREAS, the Tentative Map was originally approved by the Oakley City Council on June 6, 2009 through adoption of Resolution No. 82-09; 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 June 1, 2017, the Notice of Public Hearing for the project was published in the Contra Costa Times, and 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

WHEREAS, on June 13, 2017, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public,

well as City Council Ordinance No. 14-03. Any exceptions must be stipulated in these Conditions of Approval.

2. This approval shall extend the period of the tentative map for a period of three (3) additional years, resulting in Tentative Map 9183 expiring on June 6, 2020, unless it is further extended pursuant to the Subdivision Map Act or other automatic extensions. This extension shall constitute three (3) years of the maximum six (6) years of discretionary extension(s) allowed under Government Code section 66452.6(e).
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. In regards to Annexations, the following condition shall replace Condition of Approval Nos. 77, 78, 79 and 81 of City Council Resolution No. 82-09: Prior to filing a final map, the Applicant shall annex the property to the City of Oakley Community Facilities District 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 or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.
6. In regards to Street Lights, the following condition shall revise Condition of Approval No. 52 of City Council Resolution No. 82-09: Install streetlights along all project streets, Goldenleaf Lane, Carpenter Road and Rose 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 shall be LEDs and decorative per City standards.
7. In regards to Landscaping Maintenance, the following condition shall revise Condition of Approval No. 73 of City Council Resolution No. 82-09: Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance. City shall reasonably consider partial acceptance of landscape and roadway improvements subject to improvements being complete, landscaping passing the required plant establishment period, and adequate funds being available from the City of Oakley Community Facilities District No. 2015-2 to operate and maintain the landscaping being accepted.

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.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the June 13, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date