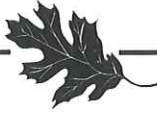


OAKLEY



CALIFORNIA

STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: February 23, 2016
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelow, Senior Planner
SUBJECT: Boparai Minor Subdivision MS 16-976 (TPM 01-16)

SUMMARY

This is a public hearing on a request by Surjeet Boparai ("Applicant") for approval of a tentative parcel map subdividing one 1.07 acre lot into two lots of 0.51 acres (Parcel A) and 0.56 acres (Parcel B) ("Project"). The lot is an existing commercial shopping center ("Boparai Plaza") with two buildings that are adjacent to the Chevron Gas Station on Main Street and East Cypress Road. Each of the proposed two lots will exclusively include one of the two buildings. The site is located at 4510-4534 Main Street and zoned "C" (General Commercial) District. APN 033-240-015

Staff recommends the City Council adopt the resolution approving Boparai Minor Subdivision 16-976 (TPM 01-16), as conditioned.

BACKGROUND

General Plan and Zoning

The General Plan Land Use Designation for the project site is *Commercial* as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram). The site is zoned "C" (General Commercial) District. Applicable lot requirements for the C District include a 7,500 square foot minimum lot size, 1.0 maximum base floor area ratio (FAR), and no applicable minimum lot width or lot depth.

Existing Conditions and Surrounding Uses

Project Site: There are two separate buildings on the project site, which are currently and have historically been occupied by retail, food, office and personal services type uses. The building on proposed Parcel B includes a drive thru that is not currently being utilized.

North: Within the same shopping center is a Chevron Gas Station with market and drive-thru car wash (separate lot) and Cypress Road beyond.

South: Additional *Commercial* designated and C District land. Three of the parcels are occupied by existing residential dwelling units. The parcel to the south of those is undeveloped.

East: Marsh Creek and trail with a single family residential subdivision beyond.

West: Main Street and Arco Gas Station, market and drive-thru car wash on the southwest corner of main Street and Cypress Road.

PROJECT DESCRIPTION

Tentative Parcel Map

The proposed tentative parcel map (MS 16-976) does not include plans for development because the project site is already built out. Rather the applicant requests to split the existing parcel into two lots so that the two existing buildings will also be on separate lots. If approved, the subdivision would result in two parcels; Parcel A at 22,392 square feet (0.51 acres), and Parcel B at 24,384 square feet (0.56 acres). An existing 25 foot wide access easements would remain and provide shared access for the two proposed lots with the existing lot to the north (Chevron Gas Station). This easement would also provide Parcel A with access since this subdivision would separate Parcel A from the existing driveway on Main Street. No road dedications or improvements are proposed or required as a result of this subdivision.

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. This project can be classified as Class 15 in that:

- The project is a division of land in an urbanized area zoned for residential use into four or fewer parcels;
- The division is in conformance with the General Plan and zoning ordinance, and no variances or exceptions are required; and
- All services and access to the proposed parcels to local standards are available, and the parcel was not involved in a larger subdivision within the last two years.

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 "C" District.

ANALYSIS AND FINDINGS

The main purpose of the subdivision is to separate the two existing buildings in an attempt to make the drive-thru building more marketable and ultimately attract a desirable tenant. The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it allows for and attempts to attract additional commercial uses. From a zoning perspective, the lot sizes are consistent with the applicable C District zoning regulations of 7,500 square foot minimum lot sizes and maximum 1.0 base floor area ratio.

FINDINGS

Complete draft findings are included in the attached resolution.

RECOMMENDATION

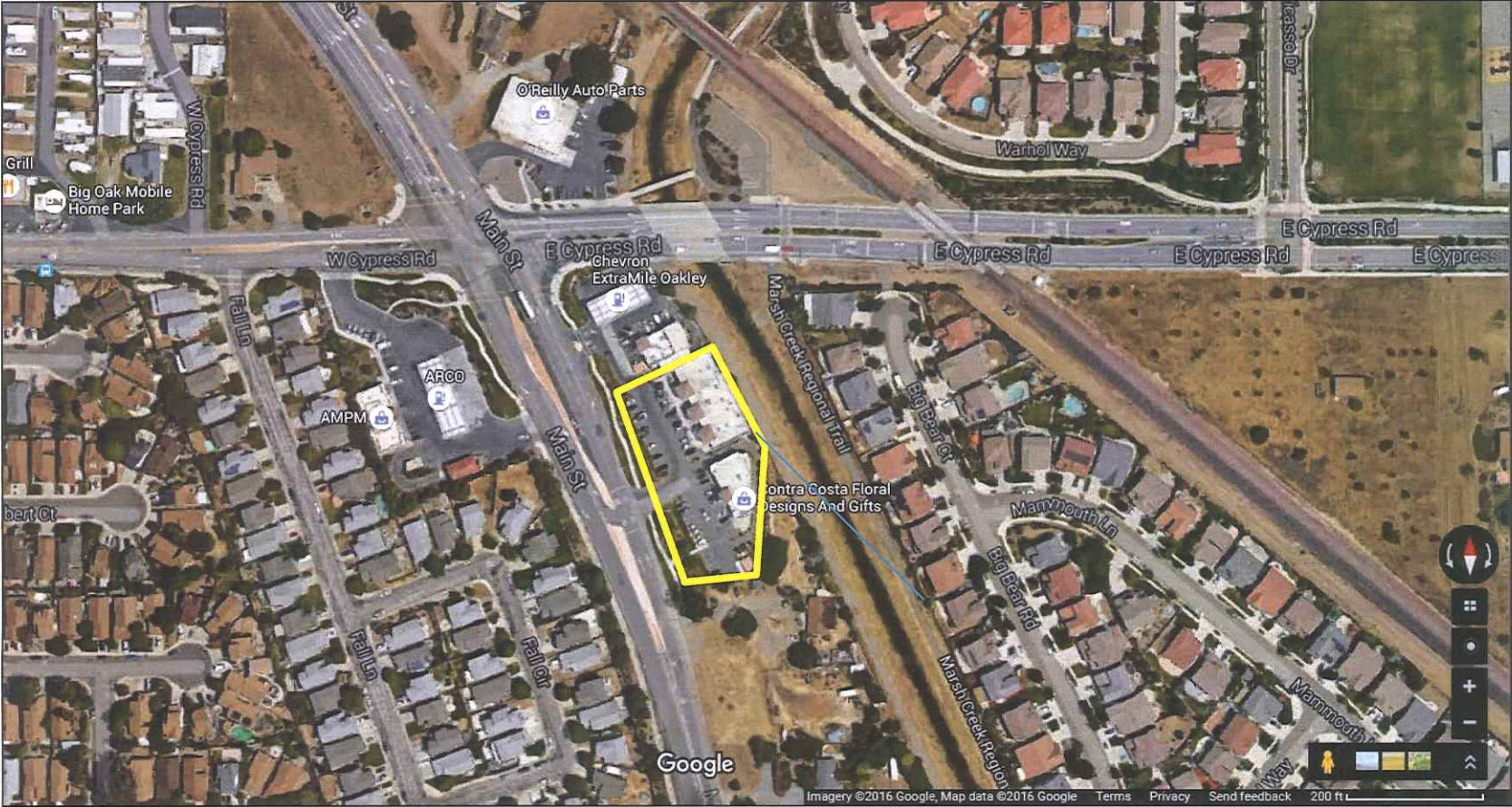
Staff recommends the City Council adopt the resolution approving Boparai Minor Subdivision MS 16-976 (TPM 01-16), as conditioned.

ATTACHMENTS

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

Vicinity Map

**Boparai Minor Subdivision MS 16-976 (TPM 01-16)
4510-4534 Main Street**





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **February 23, 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 Parcel Map**.

Project Name: Boparai Minor Subdivision MS 16-976 (TPM 01-16).

Project Location: 4510-4534 Main Street, Oakley, CA 94561. APN 033-240-015.

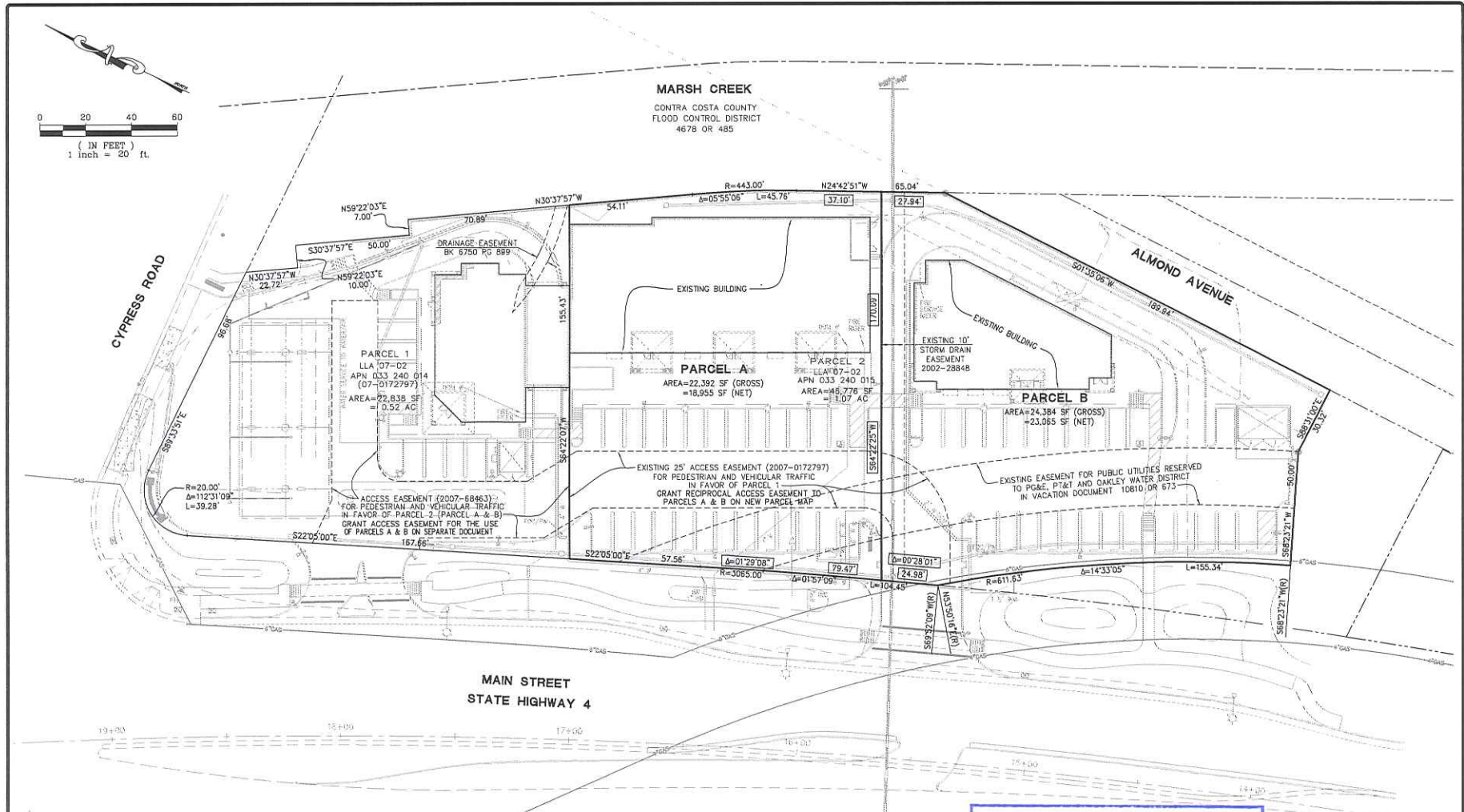
Applicant: Surjeet Boparai, 4510 Main Street, Oakley, CA 94561.

Request: This is a public hearing on a request for approval of a Tentative Parcel Map subdividing one 1.07 acre lot into two lots of 0.51 acres (Parcel A) and 0.56 acres (Parcel B). The project site is the location of an existing commercial shopping center ("Boparai Plaza") with two separate buildings that are adjacent to the Chevron Gas Station on Main Street and East Cypress Road. Each of the proposed lots will exclusively include one of the two buildings. The site is zoned "C" (General Commercial) District.

The Staff Report and its attachments will be available for public review, on or after **February 19, 2016** at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com/city-meetings/.

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.



OWNER/DEVELOPER:
 BOPARAI INVESTMENTS, LLC
 4510 MAIN STREET
 OAKLEY, CA 94661
 PH. (925) 437-8797

CIVIL ENGINEER:
 HILMANN COMPANY INC.
 1021 BROWN AVE.
 LAFAYETTE, CA 94549
 PH. (925) 283-5000

PROJECT INFORMATION

APN: 033-240-015-9
 ADDRESS: 4510 MAIN STREET
 OAKLEY, CA 94661

EXISTING ZONING: COMMERCIAL
 PROPOSED ZONING: COMMERCIAL
 EXISTING LAND USE: COMMERCIAL STORES
 PROPOSED LAND USE: COMMERCIAL STORES
 TOTAL AREA: 46,778 SF (1.07± AC)
 NUMBER OF LOTS: 2 LOT SUBDIVISION
 AVERAGE LOT AREA: 23,386 SF (0.54± AC)

UTILITIES:

POWER: PG&E
 WATER: DIABLO WATER DISTRICT
 SEWER: IRONHOUSE SANITARY DISTRICT
 STORM DRAIN: CITY OF OAKLEY

**CITY OF OAKLEY
 Planning Department**

JAN 19 2016

RECEIVED

REVISIONS	SCALE	DATE	DRAWN	CHECKED	IN	JOB NO.
	1" = 20'	11/19/15				04147

VESTING TENTATIVE PARCEL MAP - MS
 RESUBDIVISION OF PARCEL 2 LLA 07-02 INTO PARCELS A & B
 BOPARAI PLAZA - 4510 MAIN STREET (APN 033-240-015)
 OAKLEY CONTRA COSTA COUNTY CALIFORNIA

HILMANN COMPANY INC.
 ENGINEERING - SURVEYING
 1021 BROWN AVE. #1414P
 OAKLEY, CA 94661
 PH. (925) 283-5000 FAX (925) 283-5078
 www.hilmannco.com

SHEET 1
 OF 1 SHEET
 JOB NO. 04147

D:\WORK\2015\11\15\1507\033-240-015-9.PLT

RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING A TENTATIVE PARCEL MAP FOR "BOPARAI MINOR
SUBDIVISION MS 16-976 (TPM 01-16)" LOCATED AT 4510-4534 MAIN STREET
APN 032-240-015**

FINDINGS

WHEREAS, on January 19, 2016, Surjeet Boparai of Boparai Investments, LLC ("Applicant") filed an application requesting approval of a Tentative Parcel Map to subdivide one 1.07 acre lot into two lots of 0.51 acres (Parcel A) and 0.56 acres (Parcel B) ("Project") within an existing commercial shopping center ("Boparai Plaza"). Each of the proposed two lots will exclusively include one of the two existing buildings. The site is located at 4510-4534 Main Street and zoned "C" (General Commercial) District. APN 033-240-015; and

WHEREAS, the applicant's plans include the Tentative Parcel Map, which was received on January 19, 2016 and attached to the project staff report ("Plans"); and

WHEREAS, on February 4, 2016 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated "Commercial" on the Oakley 2020 General Plan Land Use Map, and zoned C (General Commercial) District; 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 or prior to February 12, 2016, the Notice of Public Hearing for the project was posted in the Contra Costa Times, 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. The notice was also 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 February 23, 2016, the City Council held a 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, and the information submitted to the City Council at its February 23, 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 project (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 a Tentative Parcel Map for the project titled, "Boparai Minor Subdivision MS 16-976 (TPM 01-16)", 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 allows for and attempts to attract additional commercial uses. From a zoning perspective, the lot sizes are consistent with the applicable C District zoning regulations of 7,500 square foot minimum lot sizes and maximum 1.0 base floor area ratio; and
 - 2. The subdivision is on a piece of land that has already been the subject of a conditioned development that dedicated and improved the appropriate amount of right of way along Main Street frontage, and there is no additional need for right of way dedication.
- 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 approval of a Tentative Parcel Map for "Boparai Minor Subdivision MS 16-976 (TPM 01-16)", 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 the February 23, 2016 City Council meeting.

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 January 19, 2016, 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 Parcel Map and if not effectuated shall expire on February 23, 2019. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code and Subdivision Map Act.
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 February 23, 2019, and as conditioned herein.
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. There shall be no construction associated with this Tentative Parcel Map. The applicant has stated that the Final Parcel Map will only result in the division of land, and no development related improvements to the site.
6. 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:

7. 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.

8. 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.

Public Works and Engineering Conditions

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF A FINAL PARCEL MAP UNLESS OTHERWISE NOTED:

9. The Applicant shall submit a final parcel map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.

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. 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.

C. 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.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 23rd day of February, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date