

OAKLEY



CALIFORNIA

Agenda Date: 09/27/2016
Agenda Item: 4.1

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 9015 Tentative Map Extension (TME 03-16)

SUMMARY

This is a public hearing on a request by Dennis and Gloria Lamb ("Applicant"), on behalf of Doris Cosetti, for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9015 (known as "Cosetti and Creson Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 28 acres subdivided into 98 detached single family residential lots, a 2.5 acre stormwater pond, and a 1.3 acre park planned to be part of a future 2.6 acre park. The project is located at 4219 Machado Lane and is zoned P-1 (Planned Unit Development) District. APNs 033-190-003, 033-190-004, and 033-160-041.

Staff recommends the City Council adopt the resolution approving Subdivision 9015 Tentative Map Extension (TME 03-16), 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 14-06.

Previous Entitlements and Subdivision Extensions

Oakley City Council adopted the project's California Environmental Quality Act ("CEQA") Negative Declaration, Vesting Tentative Map, Tree Permit, and Development Plan on September 11, 2009 through the adoption of City Council Resolution 114-06. In conjunction with the project entitlements, the City Council also rezoned the project site to P-1 District through adoption of Ordinance No. 14-06 on September 11, 2006. The Tentative Map received a three (3) year approval period from its effective date, and therefore, was set to expire on September 11, 2009. However, through multiple state-wide automatic map extensions¹ the Tentative Map expiration date was extended for an additional seven (7) years, or September 11, 2016.

PROJECT DESCRIPTION

The applicant is requesting an extension of three (3) years to the entitlement of the approved Tentative Map. If approved, the map would not expire until September 11, 2019. The approved Tentative Map consists of subdividing approximately 28 acres into 98 lots, including a stormwater pond and a portion of a park. The average lot size on the approved Tentative Map is 7,037 square feet, with 75 of the 98 lots ranging between 6,000 and 7,000 square feet. Gross density of the project, which includes all acreage (i.e. streets, parks, stormwater pond), is 3.5 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 three (3) year extension to the Tentative Map approval. The subdivision is located along East Cypress Road, directly south of the Emerson Ranch Subdivision, which is currently under construction. Future development of this project will

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

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not only provide improvements to the south side of East Cypress Road along its frontage, but could also spur development of nearby properties in a manner consistent with the Oakley 2020 General Plan. Also, to the north, Emerson Ranch Subdivision will provide adequate stormwater treatment and storage for this project and additional projects north of the railroad tracks and west of Sellers Avenue. If the owners choose to tie into Emerson Ranch Subdivision's stormwater treatment and storage, they may be able to apply for an additional Tentative Map for the approximately 2.5 acres currently planned for a stormwater pond. Given the size of this project and the fact there is not a current developer moving the project forward, granting a three (3) year extension is a good middle-ground between one (1) year and the maximum six (6) years extensions.

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 114-06 that are not revised or deleted 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. 114-06.

FINDINGS

Complete draft findings are included in the attached resolution.

RECOMMENDATION

Staff recommends the City Council adopt the resolution approving Subdivision 9015 Tentative Map Extension (TME 03-16), as conditioned.

ATTACHMENTS

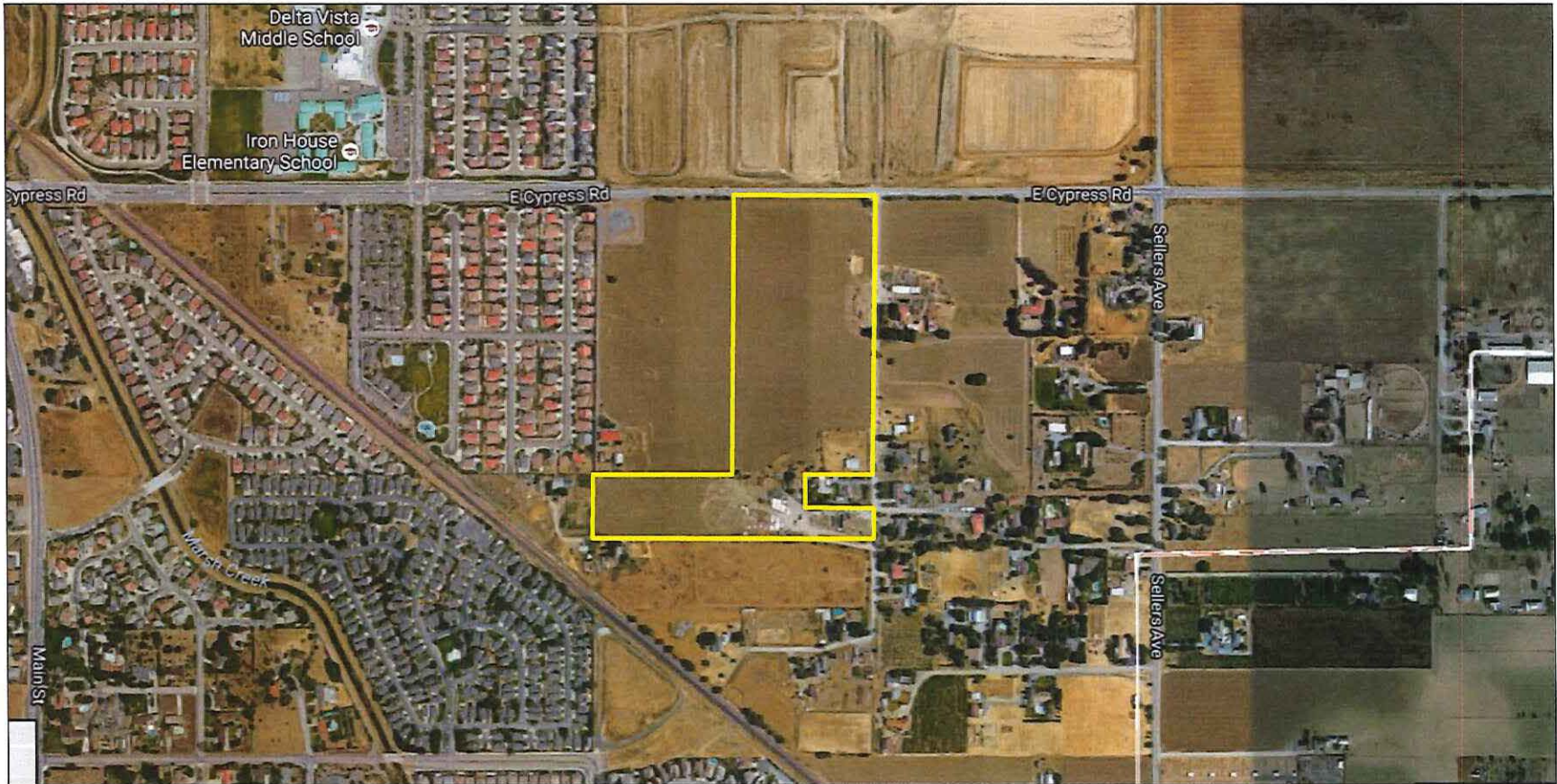
1. Vicinity Map
2. Public Hearing Notice
3. Approved Tentative Map 9015
4. Draft Resolution

CITY CLERK'S READING FILE

1. City Council Ordinance No. 14-06
2. City Council Resolution No. 114-06

Vicinity Map

Subdivision 9015 Tentative Map Extension (TME 03-16)



OAKLEY



CALIFORNIA

Attachment 2

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 9015 Tentative Map Extension (TME 03-16)

Project Location: 4219 Machado Lane, Oakley, CA 94561. APNs 033-190-003, 033-190-004, and 033-160-041.

Applicant: Dennis and Gloria Lamb on behalf of Doris Cosetti. ds-lamb58@sbcglobal.net.

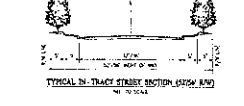
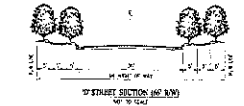
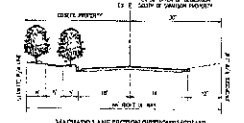
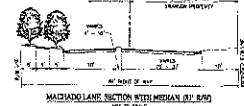
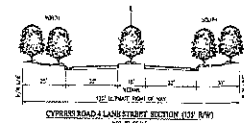
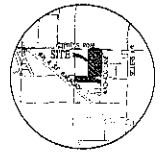
Request: This is a public hearing on a request for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9015 (known as "Cosetti and Creson Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 28 acres subdivided into 98 detached single family residential lots, a 2.5 acre stormwater pond, and a 1.3 acre park planned to be part of a future 2.6 acre park. 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. Strelor, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelor@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.

EMERSON

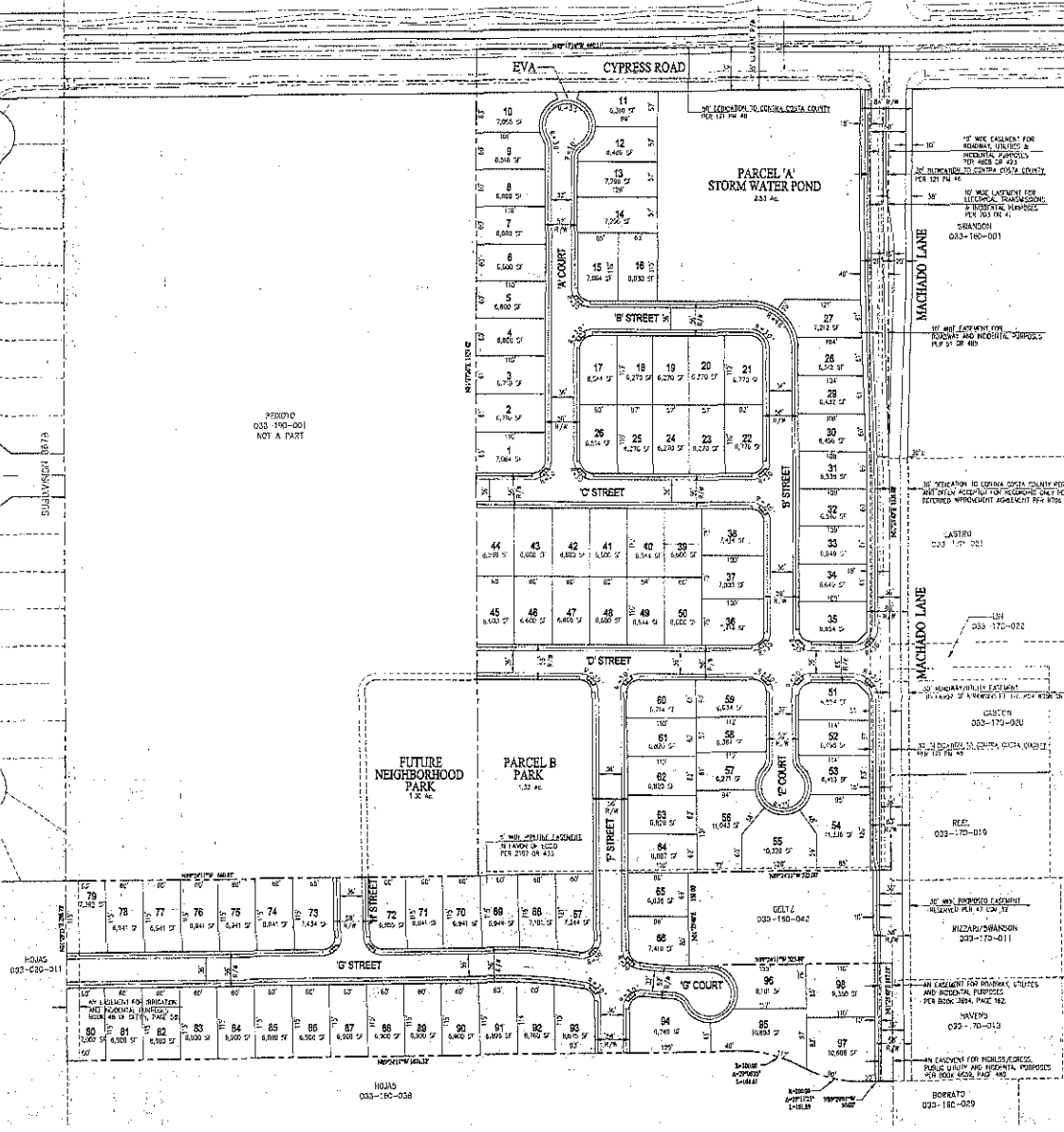


GENERAL NOTES:

1. OWNER: BONY CREST DEVELOPMENT GROUP
2. APPLICANT: BONY CREST DEVELOPMENT GROUP, INC. 10000 BONY CREST DRIVE, SUITE 100, OAKLAND, CA 94643
3. DATE DRAWN: 03/11/2009
4. SHEET NUMBER: 1 OF 1
5. SCALE: 1" = 40'
6. TOTAL NUMBER OF LOTS: 88
7. PROJECT: 33.5A / 33.5B
8. LAND USE: RESIDENTIAL - SINGLE-FAMILY
9. ZONING: R-1.5
10. DESIGNER: BONY CREST DEVELOPMENT GROUP, INC.
11. ENGINEER: BONY CREST DEVELOPMENT GROUP, INC.
12. PREPARED BY: BONY CREST DEVELOPMENT GROUP, INC.
13. ALL UTILITIES TO BE SHOWN AND DELETED WHERE NECESSARY.
14. ALL UTILITIES TO BE SHOWN AND DELETED WHERE NECESSARY.
15. ALL UTILITIES TO BE SHOWN AND DELETED WHERE NECESSARY.

LOT SUMMARY

LOT NO.	AREA (SQ. FT.)	AREA (SQ. FT.)
1-10	10,000	10,000
11-21	10,000	10,000
22-35	10,000	10,000
36-50	10,000	10,000
51-65	10,000	10,000
66-88	10,000	10,000



Attachment 3

RECEIVED



COSSETTI AND CRESON PROPERTIES
 VESTING TENTATIVE MAP
 & PLANNED DEVELOPMENT PLAN
 SUBDIVISION 9615
 CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

APPROVED: [Signature]

DATE: MARCH 28, 2009

SCALE: 1" = 40'

EXHIBIT 11

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 9015 TENTATIVE MAP EXTENSION (TME 03-16)****FINDINGS**

WHEREAS, on August 4, 2016, Dennis and Gloria Lamb (“Applicant”), on behalf of Doris Cosetti, filed an application requesting approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9015 (known as “Cosetti and Creson Subdivision”) for an additional three (3) years. The project is located at 4219 Machado Lane and is zoned P-1 (Planned Unit Development) District. APNs 033-190-003, 033-190-004, and 033-160-041; and

WHEREAS, on September 3, 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 September 11, 2016; and

WHEREAS, the approved Tentative Map consists of approximately 28 acres subdivided into 98 detached single family residential lots, a 2.5 acre stormwater pond, and a 1.3 acre park planned to be part of a future 2.6 acre park; 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 September 11, 2006 through adoption of Resolution 114-06. Approval of the rezone to P-1 District was also on September 11, 2006 adoption of Ordinance 14-06; 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 9015, 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 9015 Tentative Map Extension (TME 03-16), 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 114-06) are still valid and apply to this extension; and
 - 2. All conditions of approval in City Council Resolution 114-06, 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 9015 Tentative Map Extension (TME 03-16), 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.114-06 and City Council Ordinance No. 14-06. 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 three (3) additional years, resulting in Subdivision 9015 expiring on September 11, 2019, 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). (Replaces Condition No. 2 of Resolution No. 114-06).
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. Condition No. 54 of Resolution No. 114-06 shall be deleted.
6. As shown on the tentative map, the cross section of Machado Lane shall transition to a thirty six foot curb to curb roadway within a sixty six foot right of way along the project frontage from the south end of the transition to D Street. The north end of the transition shall be located approximately thirty five feet north of the north property line of Lot 27. The right of way shall narrow to sixty three feet from D Street to the southern lot line of Lot 54 and to fifty eight feet from that point to the project boundary. Future development of the Swanson property (APN 033-180-001), Castro Property (APN 033-170-021) and Geltz property (APN 033-160-042) will be required to reimburse the applicant for the pro-rata share of the roadway that would have been their obligation. (Revises Condition No. 57 of Resolution No. 114-06).
7. 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. 58 and 59 of Resolution No. 114-06).

8. 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. (New Condition).
9. Condition No. 65 of Resolution No. 114-06 shall be deleted.
10. Convey to the City, by offer of dedication, the right of way for Machado Lane for the planned future half width of 33-feet along the project frontage to the south side of Lot 54 and for the planned future half width of 28-feet from the south side of Lot 54 to the southern project boundary. (New Condition).
11. Submit a dust, litter and air quality control plan to the City Engineer prior to beginning any construction activities. The plan shall include the following mitigation measures:
 - a. Stabilize all construction areas previously graded but inactive for ten days or more. (Edits Condition No. 75.f of Resolution No 114-06).
12. The burying of any construction debris is prohibited on construction sites. (New Condition).
13. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer. (New Condition).
14. Collect and convey all stormwater entering and/or originating on these properties, 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, in accordance with Division 914 of the Ordinance Code. These drainage improvements are to be completed in coordination with the West Cypress Corridor Projects (Subdivisions 9032, 9033 and 9034) in accordance with the various infrastructure agreements associated with those projects. (Revises Condition No. 82 of Resolution No. 114-06).
15. Prior to Final Map approval for Subdivision 9015 the applicant shall submit the final storm water pond and landscaping design of Parcel A for City Council review and approval. With the construction of Emerson Ranch, a sixty inch diameter storm drain line was constructed from Emerson Ranch Way south across East Cypress Road to the south right of way line. The pipeline was sized to accommodate the runoff generated by all of the properties between East

Cypress Road and the railroad tracks, east of Cypress Grove and west of Sellers Avenue. The applicant will need to reimburse the Emerson Ranch developer for this projects fair share of the cost of the construction of the storm drain facilities. In addition, to the storm drain line, an eight inch diameter sanitary sewer line was constructed to serve the southern properties and there may need to be a reimbursement for it. (Revises Condition No. 83 of Resolution No. 114-06).

16. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards. (Revises Condition No. 85 of Resolution No. 114-06).
17. In the event Parcel A is for used for open space and/or flood control purposes, it shall be conveyed to the City, by offer of dedication. (Revises Condition No. 89 of Resolution No. 114-06).
18. Condition No. 93.F (Child Care Fee) of Resolution No. 114-06 shall be deleted.
19. The applicant shall pay East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07). (New Standard Condition).
20. 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).
21. Condition Nos. 94, 95, 96, 98, 99 and 100 of Resolution No. 114-06 shall be deleted. (Replaced by Condition No. 22 of this resolution).
22. 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.

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