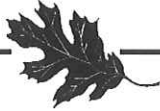


OAKLEY



CALIFORNIA

STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: January 24, 2017
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelow, Senior Planner
SUBJECT: **Subdivision 9088 Tentative Map Extension (TME 05-16)**

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 9088 (known as "Cedarwood Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 15 acres subdivided into 34 detached single family residential lots. The project is located at 4192 Live Oak Avenue and zoned R-12 (Single Family Residential) District. APNs 041-030-032, 033, and 046.

Staff recommends the City Council adopt the resolution approving Subdivision 9088 Tentative Map Extension (TME 05-16), as conditioned.

BACKGROUND

General Plan and Zoning

- The General Plan Land Use Designation for the project site is *Single Family Residential, Low Density* ("SL") as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram).
- The site is zoned R-12 (Single Family Residential) District.

Previous Entitlements and Subdivision Extensions

On August 9, 2009, Oakley City Council rezoned the project site from A-2 (General Agriculture) District to R-12 (Single Family Residential) District through adoption of Ordinance No. 18-09. On January 12, 2010, the City Council adopted the project's California Environmental Quality Act ("CEQA") Mitigated Negative Declaration, Vesting

Tentative Map, and Tree Removal Permit through the adoption of Resolution No. 09-10. The Tentative Map received a three (3) year approval period from its approval date, and therefore, was set to expire on January 12, 2013. With the addition of state-wide automatic map extensions¹ the Tentative Map expiration date was extended for an additional four (4) years, or to January 12, 2017.

PROJECT DESCRIPTION

The applicant is requesting an extension of three (3) years to the entitlement of the approved Tentative Map with the anticipation of beginning construction in 2020. The approved Tentative Map consists of subdividing approximately 15 acres into 34 detached single family residential lots. The average lot size on the approved Tentative Map is 15,500 square feet, with lot sizes ranging from 12,045 to 22,997 square feet. Gross density of the project, which includes all acreage prior to dedication of streets and other right of way, is 2.27 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. It is noted that although this hearing was scheduled after the expiration date of the original map, the application was filed in a timely manner, and any approval of an extension would be retroactive to January 13, 2017.

The subdivision is located in between Live Oak Avenue and Michelle Lane. Improvements to Live Oak Avenue are already complete. Construction of the subdivision will result in additional improvements to the portion of Michelle Lane that is adjacent to the project, as well as improvements to a portion of Knox Lane, which runs through the project. Cherry Court, which will be used to access Lots 1-5 off of Michelle Lane, is already partly dedicated and will result in additional dedication and improvements as part of the project. Discovery

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

Builders, Inc. owns several approved subdivisions within the City of Oakley, and within the past year they have received a one year extension to the approval of Duarte Ranch Subdivision 9027 (located on the southeast corner of Rose Avenue and Laurel Road), and one year extension to the approval of Aspen Lane Subdivision 9043 (located on Empire Avenue, just north of Carpenter Road). The Applicant has previously stated that initial plans are to develop Duarte Ranch and Aspen Lane. This project is expected to be constructed after those two. Staff recommends the City Council approve the three (3) year extension for this project. Alternatively, the Council may wish to grant a lesser extension, and if the Applicant finds that extension is not sufficient, they may submit another extension request prior to its expiration.

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 No. 09-10 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. 09-10.

FINDINGS

Complete draft findings are included in the attached resolution.

RECOMMENDATION

Staff recommends the City Council adopt the resolution approving Subdivision 9088 Tentative Map Extension (TME 05-16), as conditioned.

ATTACHMENTS

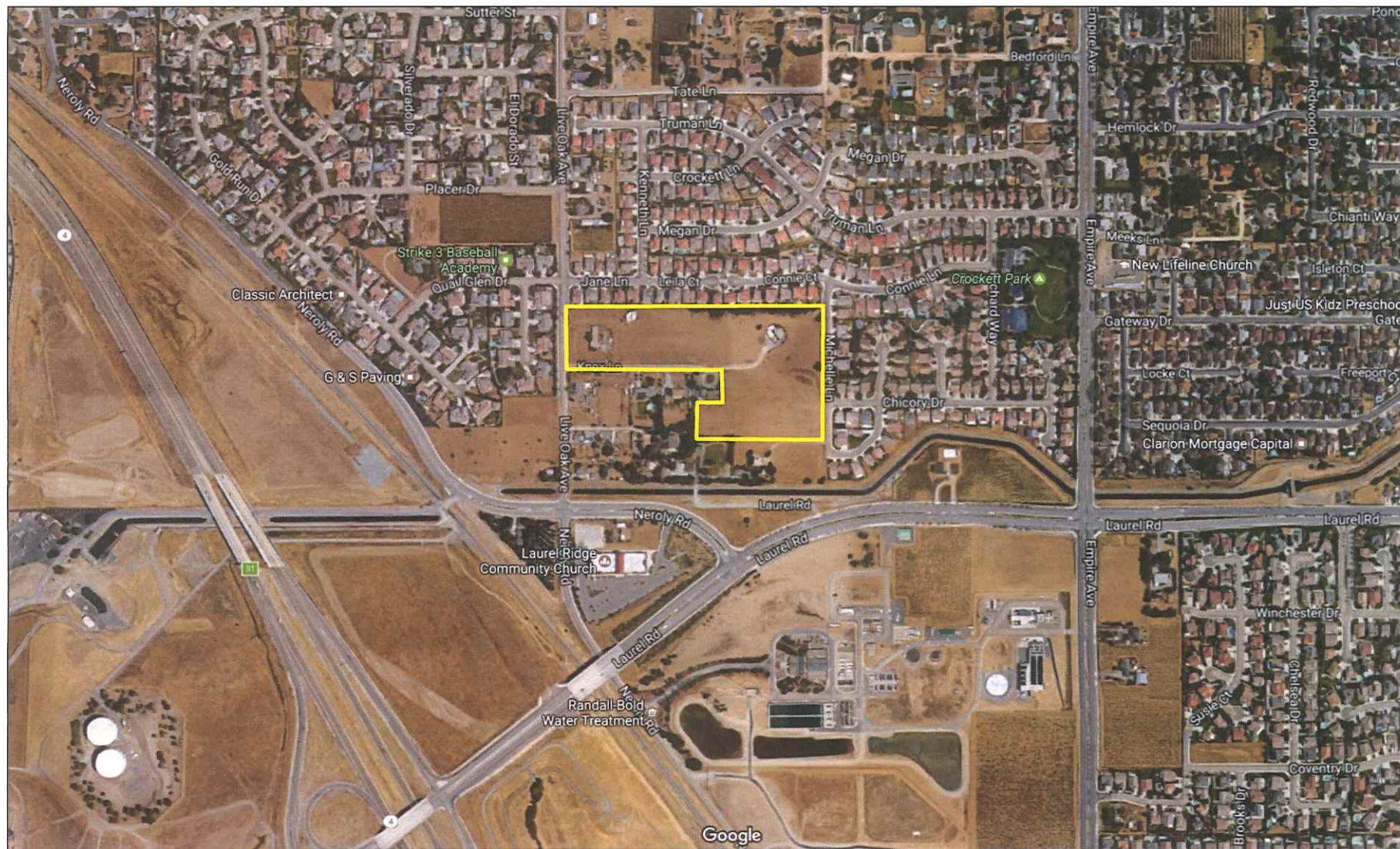
1. Vicinity Map
2. Public Hearing Notice
3. Approved Tentative Map 9088
4. Draft Resolution

CITY CLERK'S READING FILE

1. City Council Ordinance No. 18-09
2. City Council Resolution No. 09-10

Vicinity Map

Subdivision 9088 Tentative Map Extension (TME 05-16)





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **January 24, 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: Subdivision 9088 Tentative Map Extension (TME 05-16).

Project Location: 4192 Live Oak Avenue, Oakley, CA 94561. APN 041-030-032, 033, and 046.

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 9088 (known as "Cedarwood Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 15 acres subdivided into 34 detached single family residential lots. The project is zoned R-12 (Single Family Residential) District.

The Staff Report and its attachments will be available for public review, on or after January 20, 2017 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.

VESTING TENTATIVE SUBDIVISION MAP CEDARWOOD ESTATES SUBDIVISION 9088

GENERAL NOTES

OWNER: BAYWOOD LAND MANAGEMENT COMPANY
4061 POINT CORDADO HIGHWAY, SUITE H
DANFORD, CA 94500
CONTACT: LOUIS PARSONS
(925) 682-8419 FAX: (925) 683-2947

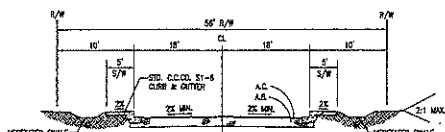
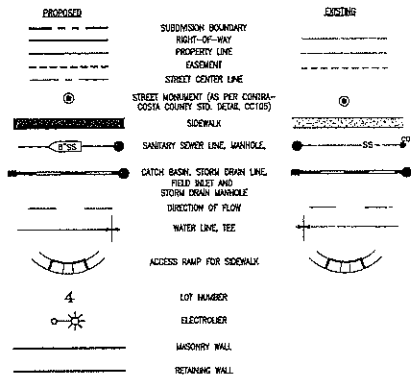
APPLICANT/DEVELOPER: DISCOVERY BUILDERS, INC.
4061 POINT CORDADO HIGHWAY, SUITE H
DANFORD, CA 94500
CONTACT: LOUIS PARSONS
(925) 682-8419 FAX: (925) 683-2947

PLANNING/CIVIL ENGINEER: KIMLEY-HORN AND ASSOCIATES, INC.
555 12TH STREET, SUITE 1230
DANFORD, CA 94507
CONTACT: FELICIA DEAN, P.E.
(510) 625-0712

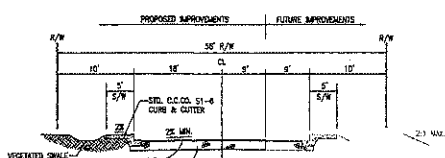
SOILS ENGINEER: ENGED, INC.
2010 CROWN CANYON ROAD, SUITE 250
SAN RAMON, CA 94583
(925) 868-0000

UTILITIES & SERVICES:
STORM DRAIN: CITY OF OAKLEY
WATER: SHADL WATER DISTRICT
SEWER: POMPOUSE SANITARY DISTRICT
GAS & ELECTRIC: PG & E
FIRE: C.C. DD, FIRE PROTECTION DISTRICT
TELEPHONE: A.T.&T.
CABLE: COMCAST
DISTING ZONING: R-12
GENERAL PLAN / ZONING: SINGLE FAMILY LOW R-12
PROPOSED DENSITY: 2.27 DWELLING UNITS PER ACRE
EXISTING USE: NORTHERN - RESIDENTIAL HOMES (2)
SOUTHERN - VACANT
PROPOSED USE: 24 SINGLE FAMILY RESIDENTIAL LOTS
GROSS ACREAGE: 14.95 AC
APNS: 041-035-022, 041-035-033, 041-035-046
FLOODING: THERE ARE NO AREAS SUBJECT TO FLOODING PER FEMA FIRM COMMUNITY-PANEL NO. 0502760456 A
ADJACENT LAND USE: SINGLE-FAMILY LOW DENSITY AND SINGLE-FAMILY HIGH DENSITY
ADJACENT ZONING: R-15, P-1 (SPY-RESIDENTIAL), AND A-1
LOT AREA RANGE: 15,000 - 18,400 SF
AVERAGE LOT SIZE: 15,610A SF
MINIMUM LOT SIZE: 15,000 SF

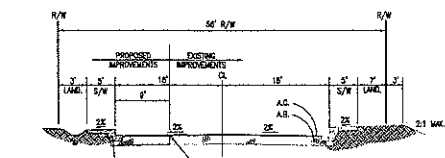
LEGEND



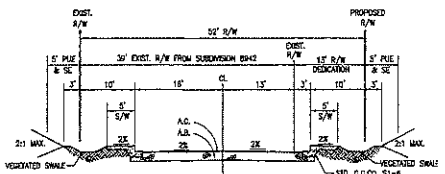
SECTION A - KNOX LANE
EXISTING LOTS 8 - 12
NOT TO SCALE



SECTION B - KNOX LANE
EXISTING LOTS 12 - 20
NOT TO SCALE



SECTION C - MICHELLE LANE
NOT TO SCALE



SECTION D - CHERRY COURT
NOT TO SCALE

ABBREVIATIONS

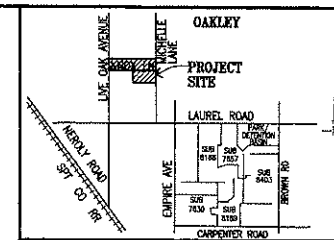
AB AGGREGATE BASE
AC ASPHALT CONCRETE
CB CATCH BASIN
CL CENTER LINE
DIST. EXISTING
HP HIGH POINT
LP LOW POINT
P PAD
PL PROPERTY LINE
PSE PUBLIC STUDY EASEMENT
R/W RIGHT OF WAY
SD STORM DRAIN
SS SANITARY SEWER
TYP. TYPICAL

LAND USE SUMMARY

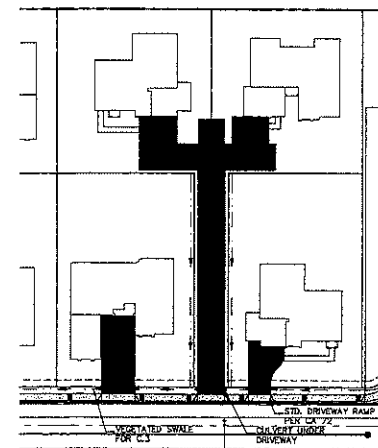
| LAND USE | NET ACRES | % | TOTAL UNITS |
|---|--------------|------------|-------------|
| SINGLE FAMILY RESIDENTIAL LOTS | 12.25 | 81.9 | 34 |
| STREETS (DEDICATED TO THE CITY OF OAKLEY) | 2.70 | 18.1 | |
| NET TOTAL | 14.95 | 100 | 34 |

NOTES

PURSUANT TO SECTION 86466.1 OF THE SUBDIVISION MAP ACT, THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP.



VICINITY MAP
NOT TO SCALE



TYPICAL CONCEPTUAL HOUSE PLOTTING
NOT TO SCALE

APPROVED

JAN 12 2010

COMUNITY DEVELOPMENT DEPT

RECEIVED

CITY OF OAKLEY

JAN 05 2010

COMMUNITY DEV DEP
PLANNING DIVISION

SHEET INDEX

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



**Kimley-Horn
and Associates, Inc.**

555 12th Street, Suite 1230
Danford, California 94507

Tel. No. (510) 625-0712 © 2009
Fax No. (510) 625-0714



| CIVIL ENGINEER | No. | DATE | BY | REFERENCE |
|------------------------------|-----|------|----|-----------|
| FELICIA C. DEAN | | | | |
| REG. NO. 42886 EXP. 12/31/10 | | | | |
| CHECKED BY: FCD | | | | |
| DESIGNED BY: SMT | | | | |
| DRAWN BY: KGT | | | | |

CEDARWOOD ESTATES SUBDIVISION 9088

VESTING TENTATIVE SUBDIVISION MAP

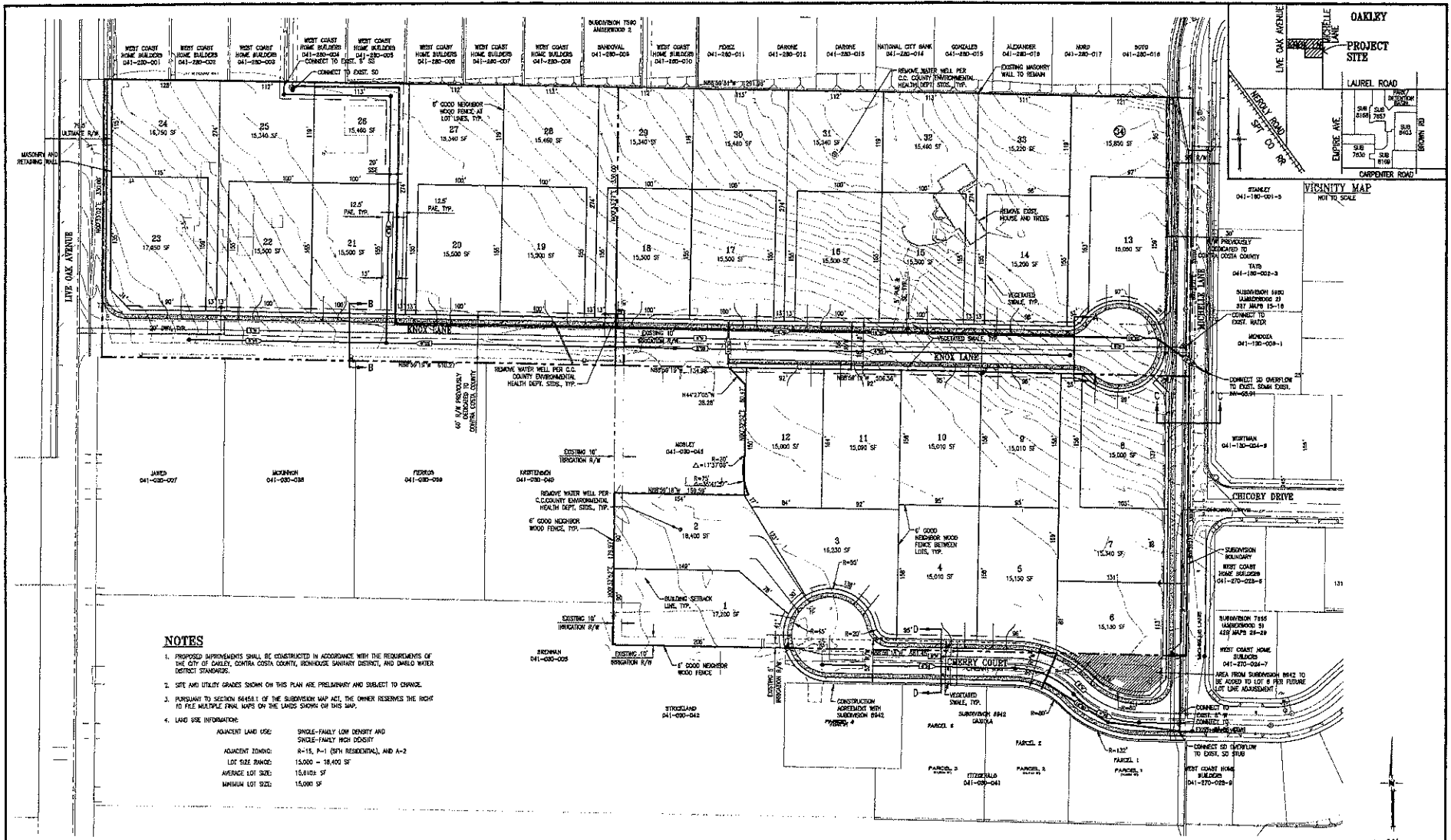
COVER SHEET

OAKLEY CONTRA COSTA CALIFORNIA

SCALE:
HOR. NA
VERT. NA
DATE: NOV 2009

SHEET NO.

1 OF 3



NOTES

1. PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF OAKLEY, CONTRA COSTA COUNTY, IRVINGDALE SANITARY DISTRICT, AND OAKLEY WATER DISTRICT STANDARDS.
2. SITE AND UTILITY GRADES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE.
3. PURSUANT TO SECTION 66458.1 OF THE SUBDIVISION MAP ACT, THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP.
4. LAND USE INFORMATION:
 ADJACENT LAND USE: SINGLE-FAMILY LOW DENSITY AND SINGLE-FAMILY HIGH DENSITY
 ADJACENT ZONING: R-15, P-1 (SF1 RESIDENTIAL), AND A-2
 LOT SIZE RANGE: 15,000 - 18,400 SF
 AVERAGE LOT SIZE: 15,810 SF
 MINIMUM LOT SIZE: 15,000 SF



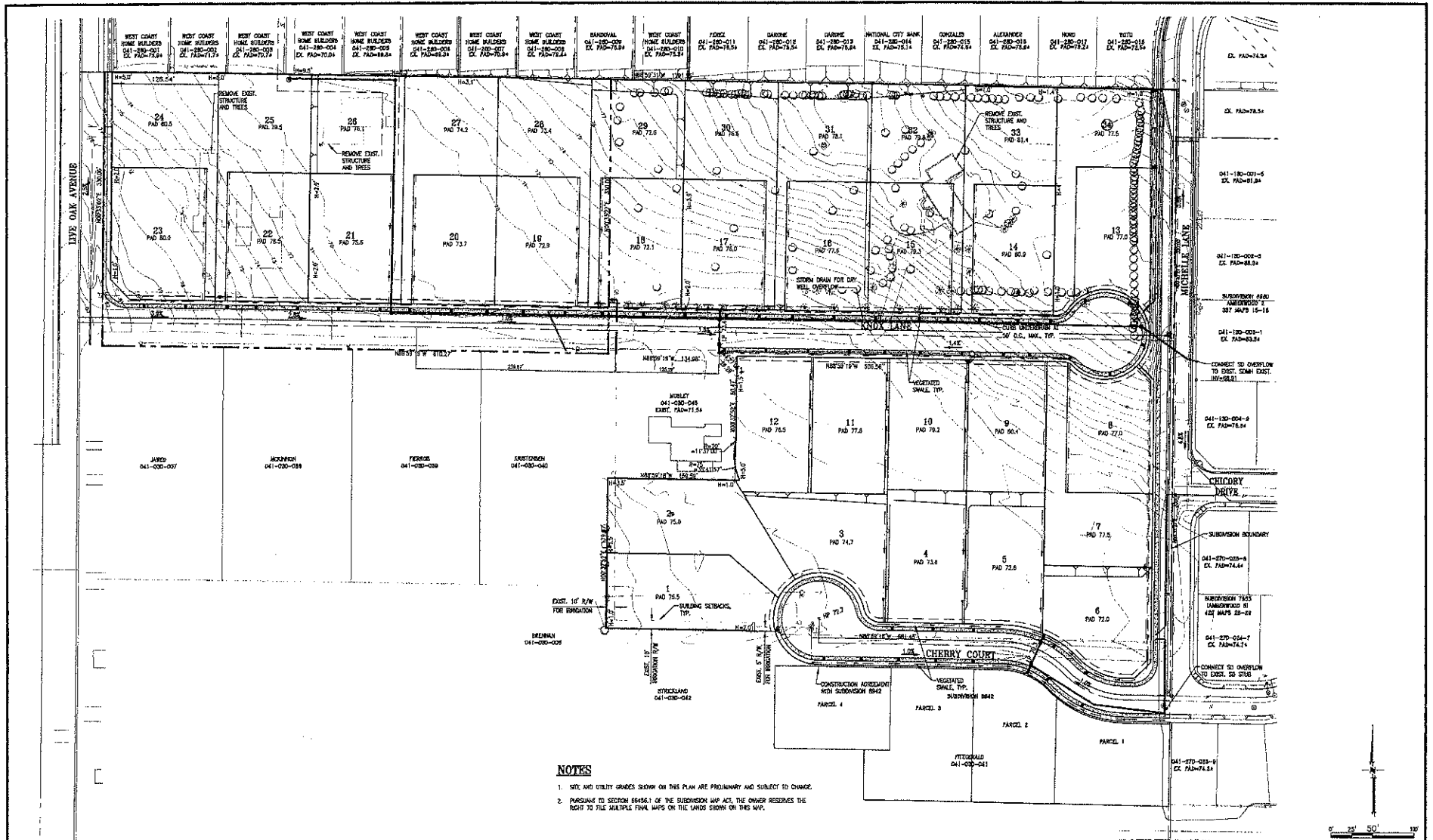
**Kimley-Horn
and Associates, Inc.**
 555 12th Street, Suite 1230
 Oakland, California 94607
 Tel. No. (510) 825-0712 © 2009
 Fax No. (510) 825-0714



| CIVIL ENGINEER | No. | DATE | BY | REFERENCE |
|------------------|-----|---------------|----|-----------|
| FELICIA C. DEAN | | | | |
| PROJ. NO. 0388 | | EXP. 12/31/19 | | |
| CHECKED BY: FCD | | | | |
| DESIGNED BY: SMT | | | | |
| DRAWN BY: KGT | | | | |

CEDARWOOD ESTATES SUBDIVISION 9088
 VESTING TENTATIVE SUBDIVISION MAP
 AND DEVELOPMENT PLAN
 OAKLEY CONTRA COSTA CALIFORNIA

SCALE: HOR. 1"=50'
 VERT. 1"=10'
 DATE: NOV 2008
 SHEET NO. 2 OF 3



NOTES

1. SITE AND UTILITY GRADES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE.
2. PURSUANT TO SECTION 64061 OF THE SUBDIVISION MAP ACT, THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP.

Kimley-Horn and Associates, Inc.
 555 13th Street, Suite 1250
 Oakland, California 94607
 Tel. No. (510) 625-0712 ©2009
 Fax No. (510) 625-0714



| | | | | |
|-----------------------------|-----|------|----|-----------|
| CIVIL ENGINEER | No. | DATE | BY | REFERENCE |
| FELICIA C. DEAN | | | | |
| ACE NO. 43596, EXP. 1/31/16 | | | | |
| CHECKED BY: FGD | | | | |
| DESIGNED BY: SMT | | | | |
| DRAWN BY: XGT | | | | |

CEDARWOOD ESTATES SUBDIVISION 9088
VESTING TENTATIVE SUBDIVISION MAP
PRELIMINARY GRADING PLAN
OAKLEY CONTRA COSTA CALIFORNIA

SCALE: HORIZ. 1"=50'
 VERT. N/A
 DATE: NOV 2009

SHEET NO. 3 OF 3

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 SUBDIVISION 9088 TENTATIVE MAP EXTENSION (TME 05-16)****FINDINGS**

WHEREAS, on November 9, 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 9088 (known as "Cedarwood Subdivision") for an additional three (3) years. The project is located at 4192 Live Oak Avenue and zoned R-12 (Single Family Residential) District. APNs 041-030-032, 033, and 046; and

WHEREAS, on December 9, 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 January 12, 2017; and

WHEREAS, the approved Tentative Map consists of approximately 15 acres subdivided into 34 detached single family residential lots; and

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

WHEREAS, on August 9, 2009, Oakley City Council rezoned the project site from A-2 (General Agriculture) District to R-12 (Single Family Residential) District through adoption of Ordinance No. 18-09; and

WHEREAS, on January 12, 2010, the City Council adopted the project's California Environmental Quality Act ("CEQA") Mitigated Negative Declaration, Vesting Tentative Map, and Tree Removal Permit through the adoption of Resolution No. 09-10; 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 January 13, 2017, the Notice of Public Hearing for the project was published in the Contra Costa Times, and 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. On that date, the Notice of Public Hearing was also mailed out to

all owners of property within 500 feet of the project boundaries, outside agencies, and parties requesting such notice; and

WHEREAS, on January 24, 2017, 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 9088, and the information submitted to the City Council at its January 24, 2017 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 9088 Tentative Map Extension (TME 05-16), 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 No. 09-10) are still valid and apply to this extension; and
 - 2. All conditions of approval in City Council Resolution No. 09-10, 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 9088 Tentative Map Extension (TME 05-16), 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.09-10 City Council Ordinance No. 18-09. 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 9088 expiring on January 12, 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). (Replaces Condition No. 3 of Resolution No. 09-10).
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. Install streetlights along all project streets and the project Michelle Land and Live Oak 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 shall be decorative per City standards, and the lights along Live Oak Avenue shall be General Electric spun aluminum "cobra head" style. All lights shall be LED. (Adds last sentence to Condition No. 66 of CC Reso. No. 09-10).
6. Condition Nos. 91, 92, 93 and 95 of CC Reso. No. 09-10 shall be deleted and replaced by the following Condition No. 7 of this resolution.
7. Annex the property to the City of Oakley Community Facilities District No. 2015-2 (CFD) for funding the maintenance and operation costs associated with 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 annexations shall be paid by Applicant. The assessment shall be the per parcel annual amount set by CFD at the time of annexation. Annexation shall be completed prior to filing of the final map. (Replaces Condition Nos. 91, 92, 93 and 95 of CC Reso. No. 09-10).

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the January 24, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date