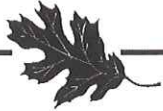


# OAKLEY



CALIFORNIA

## STAFF REPORT

Approved and forwarded to City Council

A handwritten signature in blue ink, appearing to read "BHM".

Bryan H. Montgomery, City Manager

**Date:** February 28, 2017

**To:** Bryan H. Montgomery, City Manager

**From:** Kenneth W. Strelow, Senior Planner

**SUBJECT:** **Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17) - A request to extend the Tentative Map approval for an additional three years.**

### 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 8807 (known as "Villa Grove Subdivision") for an additional three (3) years ("Project"). The approved Tentative Map consists of approximately 15 acres subdivided into 35 detached single family residential lots. The project is located at 2080 O'Hara Avenue and zoned R-10 (Single Family Residential) District. APN 034-110-007.

Staff recommends the City Council adopt the resolution approving Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17), extending the Tentative Map Approval for an additional three years, 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-10 (Single Family Residential) District.

#### Previous Entitlements and Subdivision Extensions

On April 9, 2007, Oakley City Council rezoned the project site from A-2 (General Agriculture) District to R-10 (Single Family Residential) District through adoption of Ordinance No. 05-07. On March 26, 2007, the City Council adopted the project's California Environmental Quality

Act ("CEQA") Mitigated Negative Declaration, Vesting Tentative Map, and project Design Review through the adoption of Resolution No. 37-07. The Tentative Map received a three (3) year approval period from its approval date, and therefore, was set to expire on March 26, 2010. With the addition of state-wide automatic map extensions<sup>1</sup> the Tentative Map expiration date was extended for an additional seven (7) years, or to March 26, 2017.

### **PROJECT DESCRIPTION**

The applicant is requesting an extension of three (3) years to the entitlement. The approved Tentative Map consists of subdividing approximately 15 acres into 35 detached single family residential lots. The minimum lot size on the approved Tentative Map is 10,000 square feet, with an average lot size of 12,950 square feet. Gross density of the project, which includes all acreage prior to dedication of streets and other right of way, is 2.28 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 subdivision is located generally between O'Hara Avenue and Main Street, is north of Brownstone Road, and is south and adjacent to Carpenter Road. It is surrounded by other residential land uses ranging from Single Family Residential, High Density to Low Density. There have been no significant General Plan Land Use Amendments within the vicinity of the project since its adoption. Construction of the subdivision will result in additional improvements to Carpenter Road along its northern boundary, which will eventually tie into Simoni Ranch Road via an intersection with Rose Avenue to the east.

This application is one of several recent extension requests by Discovery Builders, Inc. which owns several approved subdivisions within the City of Oakley. The developer has

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

started proceeding with plans for construction of three subdivisions within Oakley, and requesting these extensions will ensure exiting entitlements do not expire.

#### 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. 37-07 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. 37-07.

#### FINDINGS

Complete draft findings are included in the attached resolution.

#### RECOMMENDATION

Staff recommends the City Council adopt the resolution approving Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17), extending the Tentative Map Approval for an additional three years, as conditioned.

Alternatively, the Council may wish to grant a lesser extension than the recommended three years, as there is no limit to how many applications for extension may be filed, only the total amount of extension time allow.

#### ATTACHMENTS

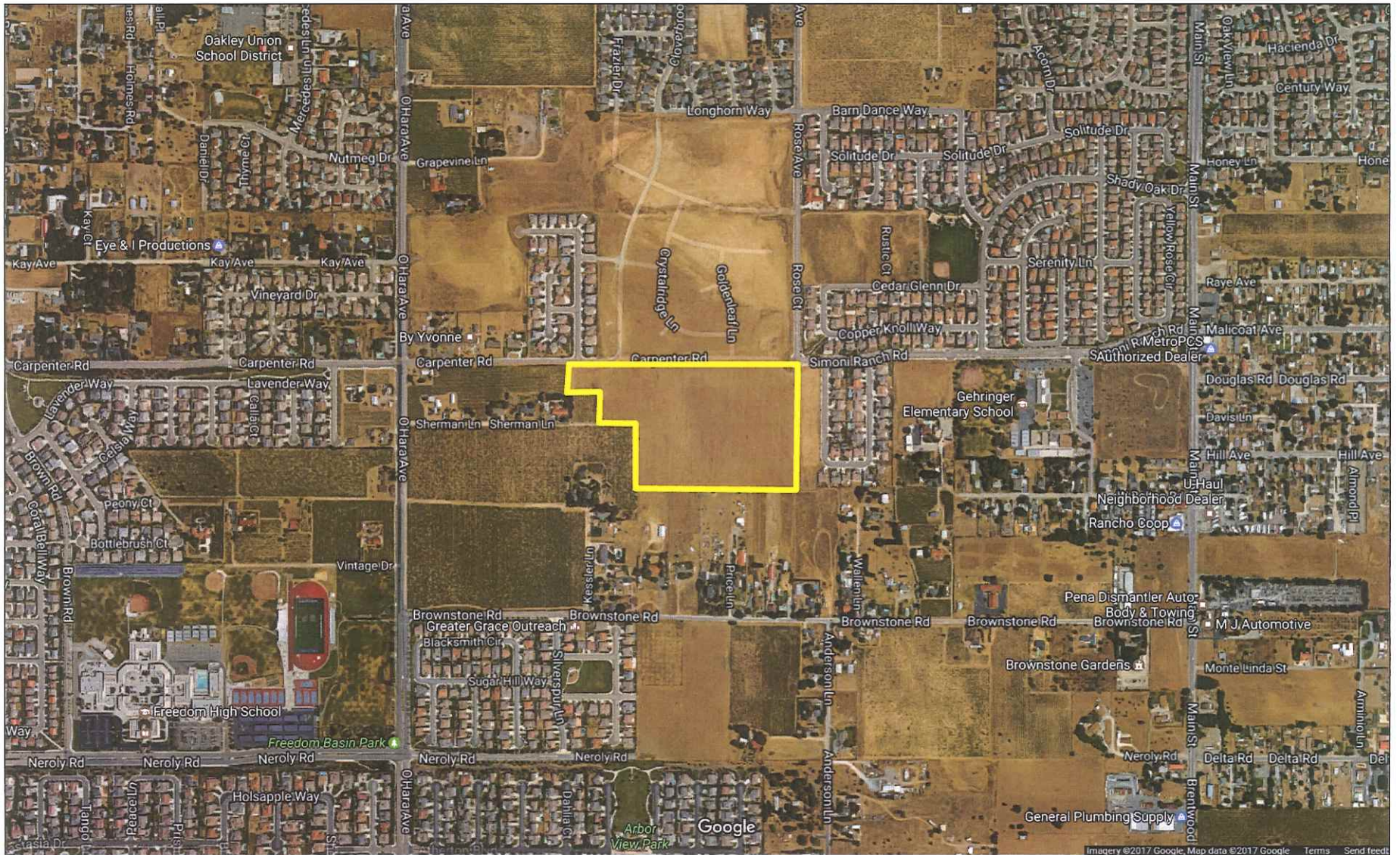
1. Vicinity Map
2. Public Hearing Notice
3. Approved Tentative Map 8807
4. Draft Resolution

#### CITY CLERK'S READING FILE

1. City Council Ordinance No. 05-07
2. City Council Resolution No. 37-07

# Vicinity Map

## Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17)





City of Oakley  
3231 Main Street  
Oakley, CA 94561  
[www.oakleyinfo.com](http://www.oakleyinfo.com)

## NOTICE OF PUBLIC HEARING

Notice is hereby given that on **February 28, 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:** Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17).

**Project Location:** 2080 O'Hara Avenue, Oakley, CA 94561. APN 034-110-007.

**Applicant:** Monte Davis, Discovery Builders, Inc. 4061 Port Chicago Highway, Suite H., Concord, CA 94520. [mdavis@discoverybuilders.com](mailto: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 8807 (known as "Villa Grove Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 15 acres subdivided into 35 detached single family residential lots. The project is zoned R-10 (Single Family Residential) District.

The Staff Report and its attachments will be available for public review, on or after February 24, 2017 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website [www.oakleyinfo.com](http://www.oakleyinfo.com). Please note that City Hall is closed on the 1<sup>st</sup> and 3<sup>rd</sup> Fridays of every month.

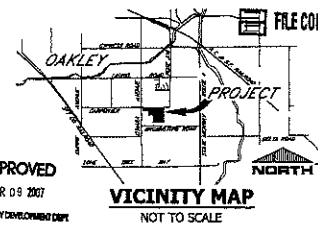
Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Kenneth W. Strelo, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to [strelo@ci.oakley.ca.us](mailto:strelo@ci.oakley.ca.us).**

**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 MAP, PRELIMINARY GRADING PLAN AND C.3 COMPLIANCE PLAN "VILLA GROVE"

SUBDIVISION NO. 8807 RECEIVED

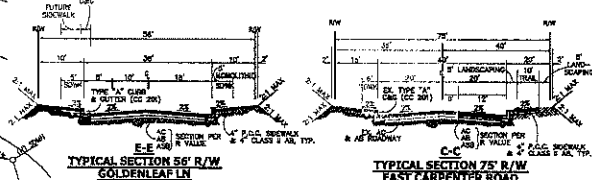
CITY OF OAKLEY  
CONTRA COSTA COUNTY, CALIFORNIA  
SCALE: 1" = 60'  
SEPTEMBER 2004  
ISAISON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING  
2255 YGNACIO VALLEY ROAD, SUITE C - WALNUT CREEK, CALIFORNIA 94598  
JULY 04 2007  
FILE COPY



ESTIMATED GRADING QUANTITIES	
CUT	30,000 C.Y.
FILL	30,000 C.Y.
NET: BALANCED SITE	

APPROVED  
APR 08 2007  
COMMENTS DEVELOPER/DP

VICINITY MAP  
NOT TO SCALE



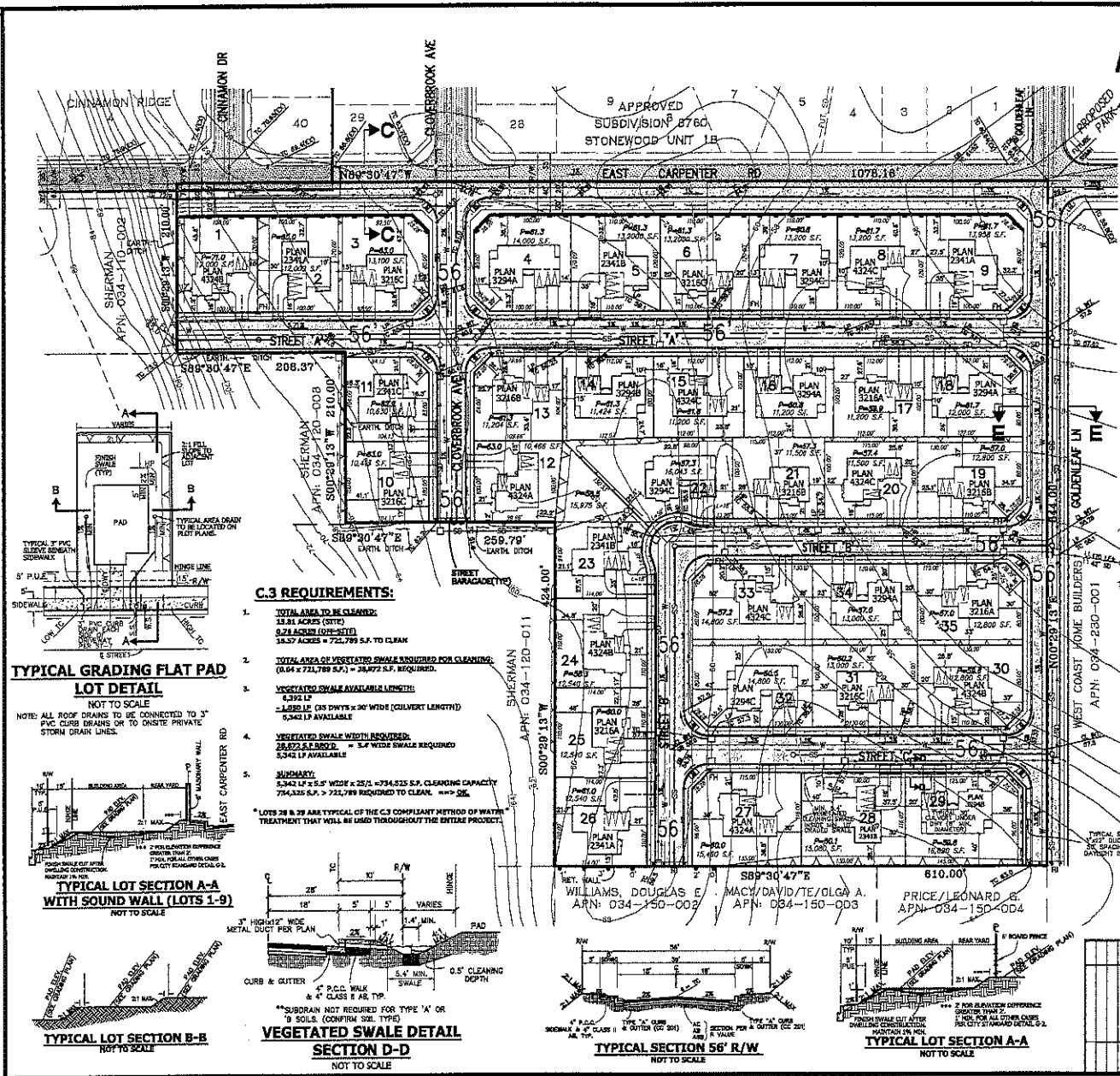
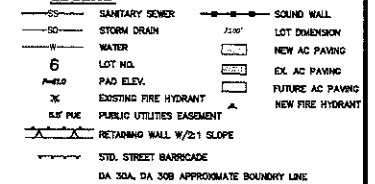
**GENERAL NOTES**

- OWNER/DEVELOPER: DISCOVERY BUILDERS, INC. 1001 PORT CHICAGO HWY #1 CONCORD, CA 94520 (925)836-8418
- SOILS ENGINEER: MLENFELDER, INC. 7133 HOLL CENTER DRIVE #100 FLEMINGTON, CA 94508-0101 (925)464-1700
- PRESENT ZONING: A-2
- WATER SUPPLY: DARELO WATER DISTRICT
- SEWER: RICHMOND SANITATION DISTRICT
- ASSESSOR'S PARCEL: 034-100-02, 003, 004
- CONTOURS: 2' INTERVALS

**LAND USE NOTES**

- PRESENT LAND USE: VACANT
- PROPOSED LAND USE: RESIDENTIAL
- MINIMUM LOT SIZE: 10,000 S.F.
- MAXIMUM LOT SIZE: 18,000 S.F. (LOT 23)
- AVERAGE LOT SIZE: 12,500 S.F.
- TYPICAL LOT DIMENSION: 110' x 100'
- TOTAL ACREAGE: 15.33 AC
- TOTAL NUMBER OF LOTS: 35
- EXISTING ZONING: LOW DENSITY 2.3 D.U./AC
- DENSITY: 2.28 D.U./GR ACRE

**LEGEND**



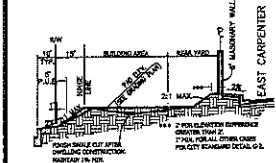
**C.3 REQUIREMENTS:**

- TOTAL AREA TO BE CLEARED:**  
13.81 ACRES (5810)  
0.21 ACRES (UNWEIGHTED)  
18.37 ACRES = 722,789 S.F. TO CLEAN
- TOTAL AREA OF VEGETATED SWALE REQUIRED FOR CLEANING:**  
(0.54 x 722,789 S.F.) = 39,072 S.F. REQUIRED.
- VEGETATED SWALE AVAILABLE LENGTH:**  
4,392 LF  
- 1,082 LF (35 DWYTS x 30' WIDE (COLLECTOR LENGTH))  
5,342 LF AVAILABLE
- VEGETATED SWALE WIDTH REQUIRED:**  
28,672 S.F. / 5,342 LF = 5.4' WIDE SWALE REQUIRED  
5,342 LF AVAILABLE
- SUMMARY:**  
5,342 LF x 5.4' WIDE x 25/1 = 734,825 S.F. CLEARING CAPACITY  
734,825 S.F. > 722,789 S.F. REQUIRED TO CLEAN. APPROVED

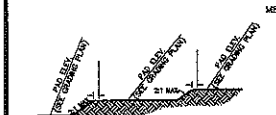
\* LOTS 28 & 29 ARE TYPICAL OF THE C.3 COMPLIANCE METHOD OF WATER TREATMENT THAT WILL BE USED THROUGHOUT THE ENTIRE PROJECT.

**TYPICAL GRADING FLAT PAD LOT DETAIL**  
NOT TO SCALE

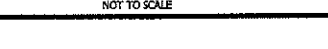
NOTE: ALL ROOF DRAINS TO BE CONNECTED TO 3" PVC CURB DRAINS OR TO ONSITE PRIVATE STORM DRAIN LINES.



**TYPICAL LOT SECTION A-A WITH SOUND WALL (LOTS 1-9)**  
NOT TO SCALE



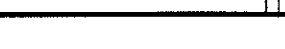
**VEGETATED SWALE DETAIL SECTION D-D**  
NOT TO SCALE



**TYPICAL SECTION 56' R/W**  
NOT TO SCALE



**TYPICAL LOT SECTION A-A**  
NOT TO SCALE



SUBDIVISION 8807  
TENTATIVE MAP, PRELIMINARY GRADING PLAN AND C.3 COMPLIANCE PLAN  
CITY OF OAKLEY  
CONTRA COSTA COUNTY  
CALIFORNIA

**Isaicon & Assoc. Inc.**  
civil engineering & land surveying

2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA 94598 Phone: (925) 837-8333

DATE: 12-20-06	DESIGNED: D.O.I.	DRAWN: B.J.R.	CHECKED: D.O.I.	DATE: 12-20-06	PROJECT: 2003336	SHEET: 1 OF 1
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## 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 VILLA GROVE SUBDIVISION 8807 TENTATIVE MAP EXTENSION (TME 01-17)****FINDINGS**

**WHEREAS**, on January 18, 2017, Monte Davis of Discovery Builders, Inc. ("Applicant") filed an application requesting to extend the approval of Tentative Map 8807 (known as "Villa Grove Subdivision") for an additional three (3) years. The approved Tentative Map consists of approximately 15 acres subdivided into 35 detached single family residential lots. The project is located at 2080 O'Hara Avenue and zoned R-10 (Single Family Residential) District. APN 034-110-007; and

**WHEREAS**, on February 16, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS**, the map is currently set to expire on March 26, 2017; and

**WHEREAS**, Villa Grove Subdivision consists of approximately 15 acres subdivided into 35 detached single family residential lot; 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). The site is zoned "R-10" (Single Family Residential) District; and

**WHEREAS**, approval of the rezone to R-10 District was on April 9, 2007 through adoption of Ordinance No. 05-07, and the Tentative Map was originally approved by the Oakley City Council on March 26, 2007 through adoption of City Council Resolution No. 37-07; 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 February 16, 2017, the Notice of Public Hearing for the project 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, 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 February 18, 2017, the Notice of Public Hearing for the project was published in the Contra Costa Times; and

**WHEREAS**, on February 28, 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 8807, and the information submitted to the City Council at its February 28, 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 Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17), 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. 37-07) are still valid and apply to this extension; and
  - 2. All conditions of approval in City Council Resolution No 37-07, not otherwise modified by this resolution, are still in effect; and
- 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 Villa Grove Subdivision 8807 Tentative Map Extension (TME 01-17), 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.37-07, as well as City Council Ordinance No. 05-07. Any exceptions must be stipulated in these Conditions of Approval.
2. This approval shall extend the approval of the Tentative Map for a period of three (3) additional years, resulting in Tentative Map 8807 expiring on March 26, 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 Conditions**

5. Regarding annexation into Community Facilities Districts, Condition of Approval Nos. 38, 94, 95, 96 and 99 of City Council Resolution No. 37-07 shall be replaced with the following condition:
  - a. 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. Regarding Street Lights, Condition of Approval No. 69 from City Council Resolution No. 37-07 shall be revised as follows:
  - a. Install streetlights along all project streets, Carpenter Road and Goldenleaf Lane. 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. Regarding Impact Fees, a clerical correction to Condition of Approval No. 92 from City Council Resolution No. 37-07 shall be result in that condition and all fees listed within it being a sub-list of Condition No. 91.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the February 28, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date