

OAKLEY



CALIFORNIA

STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: February 28, 2017

To: Bryan H. Montgomery, City Manager

From: Kenneth W. Strelow, Senior Planner

SUBJECT: **Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17) – A request to extend the Tentative Map approval for an additional three years.**

SUMMARY

This is a public hearing on a request by Clyde Miles Construction Company (“Applicant”) for approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 8803 (known as “Brownstone Subdivision”) (“Project”). The approved Tentative Map consists of approximately 11 acres subdivided into 50 detached single family residential lots. The project is located on the north side of Brownstone Road approximately 600 feet west of Main Street and is zoned R-6 (Single Family Residential) District. APN 034-210-009.

Staff recommends the City Council adopt the resolution approving Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17), 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, High Density* (“SH”) as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram).
- The site is zoned R-6 (Single Family Residential) District.

Previous Entitlements and Subdivision Extensions

On February 12, 2007, the City Council adopted the project’s Mitigated Negative Declaration and Vesting Tentative Map 8803 through the adoption of City Council Resolution No. 18-07. On February 26, 2007, the City Council adopted Ordinance 03-07 rezoning the project site

from A-2 (General Agricultural) District to R-6 (Single Family Residential) District. The Tentative Map received a three (3) year approval period from its approval date, and therefore, was set to expire on February 12, 2010. With the addition of state-wide automatic map extensions¹ the Tentative Map expiration date was extended for an additional seven (7) years, or to February 12, 2017.

PROJECT DESCRIPTION

The applicant is requesting an extension to the entitlement, but has not requested any specific amount of time. Although no specific time limit was requested, Staff is recommending a three year extension, which is consistent with several other tentative map extensions approved by the City Council over the past couple of years. The approved Tentative Map consists of subdividing approximately 11 acres into 50 detached single family residential lots. The minimum lot size on the approved Tentative Map is 6,000 square feet, with an average lot size of 7,106 square feet. Gross density of the project, which includes all acreage prior to dedication of streets and other right of way, is 4.6 dwelling units per gross 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 along the northern portion of Brownstone Road, approximately 600 feet west of Main Street. It is surrounded mostly by the Single Family Residential, High Density General Plan Land Use Designation to the north, west and south, and by the Commercial land use designation to the east and southeast. 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 beneficial improvements to Brownstone Road and the installation of the project's portion of Drainage Area 30-B Zone Line C. This line is ultimately planned to run west to Marsh Creek and would serve future development within

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

the same drainage area. There is also possibility the developer may build a larger segment of the line to the east side of Main Street, subject to reimbursement.

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. 18-07 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. 18-07.

FINDINGS

Complete draft findings are included in the attached resolution.

RECOMMENDATION

Staff recommends the City Council adopt the resolution approving Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17), 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

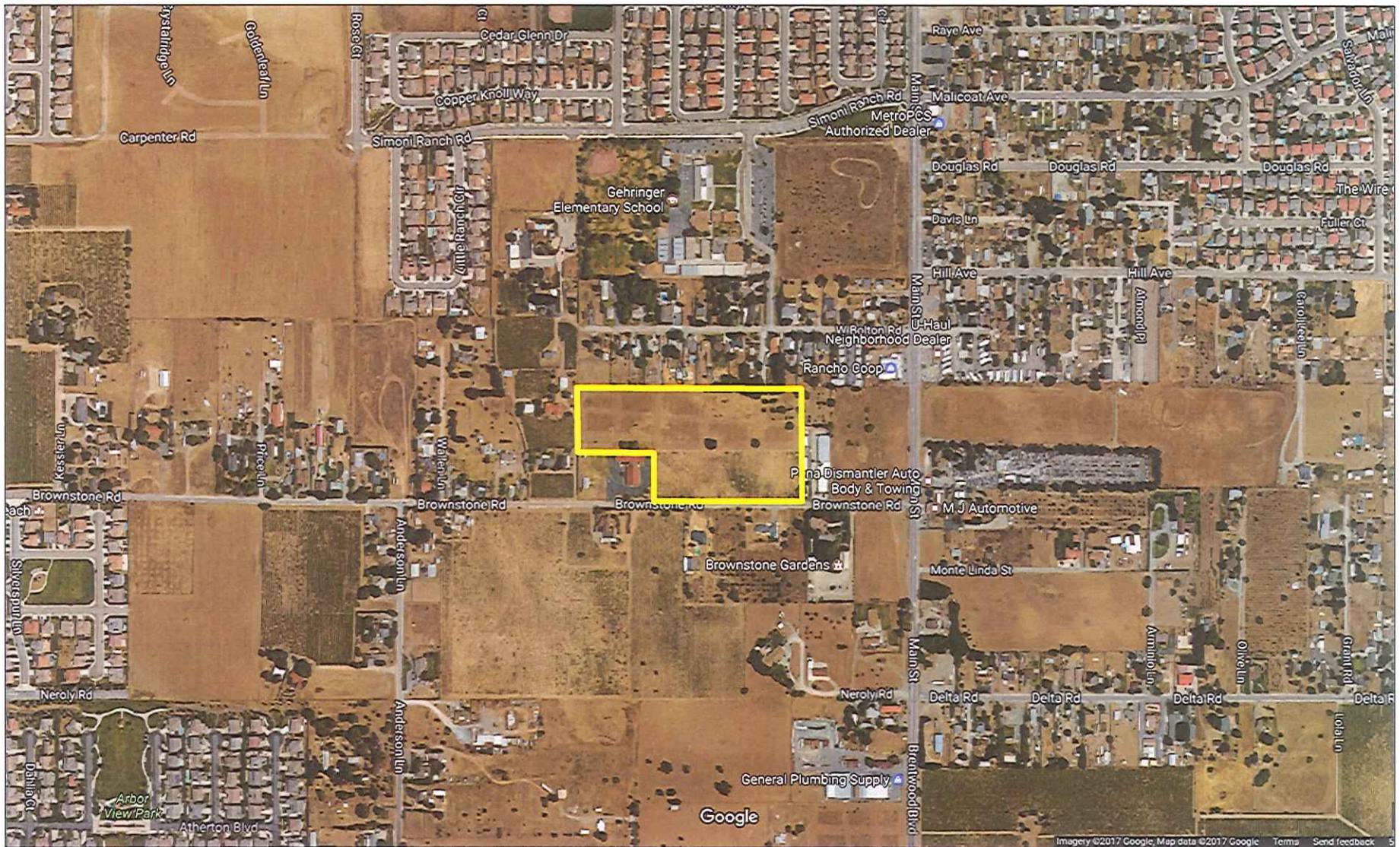
1. Vicinity Map
2. Public Hearing Notice
3. Approved Tentative Map 8803
4. Draft Resolution

CITY CLERK'S READING FILE

1. City Council Ordinance No. 03-07
2. City Council Resolution No. 18-07

Vicinity Map

Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17)





City of Oakley
3231 Main Street
Oakley, CA 94561
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: Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17).

Project Location: North side of Brownstone Road approximately 600 feet west of Main Street, Oakley, CA 94561. APN 034-210-009.

Applicant: Clyde Miles Construction Company, 1110 Burnett Avenue, Ste. C, Concord, CA 94520. clyde@clydemilesconst.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 8803 (known as "Brownstone Subdivision"). The approved Tentative Map consists of approximately 11 acres subdivided into 50 detached single family residential lots. The project is zoned R-6 (Single family Residential) District.

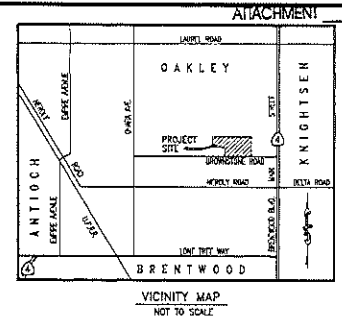
The Staff Report and its attachments will be available for public review, on or after February 24, 2017 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com. Please note that City Hall is closed on the 1st and 3rd Fridays of every month.

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. Strelow, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelow@ci.oakley.ca.us.**

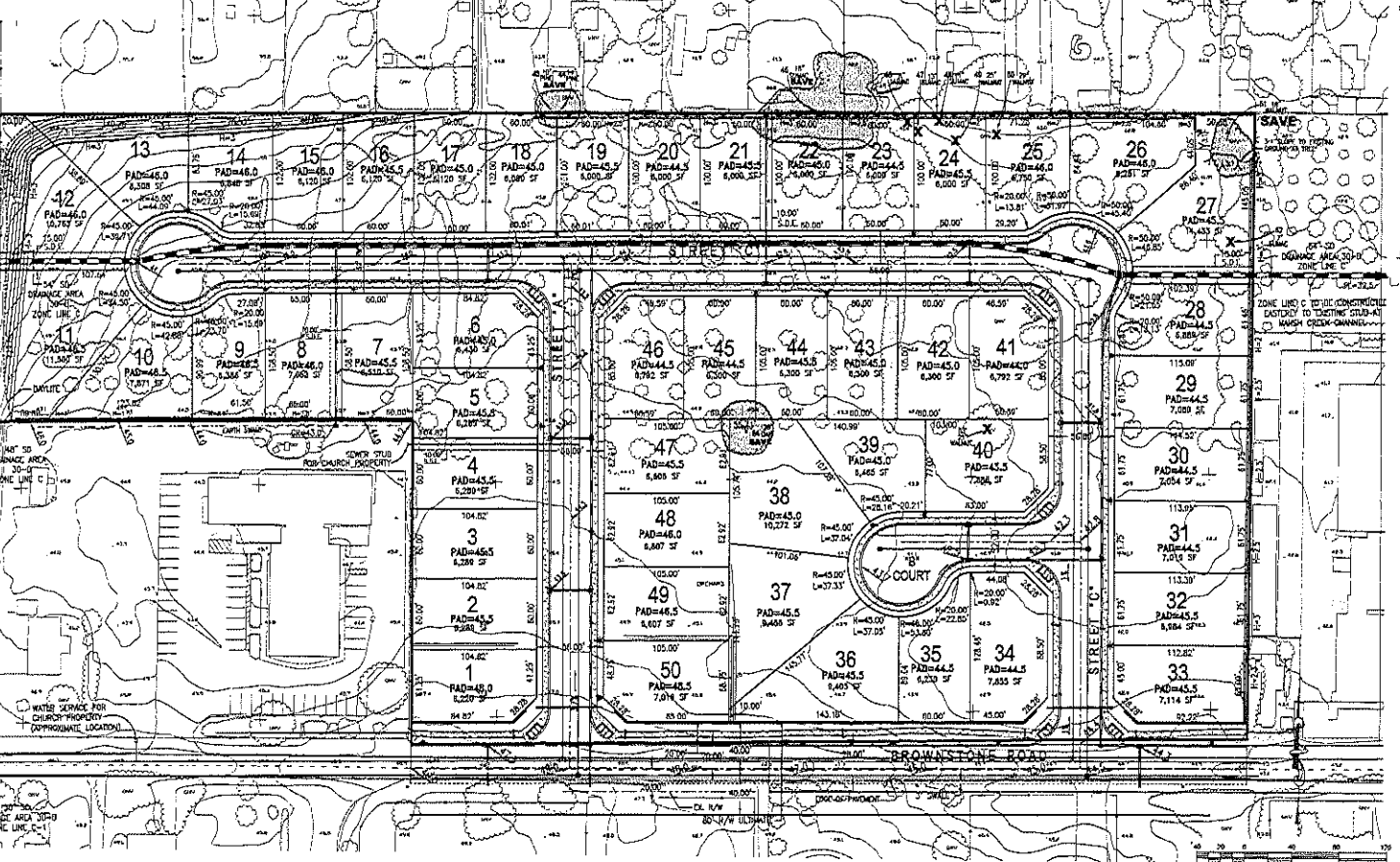
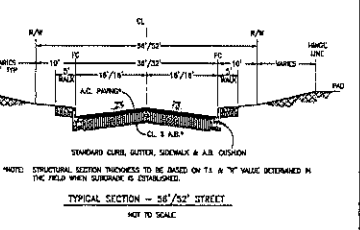
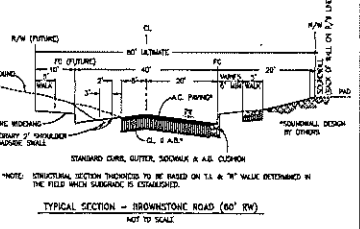
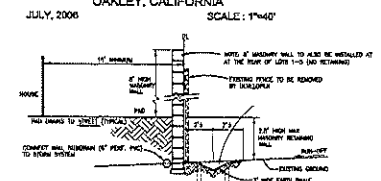
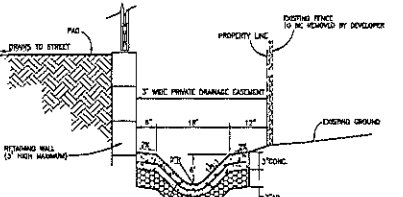
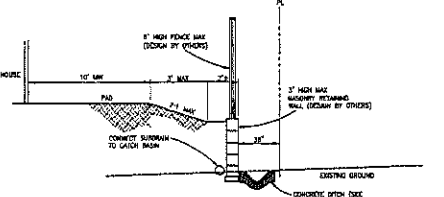
NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

VESTING TENTATIVE MAP SUBDIVISION 8803 BROWNSTONE

OAKLEY, CALIFORNIA
JULY, 2006
SCALE: 1"=40'



- NOTES:**
1. PROPOSED PARCEL NUMBER: APN 034-210-006
 2. EXISTING LAND USE: VACANT
 3. EXISTING GENERAL PLAN DESIGNATION: SP1
 4. EXISTING ZONING: R1
 5. PROPOSED ZONING: R1
 6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
 7. ACRES: 13.77 AC ±
 8. PROPOSED LOTS: 50 LOTS
 9. LARGEST LOT: 12,219 SF (LOT 13)
 10. AVERAGE LOT SIZE: 7,168 SF
 11. TYPICAL SETBACKS: 20' FRONT YARD AT GARAGE; 20' AT PORCH; 5' SIDE YARD MINIMUM (45' MINIMUM AT KITCHEN); 15' REAR YARD MINIMUM.
 12. (PORCH SETBACK MAXIMUM REQUESTED ON LOT 13 (17.4') AND LOT 14 (18.0'))
 13. GRADED SLOPES LESS THAN 4% HIGH ARE 2% HORIZONTAL TO VERTICAL; GRADED SLOPES 4% OR MORE ARE 3% MINIMUM
 14. UTILITIES: WATER SERVICE; SANITARY SEWER; STORM DRAIN SYSTEM; GAS & ELECTRIC; TELEPHONE; CABLE.
 15. ADJACENT TOPOGRAPHY: AEROMETRIC SURVEYS DATED AUGUST 8, 2003; CONTOURS INTERVAL: 1'
 16. LOT DIMENSIONING: STREET DESIGN GRIDES, BUILDING FLOORS & SETBACK WALL LOCATIONS ARE PRELIMINARY; CHANGES MAY OCCUR DURING FINAL ENGINEERING DESIGN.
 17. UTILITIES DELETED: SPOON KITCHEN ARE SUBJECT TO CHANGE AT FINAL DESIGN; PROPOSED PVC SEWER AND 4" FIBERGLASS VACUUM-DRAWN WATER.



ABBREVIATIONS		LEGEND	
AS	AGGREGATE BASE	(---)	EXISTING FEATURES ARE SHOWN OR DASHED
CB	CATCH BASIN	(---)	CURB, GUTTER AND SIDEWALK
CL	CENTRAL LINE	(---)	CONTOUR LINES
CE	CENTRELINE	(---)	DATELINE (LIMIT OF GRADING)
CF	FLOOR FINISH	(---)	ROADWAY LINE
CH	CHALK GRADE	(---)	SET LINE
CG	CHALK GRADE ELEVATION	(---)	EASEMENT LINE
CL	CHALK GRADE ELEVATION	(---)	PROPOSED LINE
CF	CHALK GRADE ELEVATION	(---)	PROPOSED LINE
CH	CHALK GRADE ELEVATION	(---)	PROPOSED LINE
CE	CHALK GRADE ELEVATION	(---)	PROPOSED LINE
CF	CHALK GRADE ELEVATION	(---)	PROPOSED LINE
CH	CHALK GRADE ELEVATION	(---)	PROPOSED LINE

DATE: JULY 2006
SCALE: 1"=40'
DRAWN: T.A./J.G./S.B.
DESIGNED: T.A.J.
ENGINEER: A.S.P.
MANAGER: G.A.P.
NO. BY DATE REVISIONS

PREPARED BY: CLYDE MILES CONSTRUCTION CO., INC.
CONTRACTER: CLYDE MILES CONSTRUCTION CO., INC.
CITY: OAKLEY, CALIFORNIA
DATE: JULY 2006

MERIDIAN ASSOCIATES, INC.
CIVIL ENGINEERING - PLANNING - SURVEYING
1340 TRENT BOULEVARD SUITE 130 PITTSBURG, CA 94555
PHONE: (925) 427-4476 FAX: (925) 427-4472

CLYDE MILES CONSTRUCTION CO., INC.
1941 HOOK AVENUE PLEASANT HILL, CA 94523
PHONE: (925) 938-2001 FAX: (925) 938-2001

BROWNSTONE	SUBDIVISION 8803	APN: 034-210-009	SHEET NO. 1
VESTING TENTATIVE MAP			
CITY OF OAKLEY	CONTRA COSTA COUNTY	CALIFORNIA	NO. OF SHEETS 2
			SHEET NO. 03-23-10

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 BROWNSTONE SUBDIVISION 8803 TENTATIVE MAP EXTENSION (TME 03-17)**FINDINGS**

WHEREAS, on January 25, 2017, Clyde Miles Construction Co. Inc. ("Applicant") filed an application requesting to extend the approval of Tentative Map 8803 (known as "Brownstone Subdivision") ("Project"). The approved Tentative Map consists of approximately 11 acres subdivided into 50 detached single family residential lots. The project is located on the north side of Brownstone Road approximately 600 feet west of Main Street and is zoned R-6 (Single Family Residential) District. APN 034-210-009; and

WHEREAS, on February 23, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the map is currently set to expire on February 12, 2017; and

WHEREAS, Rosewood Subdivision consists of approximately 11 acres subdivided into 50 detached single family residential lot; and

WHEREAS, the General Plan Land Use Designation for the project site is Single Family Residential, High Density (SH) as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). The site is zoned R-6 (Single Family Residential) District; and

WHEREAS, on February 12, 2007, the City Council approved the project Tentative Map through adoption of City Council Resolution No. 18-07; and

WHEREAS, on February 26, 2007, the City Council approved the project Rezone from A-2 (General Agriculture) District to R-6 (Single Family Residential) District through the adoption of Ordinance No. 03-07; 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 8803, 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 Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17), 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. 18-07) are still valid and apply to this extension; and
 - 2. All conditions of approval in City Council Resolution No 18-07, 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 Brownstone Subdivision 8803 Tentative Map Extension (TME 03-17), 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. 18-07. 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 8803 expiring on February 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).
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. 78, 79, 80 and 83 of City Council Resolution No. 18-07 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. 57 from City Council Resolution No. 18-07 shall be revised as follows:
 - a. Install streetlights along all project streets and Brownstone Road. 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.

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