



STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: July 11, 2017
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelow, Senior Planner
SUBJECT: **The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17) – Request for a four year extension to the expiration of Tentative Map 9285, located at the southeast corner of Oakley Road and Knarlwood Road.**

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 9285 (known as “The Estates at Vineyard Acres Subdivision”) for a period of four (4) additional years to allow time for the market to support large custom homes on large lots. The approved Tentative Map consists of approximately 7.16 acres subdivided into seven (7) single family residential lots. The project is located on the southeast corner of Oakley Road and Knarlwood Road and zoned R-40 (Single Family Residential) District. APN 041-090-002.

Staff recommends the City Council adopt the resolution approving The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17), extending the Tentative Map approval for an additional four years, as conditioned.

Background and Project Description

General Plan and Zoning

- The General Plan Land Use Designation for the project site is *Single Family Residential, Very Low Density* (“SV”) as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram).
- The site is zoned R-40 (Single Family Residential) District as depicted on the City of Oakley Zoning Map.

The R-40 District is found to be compatible with the SV Land Use Designation per Table 2-6 (General Plan/Zoning Compatibility Matrix) of the Oakley 2020 General Plan.

Previous Entitlements and Subdivision Extensions

The Tentative Map for the project was originally approved by the Oakley City Council on July 10, 2012 through adoption of Resolution 70-12. The Tentative Map received an initial three year approval, which set the expiration date at July 10, 2015. However, through the most recent applicable state-related automatic extension (AB 116 (2013)), the Tentative Map expiration date was pushed out for an additional 24 months, or to July 10, 2017.

The current request for four (4) additional years would extend the Tentative Map approval out to July 10, 2021. According to the Applicant, more time is needed to allow the market to generate the demand for large lot, custom home development in Oakley.

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. If this extension were approved for four (4) additional years, under current legislation, two (2) years of discretionary extensions would remain.

Staff is recommending approval of the four (4) year extension in order to allow time for the market to reach a point where the lot may be feasible to develop with appropriate sized homes for the surrounding neighborhood. As it currently stands, the 7+ acres are subdivided in such a way as to comply with the underlying General Plan Land Use Designation and Zoning District. Allowing the map to expire would only revert the property to a state where a new tentative map would need to be filed to allow the seven large lots to be created. If an extension were to not be granted, the Tentative Map would retroactively expire on July 10, 2017, and more than one main residence could not be built on the property without re-entitling the Tentative Map, which would be costly and time consuming. The developer would also lose all vested rights associated with the originally approved Tentative Map.

Subject: The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17)

Date: July 11, 2017

Page 3 of 3

Conditions of Approval

Pursuant to the Subdivision Map Act, the City Council may approve or conditionally approve extensions to a tentative map. The proposed resolution includes references to conditions of approval in Resolution No. 70-12 (original TM approval), as applicable. There is one condition of approval included in the proposed resolution that replaces conditions of approval 69 and 70 from Resolution No. 70-12 related to annexation of the property into Community Facilities District No. 2015-2, which is the funding mechanism to mitigate the developments fiscal impact associated with the City's regional, community, and neighborhood parks, public area landscaping, street lights, and storm water facilities.

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17), extending the Tentative Map approval for an additional four years, as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Draft Resolution

City Clerk's Reading File

1. City Council Resolution No. 70-12

Vicinity Map

The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17)
Southeast Corner of Oakley Road and Knarlwood Road. APN 041-090-002.





NOTICE OF PUBLIC HEARING

Notice is hereby given that on **July 11, 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: The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17).

Project Location: Southeast corner of Oakley Road and Knarlwood Road, Oakley, CA 94561. APN 041-090-002.

Applicant: Monte Davis of Discovery Builders, Inc., 4061 Port Chicago Highway, Ste. 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 9285 (known as "The Estates at Vineyard Acres Subdivision") for a period of four (4) additional years to allow time for the market to support large custom homes on large lots. The approved Tentative Map consists of approximately 7.16 acres subdivided into seven (7) single family residential lots. The project site is zoned R-40 (Single Family Residential) District.

The Staff Report and its attachments will be available for public review, on or after July 6, 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.

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 THE ESTATES AT VINEYARD ACRES 9285 TENTATIVE MAP EXTENSION
(TME 07-17).
APNs 041-090-002.****FINDINGS**

WHEREAS, on June 20, 2017, 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 9285 (known as "The Estates at Vineyard Acres Subdivision") for a period of four (4) additional years to allow time for the market to support large custom homes on large lots. The approved Tentative Map consists of approximately 7.16 acres subdivided into seven (7) single family residential lots. The project is located on the southeast corner of Oakley Road and Knarlwood Road and zoned R-40 (Single Family Residential) District. APN 041-090-002; and

WHEREAS, on June 30, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the map is currently set to expire on July 10, 2017; and

WHEREAS, The Estates at Vineyard Acres Subdivision 9285 consists of approximately 7.16 acres subdivided into seven (7) detached single family residential lot; and

WHEREAS, the General Plan Land Use Designation for the project site is Single Family Residential, Very Low Density ("SV") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). The site is zoned "R-40" (Single Family Residential) District; and

WHEREAS, the Tentative Map was originally approved by the Oakley City Council on July 10, 2012 through adoption of Resolution No. 70-12; 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 June 30, 2017, the Notice of Public Hearing for the project was published in the Contra Costa Times, and 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. On that same day, the Notice of Public Hearing was also mailed out to all owners of property

within 500 feet of the project boundaries, to the City's list of outside agencies, and to all parties requesting such notices; and

WHEREAS, on July 11, 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 9285, and the information submitted to the City Council at its July 11, 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 The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17), 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. 70-12) are still valid and apply to this extension; and
 - 2. All conditions of approval in City Council Resolution No. 70-12, 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 The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17), 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. 70-12, which includes mitigation measures from the original Tentative Map's Mitigation and Monitoring Program. Any exceptions must be stipulated in these Conditions of Approval.
2. This approval shall extend the period of the tentative map for a period of four (4) additional years, resulting in Tentative Map 9285 expiring on July 10, 2021, unless it is further extended pursuant to the Subdivision Map Act or other automatic extensions. This extension shall constitute four (4) 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 Department Conditions

5. In regards to Annexations, the following condition shall replace Condition of Approval Nos. 69 and 70 of City Council Resolution No. 70-12: 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.

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. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.

- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. 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.
- H. 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.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the July 11, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date