

OAKLEY



CALIFORNIA

STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: August 8, 2017
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: Doyle Rd. / Hill Ave. Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17) – Request for approval of a General Plan Amendment from SV to SH, a Rezone from R-40 to R-7, and a Tentative Parcel Map to subdivide one 54,496 sf. lot into 3 lots of 40,007 sf., 7,263 sf., and 7,294 sf.

Summary

This is an application by Stephen Cockman ("Applicant") requesting approval of 1) a General Plan Amendment from Single Family Residential, Very Low (SV) to Single Family Residential, High (SH) on apx. 14,500 sf. (.33 acres) of a 54,496 sf. (1.38 acres) residential parcel, 2) a Rezone of the same 14,500 sf. from R-40 (Single Family Residential) District to R-7 (Single Family Residential District), and 3) a Tentative Parcel Map subdividing one 54,496 sf. parcel into 3 lots of apx. 40,007 sf. (Lot 1), 7,263 sf. (Lot 2), and 7,294 sf. (Lot 3). The project is located at 3351 Doyle Road and includes Parcel B of MS 14-977, portion of APN 033-080-017. The site is zoned R-40 District.

Staff recommends the City Council approve Doyle Rd. / Hill Ave. Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17) through the following actions:

1. Adopt the resolution approving the General Plan amendment (GP 01-17) and Tentative Parcel Map (TPM 01-17), as conditioned; and
2. Waive the first reading and introduce the ordinance for the Rezone (RZ 02-17).

Background

General Plan and Zoning

- General Plan: "Single Family Residential, Very Low (SV)" (Figure 2.2 of the Oakley 2020 General Plan).
- Zoning: R-40 (Single Family Residential) District (City of Oakley Zoning Map, Updated July 2013).

Preliminary General Plan Amendment Hearing

Pursuant to City policy for General Plan Amendments, the applicant submitted a Preliminary General Plan Amendment (PA 01-17) for City Council discussion, which was heard on February 28, 2017. Members of the City Council gave Staff and the applicant feedback and comments, which are summarized below. Also, the applicable minutes from that meeting are attached for reference.

- Vice Mayor Pope and Councilmembers Alaura and Romick were in favor of the project without Doyle Road intersecting with Hill Avenue.
- Mayor Higgins was not in favor of developing the southern side of Hill Avenue with higher density due to the potential for others to follow suit.
- Staff confirmed full improvements (curb, gutter, and sidewalk) would only be along Hill Avenue, consistent with the north side of the street. Doyle Road would only receive curb and gutter (for drainage purposes).
- The applicant clarified he is not proposing to connect Doyle Road to Hill Avenue.

Project Site and Surrounding Uses

The project site is located on the southwest corner of Doyle Road and Hill Avenue; however the two street do not intersect and are separated by City owned property that is part of Marsh Creek Glenn Park. The project site was the subject of a Tentative Parcel Map application (MS 14-977), which was approved by the City Council on February 24, 2015. Since then, a Parcel Map has been recorded and the site now contains two parcels. Parcel A, which contains the only existing residence, is 43,218 sf. after dedication of Doyle Road, and Parcel B, which is undeveloped and the subject of this preliminary application, is 52,766 sf. after dedication of Doyle Road and Hill Avenue.

Hill Avenue borders the northern property line of the subject parcel and the portion that would be proposed for the SH designation. Near the project site, Hill Avenue acts as a boundary between the SH designation to the north and the SV designation to the south, with the exception of the parkland to the east and properties south of Hill Avenue and closer to Main Street.

Project Description

In order for the Tentative Parcel Map to be approved, the site's land use designation and zoning would first need to be amended, which is the reason for those applications. Since a majority of the parcel is proposed to remain over 40,000 sf., the General Plan Amendment and Rezone only apply to the portion of the site along Hill Avenue that is proposed as Lots 2 and 3, as well as an approximately 1,800 sf. portion of the existing Doyle Road dedication, which is conditioned to be vacated. That portion of Doyle Road dedication is what creates a small discrepancy between the approximate project site size (54,496 sf.) and the actual size of Parcel B as recorded on Parcel Map 14-977 (52,766 sf.). Table 1 summarizes the existing and proposed land use, zoning, and parcel and lot sizes.

Table 1. Summary of Project Description

	<i>Parcel B of MS 14-977</i>	<i>Project site (includes Doyle Rd. vacation)</i>	<i>Lot 1 of TPM</i>	<i>Lot 2 of TPM</i>	<i>Lot 3 of TPM (includes Doyle Rd. vacation)</i>
Size in Apx. SF.	52,766	54,996	40,007	7,263	7,294
Existing GP	SV	SV	SV	SV	SV
Proposed GP	--	--	SV	SH	SH
Existing Zoning	R-40	R-40	R-40	R-40	R-40
Proposed Zoning	--	--	R-40	R-7	R-7

Per the proposed TPM, Doyle Road is not proposed to punch through to Hill Avenue. Furthermore, the project has been conditioned to vacate a portion of that dedicated area to the satisfaction of the City Engineer. This will remove maintenance responsibility from the City, and ensure the lots along Hill Avenue remain over 7,000 sf. each. Driveway locations for the two lots are conditioned to be vacated along Hill Avenue, which is currently shown as abandoned abutter's rights. Their location will be subject to the approval of the City Engineer. Finally, a portion of the dedicated right of way along Doyle Road to the east of Lot 1 is conditioned to be vacated so that final dedication will result in 28 feet of right of way as measured from the centerline of Doyle Road. Staff estimates approximately seven (7) feet of the previous dedication will need to be vacated. This will result in Lot 1 increasing in net size by about 1,400 sf.

Environmental Review

This project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If approved, the project would add two additional single family residential lots along an existing residential street. Development of such lots are ministerial in nature (building permits and encroachment permits), so any later development resulting from approval of the project would also not require CEQA.

Analysis

The request for a General Plan Amendment and associated Rezone would result in the Hill Avenue frontage of the project site being subdivided to create two new residential lots. The remaining portion of the project site would be reduced in size, but still comply with the existing General Plan Land Use and Zoning. Therefore, this project comes down to whether it is appropriate to redesignate and rezone approximately 15,000 sf. of Hill Avenue frontage.

Given that the entire northern portion of Hill Avenue is designated with high density single family residential, is mostly improved with curb, gutter and sidewalk and residential subdivisions that have been constructed since the incorporation of Oakley, matching the southern side of Hill Avenue to also include curb, gutter and sidewalk, and have a similar look and feel seems logical. As it currently exists, Hill Avenue could potential be developed to different standards on the north and south sides (i.e. curb, gutter, and sidewalk on the north, and only curb and gutter on the south) because the Design Guidelines encourage no sidewalks in R-15 and larger sized "Estate Neighborhoods". The rezoning to R-7 District would be compatible with the SH land use designation, while avoiding the smaller 6,000 sf. lot minimum. A 7,000 sf. lot is larger than a typical lot size often proposed in the current market in residential subdivisions.

The Tentative Parcel Map will comply with all of the R-7 District standards and meet the maximum allowable density of the SH land use designation. Table 2 provides a summary of compliance.

Table 2. Summary of TPM Compliance with SH and R-7

	Development Regulations	Project Proposal	Compliance
SH Maximum Density	5.5 dwelling units per gross acre	2 units on apx. 1/3 acre	Yes with dedication factored
R-7 Minimum Lot Size	7,000 sf.	7,263 sf. and 7,294 sf.	Yes
R-7 Minimum Lot Width	60 ft.	64+ ft.	Yes
R-7 Minimum Lot Depth	90 ft.	113+ ft.	Yes

The density has been considered as if Hill Avenue had not yet been dedicated, which would be the norm for a subdivision. As it stands, without factoring in Hill Avenue dedication, the average density would be almost 6 lots per acre; however, General Plan density is measured using gross acres (i.e. acreage prior to dedication of streets, etc.), and most subdivisions not only include frontage streets, but also internal streets, which cut into lot availability. If factoring in the Hill Avenue dedication, the gross density of the two R-7 lots would be closer to 4.2 dwelling units per acre, which is well under the maximum 5.5 dwelling units per acre.

It is noted that the orientation of Lots 2 and 3 are so that the long side fronts Hill Avenue. This has the potential to result in shallower rear yards, depending on how the future homes are situated, but it will also provide a less dense appearance along the street frontage, which will mesh better with the rural area to the south than would narrower lots with smaller side

yards as viewed from the street. For this reason, Staff has interpreted the long property lines to represent the depth and the smaller property lines to represent the width. The alternative would result in either more lots, or an irregularly shaped R-40 lot.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council approve Doyle Rd. / Hill Ave. Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17) through the following actions:

1. Adopt the resolution approving the General Plan amendment (GP 01-17) and Tentative Parcel Map (TPM 01-17), as conditioned; and
2. Waive the first reading and introduce the ordinance for the Rezone (RZ 02-17).

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Preliminary General Plan Amendment Applicable Minutes from February 28, 2017 City Council Meeting
4. Applicant's Plans – Tentative Parcel Map MS 17-976
5. Proposed General Plan Amendment and Tentative Parcel Map Resolution
6. Proposed Rezoning Ordinance

Vicinity Map

Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17)
3351 Doyle Road; Parcel B of MS 14-977; Portion of APN 033-080-017





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 8, 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 **General Plan Amendment, Rezone, and Tentative Parcel Map.**

Project Name: Doyle Rd. / Hill Ave. Minor Subdivision MS 17-976 (GP 01-17, RZ 02-17, and TPM 01-17).

Project Location: 3351 Doyle Rd., Oakley, CA 94561 (or Parcel B of MS 14-977, part of APN 033-080-017).

Applicant: Stephen Cockman, Property Owner.

Request: Application requesting approval of 1) a General Plan Amendment from Single Family Residential, Very Low (SV) to Single Family Residential, High (SH) on apx. 14,500 sf. (.33 acres) of a 54,496 sf. (1.38 acres) residential parcel, 2) a Rezone of the same 14,500 sf. from R-40 (Single Family Residential) District to R-7 (Single Family Residential District), and 3) a Tentative Parcel Map subdividing one 54,496 sf. parcel into 3 lots of apx. 40,007 sf. (Lot 1), 7,263 sf. (Lot 2), and 7,294 sf. (Lot 3). The project is zoned R-40 District.

How to Review: The Staff Report and its attachments will be available for public review, on or before **August 3, 2017** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **August 8, 2017** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each 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. 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.

attended a Tri-Delta meeting and they approved a \$50 unlimited ride pass for youth 5-17 years old as well as a "see something, say something" mobile app to report crimes or activities. He mentioned he met with a subcommittee from Brentwood, along with Supervisors Burgis and Mitehoff, to discuss continuing funding of Fire Station 4 and nothing has been resolved.

Councilmember Alaura shared that she attended her first meeting with Diablo Water District; there were no significant topics to report and she looks forward to attending more meetings.

Councilmember Hardcastle announced East County Little League will hold its opening day ceremony Saturday, March 5 beginning with a parade at 8:45am on Main Street in front of City Hall. He mentioned he is getting up to speed on the Fire Board and looks forward to helping as fire services is a priority in our community.

Mayor Higgins shared that she and Councilmember Alaura attended a dog park meeting to discuss configurations of the dog park, approximately 10-15 residents attended the meeting, and it was decided that it would be best to have the park separated for big dogs and little dogs with separate entrances. She mentioned the Oakley Veterans hosted the first memorial for a local Veteran on February 18. She added that she and Councilmember Hardcastle attended the East County Voters meeting.

(b) Requests for Future Agendas

Councilmember Alaura requested an item be added to a future agenda to add an alternate for the Contra Costa Library Commission.

Councilmember Romick requested a future agenda item to introduce an alternative transportation proposal.

Mayor Higgins requested staff look into flags honoring Veterans such as in Brentwood.

7.0 WORK SESSIONS

Oakley City Council

7.1 3351 Doyle Road Preliminary General Plan Amendment (PA 01-17) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report. He mentioned staff received two comments; a property owner on Doyle Road would like to see Doyle Road punched through and a nearby property owner does not believe Doyle Road frontage should have curb, gutter or sidewalk as most of Doyle Road does not have it. He added that staff does not recommend that Doyle Road be punched through.

Public Comment Cards

Art Hoover mentioned he lives across the street from the proposed site and inquired if there was a passage way between the adjacent park and Doyle Road. He expressed concern that a passageway would provide an area for criminal activity such as drug deals and other unwanted traffic.

Councilmember Romick commented that the detail of such matter would be discussed at a later date; the Council is only making a decision on whether or not to change the general plan this evening.

Mr. Strela commented that the area would be dedicated, improved and would likely become part of the park.

Online Comment Forms

None.

Councilmember Romick commented he would not be in favor of Doyle Road punching through.

Mayor Higgins commented she does not like the proposal because it pushes the whole rural side of Hill Avenue to become higher density and it loses the rural feel on one side of the street.

City Manager Bryan Montgomery commented the proposal would provide improvements and widening on Hill Avenue, something that may never occur without development, and the area behind the lots would still remain rural.

Councilmember Hardcastle pointed out that the improvements would just be on the portion of Hill Avenue in front of the parcels, not the entire street.

Vice Mayor Pope commented that Doyle Road should not connect with Hill Avenue to preserve conditions on Doyle as well as provide improvements on Hill Avenue. He inquired if the lot split makes the zoning R-6 or R-7.

Mr. Strela explained that if the southern portion of the property is dedicated then the square footage is reduced affecting the zoning designation; it would change from R-7 as shown to R-6.

Vice Mayor Pope inquired of the use of the dedication.

Mr. Strela responded it is for the Doyle Road dedication.

Vice Mayor Pope commented he is open to the concept if Doyle Road does not connect with Hill Avenue.

Councilmember Alaura commented she approves of the lot sizes and likes the Hill Avenue improvements, but she does not want Doyle Road to break through to meet Hill Avenue.

Applicant Stephen Cockman commented he never planned on Doyle Road extending through and the proposal is designed to transition from rural to residential. He mentioned Hill Avenue is a narrow street and approval of his project would allow him to widen the street and install curb, gutter and sidewalk to match the park.

7.2 Discussion Regarding East Contra Costa Fire Protection District Services (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery presented the staff report. He mentioned a placeholder bill regarding fire services has recently been added by a legislator.

Vice Mayor Pope requested a report what happened at the meeting and ideas that were brainstormed.

Councilmember Romick reported that the meeting he attended was focused on continuing to fund the 4th fire station. He commented the main stakeholder, the Fire District, was not invited to the meeting but will be included in the next meeting to be held March 21.

Vice Mayor Pope commented that a plan to consider would be to address the matter with legislators on the State level and encourage reallocation of the tax supporting fire services, let the County finish consolidating districts, save the portion of increase of property tax received by the City and contribute it to the Fire District and ask other agencies to also contribute.

Councilmember Hardcastle commented the number of homes being built is increasing yet fire services continue to decline.

Councilmember Romick commented that if legislation is passed at the State level it would likely allow Contra Costa County to reallocate the property tax which would be addressed with the voters.

Mr. Montgomery explained that regionalization would be good as it is needed, but the State would leave it up to local agencies to deal with and there would be little support from agencies to give up their share, especially as schools receive largest shares and they would have to ask the State to backfill the amount given up; the State would need to compel all agencies to contribute or it will not happen.

Councilmember Romick commented that there are currently 10 different fire services entities in Contra Costa which may need to consolidate. He added that everyone should receive the same coverage. He mentioned it is critical that the State consider the

DATE: 02/29/17
 SCALE: 1" = 20'
 SHEET: 1 OF 1

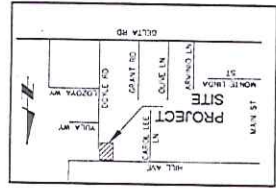
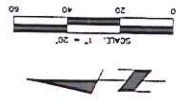


SURVEYOR'S STATEMENT
 THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION ON
 BEHALF OF THE CLIENT IN COMPLIANCE WITH THE STATE OF
 CALIFORNIA LAND SURVEYORS ACT.
 David A. Hieb
 SLS No. 11112
 Exp. Sep. 20, 2018

DAVE HIEB SURVEYING
 DAVID A. HIEB
 4325 DIRTWOOD PLACE
 DISCOVERY BAY, CA, 94905

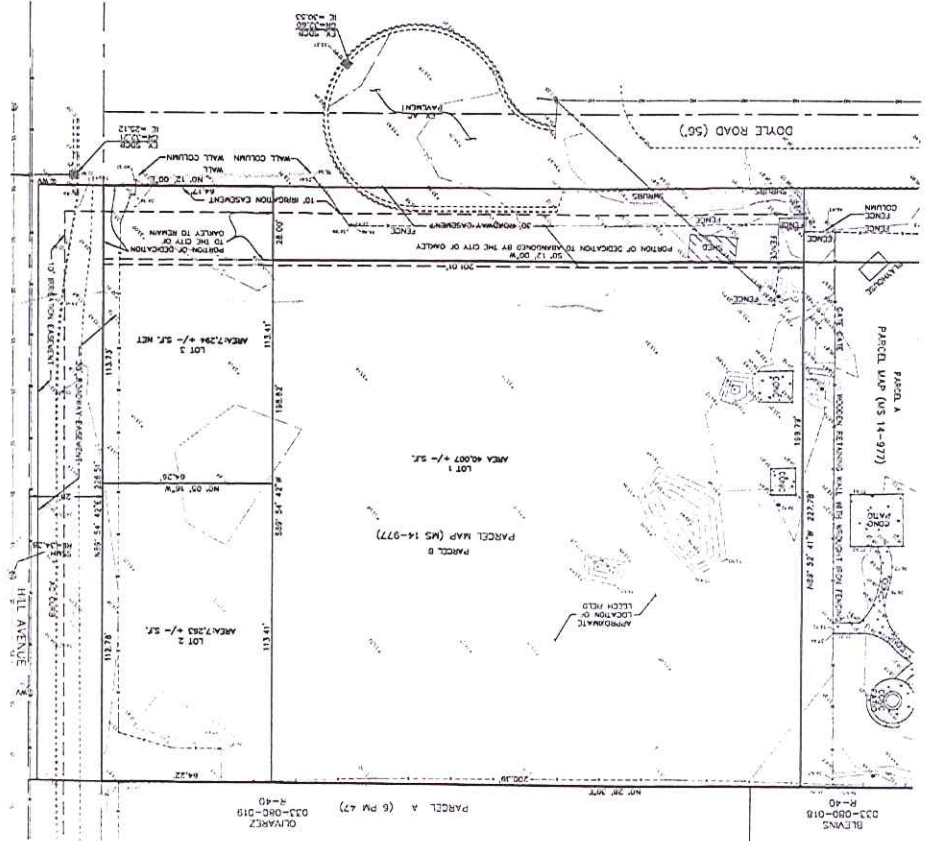
VESTING TENTATIVE PARCEL MAP
 PARCEL B PARCEL MAP (MS-14-977)
 3351 DOYLE ROAD
 CONTRA COSTA COUNTY CALIFORNIA

RECEIVED
 APR 05 2017
 Planning Department
 CITY OF OAKLEY



NOT TO SCALE

- PROPERTY INFORMATION**
 OWNER/APPLICANT: BRAUN COMPANY
 2321 DOYLE ROAD
 OAKLEY, CA 94661
- SURVEYOR:**
 HOWARD R. ANDERSON, JR., PLS.
 4500 HAZEN RD., SUITE 100
 PLEASANTON, CA 94588
 (925) 295-7911
- SITE ADDRESS:**
 3351 DOYLE ROAD
 OAKLEY, CA 94661
 033-080-017
- SITE AREA:**
 54,495 +/- S.F. (1.26 +/- ACRES)
- EXISTING GENERAL:**
 SINGLE FAMILY VERY LOW
- LAND USE:**
 R-40
- SETBACKS:**
 FRONT: 25 FEET
 REAR: 15 FEET MINIMUM
- LEGEND**
- PROPERTY LINE
 - PARCEL LINE
 - CENTER LINE/BOUNDARY LINE
 - EASEMENT LINE
 - FENCE
 - MANHOLE (AS LABELED)
 - UTILITY POLE
 - UTILITY VALE
 - WATER VALE
 - STORM DRAIN CATCH BASIN
 - DATUM
 - ELEVATIONS ARE NAVD83 BASED ON GPS DATA FROM GPS OBSERVATIONS
 - PROJECT BENCHMARK
 - TOP OF CURB AT CATCH BASIN AT THE NORTHEAST CORNER OF LOT 1-5/16 TAKEN AS 23.27 FROM GPS OBSERVATIONS
 - PARCEL MAP (MS 14-977)



BLVNS 033-080-018 R-40
 OLIVARZ 033-080-019 R-40
 PARCEL A (6 PM 27) R-40

CITY OF OAKLEY

RESOLUTION NO. XX-17

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING 1) A GENERAL PLAN AMENDMENT TO AMEND THE LAND USE DESIGNATION FROM SINGLE FAMILY RESIDENTIAL, VERY LOW (SV) TO SINGLE FAMILY RESIDENTIAL, HIGH (SH) ON APPROXIMATELY 14,500 SF. OF AN APPROXIMATELY 54,496 SF. PROJECT SITE AND 2) A TENTATIVE PARCEL MAP SUBDIVIDING ONE 54,496 SF. PROJECT SITE INTO 3 LOTS OF APPROXIMATELY 40,007 SF. (LOT 1), 7,263 SF. (LOT 2), AND 7,294 SF. (LOT 3) LOCATED AT 3351 DOYLE ROAD AND IS ZONED R-40 DISTRICT. THE PROJECT IS TITLED "DOYLE ROAD / HILL AVENUE MINOR SUBDIVISION 17-976 (GP 01-17, RZ 02-17, AND TPM 01-17). PARCEL B OF MS 14-977 (PORTION OF APN 033-080-017) AND A PORTION OF PREVIOUSLY DEDICATED DOYLE ROAD

FINDINGS

WHEREAS, on July 1, 1999, the incorporation of the City of Oakley took effect; and

WHEREAS, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its general plan, the County's subdivision ordinance as its subdivision ordinance, and the County's zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own general plan, as required by Government Code Section 65360; and

WHEREAS, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and

WHEREAS, on April 5, 2017, Stephen Cockman ("Applicant") filed an application requesting approval of 1) a General Plan Amendment from Single Family Residential, Very Low (SV) to Single Family Residential, High (SH) on apx. 14,500 sf. (.33 acres) of a 54,496 sf. (1.38 acres) residential parcel, 2) a Rezone of the same 14,500 sf. from R-40 (Single Family Residential) District to R-7 (Single Family Residential District), and 3) a Tentative Parcel Map subdividing one 54,496 sf. parcel into 3 lots of apx. 40,007 sf. (Lot 1), 7,263 sf. (Lot 2), and 7,294 sf. (Lot 3). The project is located at 3351 Doyle Road and includes Parcel B of MS 14-977, portion of APN 033-080-017. The site is zoned R-40 District; and

WHEREAS, the Applicant has initiated a project to change the General Plan Land Use Designation for a portion of the property and formerly dedicated Doyle Road from Single Family Residential, Very Low (SV) to Single Family Residential, High (SH); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), this project is exempt pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on July 28, 2017, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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 site. The notice was also mailed or emailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on August 8, 2017, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the 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, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its August 8, 2017 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings regarding the General Plan Amendment as shown in "Exhibit A" of this resolution and the proposed Tentative Parcel Map as shown in the reference plans in support of the recommended approvals:

- A. Regarding the application requesting a General Plan Amendment to the Land Use Designation for the project titled, "Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17)", the City Council finds that:
1. The Hill Avenue frontage would change from one lot to two lots and be developed in a manner more consistent with the Single Family Residential, High density development to the north; and
 2. Improvements to Hill Avenue will result in curb, gutter, and sidewalk, as opposed to only curb and gutter, which is usually associated with larger "Estate Neighborhoods." Sidewalks will provide for safer travel to the nearby park; and
 3. Doyle Road would remain unconnected to Hill Avenue, which will help retain the rural character of other properties along Doyle Road, including the subject property not proposed to be redesignated. Essentially, the two smaller lots will be associated with Hill Avenue since they will not have access off of Doyle Road.
- B. Regarding the application requesting approval of a Tentative Parcel Map for the project titled, "Doyle Road / Hill Avenue Minor Subdivision 17-976 (TPM 01-17)", the City Council finds that:

1. The proposed Tentative Parcel Map will comply with all of the R-7 (Single Family Residential) District standards and meet the maximum allowable density of the SH land use designation.

C. 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 approval of a General Plan Amendment and Tentative Parcel Map for "Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17 and TPM 01-17)", subject to the following conditions:

Applicant shall comply with the requirements of Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Planning Department on April 5, 2017.

THE FOLLOWING PLANNING AND BUILDING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This Tentative Parcel Map is approved, as shown on the revised plans, date stamped by the Planning Department on April 5, 2017, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on August 8, 2017, and as conditioned herein.
4. 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.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
7. 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).

Subdivision Disclosures:

8. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

9. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zon guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase."

Public Works and Engineering Conditions

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF A FINAL PARCEL MAP UNLESS OTHERWISE NOTED:

General:

10. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
11. Submit a final parcel map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.
12. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
13. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
14. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.
15. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

16. Construct the frontage of Doyle Road and Hill Avenue to City public road standards for a 36-foot wide roadway within a 56-foot right-of-way, including curb, five-foot monolithic sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 18 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project.

17. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road Alignment/Sight Distance:

18. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Doyle Road and Hill Avenue. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 25 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

Road Dedications:

19. Convey to the City, by offer of dedication, the right of way for Doyle Road and Hill Avenue for the planned future half width of 28-feet along the project frontage.
20. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
21. Vacate the portion of public right of way on the relinquishment of abutter's rights along the south side of Hill Avenue in the locations of the future driveways the locations of which must be approved by the City Engineer.
22. Vacate the portion of public right of way along the west side of Doyle Road that exceeds the amount necessary to meet the 28' half width.
23. Vacate the portion of public right of way along the south side of Hill Avenue at the easterly site boundary as approved by the City Engineer.
24. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.

Street Lights:

25. Install streetlights along the Doyle Road and Hill 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 shall be decorative per City standards.

Grading:

26. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.

27. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
28. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
29. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
30. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
31. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
32. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
33. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
34. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
35. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.

36. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

37. Underground all new and existing utility distribution facilities, including those along the frontage of Doyle Road and Hill Avenue. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

38. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

39. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

40. Collect and convey all stormwater entering and/or originating on this property, 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 consistent with the plans for Drainage Area 30B and Drainage Area 130as prepared by the Contra Costa County Flood Control and Water Conservation District.

41. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.

42. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.

43. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Landscaping in the Public Right of Way:

44. Install public right of way landscaping along Doyle Road and Hill Avenue concurrently with the construction of the frontage improvements along Doyle Road and Hill Avenue.

National Pollutant Discharge Elimination System (NPDES):

45. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

46. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 85-00 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.
 - A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
 - B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
 - C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
 - D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);

- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Resolution No. 09-01);
- G. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03); and
- H. General Plan Fee (adopted by Resolution No. 53-03)

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

- 47. 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.
- 48. 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.
- 49. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
- 50. Applicant shall comply with the drainage fee requirements for Drainage Area 30B and Drainage Area 130 as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of final map approval. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District.

51. Participate in the City's South Oakley Infrastructure Master Plan both by cooperating with the City's consultant team in the design and implementation of specific infrastructure projects and by providing this project's fair share contribution to the costs of preparing the study. The fair share contribution shall be paid in accordance with Resolution 52-03.
52. Participate in the assessment district to fund parks, including any off-site parks that will serve this development.

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 Game. It is the applicant's responsibility to notify the Department of Fish and Game, 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.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves the amendment to the General Plan as shown in "Exhibit A" of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of August, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Sue Higgins, Mayor

Date

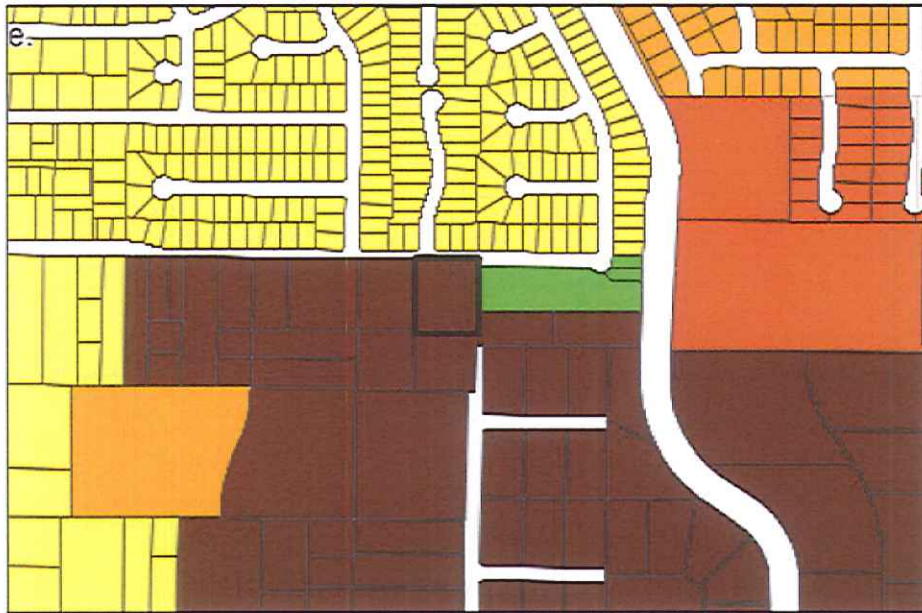
ATTEST:

Libby Vreonis, City Clerk

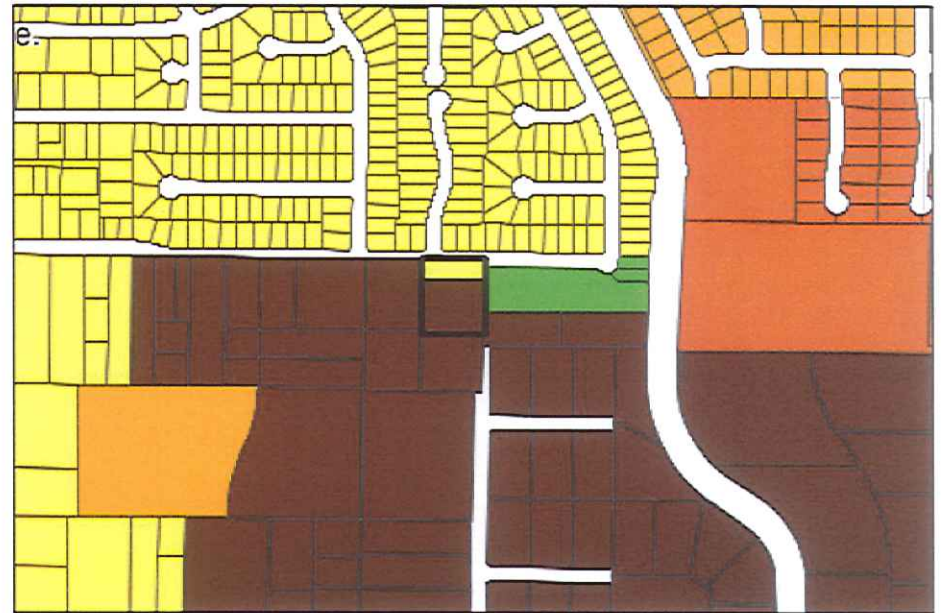
Date

Existing and Proposed General Plan Land Use Designations Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17)

Existing General Plan Land Use Designation – Single Family Very Low (SV)



Proposed General Plan Land Use Designations – Single Family High (SH) and Single Family Very Low (SV)



CITY OF OAKLEY

ORDINANCE NO. XX-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY REZONING APPROXIMATELY 14,500 SF. OF AN APPROXIMATELY 54,496 SF. PROJECT SITE FROM R-40 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-7 (SINGLE FAMILY RESIDENTIAL DISTRICT) LOCATED AT 3351 DOYLE ROAD. THE PROJECT IS TITLED "DOYLE ROAD / HILL AVENUE MINOR SUBDIVISION 17-976 (GP 01-17, RZ 02-17, AND TPM 01-17). PARCEL B OF MS 14-977 (PORTION OF APN 033-080-017) AND A PORTION OF PREVIOUSLY DEDICATED DOYLE ROAD

WHEREAS, on April 5, 2017, Stephen Cockman ("Applicant") filed an application requesting approval of 1) a General Plan Amendment from Single Family Residential, Very Low (SV) to Single Family Residential, High (SH) on apx. 14,500 sf. (.33 acres) of a 54,496 sf. (1.38 acres) residential parcel, 2) a Rezone of the same 14,500 sf. from R-40 (Single Family Residential) District to R-7 (Single Family Residential District), and 3) a Tentative Parcel Map subdividing one 54,496 sf. parcel into 3 lots of apx. 40,007 sf. (Lot 1), 7,263 sf. (Lot 2), and 7,294 sf. (Lot 3). The project is located at 3351 Doyle Road and includes Parcel B of MS 14-977, portion of APN 033-080-017. The site is zoned R-40 District; and

WHEREAS, the rezoning application complies with the requirements of the Oakley Municipal Code ("OMC") Section 2.4.012 (Rezoning); and

WHEREAS, the Applicant has initiated a project to change the zoning for a portion of the property and a portion of a previously dedicated Doyle Road from R-40 (Single Family Residential) District to R-7 (Single Family Residential) District; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), this project is exempt pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on July 28, 2017, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, 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 site. The notice was also mailed or emailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on August 8, 2017, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote, waived the first reading, and introduced this ordinance, and adopted a resolution

approving the associated General Plan Amendment and Tentative Parcel Map for this project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its August 8, 2017 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

The City Council of the City of Oakley does ordain as follows:

SECTION 1. FINDINGS. Pursuant to Chapter 2.4.012 of the Oakley Municipal Code, the City Council of the City of Oakley hereby finds and determines as follows:

- A. The change proposed will substantially comply with the Oakley 2020 General Plan in that the proposed rezone to R-7 (Single Family Residential) District in conjunction with the proposed General Plan Amendment to Single Family Residential, High (SH) will allow approval of the proposed Tentative Parcel Map, which is consistent with the SH land use designation and R-7 District zoning.
- B. The single family residential uses authorized or proposed in the land use district are compatible within the R-7 district and to uses authorized in adjacent districts in that single family residential uses are a permitted use in the R-7 District.
- C. The rezoning to R-7 District would be compatible with the SH land use designation, while avoiding the smaller 6,000 sf. lot minimum.

SECTION 2. Property Defined and Rezoned.

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the Oakley Zoning Map is amended to rezone the following property from the R-40 (Single Family Residential) District to R-7 (Single Family Residential) District:

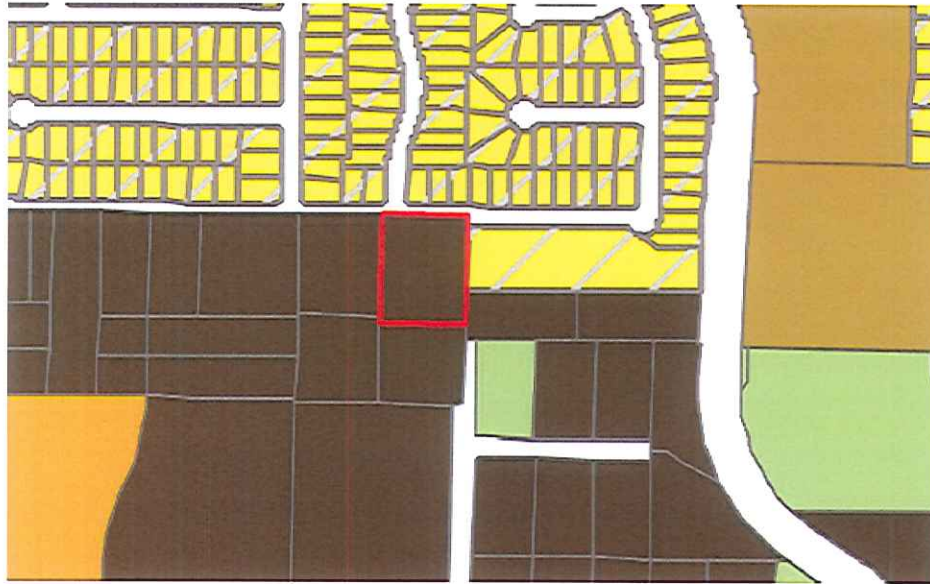
- A. Approximately 14,500 sf. of real property along the southern side of Hill Avenue and northern portion of Parcel B of MS 14-977 (portion of APN 033-080-017), including a portion of previously dedicated Doyle Road that lies just east of that land, the amount of which to be determined by the City Engineer, and as shown on "Exhibit A" attached to this ordinance.

SECTION 3. Applicable Regulations and Standards.

- A. The regulations for the use, development, improvement and maintenance of the Property shall be those set forth in the City's General Plan, Oakley Municipal Code, and the R-7 (Single Family Residential) District:

Existing and Proposed Zoning Districts Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17)

Existing Zoning District – R-40 (Single Family Residential)



Proposed Zoning Districts – R-7 (Single Family Residential)
and R-40 (Single Family Residential)

