AGENDA
REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION

Tuesday, October 17, 2023
6:30 PM
Oakley City Council Chamber, 3231 Main Street, Oakley, California. Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we ***Live*** in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley Planning Commission meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley Planning Commission regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

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If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that Oakley Planning Commission meetings are video recorded and attendees may appear on video.

Members of the public may address the Oakley Planning Commission on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Oakley Planning Commission may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Oakley Planning Commission Chair will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

1.OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

1.2 Pledge of Allegiance to the Flag

2.PUBLIC COMMENTS

At this time, the public is permitted to address the Planning Commission on non-agendized items.

3.CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Planning Commission with one single action. Members of the audience, Staff or the Planning Commission who would like an item removed from the Consent Calendar for purposes of public input may request the Chair remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Chair.

3.1 Approve Minutes from the Special Planning Commission Meeting held August 15, 2023 (Kim Snodgrass, Deputy City Clerk)

Minutes 081523

4.PUBLIC HEARINGS

4.1 Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) – Continued from September 12, 2023 Regular City Council Meeting (Ken Strelo, Planning Manager)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public

Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution

CEQA Determination: Recommend the City Council find that the project is within the scope of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009

Staff Report

1. Vicinity Map
2. Notice of Public Hearing
3. Grand Cypress Preserve Development Agreements Master Amendment
4. Proposed Resolution

4.2 2480 Oakley Road Subdivision 9537 Tentative Map Extension (TME 01-23) (Evan Gorman, Associate Planner)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution

CEQA Determination: Find that there are no new environmental impacts associated with the proposed extension in that any environmental impacts are within the scope of the Negative Declaration adopted through City Council Resolutions No. 88-20 and No. 89-20.

Staff Report

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

5.REGULAR CALENDAR

6.REPORTS

6.1 Reports from Staff Members

6.2 OAKLEY PLANNING COMMISSION
(a) Reports from Commission Members
(b) Requests for Future Agendas

7.WORK SESSIONS

8.ADJOURN

Minutes of the Special Meeting of the City of Oakley Planning Commission
August 15, 2023

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

Chair Oleksii Chuiko called the meeting to order at 6:30p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Chair Diego Verduzco and Planning Commissioner Leonard Price were also present. Planning Commissioners Jeanne Krieg and Jimmy Ramirez were absent.

1.2 Pledge of Allegiance to the Flag

Vice Chair Verduzco led the Pledge of Allegiance to the Flag

2) PUBLIC COMMENTS

Staff received one online comment from Jennifer Solopow regarding construction and roadwork during school hours on E. Cypress and Picasso. Public Works Director, Kevin Rohani provided an email response to Ms. Solopow, which was also provided to the Planning Commission.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Planning Commission Meeting held July 18, 2023 (Kim Snodgrass, Deputy City Clerk)

It was moved by Vice Chair Verduzco and seconded by Commissioner Price to approve the minutes. Motion was unanimous and so ordered. (3-0)

4) PUBLIC HEARINGS

4.1 Adoption of the State of California Density Bonus Law (SBDL) - Repeal Local Density Bonus Regulations (Oakley Municipal Code 9.1.412) and Replace with Adoption of the State Density Bonus Law by Reference (RZ 03-23) (Ken Strelo, Planning Manager)

Planning Manager Ken Strelo presented the Staff Report.

Chair Chuiko asked if this is consistent with what other cities are doing.

Mr. Strelo responded that several other cities will be doing this as well.

Chair Chuiko asked if essentially, we are doing what every other city is doing in our county.

Mr. Strelo confirmed that is correct, for cities that choose to do it, it will be very similar.

It was moved by Vice Chair Verduzco and seconded by Commissioner Price to adopt the resolution. Motion was unanimous and so ordered. (3-0)

5) REGULAR CALENDAR

None

6) REPORTS

6.1 Reports from Staff Members

None

6.2 OAKLEY PLANNING COMMISSION

(a) Reports from Commission Members

Commissioner Price reported the TRANSPLAN meeting was canceled due to lack of agenda items.

(b) Requests for Future Agendas

None

7) WORK SESSIONS

None

8) ADJOURN

There being no further business, the meeting was adjourned at 6:43p.m.

Respectively Submitted,

Kim Snodgrass
Deputy City Clerk

Approved and Forwarded to the Planning Commission

DATE: October 17, 2023
TO: Joshua McMurray, City Manager
FROM: Ken Strelo, Planning Manager
SUBJECT: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) – Continued from September 12, 2023 Regular City Council Meeting

Summary

This is a continued public hearing on an application by ACD-TI Oakley, LLC ("Applicant") requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2045 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC and Lesher Trust (Planning Area 1) Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Background

GENERAL PLAN

Specific Plan (SP) – The project sites are designated Specific Plan (SP) in the Oakley General Plan (Figure 2-2: Land Use Diagram). The General Plan was amended to add the SP land use designation and apply it to the East Cypress Corridor Specific Plan ("ECCSP") through adoption of City Council Resolution 47-09 adopted on March 10, 2009.

ZONING

SP-1 (East Cypress Corridor Specific Plan) District – The ECCSP was adopted by Ordinance 10-09, resulting in the SP-1 District zoning classification for the entire Specific Plan area, on March 24, 2009.

Project Description

ENTITLEMENT AND DEVELOPMENT AGREEMENT HISTORY

The Applicant has ownership of five separately entitled developments within the ECCSP that are all under their own respective development agreements with terms set to expire on December 13, 2025. These projects are identified by the owner as the "Grand Cypress Preserve" project, sometimes also referred to as the "Cypress Preserve" project. A summary of the projects with their tentative map entitlements and development agreements is listed below:

- KT KB Oakley LLC Subdivision 9311 (Planning Area 1)
  - 5/8/2012: Vesting Tentative Map approved (City Council Resolution 45-12)
  - 9/12/2005: Development Agreement approved (Ordinance 25-05)
  - 5/22//2012: Development Agreement Amendment (Ordinance 03-12)

- Lesher Trust Subdivision 9404 (Planning Area 1)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 98-15)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 150-20)
  - 9/26/2005: Development Agreement approved (Ordinance 25-05)
  - 1/10/2012: Development Agreement Amendment (Ordinance 25-11)

- Dal Porto South Subdivision 9401 (Planning Area 3)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 96-15)
  - 8/11/2015: Development Agreement approved (Ordinance 10-15)

- Bethel Island LLC Subdivision 9156 (Planning Area 4)
  - 11/8/2011: Vesting Tentative Map approved (City Council Resolution 122-11)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 149-20)
  - 1/10/2012: Development Agreement approved (Ordinance 26-11)

- Pacific West Communities Minor Subdivision 11-976 (Planning Area 6-H)
  - 1/24/2012: Tentative Parcel Map approved (City Council Resolution 11-12)
  - 1/10/2012: Development Agreement approved (Ordinance 27-11)

MASTER AMENDMENT TO DEVELOPMENT AGREEMENTS

The proposed amendment document is officially titled, "Amendment to Certain Development Agreements By and Between City of Oakley and ACD-TI Oakley, LLC Relating to the Projects Comprising the 'Cypress Preserve Project' and Located in the East Cypress Corridor Specific Plan Area." For the purposes of this request and simplifying its name, that document is referred to as the "Grand Cypress Preserve Development Agreements Master Amendment" or "Master Amendment."

The Master Amendment includes recitals that provide background and references to the original Development Agreements for all of the projects and two Development Agreement Amendments for KT KB Oakley LLC and Lesher Trust which received term extensions to match the December 13, 2025 expiration date created for the other three projects. The applicant originally requested an extension of the term to December 13, 2035 (10-year extension) for all of the Development Agreements. Since the September 12, 2023 City Council continuation of the item, the proposed terms have been modified and the applicant is now requesting an extension of the term to December 13, 2045 (20-year extension).

As described in Part C of the Recitals in the proposed Development Agreement, the request is due to the "…current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions…." The language providing the extension is found under Part 2.1 "Amendments to Term" of the Agreement section of the proposed Development Agreement. The specific language is proposed as follows:

> The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2045" and thereby extend the Term of each such agreement an additional twenty (20) years beyond December 13, 2025.

This Development Agreement Master Amendment also proposes a Part 2.3 titled, "Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures." This section calls attention to three Mitigation Measures ("MM") from the ECCSP EIR adopted on March 10, 2009 by City Council Resolution 46-09 (MMs 3.8-12, 3.13-4, and 3.13-16). These MMs all refer to the requirement for the Rock Slough Bridge to be constructed and installed before 20% (800 units) of the ECCSP is constructed. The proposed amendment language will serve to clarify to the developers of the Grand Cypress Preserve project that residential units in the existing Summer Lake South project and undeveloped Summer Lake North project are not counted toward the units that will prompt

implementation of these MMs. This clarification has been determined by the City Attorney through analysis of the ECCSP EIR and the "Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East Cypress Corridor Specific Plan Area" referred to as the City-County Transition Agreement. This clarification does not result in amending the referenced EIR MMs.

Previous Public Hearings

PLANNING COMMISSION PUBLIC HEARING

On July 18, 2023, the City of Oakley Planning Commission held a public hearing on the proposed project in order to make a recommendation to the City Council. During the hearing, Staff provided a presentation summarizing the request, analysis, and findings. Upon conclusion of the presentation, Staff provided a recommendation that the Planning Commission approve the proposed resolution recommending the City Council approve the request. The applicant spoke and reiterated their reasoning behind the request.

Prior to the meeting, Staff received one written comment from Contra Costa Water District ("CCWD"). That letter was also forwarded to the Planning Commission. In summary, the letter brought attention to agreements between CCWD and the applicant as well as the importance of the levee for the canal undergrounding project. Staff responded to CCWD that the term extension would not have any negative effect on their standing agreements, and it may increase the likelihood the project, including the levee, remains feasible and is eventually developed. No members of the public provided oral comments. Upon conclusion of the public hearing, the Planning Commission voted unanimously in favor of recommending the City Council approve the proposed Development Agreements Master Amendment (4-0 with one absence) and adopted Planning Commission Resolution No. 11-23.

CITY COUNCIL PUBLIC HEARINGS

After the Planning Commission's July 18, 2023 recommendation of approval through adoption of Planning Commission Resolution No. 11-23, the item was scheduled for public hearing and consideration by the City Council on August 8, 2023. Due to circumstances related to the underlying project, the item was continued to a date certain, September 12, 2023. Prior to the motion and vote to continue, the Mayor announced that the City Council received two separate public comments on the item prior to the meeting, and allowed for any additional public comments of which there were none. At the September 12, 2023 continued public hearing, the item was continued to a date uncertain.

Since the September 12, 2023 continuation of the item, the Master Amendment has been revised thereby modifying the proposed project. The modification being the additional extension of the proposed term of the Development Agreement from ten (10) years to twenty (20) years beyond December 13, 2025, or from December 13, 2035 to December 13, 2045. Since the proposed project was modified, the item has been re-noticed and brought back to the Planning Commission for re-consideration under the revised term.

Analysis

The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific to the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps.

The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future.

Findings

Draft findings can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal by serving to preserve existing entitlements of the ECCSP which will help to implement the objective to “Plan and develop Cypress Corridor holistically with improvements and commerce to service new development to ease downtown traffic.” It will also serve to implement the Community Health and Safety Goal. Future development of these properties and the cooperation by the developer to be involved in project-related fair share agreements ensure crucial infrastructure such as improvements to East Cypress Road can be

completed in a desirable timeframe. This type of improvement will result in a full right of way width with multi-modal travel design and enhanced pedestrian safety.

Fiscal Impact

The approval of these entitlements will not impact the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the developer account funded by the developer.

Staff Recommendation

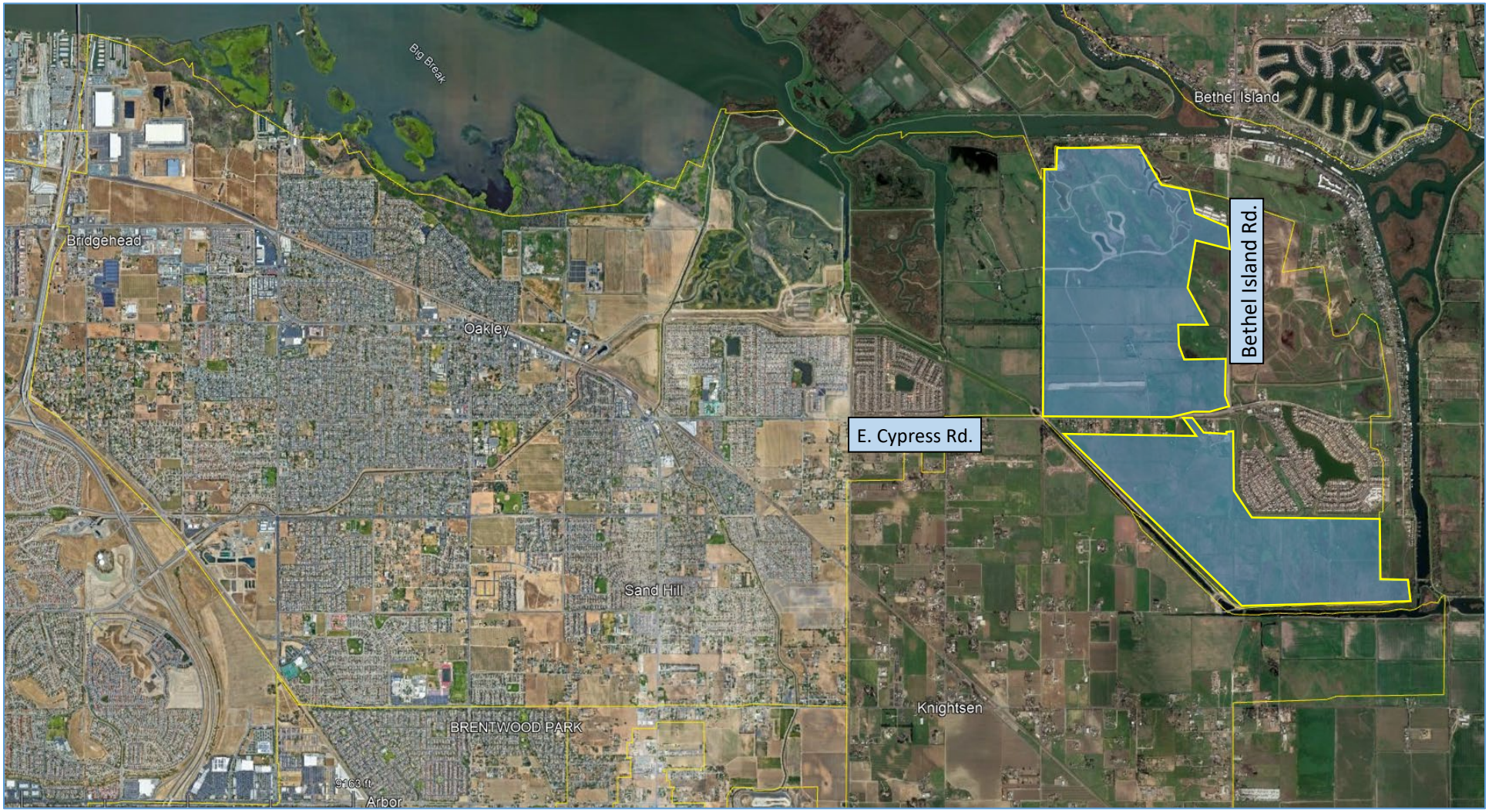
Staff recommends the Planning Commission adopt the proposed resolution recommending the City Council approve the project titled, Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Grand Cypress Preserve Development Agreements Master Amendment
4. Proposed Resolution

Vicinity Map

Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)
APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **October 17, 2023** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 as described below:

Project Name: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Project Location: Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Applicant: ACD-TI Oakley, LLC, 11611 San Vicente Blvd. Ste. #610, Los Angeles, CA 90049. Attn: Andrew Han; andrew.han@greatlawnanalytics.com

Request: This is a continued public hearing on a request for approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2045. The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC and Lesher Trust (Planning Area 1) Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District.

How to Review: The Staff Report and its attachments will be available for public review, on or before **October 12, 2023** 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 **October 17, 2023 Planning Commission** 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 Ken Strelo, Planning Manager at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelo@ci.oakley.ca.us.

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

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Oakley
3231 Main Street
Oakley, CA 94561

(Space Above This Line Reserved For Recorder's Use)

This instrument is exempt from recording fees pursuant to Government Code section 27383.

Documentary Transfer Tax is $0.00 (exempt per Revenue & Taxation Code section 11922, Transfer to Municipality).

AMENDMENT TO CERTAIN
DEVELOPMENT AGREEMENTS BY AND BETWEEN
CITY OF OAKLEY AND ACD-TI OAKLEY, LLC
RELATING TO THE PROJECTS COMPRISING THE
"CYPRESS PRESERVE PROJECT" AND LOCATED IN THE
EAST CYPRESS CORRIDOR SPECIFIC PLAN AREA

FIRST AMENDMENT TO
DEVELOPMENT AGREEMENTS

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENTS ("**First Amendment**") is entered into this ____ day of _____, 2023, by and between the City of Oakley, a California municipal corporation ("**City**"), and ACD-TI OAKLEY, LLC, a Delaware limited liability company ("**Developer**"), pursuant to California Government Code ("**Government Code**") sections 65864 et seq. Developer and City are each sometimes individually referred to herein as a "**Party**" and collectively referred to herein as "**Parties**."

RECITALS

This First Amendment is entered into upon the basis of the following facts, findings, understandings and intentions of the parties:

A. As of the Effective Date, Developer is the owner in fee of the following properties situated in the City of Oakley, California, as more particularly described as follows:

1. That approximately 357 acre real property legally described on Exhibit A-1 attached hereto, which real property is part of the area designated as "Planning Area 1" by the City's East Cypress Corridor Specific Plan ("**Specific Plan**") and is sometimes referred to herein as the "**Lesher Property**";

2. That approximately 334.11 acre real property legally described on Exhibit A-2 attached hereto, which real property is part of the area designated as "Planning Area 1" by the Specific Plan and is sometimes referred to herein as the "**KT-KB Property**";

3. That approximately 350.94 acre real property legally described on Exhibit A-3 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 4" by the Specific Plan and is sometimes referred to herein as the "**PA4 Property**";

4. That approximately 16.4 acre real property legally described on Exhibit A-4 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 6-H" by the Specific Plan and is sometimes referred to herein as the "**PA6-H Property**"; and

5. That approximately 182.5 acre real property legally described on Exhibit A-5 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 3" of the Specific Plan and is sometimes referred to herein as the "**PA3 Property**". The Lesher Property, the KT-KB Property, the PA4 Property, the PA6-H Property and the PA3 Property are referred to herein collectively as the "**Cypress Preserve Properties**".

B As of the Effective Date, Developer, as successor in interest to the original developer party thereto, and the City are parties to the following development agreements with respect to the Cypress Preserve Properties:

1. With respect to the Lesher Property, that certain *Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* with the City effective October 12, 2005 (Recorder's Document No. DOC-2005-0388735-00) (**"Original Lesher Agreement"**), which agreement was subsequently amended by that certain *First Amended Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* dated January 10, 2012 (Recorder's Document No. DOC-2012-0102367-00) ("**Lesher Agreement**"). By its express terms, the Lesher Agreement superseded the Original Lesher Agreement in its entirety;

2. With respect to the KT-KB Property, that certain *Development Agreement By And Between The City of Oakley And KT-KB Oakley LLC Relating To The Project Known As "Lesher/Dal Porto North, Planning Area 1"* dated May 22, 2012 (Recorder's Document No. DOC-2012-0160207-00) ("**KT-KB Agreement**");

3. With respect to the PA4 Property, that certain *Development Agreement By And Between The City of Oakley And Bethel Island LLC Relating To The Project Known As "Bethel Island, LLC, Planning Area 4"* dated January 26, 2012 (Recorder's Document No. DOC-2012-0029930-00) ("**Bethel Agreement**");

4. With respect to the PA6-H Property, that certain *Development Agreement By And Between The City of Oakley And Pacific West Communities, Inc. Relating To The Project Known As "Planning Area 6-H"* dated January 24, 2012 (Recorder's Document No. DOC-2012-0029931-00) ("**PacWest Agreement**"); and

5. With respect to the PA3 Property, that certain *Development Agreement By And Between The City of Oakley And ACD-TI Oakley, LLC Relating To The Area Known As "Dal Porto South, Planning Area 3"* dated January 4, 2016 (Recorder's Document No. DOC-2016-0007999-00) ("**Dal Porto Agreement**"). The Lesher Agreement, the KT-KB Agreement, the Bethel Agreement, the PacWest Agreement and the Dal Porto Agreement are referred to herein collectively as the "**Development Agreements**".

C. Pursuant to Section 1.4 of each of the Development Agreements, the Term of each of the Development Agreements ("**Term**") is scheduled to expire on December 13, 2025. Given the current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions, the Parties now desire to extend the Term of each of the Development Agreements as provided herein.

D. The Planning Commission, after duly noticed public hearing, recommended approval of this First Amendment on _____ pursuant to _____. The City Council, after duly noticed public hearings, adopted _____ approving this First Amendment and authorizing its execution on __

_____, 2023. Ordinance No. _____ became effective on _____ _____, 2023 ("**Enacting Ordinance**").

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other valuable consideration and pursuant to Section 4.1 of the Development Agreement, the parties hereto agree to the following:

1. Defined Terms. All capitalized terms used herein shall have the meanings given in the Development Agreement, except as expressly otherwise defined in this First Amendment.

2. Enumeration of Specific Amendments. The Development Agreement is hereby revised to incorporate the following amendments.

2.1 Amendments to Term. The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2045" and thereby extend the Term of each such agreement an additional twenty (20) years beyond December 13, 2025.

2.2 Life of Subsequent Approvals. Section 2.1 of the Lesher Agreement is hereby amended to add new subsection (j) thereto, Section 2.1 of the Bethel Agreement is hereby amended to add new subsection (h) thereto, Section 3.1 of the KT-KB Agreement is hereby amended to add new subsection (h) thereto, and Section 3.1 of the PacWest Agreement is hereby amended to add new subsection (i) thereto, and subsection (h) of Section 3.1 of the Dal Porto Agreement is hereby deleted in its entirety and said Section 3.1 is hereby amended to add new subsection (h), all of which new subsections are as set forth below:

> Life of Subsequent Approvals. The term of any Subsequent Approval shall automatically be extended for the longer of the duration of the Term of this Agreement (including any extensions) or the term otherwise applicable to such Subsequent Approval. The Term of this Agreement and the term of any subdivision map or other Subsequent Approval shall be tolled and extended during the period of time during which (i) a development moratorium (including, but not limited to, a water or sewer moratorium or water and sewer moratorium), or (ii) the actions or inactions of other public agencies that regulate land use, development, or the provision of services to the land, prevents, prohibits, or delays development of the Property, or (iii) a lawsuit involving any such development approvals or permits is pending.

2.3 Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures. The EIR adopted by the City Council (City Council Resolution 46-09) on March 10, 2009 for the East Cypress

Corridor Specific Plan includes Mitigation Measures that relate to the timing of construction of the Bethel Island Bridge that is planned to cross over Rock Slough and continue south to the intersection with Delta Road. Construction of the bridge is required by Mitigation Measures 3.8-12, 3.13-4, and 3.13-16. Details of those MMs require the first two lanes of the bridge be constructed before 20% of the project (800 units) is constructed. This section is to clarify that based on the language in the Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East Cypress Corridor Specific Plan Area (City-County Transition Agreement) and the ECCSP EIR, the Summer Lake South project (built out) and Summer Lake North project residential units are not counted toward the 800 units to prompt implementation of these mitigation measures.

3. Continued Effectiveness. Except as expressly modified by this First Amendment, all of the Development Agreements remain unmodified and in full force and effect in accordance with their terms, and the Parties mutually acknowledge and agree that the Parties are in full compliance with the provisions thereof.

4. Effective Date and Recordation. The "**Effective Date**" of this First Amendment shall be the effective date of the Enacting Ordinance. The Parties shall execute this Frist Amendment promptly following the Effective Date, whereupon the City shall record this First Amendment in accordance with Government Code section 65868.5. In the event City shall fail for any reason to timely record this First Amendment as set forth herein, Developer shall have the right to record this First Amendment in the official records of Contra Costa County.

5. Exhibits. The following exhibits are attached to this Third Amendment and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibit A-1 Legal Description of Lesher Property

Exhibit A-2 Legal Description of the KT-KB Property

Exhibit A-3 Legal Description of the PA4 Property

Exhibit A-4 Legal Description of the PA6-H Property

Exhibit A-5 Legal Description of the PA3 Property

6. Construction. This First Amendment has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities be construed against the drafting Party shall apply to the interpretation or enforcement of this First Amendment. The Recitals contained in this First Amendment, and the introductory paragraph preceding the Recitals, are hereby incorporated into this First Amendment as if fully set forth herein.

7. Severability. If any portion, part, article, section, subsection, subdivision, sentence, phrase, word, term, provision, covenant, or condition of this First Amendment

(each a "**Portion**") or the application of any Portion of this First Amendment to a particular situation is held by a court or other authority of competent jurisdiction to be invalid, void or unenforceable, such Portion shall be considered severed from this First Amendment and the remainder of this First Amendment, or the application of this First Amendment to other situations, shall continue in full force and effect unless amended or modified by the mutual consent of the Parties.

8. Cooperation in the Event of Challenge. In the event of any legal or equitable acts, action or other proceeding instituted by a third-party, other governmental entities or officials challenging the validity of this First Amendment or any Portion thereof, the Parties hereby agree to cooperate in defending said action or proceeding.

9. Counterparts. This First Amendment may be executed in two duplicate counterparts, each of which is deemed to be an original.

[*This space intentionally blank*]

IN WITNESS WHEREOF, City and Developer have executed this First Amendment as of the date first written above.

"CITY"

City of Oakley, a municipal corporation

By:_____
Joshua McMurray, City Manager

APPROVED AS TO FORM:

By:_____
Derek P. Cole, City Attorney

"DEVELOPER"

ACD-TI OAKLEY, LLC,

a Delaware limited liability company

By: TI Capital Management, LLC, a Delaware limited liability company, its Sole Member

By: _____

Name: Ziad Ghandour

Its: Sole Member

[*signature must be notarized*]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF _____)

On _____ before me
_____ (insert name and title of the officer)
personally appeared
_____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF _____)

On _____ before me
_____ (insert name and title of the officer)
personally appeared
_____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A-1

LEGAL DESCRIPTION OF THE LESHER PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

A portion of the South 1/2 of Section 21, and a portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter, Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the Southwest corner of Section 21; Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54' 46" East 30.00 feet (North 89° 33' 30" East 30.00 feet) to the true point of beginning, said point of beginning being a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said point of beginning Northerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, North 0° 06' 24" East 980.10 feet (North 0° 32' West 982.77 feet) to the Southwestern corner of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Anthony J. Dal Porto and Edith M. Dal Porto, recorded April 3, 1952, in Book 1914 of Official Records, Page 212, Contra Costa County Records; thence leaving said common corner, Easterly along the Southern line of said Dal Porto Parcel (1914 OR 212) North 89° 18' 47' East 3975.97 feet (North 89° 18' East 3975.97 feet) to the Southeastern corner of said Dal Porto Parcel (1914 OR 212); thence leaving said Southern line and said Southeastern corner Southerly along the Eastern line of the aforesaid Dutra parcel (3233 OR 587) the following courses and distances: South 5° 45' 47" West 1.97 feet (South 5° 40' West 1.97 feet); thence South 26° 09' 02" East 1181.27 feet (South 25° 58' 30" East 1182.4) to a point on the Northerly line of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux., recorded February 24, 1942, in Book 725 of Official Records, Page 82, Contra Costa County Records; thence leaving said Eastern line Westerly along the Northern lines of said Gill Parcel (725 OR 82) the following courses and distances: North 87° 19' 56" West 50.90 feet (North 87° 21' West 50.9 feet); thence North 89° 48' 56" West 775.27 feet (North 89° 50' West 775.27 feet) to the Northwestern corner of said Gill Parcel (725 OR 82), said Northwestern corner being common with the Northeastern corner of that parcel of land described in the Deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said common corner Westerly along the Northern line of said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) South 89° 18'

47” West 3671.25 feet (South 89° 18’ West 3657.9 feet) to the Northwestern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northwestern corner being common with the Southeastern corner of the aforesaid Dutra Parcel (3233 OR 587); thence leaving said common corner Northerly along the aforesaid Eastern line of Jersey Island Road, a 60 foot wide County Road, North 0° 38’ 45” West 73.70 feet (North 0° 21 West 73.7 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association to Frank R. Shellenberger, dated May 24, 1943, recorded June 18, 1943, in Book 734 of Official Records, Page 165, Contra Costa County Records.

Being APN 032-082-005

PARCEL TWO:

INTENTIONALLY DELETED

PARCEL THREE:

A portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the corner common to Sections 20, 21, 28 and 29, of Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54’ 46” East, 30.00 feet (North 89° 33’ 30” East 30.00 feet) to a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence Southerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, South 0° 38’ 45” East 73.7 feet (South 0° 21’ East 73.7 feet) to the true point of beginning; said point of beginning being common with the Southwestern corner of said Dutra Parcel (3233 OR 587) and said Southwestern corner being common with the Northwestern corner of parcel of land described in the deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said point of beginning and said common corner Easterly along the Northern line of the said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) North 89° 18’ 47” East 3671.25 feet (North 89° 19’ East 3657.9) to the Northeastern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northeastern corner being common with the Northwestern corner of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux, recorded February 24, 1942, in Book 725 of Official Records, at Page 82, Contra Costa County Records; thence Southerly along the Western lines of said Gill Parcel (725 OR 82) the

following courses and distances: South 8° 33’ 56” East 540.86 feet (South 8° 35’ West 540.86 feet); thence South 26° 06’ 56” East 418.46 feet (South 26° 08’ East 418.46 feet) to the Southwestern corner of said Gill Parcel; thence leaving said Southwestern corner Easterly along the Southern line of said Gill Parcel (725 OR 82) North 89° 21’ 04” East 1157.89 feet (North 89° 20’ East 1157.89 feet) to the Southeastern corner of said Gill Parcel (725 OR 82), said Southeastern corner being a point on the Western line of Bethel Island Road a 60 foot wide county road; thence leaving said Southeastern corner Southerly along said Western line South 0° 30’ 56” East 1557.20 feet (South 0° 32’ East 1557.2 feet); thence along a tangent curve, concave to the Northwest and having a radius of 50.00 feet through a central angle of 89° 38’ 56” an arc distance of 78.23 feet (central angle of 89° 40’ an arc distance of 78.25 feet) to a point of the Northern line of Cypress Road, a 60 foot wide county road; thence Westerly along said Northern line South 89° 08’ 00” West 4892.11 feet (South 89° 08’ West 4892.5 feet) to a point on the Northeastern line of the ten foot wide strip of land described in the deed from the Bank of America National Trust and Savings Association, to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309, Contra Costa County Records; thence leaving said Northern line Northwesterly along said Northeastern line North 45° 25’ 00” West 196.23 feet (North 45° 25’ West 195.4 feet) a point on the aforesaid Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said Northeastern line Northerly along said Eastern line North 0° 38’ 45” West 2397.42 (North 0° 21’ West 2396.9 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil gas, minerals and other hydrocarbons as reserved in the deed from Bank of America National Trust and Savings Association, a National Banking Association, to Charles E. Peterson, et at., dated June 17, 1943, recorded February 21, 1944, in Book 773 of Official Records, Page 26, Contra Costa County Records. Said Reservation also provides for all easements and rights necessary or convenient for production, storage and transportation thereof and exploration and testing of said property.

FURTHER EXCEPTING THEREFROM, that portion described in that certain Offer of Dedication – Road Purposes (fee title) to Contra Costa County, a political subdivision of the State of California, and its successors or assigns, recorded December 30, 2005, as Instrument No. 2005- 0499229, Contra Costa County Records.

Being APN 032-082-013

EXHIBIT A-2
LEGAL DESCRIPTION OF THE KT-KB PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

Portion of the South 1/2 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of said Section 21; thence from said point of commencement North 89° 33' 30" East, 30 feet to the East line of a County Road; thence North 0° 32' West along said East line, 982.77 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning North 0° 32' West, continuing along said East line, 814.53 feet to the South line of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence along said South line South 89° 21' East, 519.6 feet and South 85° 30' East, 1616.9 feet; thence leaving said South line South 1° 33' East, 6 feet to the center of a drainage ditch; thence South 85° 41' 30" East, 1668.6 feet along said center line to a point on the Southwest line of said Dal Porto parcel; thence South 40° 34' East along said Southwest line, 277.8 feet to an iron pipe at the Southeast corner of said Dal Porto parcel; thence South 40° 34' East, 49.5 feet to the center line of a drainage canal; thence South 5° 40' West along said center line, 254.43 feet; thence South 89° 18' West, 3975.97 feet to the point of beginning.

EXCEPTING FROM PARCEL ONE: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 18, 1943, Book 734 Official Records, Page 165.

PARCEL TWO:

Portion of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Southerly bank of Dutch Slough which bears South 83° 26' West, 288.9 feet from the most westerly corner of the tract of land described in the Deed to Bolusiano Perez, et ux, recorded October 10, 1940, Book 559 Official Records, Page 259; thence from said point of beginning South 44° East, 436.5 feet to a point on the Westerly bank of a drainage canal; thence along said bank South 51° 43' East, 1547.2 feet; South 10° 3' East, 1340 feet and South 5° 48' West, 1197.8 feet to a black pipe; thence North 40° 34' West, 959 feet to a black pipe; thence North 85° 43' West, 1237.4 feet to a black pipe; thence South 1° 33' East, 478.7 feet to a black pipe; thence North 85° 30' West, 1616.9 feet to a black pipe; thence North 89° 21' West, 539.13 feet to a black pipe on the East line of the County Road; thence along the East line of the County Road North 0° 25' West, 1211.1 feet; North 0° 10' West, 622.6 feet and North 0° 15' East, 561.1 feet to the Southwest corner of the tract of land described in the Deed to

Herbert S. Miller, et al, recorded December 31, 1931, Book 295 Official Records, Page 101; thence along the South line of said tract South 89° 45' East, 569 feet to the Southeast corner thereof; thence North 0° 15' East along the East line of said tract and the extension Northerly thereof, 933.1 feet to the Southerly bank of Dutch Slough; thence along said Southerly bank South 88° 5' East, 356.7 feet; North 82° 26' East, 354.6 feet; South 89° 23' East, 497.2 feet and South 85° 32' East, 597.1 feet to the point of beginning.

EXCEPTING FROM PARCEL TWO:

1. Reservations for oil, gas and other hydrocarbons and minerals and certain appurtenant rights, as provided for in the Deed from Bank of America National Trust and Savings Association, recorded April 3, 1941, Book 576 Official Records, page 350.

2. The parcel of land described in the Deed to Claude L. Sump, recorded April 15, 1944, Book 773 Official Records, Page 285 (not excepting however, the right of way reserved in said Deed (773 OR 285).

3. The parcel of land described in the Deed to Hylas B. Baldwin, et ux, recorded April 26, 1944, Book 774 Official Records, Page 363, not excepting however, the right of way reserved in said Deed (774 OR 363).

4. The parcel of land described in the Deed to J. B. Baldwin, et ux, recorded May 8, 1944, Book 606 Official Records Page 211, not excepting however, the right of way reserved in said Deed (606 OR 211).

5. The tract of land designated on the Map of Dutch Slough Subdivision filed April 12, 1944, Map Book 27, Page 21, Contra Costa County Records.

PARCEL THREE:

A right of way (not to be exclusive) created in reference to the premises in the deed to Claude L. Sump, et ux, recorded April 15,1944, Book 773, Page 285 of Official Records; in the deed to Hylas B. Baldwin, et ux, recorded April 26,1944, Book 774, Page 363 of Official Records and in the deed to J.B. Baldwin, et ux, recorded May 8,1944, Book 606, Page 211 of Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over the following described strips of land:

1) A strip of land bounded as follows: On the north by the south bank of Dutch Slough; on the east by the west line of the tract of land designated on the map of Dutch Slough Subdivision, filed April 12,1944, Map Book 27, Page 21, Contra Costa County Records; on the south by the south line of the existing road along the top of the levee and on the west by the parcel of land described in the deed to Anthony Dal Porto, et ux, recorded April 3,1941, Book 576, Page 350 of Official Records.

2) The strip of land described as Parcel One in the deed to Anthony J. Dal Porto, et ux, recorded April 12, 1944, Book 606, Page 108 of Official Records.

PARCEL FOUR:

Portion of the Northeast 1/4 of the Southwest 1/4 and portion of the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows: Commencing at the Southeast corner of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence from said point of commencement North 40° 34' West along the South line of said Dal Porto parcel, 576 Official Records, Page 350, 177.8 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning and continuing along said South line North 40° 34' West, 581.2 feet; North 85° 43' West, 1237.4 feet and South 1° 33' East, 478.7 feet; thence leaving said South line and continuing South 1° 33' East, 6 feet to the center line of a drainage ditch; thence South 85° 41' 30" East, along said center line, 1668.6 feet to the point of beginning.

EXCEPTING FROM PARCEL FOUR: Rights saved, excepted and reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 25, 1943, Book 735 Official Records, Page 282, as follows:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easement and rights necessary or convenient for the production, storage and transportation thereof and the exploration and testing of the said real property and also the right to drill for, produce and use water from the said real property in connection with its drilling or mining operations thereon."

EXCEPTING FROM PARCELS ONE, TWO AND FOUR ABOVE:

Rights granted in that certain Corrective Quitclaim Deed, from KT-KB Oakley LLC, a California limited liability company to Robert A. Dal Porto, Sr. and Donald J. Dal Porto dated July 18, 2005, Series No. 2005-0267032, Contra Costa County Records.

APN: 032-082-001

EXHIBIT A-3
LEGAL DESCRIPTION OF THE PA4 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE

Portion of Section 33 and portion of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the corner common to Sections 27, 28, 33 and 34, and running thence along the line common to Sections 27 and 34, South 89° 43' East, 814.2 feet to an iron pipe; thence South 0° 23' 30" West, 2560.2 feet to an iron post; thence South 0° 23' 30" West, 75.6 feet to a point on the East and West midsection line of said Section 34; thence along said midsection line South 89° 54' 15" West, 640.4 feet to a point on the Northeasterly line of the right of way of the Contra Costa Canal; thence along said Northeasterly line North 44° 35' West, 3724.9 feet to a point on the line common to Sections 28 and 33; thence along said common line South 89° 43' East, 2458.9 feet to the point of beginning.

Excepting from Parcel One:

"Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97- 193264, Contra Costa County Records.

1. That portion thereof described in the Deed to Contra Costa Water District, recorded March 26, 2010, Series No. 2010-59168, Official Records.

2. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-140-048

PARCEL TWO

Portion of the North 1/2 of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at an iron pipe on the line common to Sections 27 and 34, which pipe bears South 89° 43' East, 814.2 feet from the corner common to Sections 27, 28, 33 and 34, and running thence along said common line South 89° 43' East, 4184.1 feet to an iron pipe; thence continuing along said common line South 89° 43' East, 281.7 feet to the corner common to Sections 26, 27, 34 and 35; thence along the line common to Sections 34 and 35 South 1° 01' West, 2606.6 feet to the East quarter corner of said

Section 34; thence along the East and West midsection line of said Section 34 South 89° 54' 15" West, 4437.6 feet; thence North 0° 23' 30" East, 75.6 feet to an iron post; thence North 0° 23' 30" East, 2560.2 feet to the point of beginning.

Excepting from Parcel Two:

1. That portion of Parcel Two reserved in the Deed from Title Insurance and Trust Company (Trustee), recorded March 21, 1974, Book 7182, Page 27, Official Records, as follows:

"Beginning at the Northeasterly corner of Parcel Two above, running thence along the Easterly line thereof South 1° 01' West, 1717.51 feet; thence North 88° 59' West, 900 feet; thence North 01° 01' East, 1707.00 feet to the Northerly line of said Parcel Two; thence along said line 900.07 feet to the point of beginning."

2. "Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97-193264, Contra Costa County Records.

3. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-150-003

PARCEL THREE

The right of way described in the deed from West Coast Life Insurance Company to W. J. O'Hara, et ux, dated April 6, 1943 and recorded September 18, 1943, in Book 750, Page 29, Official Records, and in the deed from West Coast Life Insurance Company to Frank J. Dutra and Laura May Dutra, his wife, dated April 6, 1943 and recorded November 4, 1943, in Book 750, page 456, Official Records, and as reserved in the deed from Arthur E. Honegger, et ux, to Jerry E. Duarte, et ux, dated December 9, 1975 and recorded January 21, 1976, in Book 7743, page 240, Official Records, described as follows:

A non-exclusive right of way for use as a roadway for vehicles of all kinds, pedestrians and animals, and as a right of way for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or underground conduits to carry said lines over the following described parcel:

Beginning at the southeast corner of the Southwest quarter of the Northwest quarter of Section 33 in Township 2 North, Range 3 East, Mount Diablo Base and Meridian, and running thence along the east line of said Southwest quarter North 0° 19' East, 35.0 feet;, thence South 89° 51' East, 3738.8 feet to a point of the southwesterly line of the right of way of the Contra Costa Canal; thence along said southwesterly line South 44° 35' East, 49.3 feet to a point of the east and west midsection line of said Section 33;

thence along said midsection line North 89° 51' West, 3773.6 feet to the point of beginning.

PARCEL FOUR

A right of way [not to be exclusive] created in reference to the premises in the deed from Dante Massoni, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over a strip of land 50 feet in width the north line of which is parallel with and 50 feet northerly, measured at right angles, from the south line thereof and which south line is described as follows:

Beginning on the east-west midsection line of Section 33, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, at the most easterly corner of Parcel One, described in the deed to Arthur H. Honegger, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, thence from said point of beginning North 83° 51' West, along said midsection line 1635.52 feet to a west line of Parcel One above.

PARCEL FIVE INTENTIONALLY DELETED

PARCEL SIX

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted in the Deed to Arthur E. Honegger recorded August 27, 1976, Book 7994, Page 172, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land in the Easterly line of which is described as follows:

A portion of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southeast corner of said Section 28, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 28, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half of said Section 28, being also the West one quarter corner of said Section 27.

The West line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

PARCEL SEVEN

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted

in the Deed to Arthur E. Honegger, recorded August 27, 1976, Book 7994, Page 175, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land the Western boundary of which is described as follows:

A portion of Section 27, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southwest corner of said Section 27, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Western boundary line of Section 27, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half, of said Section 27, being also the West one quarter corner of said Section 27. The East line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

EXHIBIT A-4

LEGAL DESCRIPTION OF THE PA6-H PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Parcel “C”, as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-010

Parcel Two:

Parcel “D”, as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-011

EXHIBIT A-5
LEGAL DESCRIPTION OF THE PA3 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Portion of the South 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning on the North line of the South 1/2 of said Section 28 at the Northeast line of the 260 feet in width strip of land described in the Deed from Bank of America National Trust and Savings Association to United States of America, dated November 30, 1937, and recorded June 16, 1938, in Book 473 of Official Records, Page 2; thence from said point of beginning South 44° 35' East along said Northeast line to the South line of said Section 28; thence North 89° 58' East along said South line to the East line of said Section 28; thence North 0° 18' East along said East line to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to a point which bears North 0° 02' West, 30 feet from the Northeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to A.J. Cooley, dated June 10, 1950 and recorded June 27, 1950, in Book 1582 of Official Records, Page 460; thence South 0° 02" East at 30 feet the Northeast corner of said Cooley parcel, a total distance of 435.6 feet to the Southeast corner thereof; thence South 89° 58" West along the South line of said Cooley parcel, 1582 O.R. 460, and along the direct extension South 89° 58' West thereof to the Northeast line of the 125 feet in width strip of land described as Parcel 5 in the Judgment entered November 15, 1930, under action No. 30173, in the district court of the United States in and for the Northern district of California, Southern division, a certified copy of which was recorded November 15, 1950, in Book 1668 Official Records, Page 494; thence North 30° 53' 47" West along said Northeast line and along the extension Northerly thereof to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to the intersection thereof with the Southwest line of said United States of America Parcel, 1668 or 494, extended North 30° 53' 47" West; thence South 30° 53' 47" East, along said extended line and along the Southwest line of said United States of America parcel, 1668 or 494, to a point which bears North 89° 58' East from the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Eugene Conness, et ux, dated April 10, 1950 and recorded April 11, 1950, in Book 1536 of Official Records, Page 123; thence South 89° 58' West to the Southeast corner of said Conness parcel, 1536 O.R. 123; thence South 89° 58' west along the South line of said Conness parcel and along the direct extension South 89° 58' West thereof to the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Dora M. Henry, et vir, dated June 27, 1949, and recorded July 25, 1949, in Book 1416 of Official Records, Page 274; thence South 89° 58' West along the South line of said Henry Parcel, 1416 O.R. 274, 68.24 feet; thence South 89° 58' West to a point which is 45 feet Northeasterly measured at right angles from the Northeast line of said United States of America Parcel, 473 O.R. 2; thence North 44° 35' West parallel with the Northeast line of said

United States of America Parcel to the North line of the South 1/2 of the said Section 28; thence South 89° 58' West along said North line to the point of beginning.

EXCEPTING THEREFROM:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder", as reserved in the Deed from Bank of America National Trust and Savings Association to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309.

1. The interest conveyed to Contra Costa County by Deed from Earl M. Harrington, et ux, dated September 22, 1941 and recorded October 16, 1941, in Book 633 of Official Records, Page 44, "For Use as a Public Highway" over that portion of the premises lying within Cypress Road and Bethel Island Road.

2. Parcel "A", as shown on Parcel Map MS 950010, filed February 24, 2000, Parcel Map Book 178, Page 15, Contra Costa County Records.

Parcel Two:

The easement conveyed in the Deed from Arthur E. Honegger, a married man, recorded August 27, 1976, in Book 7994, Page 181, Official Records, Contra Costa County, as follows:

A portion of Section 33 and Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

An easement for irrigation purposes, water transport, construction, repair, and maintenance with ingress and egress to said easement. Said easement is a strip of land 30 feet wide, right angle measurement in, under, over, along and across a corridor of land, the centerline of which is described as follows:

Beginning at the Southeast corner of said Section 28, being along the common corner of Sections, 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 33, being also the centerline of said 30 foot wide irrigation easement, South 00° 18' West 2.485 feet, more or less, to a point on the Northeasterly boundary line of the right-of-way of the Contra Costa canal as described in the Deed from West Coast Life Insurance Company to the United States of America dated November 29, 1937 and recorded March 17, 1938 in Book 448, Page 155, Official Records. The side lines shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Thence, continuing with said 30 feet wide easement form the point of intersection of said centerline with the said Northeasterly boundary line of said canal the Southwestern boundary line of said strip is described as follows:

Said Southwestern boundary line is also the Northeastern boundary line of said canal thence, in a Southeasterly direction parallel with the Northeasterly boundary line of said

canal, thence along the last named line South 44° 35' West 225 feet, more or less, to a point of intersection with the East-West mid-section line of said Section 34.

The Northeasterly boundary line of said 30 feet wide strip, right angle measurement, shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Parcel Three:

A non-exclusive easement as an appurtenance to Parcel One above for a right of way for pedestrian and vehicular ingress and easement for maintenance, repair and replacement of electric lines, subterranean sewer and other utilities, over, under and upon an Easterly portion of said land lying within the area designated as “Temporary Private Access Easement to Remainder" as shown on the Parcel Map M.S. 10-95 in Book 178 of Parcel Maps at Page 15, Contra Costa County Records.

APN: 032-050-003

PLANNING COMMISSION
RESOLUTION NO. XX -23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL APPROVE THE GRAND CYPRESS PRESERVE DEVELOPMENT AGREEMENTS MASTER AMENDMENT (DA 01-23) (APNS: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; AND 032-082-013)

WHEREAS, on June 29, 2023, Andrew Han of ACD-TI Oakley, LLC ("Applicant" filed an application requesting approval of a Development Agreements Master Amendment) (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Original Project"), later amending the request to extend their terms to December 13, 2045 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC and Lesher Trust (Planning Area 1) Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013; and

WHEREAS, the project is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the project is within the scope of related entitlements approved under the analysis of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009; and

WHEREAS, on July 18, 2023, the Planning Commission held a duly noticed public hearing on the Original Project (request for a 10-year term extension) at which it considered the Original Project, Staff's Report, Oakley General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan, the Revised EIR, and all comments received in writing and all testimony received at the public hearing (together the "Record"), and adopted Planning Commission 11-23 recommending the City Council adopt an ordinance approving the Original Project; and

WHEREAS, on August 8, 2023, the City Council held a duly noticed public hearing for the Original Project and per recommendation from Staff, the City Council announced the item would be continued to a date certain, September 12, 2023. The Mayor then opened the

public hearing and announced the City Council had received two public comments prior to the hearing and solicited additional comments from the public, of which there were none. Upon conclusion of the public comment period, the City Council continued to item to September 12, 2023; and

WHEREAS, on September 12, 2023, the City Council re-opened the public hearing and continued the item to a date uncertain. No additional public comments were received at that time; and

WHEREAS, on September 21, 2023, the Applicant revised the proposed Master Amendment thereby modifying the proposed project. The detail of that revision was a request to increase the term expiration from an additional 10 years beyond December 13, 2025 (to December 13, 2035) to an additional 20 years beyond December 13, 2025 (or to December 13, 2045); and

WHEREAS, on or before October 6, 2023, the Notice of [continued] Public Hearing for the Project was duly noticed pursuant to Government Code Sections 65090 and 65091 by publishing in the Contra Costa Times, a newspaper of general distribution, by posting 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 by mailing/emailing to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on October 17, 2023, the Planning Commission opened the continued public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted this resolution to approve the project, as conditioned; 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 upon the City's General Plan, the City's Zoning Ordinance, the East Cypress Corridor Specific Plan and all related documents, and the information submitted to the Planning Commission at its October 17, 2023, 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 project (hereinafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the Planning Commission makes the following additional findings in support of the approvals:

A. The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific to the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps; and

B. The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed; and

C. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future; and

D. 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 Planning Commission hereby recommends that the City Council approve the "Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)" by and between ACD-TI Oakley, LLC and the City of Oakley, substantially in the form attached as Attachment 3 to the Planning Commission October 17, 2023 Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley 17th day of October 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Oleksii Chuiko, Chair

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

DATE: October 17, 2023

TO: Joshua McMurray, City Manager

FROM: Evan Gorman, Associate Planner

Approved and Forwarded to the Planning Commission

SUBJECT: 2480 Oakley Road Subdivision 9537 Tentative Map Extension (TME 01-23) – Request for three (3) year extension to the expiration of Tentative Map 9537

Summary

This is an application by GKW Architects, Inc. ("Applicant") requesting to extend the approval of Tentative Map 9537 (known as "2480 Oakley Road Residential Development Subdivision") for a period of three (3) additional years ("Project"). This would be the first discretionary extension for this approval. The approved Tentative Map consists of approximately 4.6 acres subdivided into twenty-two (22) single-family residential lots and one (1) additional lot representing the future private road through the development. The project site is located at 2480 Oakley Road and is zoned R-6 (Single-Family Residential) District. APN 037-100-043.

Background

GENERAL PLAN AND ZONING

- The General Plan Land Use Designation for the project site is Residential Low/Medium (RLM) (Designated in Oakley's 2020 Focused General Plan update, the original project approval designated the land Single Family High-Density through City Council Resolution 88-20).
- The site is zoned R-6 (Single-Family Residential) District (Ordinance 12-20).

PREVIOUS ENTITLEMENTS

On June 23, 2020, the City Council approved Tentative Map 9537 and the associated Mitigated Negative Declaration through City Council Resolutions No. 88-20 and No. 89-20. On August 11, the City Council adopted Ordinance 12-20, which changed the zoning of the project site from LI (Light Industrial) District to R-6 (Single Family Residential) District in order to accommodate the project. The Tentative Map received a three (3) year entitlement period from its resolution approval date, and therefore, was originally set to expire on June 23, 2023.

Although the Tentative Map was initially set to expire in June of this year according to the resolution that approved the map, its correct expiration date is September 10, 2023. The original Tentative Map approval did not become effective until the date that the Rezone Ordinance No. 12-20 went into effect, September 10, 2020, which

effectively set the original expiration date to September 10, 2023. The applicant submitted a written request for an extension on August 8, 2023.

Project Description

The applicant is requesting an extension of three (3) years to the entitlement of the approved Tentative Map. If approved, the map would not expire until September 10, 2026. The Subdivision Map Act permits an additional three (3) year extension beyond this application, should it be approved.

Environmental Review

The request for an extension to the Tentative Map will not result in any new physical impacts on the project, and therefore will not result in any new significant impacts when reviewed for conformance with the California Environmental Quality Act ("CEQA"). The project falls within the scope of the original 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. Following Planning Commission review, the City Council may grant multiple approvals on the same tentative map, so long as requests for extensions are submitted prior to expiration of the map, pursuant to the Subdivision Map Act.

The applicant is requesting a three (3) year extension to the Tentative Map to provide more time to feasibly develop the project. Approval of this extension would ensure the Tentative Map would still be valid for an additional three years. Staff finds that allowing for a three-year extension to the approval will not result in any direct or indirect public health, safety, or welfare issues. If this proposal were denied and a new project was proposed in the future, it would likely have similar right of way improvement requirements and the community would not see an added benefit from that.

CONDITIONS OF APPROVAL

Pursuant to the Subdivision Map Act, following Planning Commission review 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 City Council Resolution 89-20 that are not modified in the proposed resolution are still in full effect for this Tentative Map. Proposed conditions of approval reflect references to previous entitlements, standard language related to indemnification and applicant's responsibilities, the new expiration date, and updates

to condition language regarding establishing funding mechanisms to cover ongoing financial impacts to fire protection services, police services, and maintenance and operation services associated with public landscaping, parks, streetlighting, and stormwater facilities. These updates will supersede previous conditions that relied only on Community Facilities Districts (CFDs) to establish those funding mechanisms.

Findings

Complete draft findings are included in the attached resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the goals in the section of the Oakley Strategic Plan 27+ entitled, “Community and Economic Development Goal”. Reviewing applications for compliance with Oakley’s development standards ensures strategic and thoughtful growth.

Fiscal Impact

The approval of this extension would not impact the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the developer account funded by the developer.

Staff Recommendation

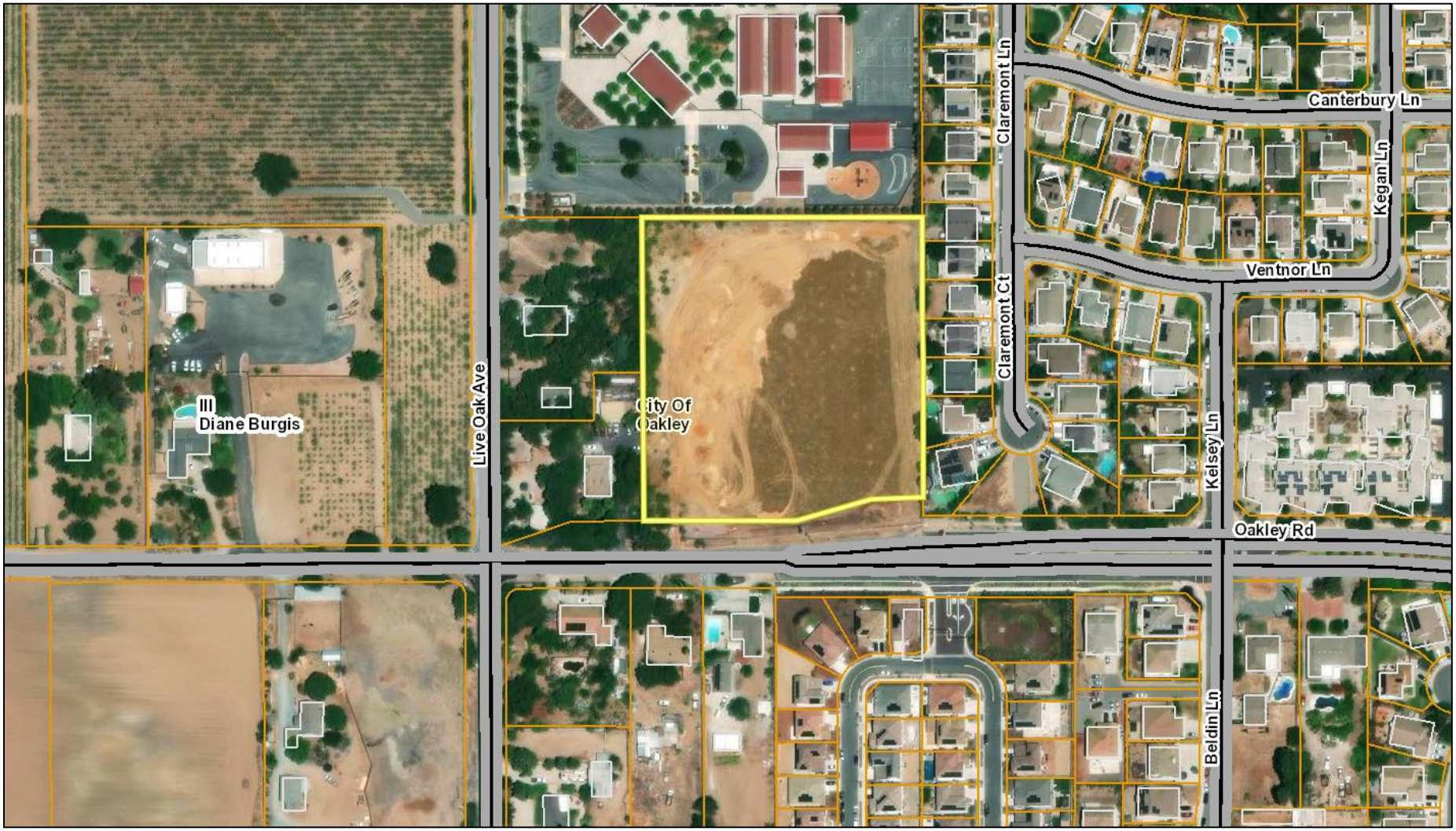
Staff recommends the Planning Commission adopt the resolution recommending the City Council approve the Tentative Map Extension (TME 01-23), which would extend the approval for an additional three (3) years.

Attachments

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

Vicinity Map

2480 Oakley Road Subdivision 9537 Tentative Map Extension (TME 01-23)
APN: 037-100-043



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **October 17, 2023** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 as described below:

Project Name: 2480 Oakley Road Subdivision 9537 Tentative Map Extension (TME 01-23).

Project Location: The project site is located at 2480 Oakley Road, which is in the north western area of Oakley. APN 037-100-043.

Applicant: Gkw Architects, Inc., 710 E McGlincy Lane, Suite 109, Campbell, CA 95008. Attn: Gordon Wong; gordonkwong@gkwarchitects.com

Request: This is a request to extend the approval of Tentative Map 9537 (known as "2480 Oakley Road Residential Development Subdivision") for a period of three (3) additional years ("Project"). This will be the first discretionary extension for this approval. The approved Tentative Map consists of approximately 4.6 acres subdivided into twenty-two (22) single-family residential lots. The project site is located at 2480 Oakley Road and is zoned R-6 (Single-Family Residential) District. APN 037-100-043.

How to Review: The Staff Report and its attachments will be available for public review, on or before **October 12, 2023** 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 **October 17, 2023 Planning Commission** 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 Evan Gorman, Associate Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to gorman@ci.oakley.ca.us.

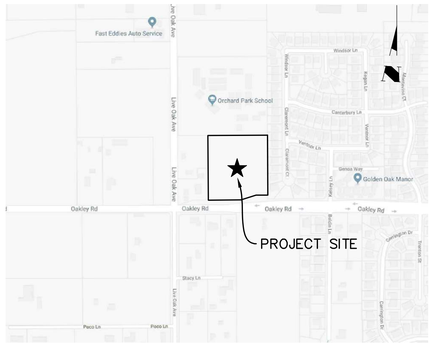
NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered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

TENTATIVE MAP

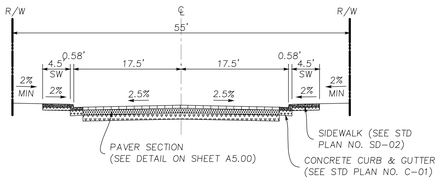
SUBDIVIDE ONE (1) LOT INTO TWENTY-THREE (23) LOTS

2480 OAKLEY ROAD, OAKLEY, CA 94561

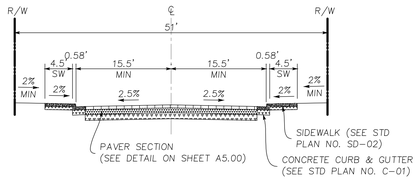
APN 037-100-043-1



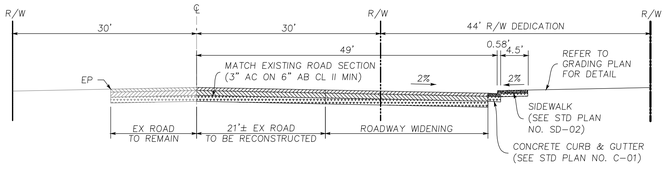
VICINITY MAP
NTS



TYPICAL ORCHARD COURT SECTION
FROM STA 10+50.50 TO 13+62.15
NTS

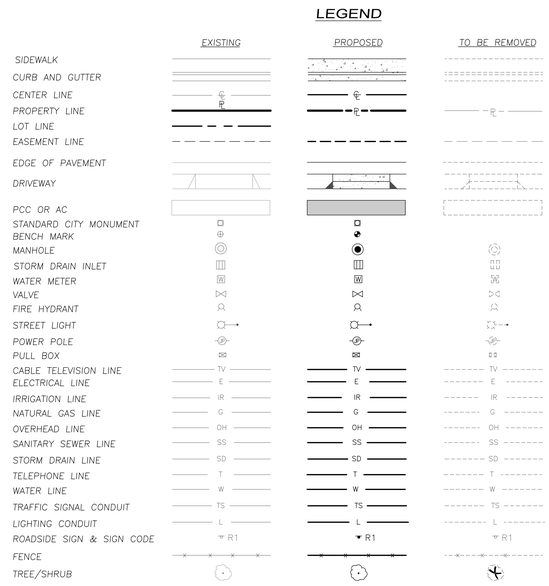


TYPICAL ORCHARD COURT SECTION
FROM STA 10+50.50 TO 13+62.15
FROM STA 16+41.75 TO 19+53.77
NTS



TYPICAL OAKLEY ROAD SECTION
NTS

LEGEND



PROJECT DATA

1. SITE ADDRESS: OAKLEY ROAD, OAKLEY
2. ASSESSORS PARCEL NO: 037-100-043
3. OWNER: OAKLEY ROAD PARTNERS, LLC
   ADDRESS: 2480 OAKLEY ROAD, OAKLEY, CA 94561
   PHONE;
   EMAIL:
4. ARCHITECT: GKW ARCHITECT, INC
   GORDON K WONG, ARCHITECT AIA, LEED GA
   ADDRESS: 710 E MCGLINCY LN #109, CAMPBELL, CA 95008
   PHONE: (408) 796-1845
   EMAIL: GORDONKWONG@GKWARCHITECTS.COM
5. LANDSCAPE ARCHITECT: HEID LANDSCAPE, JEFFREY HEID ARCHITECT
   ADDRESS: 6179 ONEIDA DRIVE, SAN JOSE, CA 95123
   PHONE; (408) 691-5207
   EMAIL: WJHEIDASLA@GMAIL.COM
6. CIVIL ENGINEER: LC ENGINEERING/ NINH LE
   ADDRESS: 598 E SANTA CLARA ST. #270, SAN JOSE, CA 95112
   PHONE: (408)806-7187
   EMAIL: NLE@LCENGINEERING.NET
7. SOIL ENGINEER: GEO-ENGINEERING SOLUTIONS, INC
   ADDRESS: 2570 SAN RAMON VALLEY BLVD, SUITE #A102
   SAN RAMON, CALIFORNIA 94583
   PHONE: (925) 433-0450
   EMAIL: ESWENSON@GEO-ENG.NET
8. ZONING:
   EXISTING: LI (LIGHT INDUSTRIAL)
   PROPOSED: R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT
9. EXISTING USE: VACANT
10. PROPOSED USE: 22 SINGLE FAMILY RESIDENTIAL
11. MINIMUM UNIT SIZE: 6,000 SF
12. ALL DIMENSIONS AND PROPOSED GRADING ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.
13. STREET TREES SHALL BE PROVIDED AS REQUIRED BY THE CITY.
14. PROPOSED WATER, SANITARY SEWER, AND STORM DRAIN SHALL BE CONSTRUCTED AS PER DIABLO WATER DISTRICT, IRON HOUSE SANITARY DISTRICT, AND CITY OAKLEY STANDARDS.
15. STREET LIGHTS WILL BE INSTALLED PER THE CITY OF OALEY STANDARDS AND DEDICATED TO THE CITY.
16. WATER: DIABLO WATER DISTRICT
17. SEWER: IRON HOUSE SANITARY DISTRICT
18. GAS & ELECTRIC: PG&E
19. TELEPHONE: AT&T
20. CABLE TV: COMCAST
21. WELLS: NONE
22. THE SIZE, MATERIAL, AND LOCATION OF THE PROPOSED UTILITIES IS SUBJECT TO CHANGE, BASED ON DEMANDS, HYDRAULIC CALCULATIONS, AND/ OR CITY STANDARD GUIDELINES.

SHEET INDEX

SHEET TM-1: TITLE SHEET & GENERAL NOTE
SHEET TM-2: TENTATIVE MAP
SHEET C3.1: OVERALL SITE PLAN

REGISTERED PROFESSIONAL ENGINEER
N. M. LE
No. 47518
EXP. 12-31-19
CIVIL
STATE OF CALIFORNIA

NO.	REVISIONS	APP'D	DATE	BY

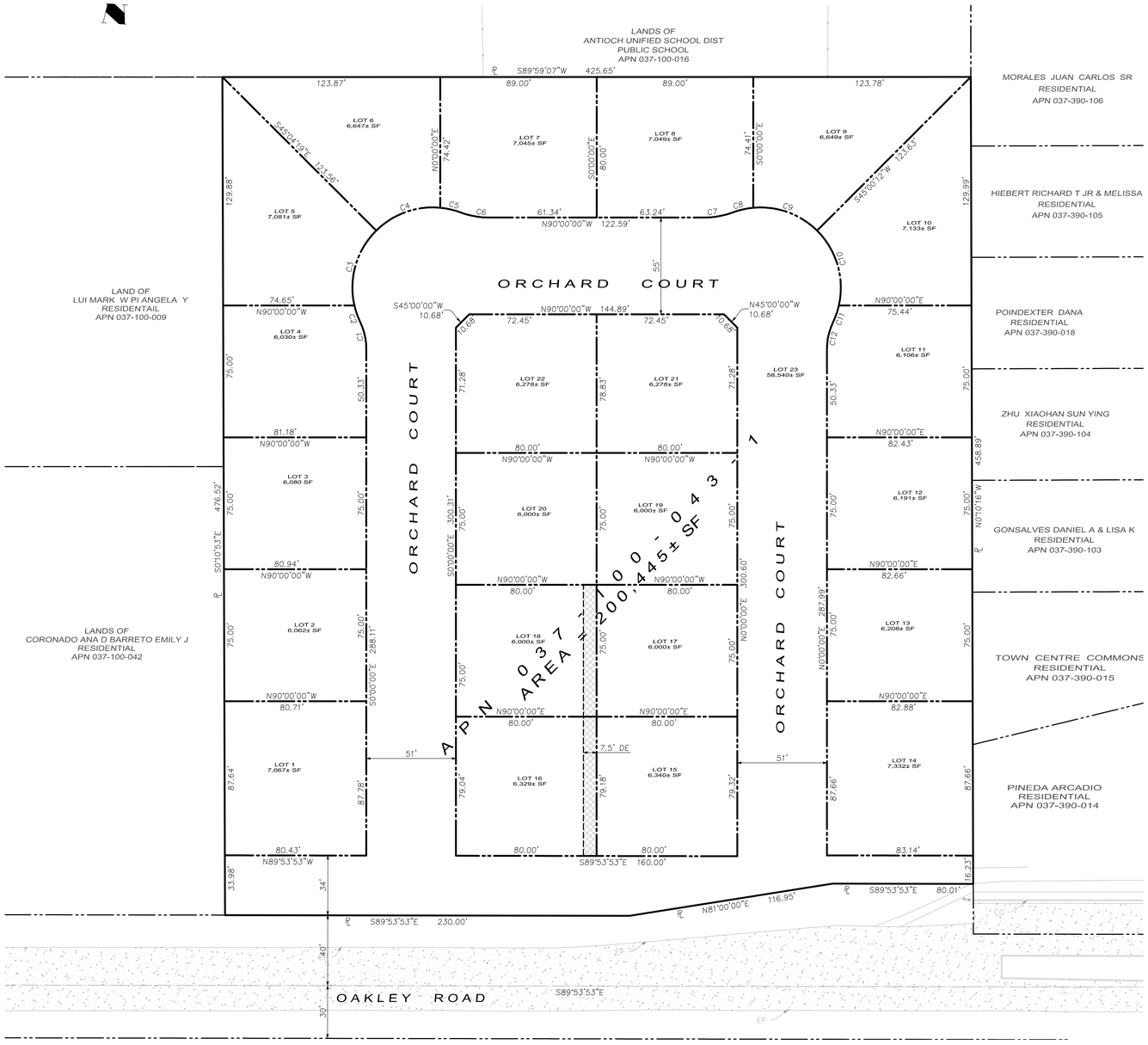
PT DESIGNED 02/02/19 DATE
PT DRAWN 02/02/19 DATE
NTS SCALE
NL CHECKED 02/02/19 DATE

LC ENGINEERING
598 E Santa Clara St. #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

TITLE SHEET AND GENERAL NOTE
LANDS OF OAKLEY ROAD PARTNERS, LLC
OAKLEY ROAD
APN 037-100-043-1

Oakley, California

PROJECT NO.
CONTRACT NO.
DRAWING NO. TM-1
SHT NO. 1 OF 3
FILE NO.



CURVE TABLE				
CURVE#	LENGTH	RADIUS	DELTA	TANGENT
C1	15.63'	35.00	25°35'26"	7.95'
C2	10.14'	45.63	12°43'57"	5.09'
C3	46.36'	45.63	58°12'26"	25.40'
C4	39.89'	45.63	50°05'11"	21.32'
C5	12.01'	45.63	15°04'39"	6.04'
C6	16.34'	45.63	20°30'47"	8.26'
C7	16.34'	45.63	20°30'46"	8.26'
C8	12.10'	45.63	15°11'25"	6.08'
C9	39.86'	45.63	50°03'12"	21.30'
C10	46.29'	45.63	58°07'38"	25.36'
C11	10.14'	45.63	12°43'57"	5.09'
C12	15.63'	35.00	25°35'26"	7.95'

PERCENT OF LANDSCAPE COVERAGE

LOT #	LOT SIZE	BUILDING	DRIVEWAY & PARKING	LANDSCAPE AREA	PERCENT OF LANDSCAPE COVERAGE
1	7,067 SF	2,239 SF	905 SF	3,923 SF	55.51%
2	6,062 SF	1,999 SF	710 SF	3,353 SF	55.31%
3	6,080 SF	1,906 SF	1,053 SF	3,121 SF	51.33%
4	6,030 SF	1,474 SF	745 SF	3,811 SF	63.20%
5	7,081 SF	1,883 SF	756 SF	4,442 SF	62.73%
6	6,647 SF	1,474 SF	728 SF	4,445 SF	66.87%
7	7,045 SF	2,239 SF	800 SF	4,006 SF	56.86%
8	7,049 SF	2,239 SF	912 SF	3,898 SF	55.30%
9	6,649 SF	1,474 SF	827 SF	4,348 SF	65.39%
10	7,133 SF	1,999 SF	664 SF	4,470 SF	62.67%
11	6,106 SF	1,474 SF	859 SF	3,773 SF	61.79%
12	6,191 SF	1,906 SF	1,020 SF	3,265 SF	52.74%
13	6,208 SF	1,999 SF	710 SF	3,499 SF	56.36%
14	7,332 SF	2,239 SF	896 SF	4,197 SF	57.24%
15	6,340 SF	1,474 SF	682 SF	4,184 SF	65.99%
16	6,329 SF	1,474 SF	714 SF	4,141 SF	65.43%
17	6,000 SF	1,999 SF	754 SF	3,237 SF	53.95%
18	6,000 SF	1,906 SF	1,020 SF	3,074 SF	51.23%
19	6,000 SF	1,906 SF	1,160 SF	2,934 SF	48.90%
20	6,000 SF	1,474 SF	748 SF	3,778 SF	62.97%
21	6,278 SF	1,474 SF	748 SF	4,056 SF	64.61%
22	6,278 SF	1,474 SF	735 SF	4,069 SF	64.81%
23	58,540 SF		46,768 SF	11,772 SF	20.11%

REGISTERED PROFESSIONAL ENGINEER
N. M. LEE
No. 47518
EXP. 12-31-19
CIVIL
STATE OF CALIFORNIA

NO.	REVISIONS	BY	DATE	APP'D

PT DESIGNED 02/02/19 DATE
PT DRAWN 02/02/19 DATE
1" = 20' SCALE
NL CHECKED 02/02/19 DATE

ENGINEERING
598 E Santa Clara St. #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

TENTATIVE MAP
LANDS OF OAKLEY ROAD PARTNERS, LLC
OAKLEY ROAD
APN 037-100-043-1
Oakley California

PROJECT NO.
CONTRACT NO.
DRAWING NO. TM-2
SHT NO. 2 OF 3
FILE NO.

PHASE 1 (11 RESIDENTIAL UNITS)

PHASE 2 (11 RESIDENTIAL UNITS)

N

NEW FENCE (SEE ARCHITECTURAL PLAN FOR DETAILS)

LANDS OF OAKLEY ROAD PARTNERS, LLC
APN 037-100-043-1
AREA=200,445± SF

ORCHARD COURT

OAKLEY ROAD

LOT 1 7,067± SF
BLDG 1 FF = 47.0

LOT 2 6,062± SF
BLDG 2 FF = 42.50

LOT 3 6,080 SF
BLDG 3 FF = 41.35

LOT 4 6,030± SF
BLDG 4 FF = 40.5

LOT 5 7,081± SF
BLDG 5 FF = 40.5

LOT 6 6,647± SF
BLDG 6 FF = 40.25

LOT 7 7,045± SF
BLDG 7 FF = 40.65

LOT 8 7,049± SF
BLDG 8 FF = 40.75

LOT 9 6,619± SF
BLDG 9 FF = 40.35

LOT 10 7,133± SF
BLDG 10 FF = 40.0

LOT 11 6,106± SF
BLDG 11 FF = 39.5

LOT 12 6,191± SF
BLDG 12 FF = 38.5

LOT 13 6,206± SF
BLDG 13 FF = 38.85

LOT 14 7,332± SF
BLDG 14 FF = 38.20

LOT 15 6,340± SF
BLDG 15 FF = 38.5

LOT 16 6,329± SF
BLDG 16 FF = 43.5

LOT 17 6,000± SF
BLDG 17 FF = 38.5

LOT 18 6,000± SF
BLDG 18 FF = 41.0

LOT 19 6,000± SF
BLDG 19 FF = 38.3

LOT 20 6,000± SF
BLDG 20 FF = 40.0

LOT 21 6,278± SF
BLDG 21 FF = 39.30

LOT 22 6,278± SF
BLDG 22 FF = 39.0

LOT 23 58,540± SF

BENCHMARK
MAG NAIL
ELEV = 45.64'

COME VALLEY CUTTER
WITH PLAN NO. SD-7A

DRAWING NO. C3.1	OVERALL SITE PLAN LANDS OF OAKLEY ROAD PARTNERS, LLC OAKLEY ROAD APN 037-100-043-1	LE ENGINEERING 598 E Santa Clara St, #270 San Jose, CA 95112 Phone: (408) 806-7187 Fax: (408) 583-4006	PT 02/02/19 DESIGNED DATE PT 02/02/19 DRAWN DATE 1" = 20' SCALE NL 02/02/19 CHECKED DATE	BY / DATE / APP'D / REVISIONS / NO.
SHT NO. 3 OF 3	Oakley California			
FILE NO.	CONTRACT NO.	PROJECT NO.		

GENERAL NOTES:

1. THE CITY OF OAKLEY MUST INSPECT AND APPROVE ALL STORM WATER TREATMENT MEASURES PRIOR TO GRANTING CERTIFICATE OF OCCUPANCY
2. SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES SHALL MEET THE SOIL SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF THE MUNICIPAL REGIONAL STORMWATER NPDES PERMIT.
3. ALL STORMWATER TREATMENT MEASURES MUST BE MAINTAINED REGULARLY BY THE PROPERTY OWNERS, MANAGERS, AND HOA.
4. FLOODING: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FIRM MAP NUMBER 06001C0286G, EFFECTIVE DATE AUGUST 3, 2009.
5. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING UTILITY ENTRANCE LOCATIONS.
6. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. PRIOR TO THE START OF ANY SEWER, WATER, AND STORM DRAIN CONSTRUCTION, THE CONTRACTOR SHALL EXPOSE AND VERIFY THE LOCATION, SIZE, AND ELEVATION OF THE EXISTING SERVICES AT THE POINT OF CONNECTION AND SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO PROCEEDING.
7. ALL NON STORM DRAIN UTILITIES ARE NOT COVERED UNDER THIS GRADING PERMIT AND ARE SHOWN FOR REFERENCE ONLY. SEPARATE BUILDING PERMITS ARE REQUIRED.

EROSION CONTROL NOTES:

1. PORTABLE TOILET MUST BE KEPT A MINIMUM OF 50 FEET AWAY FROM ALL STORM DRAIN INLETS.
2. FOR MINOR EQUIPMENT MAINTENANCE, DRIP PANS AND DRIP CLOTHS WILL BE USED AND PROPERLY DISPOSED OF IF IT IS NECESSARY TO DRAIN AND REPLACE FLUIDS ON SITE.
3. ON SITE VEHICLES AND EQUIPMENT WILL BE INSPECTED REGULARLY FOR LEAKS, AND, IF NECESSARY, WILL BE REPAIRED IMMEDIATELY.
4. IF THERE ARE ANY CONFLICTS BETWEEN CASQA BMPS AND PROJECT CONTRACT DOCUMENT REQUIREMENTS, FOLLOW PROJECT CONTRACT DOCUMENT REQUIREMENTS.
5. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.
6. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.
7. DUST ON THE SITE SHALL BE CONTROLLED. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
8. RUBBISH, TRASH, GARAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORMWATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
9. CONSTRUCTION TRAFFIC IS TO BE KEPT CLEAR OR THE STORMWATER TREATMENT AREAS AFTER THEY HAVE BEEN BACKFILLED AND GRADED IN ORDER TO AVOID CONTAMINATION AND COMPACTION OF EXISTING SOILS.
10. STORMWATER TREATMENT FACILITIES SHALL BE PROTECTED FROM CONSTRUCTION SITE RUNOFF. ONCE IMPORTED MATERIALS ARE INSTALLED IN THOSE FACILITIES, RUNOFF FROM UNSTABLE AREAS MUST BE DIVERTED FROM SUCH FACILITIES.

MULCHING:

MULCHING SHALL BE REQUIRED OVER ALL AREAS WITH DISTURBED SOILS CREATED FROM EITHER DEMOLITION OR GRADING OPERATIONS.

PREPARATION/ METHODS AND EQUIPMENT

STRAW MULCH: SHOULD BE APPLIED IN AN EVEN, UNIFORM MANNER, EITHER BY HAND OR BY MULCH BLOWING EQUIPMENT. STRAW MULCHES MUST BE ANCHORED TO PREVENT THE MULCH FROM BEING BLOWN OR WASHED OFF THE SITE. ANCHORING IS ACHIEVE IN TWO WAYS:

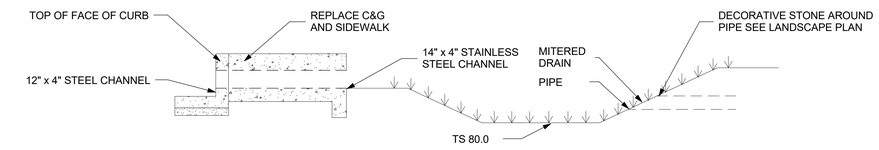
CRIMPING: THE MULCH IS ANCHORED BY RUNNING A HEAVY DISK WITH FLAT, DULL, SERRATED, CLOSELY SPACED BLADES OVER THE MULCHED SOIL. EFFECTIVE CRIMPING EMBEDS THE MULCH ABOUT 2 INCHES INTO THE SOIL WITHOUT COMPLETELY COVERING IT. THE DISK SHOULD BE RUN ONCE OR TWICE ACROSS THE SOIL. ABOUT 2 1/ 2 TON OF STRAW MULCH PER ACRE SHOULD BE APPLIED IF THE MULCH IS ANCHORED BY CRIMPING.

TACKING: ACHIEVED USING A EMULSIFIED ASPHALT OR BINDER EITHER INDEPENDENTLY OR FOLLOWED BY CRIMPING. IF TACKED, STRAW MULCH MAY BE APPLIED AT A RATE OF 1 3/4 TON PER ACRE, AND TACKED WITH EMULSIFIED ASPHALT AT A RATE OF 500 GALLONS PER ACRE.

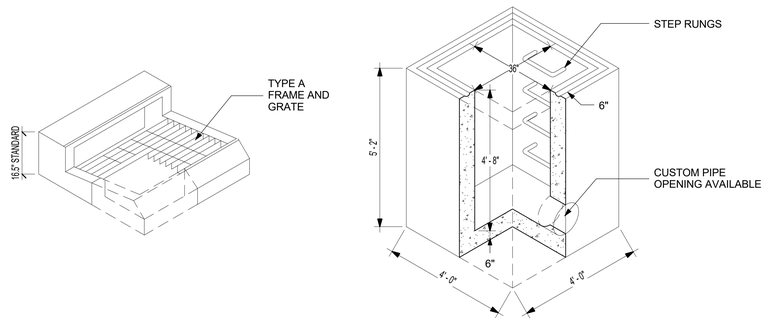
WOOD FIBER MULCH: TYPICALLY APPLIED WITH A HYDROSEEDER AT A RATE OF 1000 TO 1500 POUNDS PER ACRE, OR AS A SLURRY CONSISTING OF AT LEAST 150 POUNDS OF BINDER, 400 POUNDS OF WOOD FIBER MULCH, AND 200 GALLONS OF WATER PER ACRE.

REQUIREMENTS:

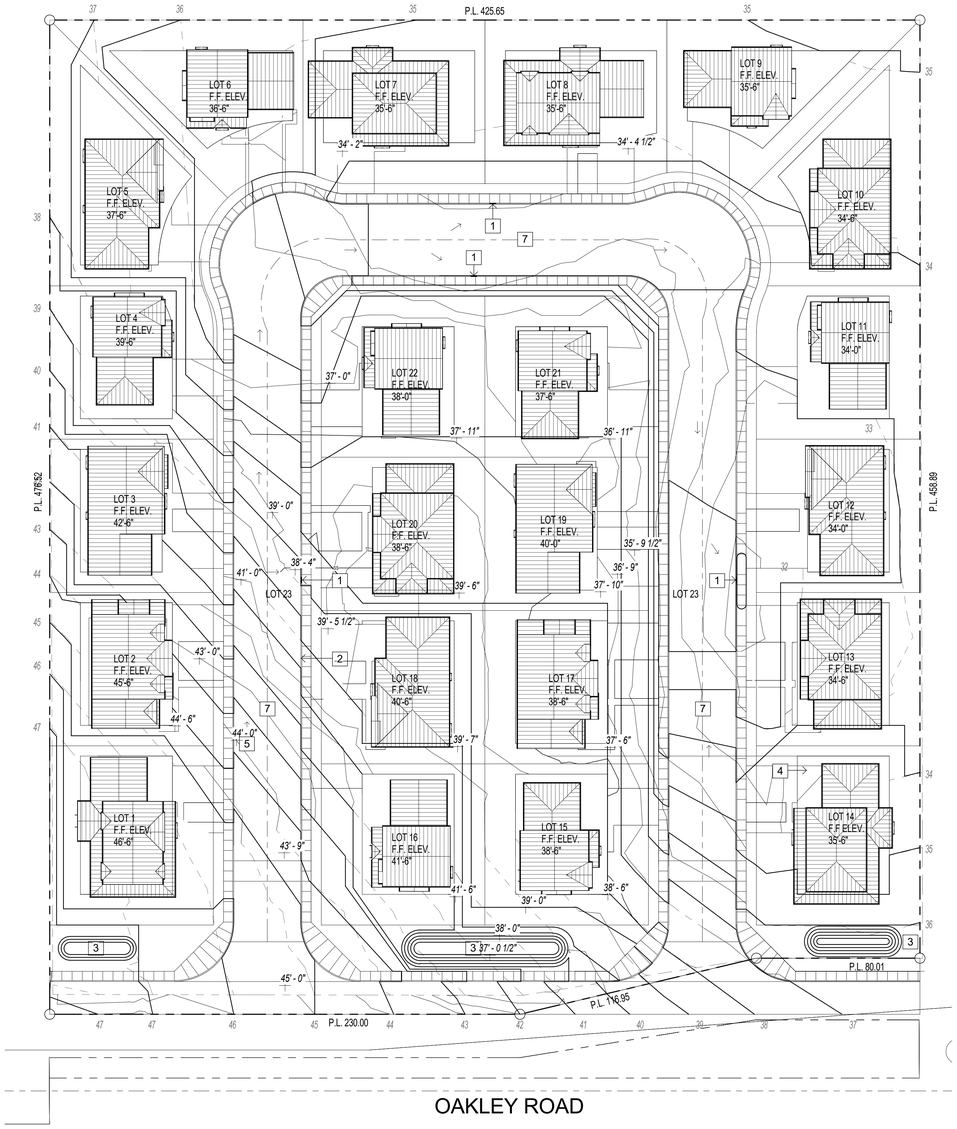
MAINTENANCE MULCHED AREAS REQUIRE FREQUENT INSPECTION FOR DAMAGE AND DETERIORATION. REQUIREMENTS WILL VARY GREATLY BASED ON TYPE OF MULCH USED AND THE TYPE OF VEGETATION ESTABLISHED.



2 Infiltration Basin Area
NTS



3 Type A Curb Inlet
1/2" = 1'-0"



GRADING & DRAINAGE PLAN KEYNOTES:

1	CURB DRAIN
2	6" CONCRETE CURB & GUTTER
3	BIO-INFILTRATION BASIN / DMA
4	BUILDING PAD
5	FLOW LINE
6	FIRE HYDRANT
7	STREET CROWN

LINE LEGEND

	6' TALL FENCE
	PROPERTY LINE
	SETBACK LINE
45	EXISTING CONTOUR LINES
45	PROPOSED CONTOUR LINES

1 Preliminary Grading & Drainage Plan, Proposed
1" = 30'-0"

0' 15' 30' 60' 120'

LICENSED ARCHITECT
GORDON K WONG
RENEWAL 08/31/2021
C-34045
STATE OF CALIFORNIA

LONG NGUYEN, PROJECT REP
710E MCGLINCY LANE SUITE 109
CAMPBELL, CA 95008
(408) 202 - 8181
GKW Architects.com

GORDON K WONG AIA, LEED GA
710E MCGLINCY LANE SUITE 109
CAMPBELL CA 95008
(408) 315-2125 LIC# 34045,
GKW ARCHITECTS.COM

ARCHITECTS
RESIDENTIAL / COMMERCIAL

Civil Title Sheet

Oakley Development
2480 Oakley Road
Oakley, CA

Project Schedule Revision
Civil Title Sheet
C1
SCALE As indicated
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SEWER NOTES

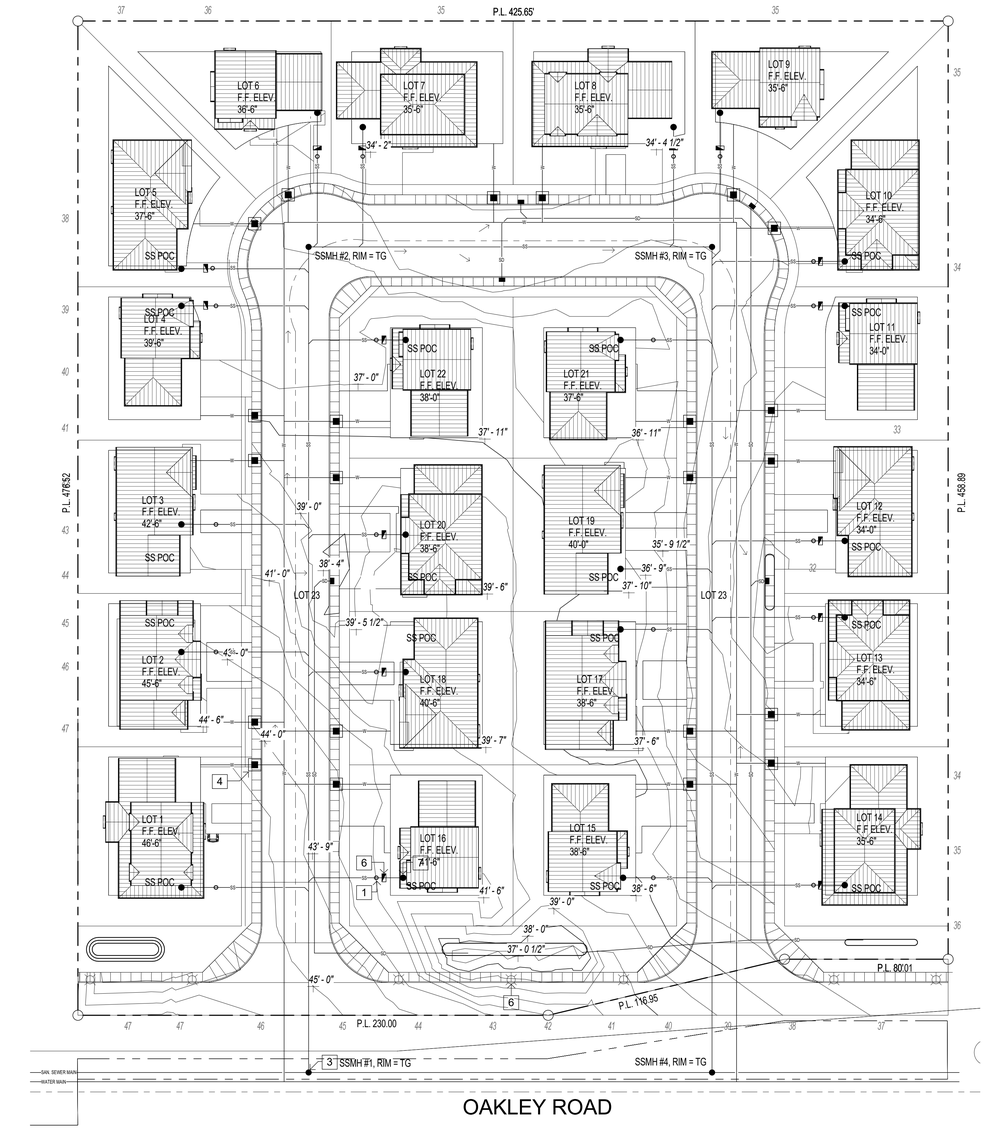
1. THE DEVELOPMENT'S SANITARY SEWER MAINS AND MANHOLES SHALL BE PRIVATE, OWNED AND MAINTAINED A HOMEOWNER'S ASSOCIATION OR SIMILAR MAINTENANCE RESPONSIBILITY AGREEMENT.
2. ALL SEWER MAIN AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE TO THE CITY'S "SPECIFICATIONS FOR THE CONSTRUCTION OF SEWER MAINS AND APPURTENANCES (12" DIAMETER OR LESS)," LATEST REVISION AT THE TIME OF PERMIT APPROVAL.
3. SEWER CONNECTION FEES ARE DUE AND PAYABLE PRIOR TO FINAL INSPECTION.

UTILITIES NOTES

1. ALL EXISTING OVERHEAD LINES ALONG PROPERTY FRONTAGE ON OAKLEY ROAD SHALL BE UNDERGROUND.

WATER NOTES

1. THE DEVELOPMENT'S WATER SYSTEM SHALL BE PRIVATE, OWNED AND MAINTAINED A HOMEOWNER'S ASSOCIATION OR SIMILAR MAINTENANCE RESPONSIBILITY AGREEMENT.
2. THE APPLICANT/DEVELOPER SHALL INSTALL AN ABOVE-GROUND REDUCE PRESSURE BACKFLOW PREVENTION ASSEMBLY ON EACH IRRIGATION WATER METER, PER CITY STANDARD. PROVIDE SUFFICIENT AREA BEHIND THE PROPERTY LINE FOR THE BACKFLOW DEVICE PAD AND REQUIRED LANDSCAPE SCREENING. THE SIZE OF THE PAD WILL BE DEPENDENT UPON TYPE, SIZE, AND MODEL OF THE BACKFLOW DEVICE SELECTED.



UTILITY NOTES:

1	CLEAN OUT BOX	
2	STORM DRAIN	
3	SANITARY SEWER MANHOLE	
4	WATER SERVICE	
5	BACK FLOW PREVENTOR	
6	STREET LIGHT	
7	INVERT	

LINE LEGEND

	6' TALL FENCE
	PROPERTY LINE
	SETBACK LINE
SS	SANITARY SEWER
SD	STORM DRAIN
W	WATER
	SURFACE FLOW PATH

ABBREVIATIONS & LEGEND

CD	CURB DRAIN
C&G	CURB AND GUTTER
DMA	DRAINAGE MANAGEMENT AREA
EX	EXISTING
FF	FINISH FLOOR
IB	INFILTRATION BASIN
IMP	INTEGRATED MANAGEMENT PRACTICE
INV	INVERT
FL	FLOW LINE
G	GRATE
POC	POINT OF CONNECTION
RB	RAIN BARREL
SD	STORM DRAIN
SDR	STANDARD DIMENSION RATIO
SF	SQUARE FEET
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TS	TOP OF SOIL
TW	TOP OF WALL
PVC	POLYVINYL CHLORIDE
W	WATER

1 Preliminary Utilities Plan, Proposed
1" = 30'-0"

0' 15' 30' 60' 120'

Demolition Plan

LICENSED ARCHITECT
GORDON K WONG
RENEWAL 08/31/2019
C-34045
STATE OF CALIFORNIA

YOON HO OH, PROJECT REP
710E MCGLINCY LANE SUITE 109
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GKW Architects.com

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(408) 315-2125 LIC# 34045,
GKW ARCHITECTS.COM

ARCHITECTS
RESIDENTIAL + COMMERCIAL

Oakley Residential Development
2480 Oakley Road
Oakley, CA

Project Schedule Revision

Demolition Plan

C2

SCALE 1" = 30'-0"

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RESOLUTION NO. -23

A RESOLUTION OF THE CITY OF OAKLEY PLANNING COMMISSION RECOMMENDING THAT THE OAKLEY CITY COUNCIL ADOPT A RESOLUTION MAKING FINDINGS AND APPROVING A TENTATIVE MAP EXTENSION FOR THE PROJECT KNOWN AS 2480 OAKLEY ROAD SUBDIVISION 9537 (TME 01-23)

WHEREAS, on August 8, 2023, Gordon Wong of GKW Architects, Inc. ("Applicant"), requested approval of a Tentative Map Extension. The applicant is requesting to extend the approval of Tentative Map 9537 (known as "2480 Oakley Road Subdivision") for a period of three (3) additional years ("Project"). The approved Tentative Map consists of approximately 4.6 acres subdivided into twenty-two (22) single-family residential lots. This project site is located at 2480 Oakley Road; APN 037-100-043; and

WHEREAS, the approved tentative map consists of an approximately 4.6 acre site subdivided into twenty-two (22) lots; and

WHEREAS, the General Plan Land Use Designation for the project site is Residential Low/Medium (RLM). The site is zoned "R-6" (Single Family Residential) District; and

WHEREAS, it can be seen with certainty that the request for an extension to the tentative parcel 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 which resulted in a Mitigated Negative Declaration. No further environmental analysis is necessary or required; and

WHEREAS, on or before October 6, 2023, the Notice of Public Hearing for the project was published in the Contra Costa Times, and was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, and at the project location, 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 October 17, 2023, the Planning Commission opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted this resolution to recommend approval of the Tentative Map Extension to the City Council; 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, Tentative Map 9537, the R-6 District, and the information submitted to the Planning Commission at its October 17, 2023 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 of fact and the entire Record, the Planning Commission makes the following additional findings in support of the approvals:

A. Regarding the application requesting approval of 2480 Oakley Road Subdivision 9537 Tentative Map Extension (TME 01-23), the Planning Commission 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 89-20) are still valid and apply to this extension; and

   2. All conditions of approval in City Council Resolutions 88-20 and 89-20, 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 Planning Commission hereby recommends that the City Council grant the Applicant's request for the Tentative Map Extension (TME 01-23), subject to the following conditions of approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **August 8, 2023**, as well as additional information acquired since that time and made part of the project file.

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 Division Conditions

1. Applicant shall comply with the requirements of the Oakley Municipal Code and applicable Conditions of Approval from City Council Resolution Nos. 88-20 and 89-20, as well as City Council Ordinance No. 12-20. 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 9537 expiring on September 10, 2026, 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. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on fire protection services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval. This condition supersedes condition 82(A) in Resolution No. 89-20.

4. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on police services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval. This condition supersedes condition 82(B) in Resolution No. 89-20.

5. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on maintenance and operation services associated with public landscaping, parks, streetlighting, and stormwater facilities. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval. This condition supersedes condition 82(C) in Resolution No. 89-20.

6. 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.

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).

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.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL 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. Comply with the requirements of the Ironhouse Sanitary District.

C. Comply with the requirements of the Contra Costa County Fire Protection District.

D. Comply with the requirements of the Diablo Water District.

E. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley at a meeting held on the 17th of October, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____

Oleksii Chuiko, Chair Date

ATTEST:

_____

Libby Vreonis, City Clerk Date