AGENDA
REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION

Tuesday, March 18, 2025
6:30 PM

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 Affordable Housing Ad-Hoc Advisory Committee meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Ad-Hoc Advisory Committee 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. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

The City of Oakley provides social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the City's website, and by emailing info@ci.oakley.ca.us.

If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7000.

Please keep cell phones/electronic devices turned off during the meeting.

Information Regarding Public Comment
Members of the public may address the Ad-Hoc Advisory Committee on items of interest that are within the City's jurisdiction. In compliance with State law, the Ad-Hoc Advisory Committee may not take actionor have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the

Mayor calls the items. In compliance with State law, the Ad-Hoc Advisory Committee 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 Mayor will call you to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at https://www.ci.oakley.ca.us/online-public-comment-card/.

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 Regular Planning Commission Meeting held February 4, 2025 (Kim Snodgrass, City Clerk)

Minutes

4. PUBLIC HEARINGS

4.1 3370 Main Street Remodel Design Review Alteration (DR 09-23) (Evan Gorman, Associate Planner)
California Environmental Quality Act Determination: Find the Project is categorically exempt under the “existing facilities” exemption (14 Cal. Code Regs./CEQA Guidelines, § 15301)”
Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Applicants Drawing
4. Proposed Resolution
5. Staff Report February 6 2024
6. Approval Resolution February 6 2024

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 Regular Meeting of the Oakley Planning Commission held February 4, 2025

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 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Chair Diego Verduzco and Commissioners Leonard Price, Jeanne Krieg and Jimmy Ramirez were present.

1.2 Pledge of Allegiance to the Flag

Commissioner Krieg led the Pledge of Allegiance to the Flag.

2. SELECTION OF OFFICERS

2.1 Planning Commission Selection of Chair and Vice-Chair (Ken Strelo, Community Development Director)

It was moved by Commissioner Krieg and seconded by Commissioner Price to appoint Diego Verduzco as Chair. Motion was unanimous and so ordered. (5-0)

It was moved by Chair Verduzco and seconded by Commissioner Krieg to appoint Leonard Price as Vice Chair. Motion was unanimous and so ordered. (5-0)

Commissioner Chuiko called a five-minute recess.

3. PUBLIC COMMENTS

Sharon Kuykendall provided a comment.

4. CONSENT CALENDAR

4.1 Approve Minutes from the Regular Planning Commission Meeting held December 3, 2024 (Kim Snodgrass, City Clerk)

It was moved by Commissioner Chuiko and seconded by Commissioner Ramirez to approve item 4.1. Motion was unanimous and so ordered (5-0)

5. PUBLIC HEARINGS

None

6. REGULAR CALENDAR

None

7. REPORTS

7.1 Reports from Staff Members

Community Development Director Ken Strelo expressed his appreciation to Commissioners Krieg and Ramirez as this is their last meeting.

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

Commissioner Krieg expressed her appreciation to City staff.

Commissioner Ramirez reported he attended the Joint City Council and Planning Commission meeting and expressed his appreciation to all the Commissioners.

Chair Verduzco thanked Commissioners Krieg and Ramirez for their time and service.

Commissioner Chuiko expressed his appreciation to Commissioners Krieg and Ramirez for their time on the Planning Commission.

8. WORK SESSIONS

8.1 40 Mercedes Lane Preliminary General Plan Amendment (PA 04-24) - Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 5.7-acre site from Commercial ("C") to Residential High ("RH") (Jose Cortez, Senior Planner)

Community Development Director Ken Strelo provided context on this item.

Senior Planner Jose Cortez presented the report.

Public comments were received by Aric Pratt, Nadine Obeid, Andrea Brown, Brad Nix, Crishan Ross, Sean Ross, Bryan Pinkerton, Sharon Kuykendal, Mario Ponce, Matamoros, and Jaimie Spohn.

Public Comments were received by Rianne Pfaltzgraff, Gerry Rodriguez, Heidi Mayer, Robert Kratina, Rabih Obeid, Michael Dupray, Dave and Teresa Romo, Nadine Obeid, Terry Sameron, Janae Ray, Dianna Hays, Sean Ireland, Michelle Colmenares, Joni Smith, Rabih Obeid, Meghan Bell, Larry Jasmann, Shirley Jasmann, Kim Fuentes, Mary J. Roney and Lindsay Leleu and will be entered into the record.

City Attorney Derek Cole mentioned this is the time for the Planning Commission to provide comments and give direction to staff.

Applicant Matt Beinke and Owner Ron Nunn provided additional information on the proposed project.

Commissioners provided comments and recommendations to staff.

Community Development Director Ken Strelo informed the Commission and public on next steps.

9. ADJOURN

There being no further business, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Kim Snodgrass
City Clerk

DATE: March 18, 2025
TO: Joshua McMurray, City Manager
FROM: Evan Gorman, Associate Planner
SUBJECT: 3370 Main Street Remodel Design Review (DR 09-23)

Approved and Forwarded to the Planning Commission

Summary

This is an application by Daniel Cosgrove ("Applicant") requesting modifications to an existing Design Review Approval (DR 09-23), which was originally granted by the Planning Commission on February 6, 2024 ("Project"). The applicant originally received approval to remodel the exterior of two commercial tenant spaces on the property. The approved renovations included remodeling the exterior, but the applicant now proposes replacing the approved stone veneer with brick to align with the architectural style of surrounding buildings on Main Street. Additional proposed changes include modifications to window size and door position, along with the installation of a new parapet and an awning. These updates are designed to support the ongoing operations of the existing bakery on the premises. The project site is located at 3370 Main Street and is zoned SP-4 (Downtown Specific Plan) District. (APN: 037-160-011).

Figure 1 – 3370 Main Street



Background

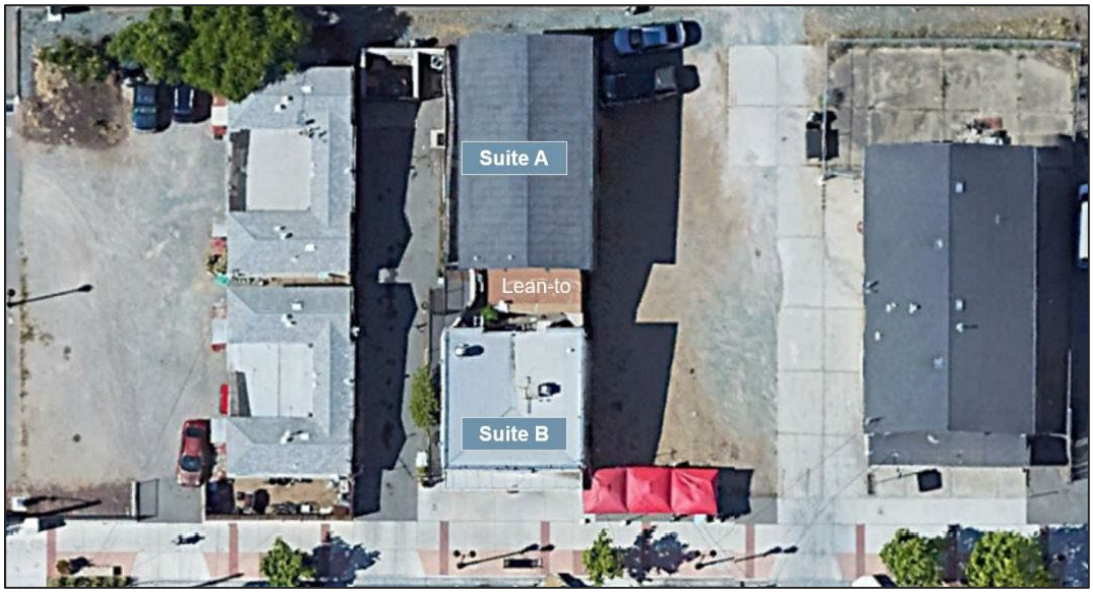
GENERAL PLAN AND ZONING

- The General Plan Land Use Designation for the project site is Commercial Downtown ("CD") as depicted in the Oakley 2022 Focused General Plan Update Figure 2-2 (Land Use Diagram).
- The site is zoned SP-4 (Downtown Specific Plan) District as depicted on the City of Oakley Zoning Map.
- The site is within the DSP-DC (Downtown Core Area) Subarea, as depicted in the Downtown Specific Plan Figure 2.1.

PROJECT SITE

The primary structure at 3370 Main Street is a commercial structure with two suites, which were likely originally built as separate structures, implied by the different envelopes and roof styles. There is an exterior pathway between them. Suite A at the rear of the property is larger than the other suite at 1192 square feet and it has a gable roof. Suite A also has a small lean-to structure attached to the southern wall that sits between the two suites. Suite B is the portion of the structure along the sidewalk, closest to Main Street. Suite B is 881 square feet, and it has a flat roof. The façade has two entrances and a stucco awning. The subject property is less than 5,000 square feet in area and the property slopes down from Main Street. There is a driveway along the west side that leads to the trash enclosure for the property.

Figure 2 – Overview of 3370 Main Street



PREVIOUS APPROVAL

Oakley Municipal Code Section 9.1.1604 provides a list of potential projects that require Design Review. That section states that significant modification of the façade or color of a structure requires Design Review. The Design Review process allows for the review of the proposed project's design for conformance with the regulations outlined in the Downtown Specific Plan, the City's Municipal Code, and Oakley's Commercial and Industrial Design Guidelines.

The exterior changes proposed for 3370 Main Street were significant enough to require Planning Commission review. On February 6, 2024, the Planning Commission reviewed and approved the request to remodel the property. The 2024 approval included proposals for:

- A new front entrance configuration. This new entrance configuration would remove one of the two existing entrances to the suite closest to Main Street.
- Twelve (12) new storefront, anodized aluminum windows with a dark finish.
- Two (2) new anodized aluminum doors with glass insert and a dark finish.
- New stone veneer wainscoting along the front façade.
- A new metal awning with a dark finish.
- New Paint Scheme.
- The removal of a small lean-to structure between the two tenant spaces.

Project Description

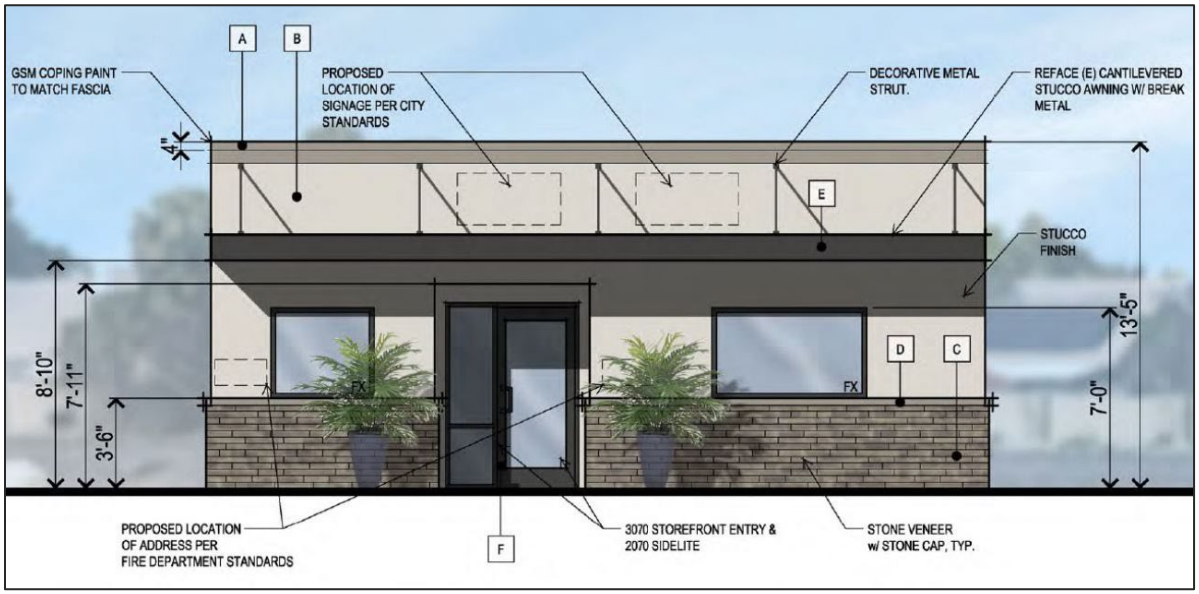
Since receiving Planning Commission approval, the applicant and their contractors have been progressing with construction. During this process, they identified the need for design modifications to achieve two goals: 1) improving the façade's compatibility with the existing bakery; and 2) better aligning its appearance with the architectural styles of Oakley's Downtown. To achieve these goals the applicant is requesting the following list of alterations to the original approval:

- An alternative configuration of the front entrance to better accommodate the existing bakery's layout. The door has been "shifted over" to the right in their proposal when compared to the 2024 approval.
- Red brick veneer wainscoting along the front façade to better match Main Street's existing landscape. The veneer will wrap the sides of the building to the same extent as the 2024 approval.
- A new parapet to accommodate business signage.
- A more traditional awning.
- A change in window size on the front façade.
- The paint colors, window color and material, and door design will remain the same as the 2024 approval.

Figure 3 – 2025 Proposed Changes



Figure 4 – 2024 Approved Design



Analysis

The Planning Commission are to review the alterations for conformance with the provisions of the Oakley Municipal Code pertaining to Design Review, the Downtown Specific Plan, and the City of Oakley Commercial and Industrial Guidelines. The original project was found to either enhance the site with high-quality improvements or maintain existing conditions. The original proposal closely adhered to the design

principles outlined in the Downtown Specific Plan and the Commercial and Industrial Design Guidelines. For instance, the removal of the secondary entrance on the façade significantly improved alignment with downtown design standards.

The new modifications to the 2024 approval retain key design elements that enhanced the building's conformance with City Design Guidelines, including the entrance reconfiguration. The new changes further strengthen the project's alignment with the original findings for approval by improving compatibility with surrounding downtown development. The addition of red brick, a material widely used throughout the downtown area, would enhance the project's visual integration with the broader streetscape. The traditional awning also increases compatibility with existing development along Main Street.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities of the State of California CEQA Guidelines. Section 15301 of the State CEQA Guidelines exempts projects when the proposed project involves negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed exterior alterations would not represent a significant change and the use of the property as a place for commercial activity will remain the same.

Findings

Draft findings for the Design Review application can be found in the proposed 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". Thorough evaluation of the project in connection with the approval criteria and the suggested conditions of approval ensure that the exterior alterations adhere to the local regulations established with the help of the greater community and its stakeholders.

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 account and paid for by the developer.

Staff Recommendation

Staff recommends that the Planning Commission adopt the proposed resolution, approving the project titled “3370 Main Street Remodel Design Review”, as conditioned.

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Applicant’s Drawing
4. Proposed Resolution
5. Staff Report - February 6, 2024
6. Approval Resolution – February 6, 2024

Vicinity Map

3370 Main Street Remodel Design Review (DR 09-23)
APN: 037-160-011



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **March 18, 2025 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 application as described below:

Project Name: 3370 Main Street Remodel Design Review (DR 09-23)

Project Location: The project site is located at 3370 Main Street, which is within Oakley's Downtown. APN 037-160-011.

Applicant: Daniel Cosgrove, 9040 Brentwood Blvd., Suite A, Brentwood, CA 94513

Request: This is an application by Daniel Cosgrove ("Applicant") requesting modifications to an existing Design Review Approval (DR 09-23), which was originally granted by the Planning Commission in 2024 ("Project"). The applicant originally received approval to remodel the exterior of two commercial tenant spaces on the property. The approved renovations included remodeling the exterior, but the applicant now proposes replacing the approved stone veneer with brick to align with the architectural style of surrounding buildings on Main Street. Additional proposed changes include modifications to windows and doors, along with the installation of a new parapet and an awning. These updates are designed to support the ongoing operations of the existing bakery on the premises. The project site is located at 3370 Main Street and is zoned SP-4 (Downtown Specific Plan) District. APN (037-160-011).

How to Review: The Staff Report and its attachments will be available for public review, on or before **March 13, 2025** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at https://www.oakleyca.gov/129/Agendas-Minutes by navigating to the **March 18, 2025 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.



Awning Example

Original Building



EXISTING FRONT ELEVATION
FACING MAIN STREET



PROPOSED FRONT ELEVATION

COLOR AND MATERIALS

- A — (E) WOOD FASCIA & GSM COPING
  COLOR: 7642 PAVESTONE
- B — CEMENT PLASTER FINISH
  COLOR: 9168 DRIFT OF MIST
- C — STONE VENEER
  COLOR: ELDORADO TUNDRABRICK - ASHLAND
- D — STONE VENEER WATER TABLE
  COLOR: ELDORADO TUNDRABRICK - ASHLAND
- E — REFACE STUCCO AWNING w/ BREAK METAL
  COLOR: 7069 IRON ORE
- F — STOREFRONT SYSTEM
  COLOR: DARK ANODIZED ALUMINUM

Originally Approved Plans

RESOLUTION NO. -25

A RESOLUTION OF THE CITY OF OAKLEY PLANNING COMMISSION MAKING FINDINGS AND APPROVING THE DESIGN REVIEW APPLICATION (DR 09-23) FOR ADDITIONAL ALTERATIONS TO THE COMMERCIAL STRUCTURE LOCATED AT 3370 MAIN STREET APN 037-160-011.

FINDINGS

WHEREAS, on November 29, 2023, Daniel Cosgrove ("Applicant"), submitted an application for Design Review approval (DR 09-23) that includes a new front entrance, storefront windows and doors, the addition of brick to the front façade, a new metal awning, and new paint colors at 3370 Main Street. (APN: 037-160-011); and

WHEREAS, on December 29, 2023, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the property is designated as Commercial Downtown (CD) in the Oakley General Plan, and zoned SP-4 (Downtown Specific Plan) District; and

WHEREAS, the proposed project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 - Existing Facilities", due to the alterations being minor in scope; and

WHEREAS, on or before January 26, 2024, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out 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 February 6, 2024, 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 resolution No. 03-24 to approve the project, as conditioned; and

WHEREAS, on February 20, 2025, Daniel Cosgrove ("Applicant"), submitted an application for alterations to the Design Review approval, including a further reconfigured entrance, brick veneer on the front façade, a traditional awning, a parapet, and a change in window size; and

WHEREAS, on or before March 7, 2025, the Notice of Public Hearing for the alterations was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice

was also mailed out 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 March 18, 2025, 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 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, and the information submitted to the Planning Commission at its March 18, 2025, 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").

BE IT FURTHER 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 Design Review approval of exterior alterations to the primary structure on an approximately 4700 square foot parcel located on the north side of Main approximately 160 feet northeast of the intersection of Main Street and Norcross Lane (DR 09-23), the Planning Commission finds:

1. Site planning, including building siting (location), setback and orientation; entries, circulation, and parking; landscape setbacks and buffers; and location of trash, loading and service areas, and mechanical equipment: The proposed alterations enhance pedestrian circulation by reconfiguring entrances, introducing a new courtyard, and removing a wall between the suites. The existing driveway configuration is not to be altered by this application.

2. Architecture, including massing and grouping; facades, entries and roofs; materials and colors; and screening of trash, loading and service areas, and mechanical equipment: architecture and massing of the building meets the criteria as found in the adopted Oakley Commercial and Industrial Guidelines. The proposed new alterations strengthen the structures compatibility with the surrounding streetscape. The proposed alterations to the building's exterior closely adhere to the design principles outlined in Oakley's Commercial and Industrial Design Guidelines. Eliminating the secondary entry on the façade significantly improves alignment with the guidelines. Beyond the removal of the second entrance, the redesign of the other entrance on the front façade directly

corresponds to the guidelines in both the Downtown Specific Plan and the City's commercial design guidelines that recommend clear entryways featuring doorways that have materials that match that of the façade windows. The proposed changes include a few different materials for the front façade including stucco, brick, and metal, which is consistent with the City's Design Guidelines.

3. Landscaping and site elements, including general landscape areas; entry and plaza enhancements; parking lot landscaping; walls and fences; and lighting: The applicant is not altering any landscaping with their application.

4. Streetscapes, including major community entries; highlighted intersections; and district entries: The applicant is not proposing any alterations to the streetscape surrounding the commercial suites.

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 approves of the Applicant's request for Design Review Approval (DR 09-23) of alterations to the previous approval, 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 February 20, 2025, and November 29, 2023, as well as additional information acquired since that time and made part of the project file. Conditions of Approval shall be applicable to both Conditional Use Permits, unless otherwise specified within the condition.

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

Planning Department Conditions

General:

1. **Design Review application (DR 09-23)** is approved, as described in the application date stamped by the Planning Division on November 29, 2023, as well as the alteration plans date stamped by the Planning Division on February 20, 2025, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. Any alteration of the approved plans or project description, shall be requested in writing for review and approval by the Community Development Director prior to changes being made in the field.

3. This approval for the **3370 Main Street Design Review Application (DR 09-23)** shall be effectuated within a period of one (1) year from the effective date of this resolution by pulling a building permit, and if not effectuated shall expire on March 18, 2026. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.

4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Approval of this request shall not waive compliance with any sections of the Municipal Code, State Fire Marshal's regulations, 2022 California Building Code, or any other City Ordinances.

7. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court), action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

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. The applicant shall comply with the requirements of Contra Costa Environmental Health if subject to applicable permits.

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

H. This project may be subject to the requirements of the Department of Fish and Game. It is the Applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

I. 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.

J. The Applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley at a meeting held on the March 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____

Diego Verduzco, Chair Date

ATTEST:

_____

Kim Snodgrass, City Clerk Date

DATE: February 6, 2024
TO: Joshua McMurray, City Manager
FROM: Evan Gorman, Associate Planner
SUBJECT: 3370 Main Street Remodel Design Review (DR 09-23)

Approved and Forwarded to the Planning Commission

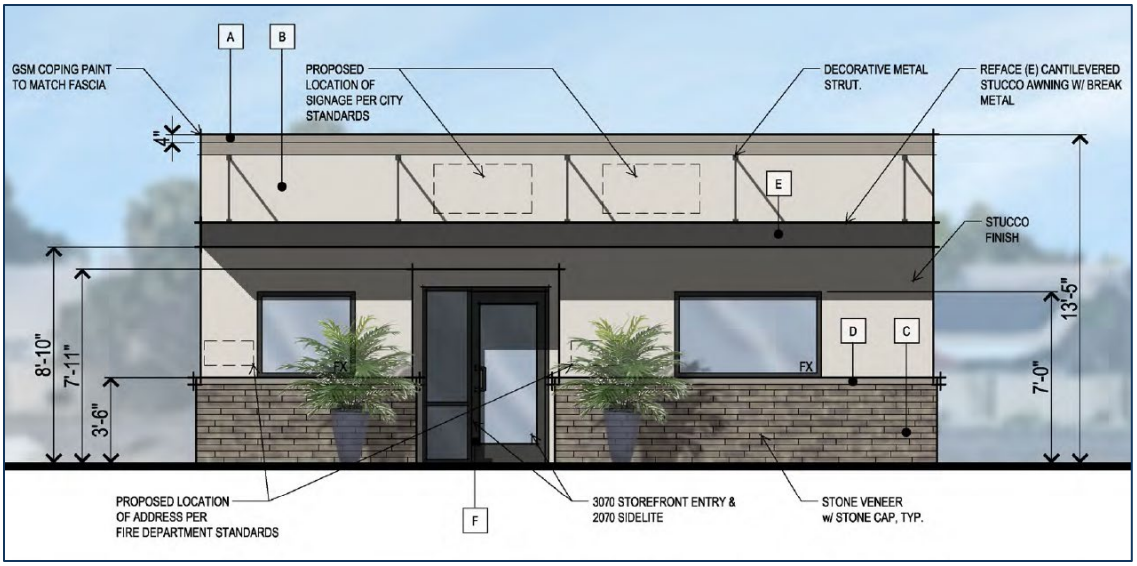
Summary

This is an application by Daniel Cosgrove ("Applicant") requesting Design Review (DR 09-23) approval for a proposed remodel of two commercial tenant spaces at 3370 Main Street ("Project"). The exterior portion of the remodel that is subject to design review includes a new front entrance, storefront windows and doors, the addition of brick to the front façade, a new metal awning, and new paint colors. The project does not include any additions or other forms of expansion to the existing buildings and has been submitted as part of a greater tenant improvement project. The project site is located at 3370 Main Street and is zoned SP-4 (Downtown Specific Plan) District. APN 037-160-011.

Figure 1 – 3370 Main Street (January 2024)



Figure 2 – Proposed Front Façade



Background

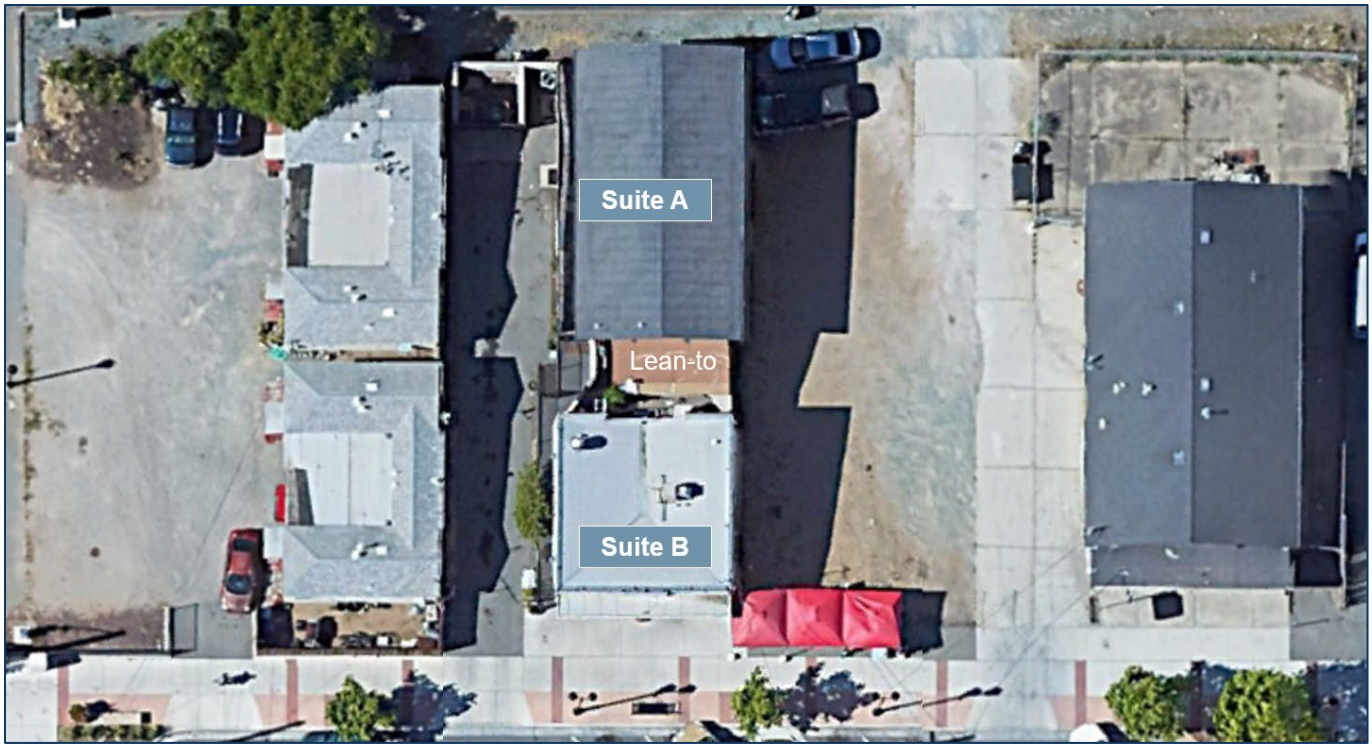
GENERAL PLAN AND ZONING

- The General Plan Land Use Designation for the project site is *Commercial Downtown ("CD")* as depicted in the Oakley 2022 Focused General Plan Update Figure 2-2 (Land Use Diagram).
- The site is zoned SP-4 (Downtown Specific Plan) District as depicted on the City of Oakley Zoning Map.
- The site is within the DSP-DC (Downtown Core Area) Subarea, as depicted in the Downtown Specific Plan Figure 2.1.

PROJECT SITE

The primary structure at 3370 Main Street is a commercial structure with two suites, which were likely originally built as separate structures, implied by the very different envelopes and roof styles. There is an exterior pathway between them. Suite A at the rear of the property is larger than the other suite at 1192 square feet and it has a gable roof. Suite A also has a small lean-to structure attached to the southern wall that sits between the two suites. Suite B is the portion of the structure along the sidewalk, closest to Main Street. Suite B is 881 square feet and it has a flat roof. The façade has two entrances and a stucco awning. The subject property is less than 5,000 square feet in area and the property slopes down away from Main Street. There is a driveway along the west side that leads to the trash enclosure for the property.

Figure 3 – Overview of 3370 Main Street



Project Description

The applicant is seeking Design Review approval for exterior changes as part of a greater effort to remodel the building. The exterior portion of the remodel that is subject to design review includes:

- A new front entrance. This new entrance configuration removes one of the two existing entrances to the suite closest to Main Street. The new entrance has been designed to add a small amount of additional interior space (less than 10 square feet).
- Twelve (12) new storefront, anodized aluminum windows with a dark finish.
- Two (2) new anodized aluminum doors with glass insert and a dark finish.
- New brick wainscoting along the front façade.
- A new metal awning with a dark finish.
- The applicant is also proposing to repaint the building.
- A small lean-to structure will be removed from between the two suites as well as a wall, creating a small courtyard.

Oakley Municipal Code Section 9.1.1604 provides a list of potential projects that require Design Review. That section states that significant modification of the facade or color of a structure requires Design Review. The exterior changes are significant enough to require Planning Commission review. The Design Review process allows for the review of the proposed project's design for conformance with the regulations outlined in the Downtown Specific Plan, the City's Municipal Code, and Oakley's Commercial and Industrial Design Guidelines.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities of the State of California CEQA Guidelines. Section 15301 of the State CEQA Guidelines exempts projects when the proposed project involves negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed exterior alterations would not represent a significant change and the use of the property as a place for commercial activity will remain the same.

Analysis

Design Review is governed by section 9.1.1604, *"Design Review",* of the Oakley Municipal Code. Pursuant to that section, the Planning Commission shall consider the following aspects of each Design Review application:

a) *Site planning, including building siting (location), setback and orientation; entries, circulation and parking; landscape setbacks and buffers; and location of trash, loading and service areas, and mechanical equipment.*

b) *Architecture, including massing and grouping; facades, entries and roofs; materials and colors; and screening of trash, loading and service areas, and mechanical equipment.*

c) *Landscaping and site elements, including general landscape areas; entry and plaza enhancements; parking lot landscaping; walls and fences; and lighting.*

d) *Streetscapes, including major community entries; highlighted intersections; and district entries.*

The applicant's plans were also analyzed for consistency with the applicable development regulations in the Oakley Municipal Code, the Downtown Specific Plan and the City of Oakley Commercial and Industrial Guidelines.

As mentioned above, projects subject to Design Review must be reviewed to ensure thoughtful design that addresses four aspects outlined in the municipal code. The various parts of the proposed project either provide high quality improvements in those areas of review or they maintain the existing conditions on the property. The applicant's plans improve pedestrian circulation by proposing a small courtyard and new entrance through demolition of existing walls and a lean-to structure. The new features including the window and doors, the new façade materials, and the proposed paint colors are of an appropriate quality suitable for commercial development that enhance the property's compatibility with recent development in the downtown. No new permanent landscaping is proposed as the existing site conditions are mostly hardscape, but that is typical for downtown development on a previously developed site. The project would not impact the streetscape.

Figure 4 – Side and Rear Elevations for Suite B



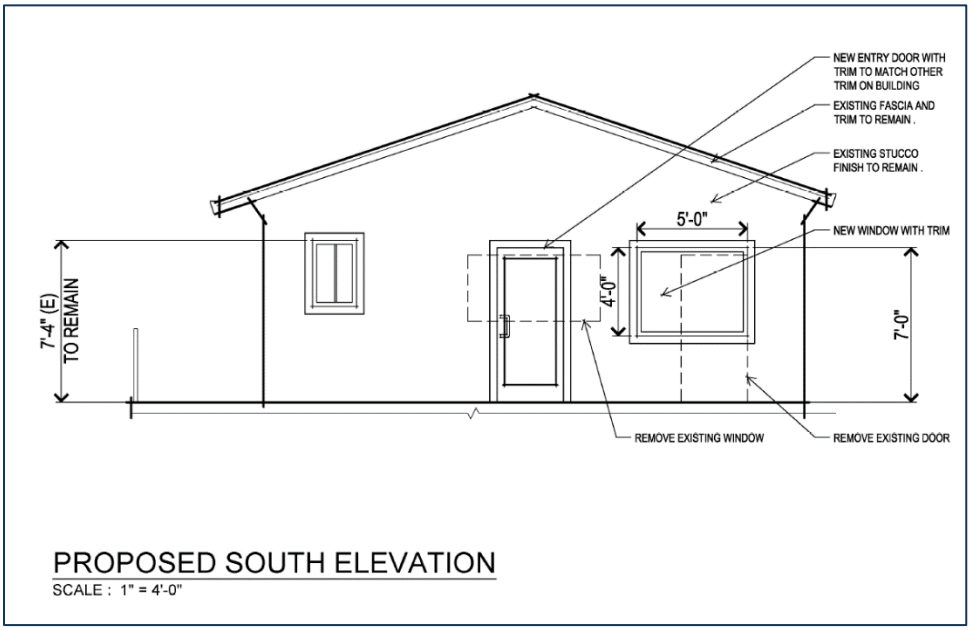
The proposed alterations to the building's exterior closely adhere to the design principles outlined in the Downtown Specific Plan and Oakley's Commercial and Industrial Design Guidelines. Simply eliminating the secondary entry on the façade alone would significantly align the structure with the guidelines governing downtown buildings. Beyond the removal of the second entrance, the redesign of the other entrance on the front façade directly corresponds to the guidelines in both the Downtown Specific Plan and the City's commercial design guidelines that recommend

clear entryways featuring doorways that have materials that match that of the façade windows. The proposed changes include a few different materials for the front façade including stucco, brick, and metal, which is consistent with the guideline in the Downtown Specific Plan that calls for a limited number of quality façade materials.

Figure 5 – Proposed Window Alterations, Suite A, North Elevation



Figure 6 – Proposed Alterations, Suite A, South Elevation



Findings

Draft findings for the Design Review application can be found in the proposed 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”. Thorough evaluation of the project in connection with the approval criteria and the suggested conditions of approval ensures that the exterior alterations adhere to the local regulations established with the help of the greater community and its stakeholders.

Fiscal Impact

There is no fiscal impact. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account.

Staff Recommendation

Staff recommends that the Planning Commission adopt the resolution, approving the project titled “3370 Main Street Remodel Design Review”, as conditioned.

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Applicant’s Plans
4. Proposed Resolution

PLANNING COMMISSION
RESOLUTION NO. 3-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING THE DESIGN REVIEW APPLICATION (DR 09-23) FOR EXTERIOR ALTERATIONS TO THE COMMERCIAL STRUCTURE LOCATED AT 3370 MAIN STREET APN 037-160-011.

WHEREAS, on November 29, 2023, Daniel Cosgrove ("Applicant"), submitted an application for Design Review approval (DR 09-23) that includes a new front entrance, storefront windows and doors, the addition of brick to the front façade, a new metal awning, and new paint colors at 3370 Main Street. (APN: 037-160-011); and

WHEREAS, on December 29, 2023, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the property is designated as Commercial Downtown (CD) in the Oakley General Plan, and zoned SP-4 (Downtown Specific Plan) District; and

WHEREAS, the proposed project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 - Existing Facilities", due to the alterations being minor in scope; and

WHEREAS, on or before January 26, 2024, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out 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 February 6, 2024, 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 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, and the information submitted to the Planning Commission at its February 6, 2024, 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. Regarding the application requesting Design Review approval of exterior alterations to the primary structure on an approximately 4700 square foot parcel located on the north side of Main approximately 160 feet northeast of the intersection of Main Street and Norcross Lane (DR 09-23), the Planning Commission finds:

1. Site planning, including building siting (location), setback and orientation; entries, circulation, and parking; landscape setbacks and buffers; and location of trash, loading and service areas, and mechanical equipment: The proposed alterations improve pedestrian circulation by altering entrances, creating a new courtyard, and demolishing a wall between the suites. The existing driveway configuration is not to be altered by this application.

2. Architecture, including massing and grouping; facades, entries and roofs; materials and colors; and screening of trash, loading and service areas, and mechanical equipment: architecture and massing of the building meets the criteria as found in the adopted Oakley Commercial and Industrial Guidelines. The proposed alterations to the building's exterior closely adhere to the design principles outlined in Oakley's Commercial and Industrial Design Guidelines. Simply eliminating the secondary entry on the façade alone would significantly align the structure with the guidelines. Beyond the removal of the second entrance, the redesign of the other entrance on the front façade directly corresponds to the guidelines in both the Downtown Specific Plan and the City's commercial design guidelines that recommend clear entryways featuring doorways that have materials that match that of the façade windows. The proposed changes include a few different materials for the front façade including stucco, brick, and metal, which is consistent with the City's Design Guidelines.

3. Landscaping and site elements, including general landscape areas; entry and plaza enhancements; parking lot landscaping; walls and fences; and lighting: The applicant is not altering any landscaping with their application.

4. Streetscapes, including major community entries; highlighted intersections; and district entries: The applicant is not proposing any alterations to the streetscape surrounding the commercial suites.

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 approves of the Applicant's request for **Design Review Approval (DR 09-23),** 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 **November 29, 2023**, as well as additional information acquired since that time and made part of the project file. Conditions of Approval shall be applicable to both Conditional Use Permits, unless otherwise specified within the condition.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. **Design Review application (DR 09-23)** is approved, as described in the application date stamped by the Planning Division on **November 29, 2023**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. Any alteration of the approved plans or project description, shall be requested in writing for review and approval by the Community Development Director prior to changes being made in the field.

3. This approval for the **3370 Main Street Design Review Application (DR 09-23)** shall be effectuated within a period of one (1) year from the effective date of this resolution by pulling a building permit, and if not effectuated shall expire on **February 6, 2025**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.

4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Approval of this request shall not waive compliance with any sections of the Municipal Code, State Fire Marshal's regulations, 2022 California Building Code, or any other City Ordinances.

7. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court), action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

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 this 6th day of February 2024 by the following vote:

AYES: Chuiko, Krieg, Price, Ramirez, Verduzco
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Oleksii Chuiko, Chair

02/07/2024
Date

ATTEST:

Libby Vreonis, City Clerk