

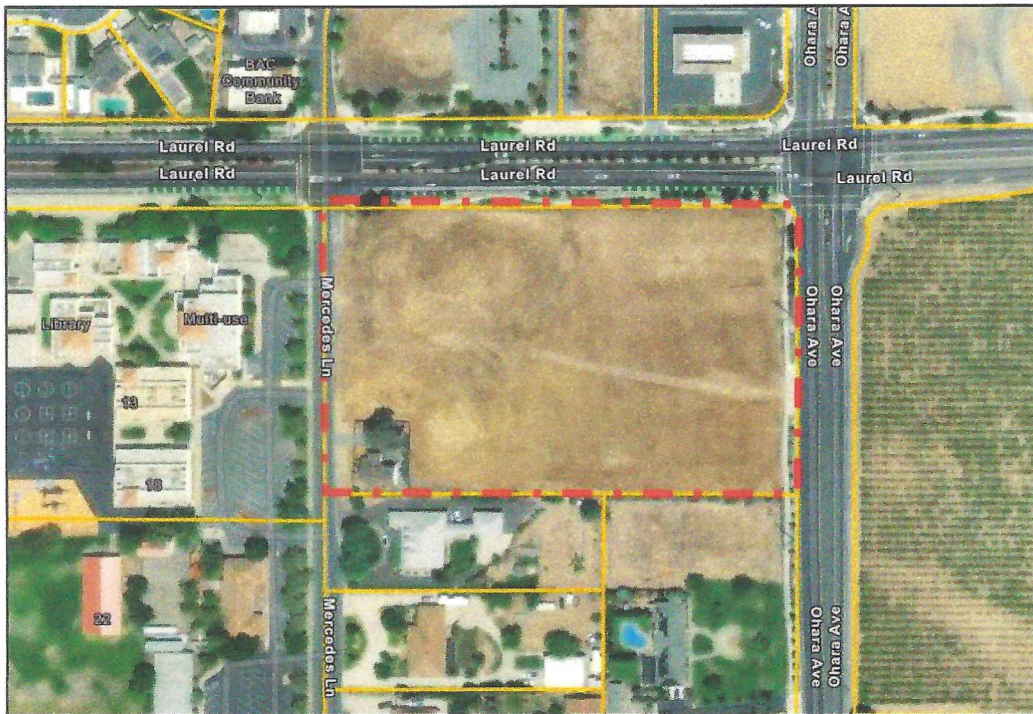
**DATE:** February 4, 2025  
**TO:** Joshua McMurray, City Manager  
**FROM:** Jose Cortez, Senior Planner  
**SUBJECT:** 40 Mercedes Lane Preliminary General Plan Amendment (PA 04-24) - Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 5.7-acre site from Commercial ("C") to Residential High ("RH")

Approved and  
Forwarded to the  
Planning Commission

## Summary

This is a work session on a request by Matt Beinke of O'Hara Properties, LLC ("Applicant") 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"). The intended purpose is to facilitate a Tentative Map application to subdivide the site into 58 single-family lots. Standard lot sizes on the outside are 2,352 square feet, standard interior lots 2,072 square feet, and the largest lot (lot 8) is 3,016 square feet ("Project"). The proposed project includes an additional parcel for drainage facilities. The project site is located at 40 Mercedes Lane and is zoned RB (Retail Business) District. APN: 034-080-031.

Figure 1 – Project Site





## Preliminary General Plan Amendment Process

The process of amending the City of Oakley 2020 General Plan ("General Plan") is subject to California Government Code ("GC") Sections 65350 - 65362, which apply to the preparation, adoption and amending of general plans and general plan elements. GC Section 65351 is written as follows:

"During the preparation or amendment of the general plan, the [City] shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate."

The application process for a General Plan Land Use Amendment can come with significant costs when factoring in Staff time involved in preparing documents, conducting analysis, holding non-public and public meetings, hiring consultants for technical and environmental studies and documents, and consulting with outside agencies. Since a General Plan Land Use Amendment is a legislative and discretionary action that sets the tone for all other land use decisions on a property, Staff encourages potential applicants to first file a Preliminary General Plan Amendment, or "PGPA."

The purpose of the PGPA is to allow Staff to provide a brief description of the proposed amendment and provide a concept of the project, as submitted by the applicant, to the Planning Commission and City Council. The applicant is provided a chance to present the request, further describe the concept, and provide additional insight on the background of the request.

## EXISTING GENERAL PLAN AND ZONING DESIGNATION

- The General Plan Land Use Designation for the project site is Commercial ("CO") - The Commercial designation allows for neighborhood, community, and regional-serving retail and service uses; limited office uses; restaurants; service stations; highway-oriented and visitor-serving commercial and lodging; auto serving and heavy commercial uses; public and semi-public uses; public gathering facilities, and similar and compatible uses.
- The site is zoned RB (Retail Business) District.

## PROPOSED LAND USE DESIGNATION

- The General Plan Land Use Designation proposed by the applicant is Residential High (RH) – This designation provides for affordable and rental residential units, and to maximize urban residential space. This designation allows for a typical apartment-style building or a condominium complex. Appropriate primary land uses include attached single-family residences (such as duplexes and duets), multiple-family residences (such as condominiums, town houses, apartments,



and mobile home parks), and accessory structures normally auxiliary to the primary uses. The density permitted by the General Plan is 9.6 to 16.7 dwelling units per acre which would permit the applicant to propose 58 units under this designation.

## PROJECT SITE

The project site comprises of an approximately 5.7-acre commercial parcel. The site is predominantly vacant with a single-family dwelling located on the southwest corner. The project is bounded by a partially developed commercial center to the north, designated CO and zoned RB District, a vacant commercial parcel to the east designated CO, single-family dwellings to the south designated Residential Low (RL), and Laurel Elementary School to the west designated Public and Semi-Public (PS)

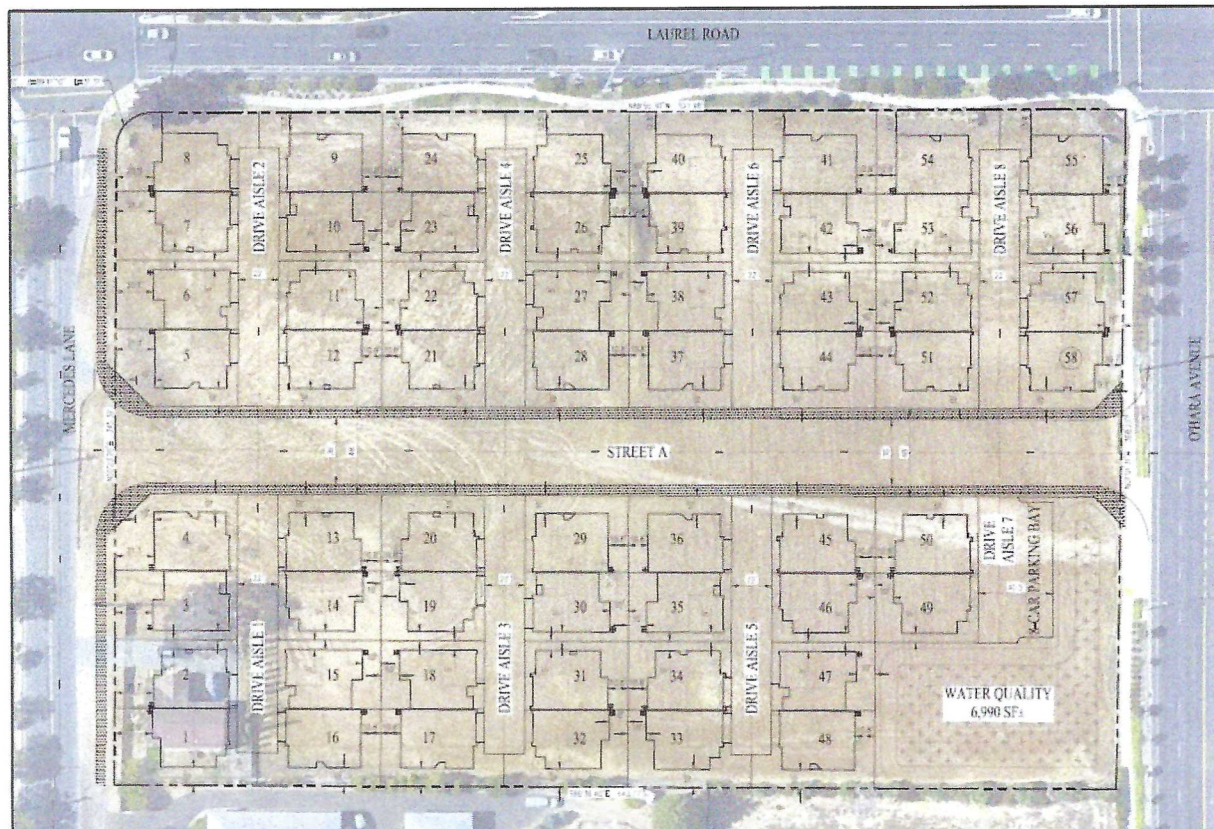
## CONCEPTUAL PLANS

The applicant submitted conceptual plans which help to visualize how a project under the proposed designation may look. The plan shows 58 single-family lots with standard lot sizes on the outside of the map consisting of 2,352 square foot lots, standard interior lots consisting of 2,072 square foot lots, and the largest lot (lot 8) is 3,016 square feet. The conceptual plan includes an additional parcel for a drainage facility. The density of this plan is approximately 10.17 dwelling units per gross acre. It is important to note that this plan is preliminary, and it lacks the same amount of information as a tentative map and development plan application would, including the lot dimensions, right of way widths, and landscaping. They should be used for illustrative purposes only and to get a sense of what a project under the proposed designation may look like. Figure 2 (following page) shows the Conceptual Layout on an aerial map.





Figure 2 – Conceptual Layout



## Analysis

When evaluating amendments to the General Plan's land use designations, it's important to conduct a comparative review of the land uses and designations of adjacent properties. A change to the RH designation would allow for a maximum gross density of 16.7 dwelling units per acre, potentially accommodating up to 95 dwelling units. The proposed RH designation would provide for a transition buffer between the larger lot single-family dwellings to the surrounding commercial uses in the near vicinity.

As development progresses and land use designations change to facilitate that development, pressure increases on nearby vacant properties to develop or request similar or higher density amendments. This pattern of density increases through land use amendments may result in an undesirable development pattern, where each new amendment creates adjacent parcels that may seek higher density. It is crucial to consider the broader implications of such amendments on surrounding properties and their potential to set precedents for other areas, potentially leading to more





amendment requests. In the case of this request, all residentially designated properties to the south are developed with homes; therefore, it is less likely nearby residential properties would request similar amendments to increase density unless a redevelopment of the property were also considered.

Figure 3 – Existing and Proposed General Plan Land Use Designations

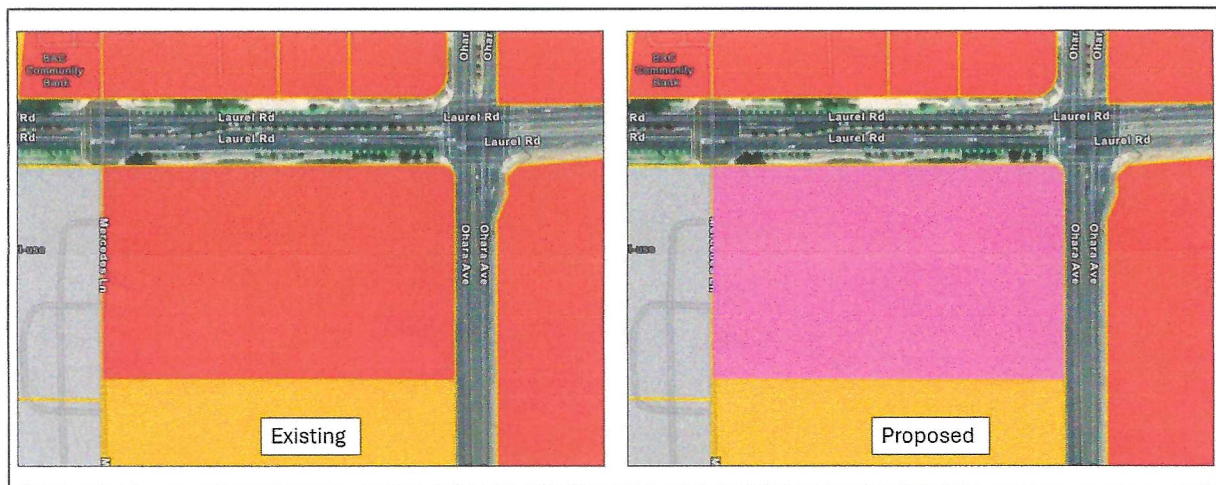


Table 1 – General Plan Land Use Designations and Density Ranges

Land Use Designation	Site Acreage	Minimum Density on project site (units)	Maximum Density on project site (units)
Residential High (RH)(Proposed) (9.6-16.7 du/ac)	<b>5.7 Acres</b>	<b>54 Units</b>	<b>95 Units</b>

## Consistency with the Oakley Strategic Plan 27+

Holding an advisory work session is 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 thoughtful growth.

## 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

This is an advisory work session only. There is no process to approve a project because of this work session. The Planning Commission may act in an advisory role to the City Council. Staff will include the Planning Commission's consensus direction and minutes from this meeting to the City Council at a future work session.

### Attachments

1. Vicinity Map
2. Notice of Work Session
3. Conceptual Plan
4. Existing and Proposed Land Use Designations

