

CITY OF OAKLEY

ORDINANCE NO. 09-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
REZONING A 3.29 ACRE PROPERTY LOCATED ON THE SOUTHERN SIDE OF
THE EAST CYPRESS ROAD AND PICASSO DRIVE INTERSECTION (APN 033-012-
004) FROM M-12 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO P-1 (PLANNED
UNIT DEVELOPMENT) DISTRICT FOR THE PURPOSES OF PERMITTING
DEVELOPMENT OF A MINI-STORAGE USE**

WHEREAS, on December 16, 2015, Brent Aasen of Brentwood MX4 Investments, LP ("Applicant") submitted an application requesting approval of: 1) a General Plan Amendment to amend the land use designation from Multi Family Residential (High Density) to Commercial; 2) a Rezone from M-12 (Multi Family Residential) District to P-1 (Planned Unit Development) District; and 3) Design Review (Development Plan) for new development of a 139,408 sf. self storage facility (up to 3 stories tall) with a 1,024 sf. office building on a 3.29 acre vacant lot located on the southern side of the East Cypress Road and Picasso Drive intersection ("Project"); and

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

WHEREAS, the Applicant has initiated a project to change the zoning for the property from M-12 (Multi-Family Residential) District to P-1 (Planned Unit Development) District; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared an Initial Study / Negative Declaration dated March 2016, which was circulated for public review and comment from March 26, 2016 to April 25, 2016. The Notice of Intent to Adopt a Negative Declaration and Initial Study / Negative Declaration were filed with the County Clerk and Governor's Office of Planning and Research State Clearinghouse, on March 26, 2016; and

WHEREAS, on April 15, 2016, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On April 15, 2016, the Notice of Public Hearing 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 parties requesting such notice, and to outside agencies; and

WHEREAS, on April 26, 2016, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, deliberated on the project, adopted Resolution XX-16 adopting the Negative Declaration and approving the General Plan Amendment for the project; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its April 26, 2016 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

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

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

- A. The change proposed will substantially comply with the Oakley 2020 General Plan in that the proposed rezone to P-1 (Planned Unit Development) District in conjunction with the proposed General Plan Amendment to Commercial (CO) will allow establishing self-storage as a permitted use, which is consistent with the CO land use designation, and relaxing the standard development standards to allow for feasible development of the project site. The P-1 District will allow the site to be developed in the vision of the applicant in a manner consistent with the Commercial land use designation.
- B. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts in that this P-1 District specifically permits a self-storage facility as proposed by the applicant, and it will provide a buffer between the adjacent railroad tracks and nearby residential uses.
- C. Community need, but not necessarily future financial success, has been demonstrated for the use proposed in that the proposed zone change will serve to result in a development that will beautify the south side of East Cypress Road to match the north side, which will result in a more balanced and attractive entry to the City's fastest growing part of town, the East Cypress Road corridor

SECTION 2. Property Defined and Rezoned.

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the Oakley Zoning Map is amended to rezone the following property from the M-12 (Multi-Family Residential) District to P-1 (Planned Unit Development) District:

- A. Approximately 3.29 acres of real property southern side of the East Cypress Road and Picasso Drive intersection (APN 033-012-004), as shown on the "Exhibit A" attached to this ordinance.

SECTION 3. Applicable Regulations and Standards.

- A. P-1 (Planned Unit Development) District - The regulations for the use, development, improvement and maintenance of the Property shall be those set

forth in the City's General Plan, Oakley Municipal Code, and following P-1 District regulations and standards for this project:

1. Permitted Uses. The following uses shall be permitted in this P-1 District:
 - a. Any land uses permitted by an approved Final Development Plan which are in harmony with each other, serve to fulfill the function of the planned unit development, and are consistent with the General Plan.
 - b. One, two or three story, conditioned and non-conditioned self-storage units, as approved on a Final Development Plan.
 - c. Business office serving as the rental office for the self-storage facility and: sales area for locks, storage boxes and related storage unit supplies; the storage and rental of no more than one moving truck for moving personal property to or from an actively rented storage unit on the premises (moving truck may not be stored in an area visible from public view); and mail box service, package delivery, facsimile and related services.
 - d. "Boat and recreational vehicle outdoor storage" subject to Zoning Administrator level design review approval and the following performance standards:
 - Boats and recreational vehicles may only be located within the general area approved for future Building C and as an alternative to Building C, or portions thereof;
 - All boats and recreational vehicles shall be completely screened from public view either through location or installation of screening walls;
 - Maintenance and/or repair of boats or recreational vehicles shall be prohibited; and
 - Overnight stay in boats or recreational vehicles is prohibited.
 - e. The placements of pre-fabricated/modular 1-story storage units within the approved footprint area of Building C. Buildings shall match approved colors and materials for the permanent buildings, and not be directly visible from public view.

2. Conditionally Permitted Uses. The following use shall require approval of a conditional use permit pursuant to Oakley Municipal Code Section 9.1.1602 (Variance and Conditional Use Permits):
 - a. Truck and/or trailer storage and/or rental beyond that permitted under "Permitted Uses."
3. Temporary Use Permits. Temporary uses are permitted pursuant to Oakley Municipal Code Section 9.1.1606 (Temporary Use Permit).
4. Lot Requirements. All yard requirements shall be as follows or as approved in a Final Development Plan:
 - Minimum Lot area: Two (2) Acres
 - Minimum Lot Width: N/A
 - Minimum Lot Depth: N/A
5. Yard Requirements. All yard requirements shall be as follows or as approved in a Final Development Plan:
 - Minimum Required Front Yard: Ten (10) feet
 - Minimum Required Rear yard: Zero (0) feet
 - Minimum Required Side Yard: Zero (0) feet
6. Building Heights. All maximum building heights shall be as follows or as approved in a Final Development Plan:
 - Office Building: Two Story Thirty (30) feet
 - Perimeter Buildings: One Story Twenty (20) feet
 - Interior Buildings: Three Story Thirty (35) feet
7. Other Regulations.
 - a. Parking Requirements - All yard requirements shall be as follows or as approved in a Final Development Plan:
 - Four (4) standard parking stalls plus one ADA accessible parking stall shall be provided in compliance with Section 9.1.1402 of the Municipal Code.
8. Final Development Plan Approval: The project Final Development Plan may be approved in conjunction with a Design Review application and approval. Upon approval of the P-1 Zone and Preliminary Development Plan, a Final Development Plan consistent with the Preliminary Development Plan shall be processed in conformance with Section 9.1.1003-3 of the Zoning Ordinance.

SECTION 4. California Environmental Quality Act (CEQA).

Pursuant to California State Law, an Initial Study was conducted by the Planning Division to evaluate the potential effects of this project upon the environment. The Initial Study analysis found there were no potentially significant impacts, and therefore a Negative Declaration was prepared. Based upon the findings contained in the Initial Study it has been determined that this project will not have a significant impact upon the environment.

SECTION 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 6. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date