

CITY OF OAKLEY

ORDINANCE NO. XX-17

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

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

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

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

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

WHEREAS, on July 28, 2017, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed or emailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

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

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

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

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

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

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

SECTION 2. Property Defined and Rezoned.

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

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

SECTION 3. Applicable Regulations and Standards.

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

SECTION 4. 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 _____, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Sue Higgins, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date

Existing and Proposed Zoning Districts

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

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

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

