

CITY OF OAKLEY

ORDINANCE NO. XX-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
REZONING A 3.63 ACRE PROPERTY LOCATED AT 3979 EMPIRE ROAD
(SOUTHWEST CORNER OF EMPIRE AVENUE AND LAUREL ROAD) APN 053-071-
050 FROM PUBLIC AND SEMI-PUBLIC (P) TO GENERAL COMMERCIAL (C)
DISTRICT FOR THE PURPOSES OF PERMITTING DEVELOPMENT OF A SELF-
STORAGE AND GASOLINE SERVICE STATION USE**

WHEREAS, on March 11, 2016, Sutter & Pierce EPC, LLC., ("Applicant") submitted an application requesting approval of: 1) a General Plan Amendment (GPA 05-16) to amend the land use designation from Public and Semi-Public Facilities (PS) to Commercial (CO); 2) a Rezone (RZ 07-16) from Public and Semi-Public (P) to General Commercial (C); 3) Tentative Parcel Map (TPM 02-16) to subdivide 3.63 acres into two parcels; 4) Conditional Use Permit (CUP 02-16) to establish a self-storage and gas station; and 5) Design Review (DR 14-16) to construct an approximately 101,997-square-foot (sf) self-storage facility including a convenience store with a six multi-product dispenser fueling station with canopy located at 3979 Empire Road (southwest corner of Empire Avenue and laurel Road) APN 053-071-050. ("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 Public and Semi-Public (P) to General Commercial (C); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared an Initial Study / Mitigated Negative Declaration dated June 2016, which was circulated for public review and comment from June 29, 2016 to July 29, 2016. The Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study / Mitigated Negative Declaration were filed with the County Clerk and Governor's Office of Planning and Research State Clearinghouse, on June 29, 2016; and

WHEREAS, on July 27, 2016, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On July 29, 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 August 9, 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 Mitigated 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 August 9, 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 General Commercial (C) District in conjunction with the proposed General Plan Amendment to Commercial (CO) will allow establishing self-storage and a gasoline service station as conditionally permitted uses, which is consistent with the CO land use designation. The proposed zone change will further the Goals, Policies, and Programs of the General Plan by expanding the commercial area in this location which will help facilitate future development.
- 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 C District specifically allows for a self-storage facility along with a gasoline service station as a conditionally permitted use, and it will provide a buffer from the Randall-Bold Water Treatment Plant.
- C. Community need, but not necessarily future financial success, has been demonstrated for the use proposed in that the proposed zone change will support the retention and expansion of existing commercial establishments (Goal 2.3 of the General Plan) by locating commercial uses adjacent to major arterial streets and on arterial streets for convenient and safe access. This project would provide for additional commercially designated and zoned land, further enhancing the possibility for the City to expand its tax base, create more jobs, and assist in the economic development of the City.

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 Public and Semi-Public (P) to General Commercial (C):

- A. Approximately 3.63-acre vacant lot located at 3979 Empire Road (southwest corner of Empire Avenue and laurel Road) APN 053-071-050, as shown on the "Exhibit A" attached to this ordinance.

SECTION 3. Applicable Regulations and Standards.

- A. General Commercial - 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 Zoning Ordinance requirements and regulations for the General Commercial (C) District (Section 9.1.506 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 Mitigated 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

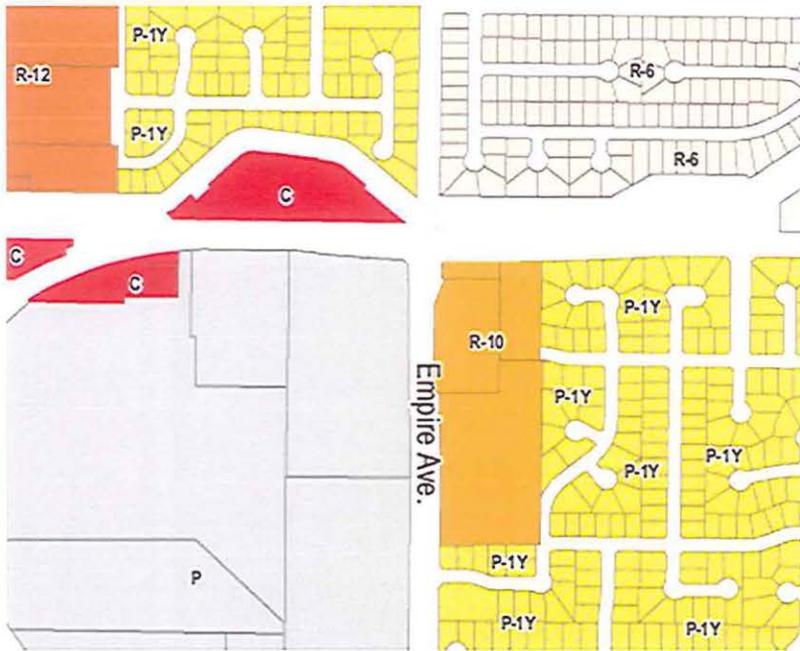
ATTEST:

Libby Vreonis, City Clerk

Date

Oakley Gateway Self Storage and 7-Eleven Rezone (RZ 07-16)

Existing



Proposed

