

**CITY OF OAKLEY**

**ORDINANCE NO. XX-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
AMENDING AN EXISTING P-1 (PLANNED UNIT DEVELOPMENT) DISTRICT FOR  
THE EMERSON RANCH SUBDIVISION TO ACCOMMODATE A FINAL  
DEVELOPMENT PLAN FOR THE PROJECT TITLED “EMERSON NEIGHBORHOOD  
6 – WOODBURY” (RZ 01-15)”**

**WHEREAS**, on January 6, 2015, Michael Evans of DeNova Homes, Inc. (“Applicant”) submitted an application requesting approval of: 1) a General Plan Amendment to designate approximately 16 acres of an existing 25 acre undeveloped commercial site from “Commercial” to “Multi-Family Residential, Low Density” (GPA 01-15); 2) a Rezone to amend a Planned Unit Development (P-1) District (RZ 01-15); 3) a Vesting Tentative Map to subdivide approximately 16 acres into 104 single family lots with associated improvements (TM 01-15); and 4) a Final Development Plan for the portion of the P-1 District modified by the tentative map (FDP 01-15); and

**WHEREAS**, on April 16, 2015, the Applicant submitted an application requesting Design Review approval of house plans and architecture, and a development plan (neighborhood plotting plan) (DR 05-15); and

**WHEREAS**, the applications (GPA 01-15, RZ 01-15, TM 01-15, FDP 01-15, and DR 05-15) make up the project known as “Emerson Neighborhood 6 – Woodbury” located within the existing Emerson Ranch Subdivision 9032 at the northwest corner of East Cypress Road and Sellers Avenue and east of Emerson Ranch Way. The site is zoned P-1 (Planned Unit Development) District. APN 037-192-031 (portion); 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 request to amend the P-1 (Planned Unit Development) District zoning for the Emerson Ranch Subdivision (adopted by Ordinance 18-10) to accommodate the Project’s Final Development Plan (FDP 01-15); and

**WHEREAS**, pursuant to the requirements of the California Environmental Quality Act (“CEQA”), it has been determined that all of the potential impacts associated with the proposed project have been adequately analyzed and mitigated in the Emerson Property Project Environmental Impact Report (SCH 2007052073) (“EIR”), which was certified by the Oakley City Council on September 14, 2010 through adoption of Resolution 105-10. The mitigation measures included in that EIR will continue to mitigate the proposed project, and no further environmental analysis is required under CEQA; and

**WHEREAS**, on June 2, 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. On June 3, 2016, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution; and

**WHEREAS**, on June 14, 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, and adopted the resolutions approving the Project's General Plan Amendment, Vesting Tentative Map, Final Development Plan, and Design Review; 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 June 14, 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 amendment to the P-1 (Planned Unit Development) District in conjunction with the proposed General Plan Amendment to Multi-Family Residential, Low Density (ML) will allow the project site to be developed with additional detached, single-family residential homes in the same style and similar density to that already existing and approved within the Emerson Ranch Subdivision.
- B. The allowable uses are the same, and the applicable development regulations are similar to those already permitted in the originally approved P-1 District for Emerson ranch Subdivision.
- C. The Project site of the amended P-1 District is tied to the Project's approved Final Development Plan (Final Development Plan).

**SECTION 2. Property Defined and Rezoned.**

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the P-1 District for the following property is amended:

- A. Approximately 140 acres of real property located on the northwest corner of East Cypress Road and Sellers (known as "Emerson ranch Subdivision"), as shown on the "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 subject to the City's General Plan, Residential Design Guidelines, Oakley Zoning Ordinance and Municipal Code, and the P-1 District's associated Final Planned Development Plans, previously approved for Neighborhoods 1-5, and currently approved for Neighborhood 6 (FDP 01-15):
- B. Neighborhood 6 shall be subject to the following development regulations:
- Minimum Lot Size: 3,600 sf.
  - Minimum Front Yard Setback: 20' to garage; 10' to living space; 5' to porches
  - Minimum Side Yard Setback: 5' for interior lot lines; 10' for corner side yard lot lines
  - Minimum Rear Yard Setback: 10'
  - Projections Into Yards: Pursuant to OMC Section 9.1.1122(g)
- C. The Oakley Municipal Code R-6 (Single Family Residential) District development standards shall apply where this ordinance does not specify a standard.

#### **SECTION 4. California Environmental Quality Act (CEQA).**

It has been determined that all of the potential impacts associated with the proposed project have been adequately analyzed and mitigated in the Emerson Property Project Environmental Impact Report ("EIR"), which was certified by the Oakley City Council on September 14, 2010 through adoption of Resolution 105-10. The mitigation measures included in that EIR will continue to mitigate the proposed project and no further environmental analysis is required under CEQA.

#### **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 Ordinance No. XX-16

