

**ORDINANCE NO. XX-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND AMENDING SECTION 9.1.410 OF ARTICLE 4 OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE DEALING WITH THE AFFORDABLE HOUSING OVERLAY ZONE**

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

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. The Oakley General Plan 2015-2023 Housing Element identifies Policy Action Program 1.10 as an action that should be implemented in conjunction with Policy Acton 1.1; and
- B. The proposed amendments to Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code will complete Policy Action 1.10 of the 2015-2023 Housing Element of the Oakley 2020 General Plan. Specifically, the amendments to the Zoning Ordinance will increase the setbacks for multi-story buildings when adjacent to single-family developments; and
- C. The proposed amendments to Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code are consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Policy Actions necessary through the 2015-2023 Housing element planning period.
- D. Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.

SECTION 2. Code Amendments

- A. Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code is hereby amended to add the following subsections as follows:

### **"9.1.410 Affordable Housing Overlay District (AHO).**

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO applies only to areas zoned Multiple Family Multi-Family High-Residential (M-9, M-12, M-17FH) and where an applicant has applied for and the City Council has approved a density bonus in accordance with Section 9.1.412 to meet the City Regional Housing Needs Assessment. It allows housing densities that exceed the maximum units per acre otherwise allowed in a zoning district, if a development meets the state density bonus criteria, as implemented, located in Section 9.1.412. Specifically the base density used to calculate the density bonus is twenty-four (24) dwelling units per acre. The AHO also modifies the MFH Multiple Family Residential development standards to complement higher density housing projects. All developments within the AHO shall be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines (pending).

#### **b. Affordability Requirements.**

1) Development within the AHO District shall include housing units in the following categories and shall remain at those affordability levels for a minimum of thirty (30) years:

a) Very Low Income Household: Any household with an income level less than equal to fifty percent (50%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the federal Department of Housing and Urban Development (HUD);

b) Low Income Household: Any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by HCD or HUD.

2) If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

3) Prior to the approval of the rezoning or the issuance of a building permit, whichever is earlier, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for the thirty (30) year minimum time frame in a form acceptable to the City Council.

#### **c. Development Standards.**

1) Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where

applicable, shall apply. These development standards shall apply to projects requiring administrative approval and for those requiring a conditional use permit approval. Where conditional use permit approval is required, Section 9.1.1602 shall apply in addition to this section. Where conditional use permit approval is required, the development standards may be modified if deemed appropriate by the City Council. In addition, the proposed development shall comply with the remaining provisions of this chapter, including, but not limited to, the site density requirements set forth in subsection (d) of this section and design criteria set forth in subsection (e) of this section.

2) Table 1 sets forth development standards for multi-family development, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the Affordable Housing Overlay District.

<b>Table 1: Development Standards for Multi-Family Construction within the Affordable Housing Overlay (AHO) District</b>	
<b>Subject</b>	<b>Standard</b>
Base Density	24 dwelling units per acre
Density Bonus	Per State Law up to 35%, or 32.4 dwelling units per acre
Building Site Coverage (combined maximum)	40%
Front Setback (minimum)	15 feet, for two stories, 20 feet for three or more stories
Rear Setback (minimum) <sup>2</sup>	15 feet, for two stories, 20 feet for three or more stories
Side Setback <sup>2</sup>	8 feet for two stories, 12 feet for three or more stories
Aggregate Side Setback	15 feet (with five-foot minimum)
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
Wall	A minimum six-foot-high solid masonry/block wall shall be required around the perimeter of all housing developments
Parking Requirements (minimum)	One Bedroom: one on-site parking space <sup>1</sup>
	Two – Three Bedrooms: one and one-half on-site parking spaces <sup>1</sup>
	Four or More Bedrooms: two and one-half on-site spaces (Government Code Section 65915(p)) <sup>1</sup>

**Table 1: Development Standards for Multi-Family Construction within the Affordable Housing Overlay (AHO) District**

Subject	Standard
	1 If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a subdivision may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.
	2 10 feet for any structure (not a dwelling unit) up to 15 feet in height.

d. Development Incentives. The City shall provide a density bonus and additional incentive(s) for qualified housing developments upon the written request of a developer, unless the City makes the written findings set forth in Government Code Section 65915(d)(1).

1) For qualifying projects, the City will allow exceptions in the development standards set forth in subsection (c) of this section for projects within the AHO District to allow more flexibility in design and development by right with no further discretionary review, and to expedite project approval.

2) The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City RHNA allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding.

3) The need for incentives will vary for different housing developments. Therefore, the allocation of additional incentives shall be determined on a case-by-case basis. The additional incentives may include, but are not limited to, any of the following:

a) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum applicable building standards;

b) Allow mixed use development (commercial and residential) so long as it does not conflict with the land use designations in the General Plan land uses;

c) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance;

d) Waived, reduced, or deferred planning, plan check or construction permit fees;

e) The City may offer an equivalent financial incentive in lieu of granting a density bonus and an additional incentive(s). The value of the equivalent financial incentive shall equal at least the land cost per dwelling unit savings that would result from a

density bonus and must contribute significantly to the economic feasibility of providing the target units pursuant to this Chapter.

e. Design Criteria. The following design guidelines shall be applicable to all parcels within the AHO District. All proposed projects should be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines (pending). The design guidelines will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required.

- 1) Buildings shall be designed to frame views of the hills, vineyards and other landscape features;
- 2) Natural landscape features such as creeks, wetlands and heritage trees shall be incorporated into the site design. All development shall be subject to Chapter 31 of Title 4, and Sections 9.1.1108, 9.1.1110 and 9.1.1112;
- 3) Development shall be clustered on each site so as to minimize development footprints, preserve undeveloped land, and avoid areas with natural and visual resources;
- 4) Building materials and colors should promote harmony, as well as interest in the neighborhood. Architectural style should utilize a limited palette of compatible colors, avoiding excessive different materials and colors that detract more than enhance the overall appearance;
- 5) Compatible color schemes should be used on adjacent buildings and structures;
- 6) Roof forms, materials, doors, windows and other architectural features or historic or traditional houses near the project shall be referenced in the design of the new development;
- 7) A detailed landscaping plan, including planting details, shall be submitted for review and approval prior to the issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used, along with the method of maintenance. Plant materials shall be purchased locally when practical. Drought-tolerant plants are encouraged, when feasible. The project shall comply with the City of Oakley Water Efficient Landscape Ordinance and all Stormwater C-3 requirements;
- 8) The design of fences and screening shall be consistent with Sections 9.1.1108, 9.1.1110 and 9.1.1112;
- 9) All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible. Low-level lighting shall

be utilized in parking areas at multi-family sites rather than high-intensity light standards;

10) All new housing units shall be designed so as to minimize their visual impacts. Visual impacts shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices;

11) The use of shared driveways and alleyways with detached garages may be utilized;

12) Play spaces for children shall be secure and visible;

~~13) Multi-family building forms shall use varying roof heights, setbacks and wall planes to break up perceived bulk from buildings;~~

134) Multi-family projects shall follow the guidelines as described herein and where appropriate the guidelines in the Residential Design Guidelines and Multifamily Residential Design Guidelines (pending);

145) Architectural design concepts shall provide for a transition in scale between multi-family and any neighboring single-family residential development. ~~Where adjacent existing detached single-family development, the outermost portions of the multi-family buildings shall be limited to two stories within 50 feet of the common boundary and to three stories from 50 feet to 75 feet of the common boundary. Beyond the 75-foot distance, structures up to 42 feet high (and portions thereof) are permitted. The setbacks in Table 1 above require a staggered setback for third story and above to reduce the overall bulk and scale of larger projects adjacent to single-family residential developments.~~

~~156) Multi-family and mixed use projects shall be designed to reduce the perceived mass, scale, and form of the overall development through use of varying roof heights, setbacks, and wall planes. This shall include the use of:~~

~~a) Recessed facades and articulations in the building mass;~~

~~b) Varied roof heights, forms, masses, shapes, and/or materials to create variations between individual buildings;~~

~~c) Staggered and jogged placement of individual units (e.g., the units should not be aligned along a single plane that results in a large 'wall' on any single side of the building); and;~~

~~d) A variety of building orientations;~~

~~167) The perceived architectural scale of multi-family buildings of three or more stories shall be reduced through the proper use of window patterns, roof overhangs, awnings,~~

moldings, fixtures, the use of darker or subdued colors contrasting with lighter colors, upper story setbacks, building and roof articulation, and other details that vary the exterior of the building and result in a staggered or scaled appearance.

176) Trash enclosures (solid waste and recycling), storage, and other accessory elements shall be designed as integral parts of the architecture;

187) Parking lots shall be screened by shade trees, landscaping or buildings. Parking shall be unobtrusive and not disrupt the quality of open spaces and pedestrian environments. Access to the property and circulation systems shall be safe and convenient for pedestrians, cyclists and vehicles;

1819) Multi-family developments shall provide both common and private open spaces;

1920) Multi-family projects shall provide common spaces that are physically defined and socially integrated into the site plan as a gathering place;

2021) New projects will be required to provide, as part of the common space, the installation of a play structure and necessary safety equipment.

f. Approval Process. Administrative-level approval shall be given to projects meeting the appropriate affordability requirements identified in subsection (b) of this section, development standards set forth in subsection (c) of this section, and all other applicable sections of this Chapter. For projects that require a subdivision map or a conditional use permit, the developer shall submit an application and all required fees to the Planning Department.

g. Utilities. Except as otherwise provided, no permits to develop housing in the AHO District shall be issued without evidence of adequate sewer and water service to serve the proposed development, as evidenced by a letter from the sewer and water service providers.

### SECTION 3. California Environmental Quality Act (CEQA) Finding.

Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report (EIR) was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts. The proposed project (RZ 08-16) is within the scope of the previously Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134).

### 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 5. 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