

**ORDINANCE NO. XX-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING  
THE CITY INITIATED PROJECT TO APPLY THE AFFORDABLE HOUSING  
OVERLAY ZONE TO NINE SPECIFIC PROPERTIES IN ORDER TO COMPLY WITH  
THE CERTIFIED 2015-2023 HOUSING ELEMENT**

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***RECITALS***

**WHEREAS**, on November 1998, the voters approved the incorporation of the City of Oakley, to be effective July 1, 1999; and

**WHEREAS**, on July 1, 1999, the City of Oakley was incorporated; and

**WHEREAS**, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its general plan, the County's subdivision ordinance as its subdivision ordinance, and the County's zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own general plan, as required by Government Code Section 65360; and

**WHEREAS**, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and

**WHEREAS**, pursuant to State Government Code section 65300, cities and counties are required to prepare and adopt general plans to guide them in the long-range development of their communities. General plans must include seven mandatory, internally consistent elements including land use, circulation, conservation, open space, safety, noise and housing. Only the Housing Element is reviewed and certified by the State Department of Housing and Community Development (HCD); and

**WHEREAS**, the purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities consistent with Statewide housing goals; and

**WHEREAS**, the Housing Element consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing, pursuant to California Government Code Section 65580; and

**WHEREAS**, the 2015-2023 Housing Element is within the scope of the Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134) prepared and certified by the City of Oakley City Council; and

**WHEREAS**, 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; and

**WHEREAS**, on January 27, 2015, the City Council approved the 2015-2023 Housing Element which contains Policy Action Program 1.1, which specifically requires the City to apply the Affordable Housing Overlay Zone (AHO) to several parcels; and

**WHEREAS**, this City initiated project will complete Policy Action Program 1.1 by applying the Affordable Housing Overlay Zone to nine (9) specific properties; and

**WHEREAS**, on June 16, 2016, the Notice of Public Hearing for the project 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 and outside the library at Freedom High School located at 1050 Neroly Road.. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, to parties requesting such notice and was published with the East Contra Costa Times (a newspaper certified for general circulation); and

**WHEREAS**, on June 28, 2016 the City Council held a duly noticed public hearing on the Affordable Housing Overlay Project, at which time all interested persons and parties had the opportunity to be heard. The City Council considered the June 28, 2016 staff report and all written and oral testimony, and reviewed and considered the Affordable Housing Overlay Project; and

**WHEREAS**, these findings are based on the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its June 28, 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 Policy Action program 1.1 within the Certified 2015-2023 Housing Element, the City Council of the City of Oakley hereby finds and determines as follows:

- A. Regarding the application of the Affordable Housing Overlay Zone to the 9 Parcels identified in this Ordinance:

1. The rezoning will substantially comply with the General Plan in that:
  - a. The 2015-2023 Housing Element of the Oakley 2020 General Plan identifies Policy Action Program 1.1, which specifically requires the City to apply the Affordable Housing Overlay Zone (AHO) to several parcels. The project will ensure the City is in compliance with this Policy Action program.
2. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts:
  - a. The proposed application of the Affordable Housing Overlay to the nine parcels identified within will allow development under the current land use designations and the currently adopted zoning designations would continue to be allowed under the proposed project. This means that each site could develop under either the underlying zoning or the proposed project maximum capacities. For the commercial sites, either all commercial uses, a mix of commercial uses and multifamily uses, or multifamily uses would be allowed under the Affordable Housing Overlay.
3. Community need, but not necessarily future financial success, has been demonstrated for the use proposed:
  - a. The proposed application of the Affordable Housing Overlay to the nine parcels identified within is intended to provide compliance with the 2015-2023 Housing Element.

## SECTION 2. Property Defined and Rezoned.

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the Oakley Zoning Map is amended to apply the Affordable Housing Overlay Zone (AHO) to nine specific properties as follows:

Elm Lane (APN 051-210-019), 5301 Elm Lane (APN 051-220-005), Cypress Road (APN 035-282-058), Cypress Road (APN 035-282-062), 211 East Cypress Road (APN 033-012-005), 251 East Cypress Road (APN 033-012-008), 43 Van Pelt Lane (APN 033-012-009), 67 Van Pelt Lane (APN 033-012-007) and 6381 Sellers Avenue (APN 033-180-007).

## 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:

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Libby Vreonis, City Clerk

Date