

Justification for Zoning Text Amendment

Lauritzen Yacht Harbor is requesting the City amend the text of the Commercial Recreation – Aquatic (CR-A) Zone to expand the list of commercial uses allowed to encourage new construction and new businesses that would be compatible with the Oakley Logistics Center and Oakley's shoreline.

There are two areas with the CR-A zoning designation: a) Lauritzen Yacht Harbor and Driftwood Marina at the end of Bridgehead Road, and b) Big Break Marina and Foundation Constructors at the end of Big Break Road. Both sites are located along the shoreline and were developed over 50 years ago as marinas and marine-related industrial uses. Both sites adjoin the Planned Unit Development P-1 Zone, which was recently adopted to allow the establishment of the 2.2 million sq. ft. state-of-the-art Oakley Logistics Center.

As part of the adoption of the P-1 Zone, the City amended the General Plan Land Use Element to designate the land occupied by the logistics center from Business Park to Light Industrial. The City also changed the Circulation Element to eliminate a future 4-lane divided arterial in the Northwest Planning Area (the "Live Oak Extension"). The Oakley Logistics Center represented new opportunities and benefits for the city. In its adoption of the P-1 Zone, the city significantly altered the character of land use and circulation in the Northwest Planning Area.

The CR-A Zone includes uses that are not practical. The CR-A Zone includes sports stadiums, arenas, amusement parks, cinemas, bowling alleys, dance halls, ice skating rinks and roller rinks. These recreational uses are not likely to occur in the two sites zoned CR-A. Other uses allowed in the CR-A Zone are outdated, such as billiard parlors, pool rooms, and arcades. There are only six permitted uses listed in the CR-A zone. All other uses are conditional uses, which impairs the marketability of the sites because of the questionable compatibility and unknown conditions of approval that may be imposed.

The CR-A Zone does not identify many historical marine and visitor-oriented uses as permitted uses in the zone, such as fishing guides, fishing tournaments, boat tours of the Delta, houseboat rentals, ferry service between the islands, canvas repair shop, eating and drinking establishments, storage of supplies for the California Division of Boating and Waterways, and the Sheriff's Office for Marine Patrol. In fact, many historical uses are either nonconforming or only possible because the state and county are exempt from the City's zoning. We want to address this discrepancy and encourage marine and visitor-oriented uses in the CR-A Zone. The CR-A Zone requires modifications to make it relevant to the current uses in the vicinity. The current zoning constrains future development and effective economic use of the area.

On the Lauritzen property, the marina utilizes approximately 15.15 acres and provides roughly 137 in water berths and 300 boats in dry storage, and two metal Buildings for marine-related uses. The Lauritzen property includes an additional 2.83 acres along Lauritzen Lane which contains two additional metal Butler buildings that have historically been used for marine-related uses. The buildings economically, logistically and physically are suitable for repair shops, storage, offices, and light manufacturing. The 2.83-acre site adjoins the Oakley Logistics Center. The site's southern property line is coterminous with the northern property line of the logistics center. The logistics center will be constructing a driveway along this shared property line.

The Lauritzen site owner's goal is to find suitable tenants to fill the vacancies in existing buildings and retain the marina in a safe, secure and well-maintained condition for its boating clients. For the property to be viable, Lauritzen Yacht Harbor is requesting the city expand the commercial uses to allow a reconfiguration of uses and the development of new facilities. The owner is requesting the City amend the CR-A Zone to encourage land uses that are compatible with the waterfront and adjoining logistics center and adjacent industrial uses.

The proposed amendment includes changes to subsections (a) purpose and intent, (b) permitted uses, and (c) conditional uses in the CR-A Zone, Oakley Municipal Code Section 9.1.512. Additions are shown in bold italics. Obsolete language is shown in strike-through.

Purpose and Intent:

Purpose and Intent. The purpose of the CR-A District is to provide designated areas for preservation of natural features, to encourage marine-commercial and visitor-oriented uses in waterfront areas, ***and to encourage commercial uses that are compatible with the Oakley waterfront and the adjoining state-of-the-art regional logistics center and industrial uses.***

Permitted Uses:

1. Artists's studios and galleries
2. ***Boat charter, rental, and sales. Boats for sale may be in water within a marina or on land.***
3. ***Boat tours, including fishing guides and tours of the Delta***
4. Boat storage/yards. Indoor or outdoor storage of boats, including stack storage, which may include boat haul out (***by ramp or travel lift***), maintenance, and boat repair as an ancillary use
5. ***Drone facilities (storage and launch sites)***
6. ***Eating and drinking establishments, including take-out, catering, and food trucks***
7. ***E-commerce (possible incubator businesses)***
8. ***Ferry services***
9. ***Fishing tournaments***
10. ***Houseboat charter and rentals***
11. ***Indoor storage of equipment and supplies***
12. ***Kayak sales and tours***
13. ***Light industrial uses associated with marine and recreational uses when conducted within an enclosed building***
14. Marinas, ***including electric charging stations for boats as an accessory use***
15. Park and recreation facilities
16. ***Photography and design studios***
17. ***Professional offices***
18. ***Public safety facilities***
19. ***Recreational vehicle parking, storage, and sales***
20. ***Repair shops within enclosed buildings (electrical, plumbing, HVAC, etc)***
21. Retail marine sales
22. ***Ridesharing facilities***
23. ***Robotics and automation***
24. ***Solar arrays***

25. Technology and electronics

26. Utilities, minor

Uses Requiring Conditional Use Permit:

~~Boat charter, rental, and sales~~

1. Boat storage/yards when including boat building or manufacturing;
2. Commercial filming (Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year)
3. Commercial recreation and entertainment (~~This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice skating rinks, scale model courses, tennis/racquetball courts, arcades or electronic games centers having three or more coin-operated game machines;~~)
4. Commercial waterfront master plan with a residential component (Residential component subject to the lot and yard requirements, building height and other regulations of multiple family residential districts (M-9, M-12 and M-17) (Sections 9.1.406(e) through (h)).
5. ***Delivery service partners (i.e. last mile delivery for adjacent logistics center)***
~~Eating and drinking establishments related to marina~~
6. ***Fleet vehicle parking (cars, vans, small trucks)***
7. Hotels and motels;
8. ***Light industrial uses with outdoor storage***
9. ***New and used recreational vehicle and auto sales (operable vehicles only)***
10. Outdoor recreation complexes;
11. Marine Service stations (Establishments engaged in the retail sale of gasoline, diesel, and alternative fuels, electric and battery power stations, lubricants, parts, and accessories for boats or ships);
~~Public safety facilities;~~
12. Utilities, major (Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification);
13. Yacht club.

In the CR-A Zone, new construction is required to comply with the Commercial and Industrial Design Guidelines and Design Review approval. This ensures the architectural design and quality of construction meets the City's standards. A future development project would be analyzed by the city to determine its specific environmental impacts and if a Negative Declaration or EIR would be required.

The proposed text amendment would be consistent with the Oakley General Plan Land Use Element Goal 2.3:

Support the retention and expansion of existing commercial establishments, and to encourage new, high-quality commercial development in the City.

The existing marinas along the shoreline were developed with marine-related industrial uses, such as boat engine/outdrive work, boat repair shop, hull repair, canvas shop, and commercial storage. The four metal Butler buildings were constructed for these types of uses and served a meaningful purpose in their time. But times have changed, and it is more difficult to find appropriate uses that are specifically marine-related. The text amendment would expand the types of commercial uses allowed in the CR-A zone. The text amendment facilitates new, high-quality commercial development.

The proposed text amendment would be consistent with the Oakley General Plan Land Use Element for the Northwest Oakley Planning Area. The Northwest Planning Area encompasses 972 acres of land bounded by Highway 160, the Delta, Big Break Road, and Oakley Road. The area was formerly dominated by the DuPont facility, which is now the Oakley Logistics Center. The “development vision” for this area includes the following (emphasis added):

“The northern portion of the Area is dominated by the Delta and associated wetland areas. These lands are designated either Delta Recreation or Commercial Recreation and it is anticipated that access to the Delta and *passive recreational uses* will be provided. The proximity to the Delta is considered a further opportunity *to enhance the overall quality of this Area*, including the *intensive urban development of the Business Park designation* (which is now the Oakley Logistics Center). As such, all development located north of the BNSF Railroad must consider the Delta context through site design and architecture, *strengthen the relationship between built and nature environments*, and provide significant public access to the waterfront through such remedies as trail and riparian easements and land dedication to the City of Oakley where appropriate.”

The text amendment is compatible with the *passive recreational uses* provided by the regional parks, trails and marinas along the shoreline. The text amendment encourages the previous marine-related industrial uses that are no longer practical to be replaced with offices, services, and eating and drinking establishments that serve both the shoreline uses and regional logistics center. The text amendment would *enhance the overall quality of the area, including the intensive urban development* of the Oakley Logistics Center by providing business services relevant to a logistics center. The text amendment would *strengthen the relationship between built and nature environments* by allowing smaller scale, high quality, technology and service businesses to locate adjacent to the large scale regional logistics center, consistent with the goals of having the Northwest Planning Area serve as the primary employment center within Oakley.

We believe this change will enhance the zoning to further the growth and development of the area. Please consider our request and application for a Zoning Text Amendment.

Respectfully,

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Lauritzen Yacht Harbor

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