AGENDA
REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION

Tuesday, September 2, 2025
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561.
Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we Live in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

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A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley Planning Commission meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley Planning Commission regarding any item on this agenda will be made available for public inspection, during regular business hours, in the Main Lobby of Oakley City Hall.

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Please keep cell phones/electronic devices turned off during the meeting. Please be advised that Oakley Planning Commission meetings are video recorded and attendees may appear on video.

Members of the public may address the Oakley Planning Commission on items of interest that

are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Oakley Planning Commission may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Oakley Planning Commission Chair will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

1. OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

1.2 Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS
At this time, the public is permitted to address the Planning Commission on non-agendized items.

3. CONSENT CALENDAR
Consent Calendar items are typically non-controversial in nature and are considered for approval by the Planning Commission with one single action. Members of the audience, Staff or the Planning Commission who would like an item removed from the Consent Calendar for purposes of public input may request the Chair remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Chair.

3.1 Approve Minutes from the Regular Planning Commission Meeting held August 5, 2025 (Kim Snodgrass, City Clerk)
Minutes

4. PUBLIC HEARINGS

4.1

Housing Element Rezone - General Plan Amendments and Rezoning (GPA 2025-004, RZ 2025-004) - Adoption of a Resolution Recommending the City Council Approve General Plan Amendments and Rezoning to Implement Policy Action 1.1 of the City Oakley Housing Element 2023-2031 (Ken Strelo, Community Development Director)

Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing 4) Receive Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Adopt the Resolution
Staff Report
1. Notice of Public Hearing
2. Summary of Sites Subject to the General Plan Amendment and/or Rezone
3. Proposed City Council General Plan Amendment Resolution
4. Proposed City Council Rezone Ordinance
5. Proposed Resolution

5. REGULAR CALENDAR

6. REPORTS

6.1 Reports from Staff Members

6.2 OAKLEY PLANNING COMMISSION
(a) Reports from Commission Members
(b) Requests for Future Agendas

7. WORK SESSIONS

8. ADJOURN

MINUTES OF THE REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION HELD AUGUST 5, 2025

1. OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley Planning Commission

Chair Diego Verduzco called the meeting to order at 6:30 p.m. Vice Chair Leonard Price and Commissioners Kerry Harvey, and Oleksii Chuiko were present; Commissioner Yared Oliveros was absent.

1.2 Pledge of Allegiance to the Flag.

Chair Verduzco led the Pledge of Allegiance to the Flag.

2. PUBLIC COMMENTS

None

3. CONSENT CALENDAR

3.1 Approve Minutes from the Regular Planning Commission Meeting held June 3, 2025 (Kim Snodgrass, City Clerk)

It was moved by Vice Chair Price and seconded by Commissioner Chuiko to approve the Consent Calendar. Ayes: Chuiko, Harvey, Price, Verduzco Absent: Oliveros (4-0)

4. PUBLIC HEARINGS

4.1 Mathnasium Conditional Use Permit (CUP 2025-04) (Evan Gorman, Associate Planner)

Associate Planner Evan Gorman presented the report.

Chair Verduzco opened the Public Hearing; there were no public comments, so he closed the Public Hearing.

It was moved by Commissioner Chuiko and seconded by Commissioner Harvey to approve item 4.1. Ayes: Chuiko, Harvey, Price, Verduzco Absent: Oliveros (4-0)

4.2 General Plan Amendment in Compliance with AB 2140 (GPA 2025-002) - Recommendation to the City Council to adopt a resolution approving a General Plan Amendment (GPA 2025-002) amending the Community Health and Safety Element of the City of Oakley General Plan with text amendments to adopt by reference, and add summary text in relation to, the 2024 Hazard Mitigation Plan – City of Oakley Annex in compliance with Assembly Bill 2140 (2006) (Ken Strelo, Community Development Director)

Community Development Director Ken Strelo presented the report.

Chair Verduzco asked a question and Mr. Strelo responded.

Chair Verduzco opened the Public Hearing; there were no public comments, so he closed the Public Hearing.

It was moved by Commissioner Harvey and seconded by Vice Chair Price to approve item 4.2. Ayes: Chuiko, Harvey, Price, Verduzco Absent: Oliveros (4-0)

5. REGULAR CALENDAR

None

6. REPORTS

6.1 Reports from Staff Members

Community Development Director Ken Strelo reported that the application period for Planning Commissioners will open on August 11, 2025, and run through September 11, 2025.

6.2 Oakley Planning Commission

(a) Reports from Commission Members

None

(b) Requests for Future Agendas

None

7. WORK SESSIONS

None

8. ADJOURN

There being no further business, the meeting was adjourned at 6:51 p.m.

Respectfully Submitted,

Kim Snodgrass
City Clerk

DATE: September 2, 2025

Approved and Forwarded to the Planning Commission

TO: Joshua McMurray, City Manager

FROM: Ken Strelo, Community Development Director

SUBJECT: Housing Element Rezone - General Plan Amendments and Rezoning (GPA 2025-004, RZ 2025-004) - Adoption of a Resolution Recommending the City Council Approve General Plan Amendments and Rezoning to Implement Policy Action 1.1 of the City Oakley Housing Element 2023-2031

Summary

The City of Oakley is initiating a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consists of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.
- Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).
- Approval of a Zoning Text Amendment to amend Section 9.1.406 (Multiple Family Residential Districts) of the Oakley Municipal Code by adding text related to the proposed M-30 District.
- Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

The General Plan Amendment and Rezoning serve to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project").

Pursuant to OMC Section 2.3.020.e, the Planning Commission will serve as an advisory role to the City Council on this application.

Modifications to Project Description since posting of the Notice of Public Hearing:

- Site 15 (APN 035-282-054), located at 440 West Cypress Road, was a site recommended for the GPA to Residential Multiple Family (RMF) and RZ to M-30 District by the City Council during their June 10, 2025 work session. It was erroneously omitted from the project description on the Notice of Public Hearing; however, it was included as a site for notification of all owners of property within 500 feet of the project boundary, as if it had been included in the project description. It has been added to the project description for consideration by the Planning Commission on their recommendation to the City Council.
- The M-30 District was indicated as being added as a stand-alone ordinance in the Oakley Municipal Code (Section 9.1.414). Instead, the existing Multiple Family Residential Districts ordinance (Section 9.1.406 of the OMC) is proposed to be amended to add the language for the M-30 District. This does not result in any substantive changes to the language being proposed for the M-30 District.
- Site 11 (APN 053-071-046) is identified as a site proposed to receive the General Plan Land Use Designation amendment to Commercial (CO) in order to allow the AHO to be placed on it. A related Rezoning is also recommended in order to bring the zoning into compliance with the proposed General Plan. An item has been added requesting approval of a Rezone for this site to amend the zoning from P-1 (Planned Unit Development) District to C (General Commercial) District.

Background and Discussion

CERTIFIED HOUSING ELEMENT

The Housing Element is one of the seven mandatory elements of each city's General Plan, functioning as a locally adopted blueprint of goals, policies, and programs to address existing and projected housing needs. State law requires jurisdictions to update their Housing Element every eight years and obtain certification from the Department of Housing and Community Development (HCD). The Regional Housing Needs Allocation (RHNA) is the state-mandated process that determines the total number of housing units—and the breakdown by income category—that each jurisdiction must plan for in its Housing Element over the eight-year cycle. In the past, the City has satisfied RHNA requirements by applying an Affordable Housing Overlay District (AHO) to enough acreage at state-mandated minimum densities to accommodate the assigned number of affordable housing units.

After the City Council adopted the most recent Housing Element in 2023, and just prior to the HCD's certification of the Housing Element, a court case (*Martinez v. City of Clovis, 2023*) set new limits on the practice of using an AHO to satisfy RHNA for affordable units. As a result, HCD was not able to certify the Housing Element as adopted. To address this, the City had to adjust its approach by incorporating an alternative method of meeting its RHNA obligations in the Housing Element. Subsequently, the City Council re-adopted the Housing Element with the addition of rezoning to the proposed solutions to satisfy RHNA requirements. In practice, rezoning involves creating a new land use designation and zoning district that meet state requirements, followed by identifying suitable sites and processing the necessary General Plan Land Use Amendments and Zoning changes. HCD approved the alternative method and certified the Housing Element on May 24, 2023, narrowly meeting the May 31, 2023 deadline that would have required the Rezoning process to be completed by January 31, 2024, if missed. Since HCD certified the Housing Element prior to May 31, 2023, the City was given three years from January 31, 2023 to satisfy its RHNA obligations.

REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

The certified Housing Element includes a breakdown of the RHNA required to be accommodated during this 6th Cycle. In summary, the City is required to provide zoning capacity for 1,058 residential units, 440 of which are required to meet Lower-Income requirements. HCD defines units meeting the Lower-Income level as "affordable units." Affordable units include Low-Income, Very Low-Income, and Extremely Low-Income, or income levels that are between 80% and 51% of the median household income for Low-Income and 50% to 0% of the median household income for Very Low-Income. The Extremely Low-Income category is for incomes earning 30% or less of the median household income, and the number of RHNA units for that category is assumed to make up half of the Very-Low-Income units. For clarification, Staff has broken Extremely Low-Income out as a separate category in the table below and adjusted the Very Low-Income units accordingly. Table 1 shows Oakley's 2023-2031 RHNA units per income level.

Table 1 – 2023-2031 Housing Element RHNA

Regional Housing Needs Allocation, City of Oakley, 2023-2031						
	Extremely Low-Income Units	**Very Low-Income Units**	**Low-Income Units**	**Moderate-Income Units**	**Above-Moderate-Income Units**	**Total**

2023-2031 RHNA	139	140	161	172	446	1,058

For additional reference and background, the Moderate-Income category captures income levels between 81% and 120% of the median household income, and the Above-Moderate-Income level captures everything above 120% of the median household income level. The median household income is derived from the County average. On April 23, 2025, HCD produced the 2025 State Income Limits memorandum, which provides a summary of all of California counties' income limits. That memorandum shows Contra Costa County's median income for a household of four persons is $159,800[1].

CALCULATING A SITE'S POTENTIAL RHNA AFFORDABLE UNITS

Oakley's certified Housing Element includes a list of existing and candidate AHO sites along with their potential RHNA affordable units. The City was able to show a feasible base density of 24 dwelling units per acre ("du/ac") for AHO sites; however, pursuant to HCD standards, the capacity on sites that are not vacant or that have an underlying commercial zoning is reduced by 25% from the original potential number of units for each of those scenarios. As an example, if a site that could accommodate 40 units at 24 du/ac is also vacant and has an underlying residential zoning, 40 RHNA affordable units can be assumed. If the site has either an existing house or underlying commercial zoning, the RHNA affordable unit capacity would be reduced by 25% to 30 units. If both of those scenarios applied to the site, the RHNA affordable unit capacity for the site would be reduced by 50% to 20 units.

Renewed Guidance from HCD

After certification of the Housing Element and *Martinez v. City of Clovis*, HCD further analyzed whether an AHO could still be used in specific cases to satisfy RHNA affordable units. The City has received direction from our Housing Element consultants, through discussions with HCD, that the AHO can still apply to commercially zoned sites but cannot be applied to residentially zoned sites for the purpose of meeting the lower-income RHNA rezone obligation. This would mean that while the AHO may still apply to an existing AHO site, at least one of the 25% reductions will automatically apply (underlying commercial zoning), and both would apply for non-vacant AHO sites. Additionally, state law requires the City to meet at least 50% of the lower-income RHNA on sites zoned exclusively residential. Therefore, the City must accommodate at least 220 units on exclusively residential sites and can only accommodate less than half of the RHNA on commercially zoned

[1] https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2025.pdf

sites with the AHO applied. With this new guidance in mind, Staff has analyzed all the existing and candidate AHO sites listed in the Housing Element along with direction received from the City Council during the Housing Element approval process and June 10, 2025 Work Session and determined which site identified in the Housing Element would be eligible for the AHO and which are eligible for rezoning to M-30 District.

HOUSING ELEMENT IMPLEMENTATION WORK SESSION WITH CITY COUNCIL

On June 10, 2025, Staff held a public work session with the City Council to discuss methods of implementation and receive direction related to Policy Action 1.1 of the City of Oakley 6th Cycle Housing Element 2023-2031 ("Housing Element") which requires "Rezone of Adequate Sites to Meet Remaining RHNA (Regional Housing Needs Allocation) Need." During that work session, Staff and City Council discussed paths to RHNA compliance and landed on an approach where the City would pursue a new General Plan Designation to accommodate a new Zoning District that would meet the criteria of HCD. In addition to that, several commercially designated sites were selected to become candidates for the AHO District.

At the conclusion of the work session, Staff received consensus direction to pursue the Rezoning or AHO on all seven of the "existing AHO" sites identified in the Housing Element, on four of the seven "candidate AHO" sites identified in the Housing Element, and on five additional sites proposed by Staff or the City Council at the work session.

SITES DIRECTED TO BE PERSUED BY THE CITY COUNCIL

This part of the Staff Report provides a summary of each site or grouping of sites, directed to be pursued by the City Council during the June 10, 2025 Work Session, categorized by the specific method of accommodating RHNA proposed for each site (Rezone or AHO), and including the underlying General Plan Designation and the number of Lower-Income RHNA Unit Capacity that each site will accommodate. Missing numbers in the sequence of site numbers is due to sites not being pursued for either method of additional RHNA capacity based on feedback from the June 10, 2025 work session. This includes Site 8, 9 and 10, which are identified as Candidate AHO sites in the certified Housing Element.

M-30 District Rezone Method

All the sites chosen to accommodate lower-income RHNA capacity through the Rezone method must also have their General Plan Land Use Designations amended to Residential Multiple Family (RMF), a General Plan Designation that has been created and proposed as a part of this exercise to accommodate the allowable base density of 20-30 dwelling units per acre.

Site 1-4

- East Cypress Road and Van Pelt Lane (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012)
- GP Designation: Residential High (RH)
- Lower-Income RHNA Capacity = 126 units

Site 5

- 6381 Sellers Avenue (APN 033-180-007)
- GP Designation: Residential Medium (RM)
- Lower-Income RHNA Capacity = 35 units

Site 14

- 901 East Cypress Road (APN 033-180-015)
- GP Designation: Residential Medium (RM)
- Lower-Income RHNA Capacity = 50 units

Site 15

- 440 West Cypress Road (APN 035-282-054)
- GP Designation: Residential Medium (RM)
- Lower-Income RHNA Capacity = 56 units

Affordable Housing Overlay (AHO) Method

Based on guidance from HCD, the AHO method can only be used on sites with an underlying Commercial General Plan Land Use Designation, and it can only be applied to accommodate for less than half of the Lower-Income RHNA target units (or less than 220 units). All the sites listed below, other than Site 11, are currently designated with underlying commercial land use and can receive the AHO without any additional General Plan Amendments or Rezonings. Site 11, as noted below, will require a General Plan Amendment and Rezoning (part of this project) to receive the AHO District.

Sites 6 and 7

- NW Corner of West Cypress Road and Main Street (APNs 035-282-058 and 035-282-062)
- GP Designation: Commercial (CO)

- Lower-Income RHNA Capacity = 14

Site 11

- 3300 Neroly Road (APN 053-071-046)
- GP Designation: Residential High (RH) and Commercial (CO)
  - This site requires a GPA to amend the portion that is currently designated as Residential High (RH) to Commercial (CO) and a Rezone from P-1 District to C District in order to apply the AHO.
- Lower-Income RHNA Capacity = 87 units

Site 12

- 4671 Rose Avenue (APN 035-182-015)
- GP Designation: Commercial Downtown (CD)
- Lower-Income RHNA Capacity = 14

Site 13

- SE Corner of Main Street and Rose Avenue (APN 035-281-007)
- GP Designation: Commercial Downtown (CD)
- Lower-Income RHNA Capacity = 11

Sites 16 and 17

- 2419 and 2459 Laurel Road (APNs 053-071-041 and 053-071-042)
- GP Designation: Commercial (CO)
- Lower-Income RHNA Capacity = 18

Sites 18 and 19

- 7th Street South of USPS (APNs 035-172-004 and 035-172-008)
- GP Designation: Commercial Downtown (CD)
- Lower-Income RHNA Capacity = 51

Summary of Lower-Income RHNA Capacity

- Sites proposed for the Rezone to M-30 District = 267 units
- Sites proposed for the AHO District = 195 units
- Total = 462 units

Required Entitlements

This section details the entitlements and actions that the Planning Commission will recommend being acted upon by the City Council.

GENERAL PLAN AMENDMENTS

One component of completing Policy Action 1.1 of the Housing Element requires the City Council to approve amendments to the General Plan in three ways as described below.

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.

This is proposed by adding a new Land Use Designation to the Land Use Element of the General Plan. The Land Use Designation is proposed to be titled, "Residential Multiple Family (RMF)". This new designation would be added to Table 2-1 (General Plan Land Use Designation and Acreages), Table 2-2 (Build Out Potential), Table 2-3 (Land Use Designations), Table 2-4 (General Plan/Zoning Compatibility Matrix), and Figure 2-2 (Land Use Map). Table 2-3 (Land Use Designations) will include the new designation's description and density range as follows:

> "The Residential Multiple Family (RMF) designation provides for higher density residential development. Appropriate primary land uses include multiple-family residences (such as condominiums, town houses, and apartments). Public and semi-public uses and similar compatible uses are also allowed. 20 to 30 dwelling units per acre."

Other related amendments will occur in conjunction with the addition of the new designation. Tables 2-1 and 2-2 will be updated accordingly by modifying the acreages in Table 2-1, and acres, dwelling units, population and employees in Table 2-2 caused by the addition of a new designation replacing existing designations. There is currently a typo where Table 2-3 is labeled as a second Table 2-2. This will be cleaned up. Finally, Table 2-4 will amend the compatibility for the AHO to no longer be compatible with residential designations and instead add Commercial (CO) and Commercial Downtown (CD) as the compatible designations, and the new designation and associated M-30 District (zoning) will be added and made compatible with each other.

- Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-

012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).

This action will amend the land use designation to RMF on the parcels/sites proposed to be rezoned to M-30 District. This is required, along with creation of the designation, to provide a base land use designation to which the M-30 District can be found compatible. Due to the density required for the M-30 District, none of the existing residential designations would be found consistent.

- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).

Site 11, located at 3300 Empire Avenue, currently has a split land use designation. A majority of the site is designated RH with a small piece of the corner at the intersection of Empire Avenue and Neroly Road designated CO. This amendment would designate the entire site as CO, preparing the site to be zoned to a commercial district to receive the AHO. It is noted that the step to rezone this parcel to a commercial district to receive the AHO was overlooked as part of the project description in the Notice of Public Hearing. That additional action would be seen as a cleanup item that would bring the zoning into consistency with the underlying General Plan and Staff is recommending the Planning Commission include this action as a recommendation to the City Council.

REZONINGS

To complete the Rezone portion of Policy Action 1.1 of the Housing Element, the City Council will need to adopt a new zoning district through a zoning text amendment, rezone seven parcels to the new zoning district, and rezone nine parcels by adding the AHO on top of their respective existing zoning districts. Descriptions of the three actions and how they will be achieved are described below.

- Approval of a Zoning Text Amendment to amend Section 9.1.406 (Multiple Family Residential Districts) of the Oakley Municipal Code by adding text related to the proposed M-30 District.

Text for a new zoning district, M-30 (Multiple Family Residential) District, has been drafted for adoption through an amendment to Oakley Municipal Code (OMC) Section 9.1.406 (Multiple Family Residential Districts). The contents of this ordinance create a M-30 District that meets the criteria established by HCD to accommodate development of lower-income RHNA units, including the addition of objective standards that must be implemented.

- Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).

This action would rezone the applicable zoning district on the seven identified parcels from their existing M-9 or M-12 District to the newly created M-30 District. The action is required to create a substantial number of acres and lower-income RHNA unit capacity available to meet at least half of the City's total obligation of 440 units.

- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

This action is required to create a substantial number of remaining acres in addition to those created by the Rezone to M-30 District to accommodate the remaining lower-income RHNA unit capacity based on HCD guidance and capacity formulas. Unlike the M-30 District, the AHO is an overlay only, meaning development of any site with the AHO may choose whether to use the AHO or not. In other words, a site that is designated and zoned commercial and that has the AHO, may result in development of a commercial project per the underlying designation and zoning, or result in a housing project per the development standards and density allowances provided in the AHO. Mixed use developments at the density allowed by the AHO District are also an option.

Analysis

HOUSING ELEMENT COMPLIANCE

The Housing Element RHNA requires planning for at least 440 lower-income units. Assuming all the above recommendations are adopted, the City will have planned for 462 lower-income units which would result in a buffer of at least 22 units (lower-income units, such as accessory dwelling units, built since certification of the Housing Element have not been factored). This would not only complete the City's requirement to plan for the minimum number of lower-income units, but the buffer would potentially ease the burden should any of the identified sites be developed in a manner resulting in less than the assumed lower-income RHNA capacity for the given site. Should the City end up in a position where less than the required number of lower-income unit capacity remains and that deficit of units has not been built, the City would have 180 days to find new sites to make up the difference, including the adoption of any entitlements such as GPAs or RZs. This is the "no-net-loss" part of the RHNA requirements.

GENERAL PLAN AMENDMENTS

When making findings for a General Plan Amendment, the City Council must find that: "the change in Land Use Designation/Amendment to the General Plan will provide for the orderly, well planned and balanced growth within the City."

In the case of the General Plan Amendments related to creation of a new designation, minor amendments to the text to accommodate that new designation, and amending the land use designation in a select number of parcels throughout the City, it is found that each action is required in order to achieve implementation of Policy Action 1.1 of the Housing Element. Implementation of this policy action results in further implementing the Housing Element as a whole, which itself is an adopted element of the General Plan. Adoption of these General Plan Amendments carries out the goals and policies of the General Plan and the Housing Element by bringing the City into compliance with the Housing Element and the applicable lower-income RHNA unit capacity requirements established by HCD.

REZONINGS

One of the main required findings of a rezoning entitlement is to find that the result of the rezoning is consistent with the General Plan. Other findings relate to specific uses being compatible with surrounding uses and that there is a community need for the change.

Each of the Rezonings is required to implement Policy Action 1.1 of the Housing Element. Creation of the M-30 District is required to establish a base district per HCD's guidance that can accommodate lower-income RHNA units. Rezoning specific sites to M-30 District and placing the AHO on specific sites will result in substantial capacity with a buffer to satisfy the minimum 440 lower-income RHNA units the City is required to plan for per the certified Housing Element. Since the Housing Element is an adopted element of the General Plan, actions taken to implement the Housing Element are found to be consistent with the General Plan.

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

Assessment of Lower-Income Sites Inventory and Fair Housing

The City's 2023-2031 Housing Element includes Policy Action 1.1, Rezone Adequate Sites to Meet the Remaining RHNA Need, requiring the City to rezone adequate sites to meet the remaining Regional Housing Needs Allocation (RHNA) of 440 units. The City, when selecting and finalizing the list of sites, must also ensure that these sites are distributed more evenly across the City and in more developed, well-established, and higher income areas to affirmatively further fair housing.

The following analysis demonstrates that the distribution of lower-income Housing Element sites will not result in an overconcentration of affordable housing or worsen access to opportunity, and effort has been made to include sites in relatively higher-income and moderate resource areas of the City to affirmatively further fair housing.

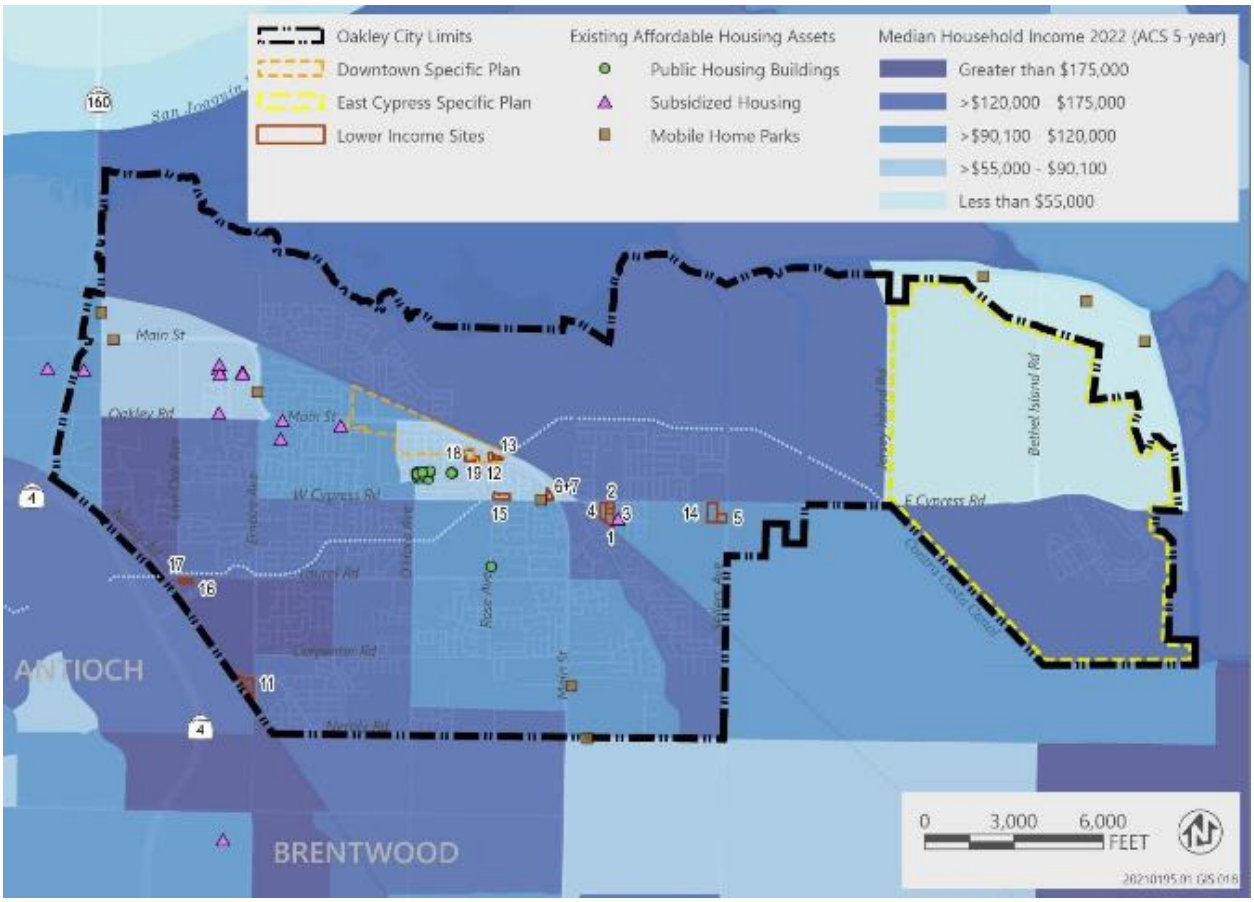
Distribution of Sites

The City prioritized putting most of the lower-income sites in central Oakley, primarily along Main Street and within the Downtown area, as these areas have the greatest access to essential services including grocery stores, restaurants, jobs, and transit. To avoid exacerbating existing concentrations of lower-income housing, sites were excluded from northwestern Oakley, where the majority of current affordable housing is already located (nine subsidized affordable housing developments totaling 609 units). Lower-income sites were also not designated in the northern portions of the City or within the East Cypress Corridor Specific Plan area due to limited transit connectivity and infrastructure availability issues. Overall, the distribution of lower-income sites throughout the City ensures continued access to essential services and transportation and prevents the creation of additional affordable housing concentrations.

Median Household Income

Figure 1 shows lower-income sites and existing affordable housing assets in relation to median household income. Overall, lower-income sites are well-distributed across census tracts, spanning areas with varying median household income levels. Sites are placed in lower ($55,000 to $90,000), medium ($90,000 to $120,000), and highest income levels (greater than $175,000). This geographic distribution promotes economic integration and creates affordable housing opportunities throughout the City.

Figure 1: Lower-Income Sites Inventory and Existing Affordable Housing Assets by Median Household Income

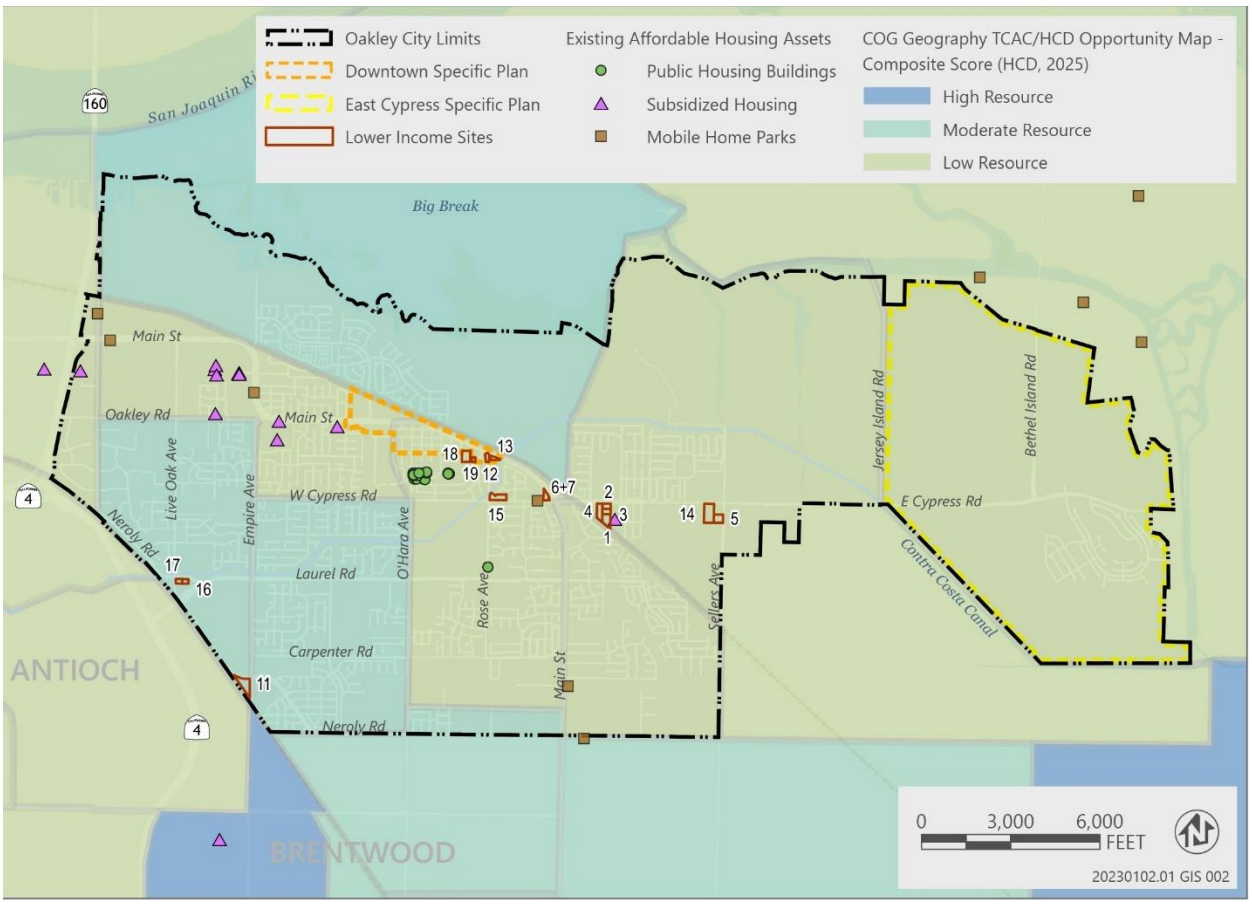


Source: Data downloaded from HCD AFFH Data and Mapping Tool in 2025, based on ACS data.

Access to Opportunity

Figure 2 shows lower-income sites and existing affordable housing developments in relation to the California Tax Credit Allocation Committee (TCAC) and HCD opportunity maps. Most of the City is designated as low resource. Census tracts in the northwest and southwest areas of Oakley are designated as moderate resource, correlating with areas of higher median household incomes shown in Figure 1. While there are some areas of the City that are designated as moderate resource, residents of all income levels and backgrounds access the same resources and amenities due to Oakley's size and location. These resources, which include services and transit, are centrally located along Main Street and in the Downtown. For this reason, most of the lower-income sites are also located along Main Street and in Downtown. Three sites (Sites 11, 16 and 17) are located in a moderate resource area, helping to avoid a concentration of sites within the low resource areas. In conclusion, the distribution of lower-income Housing Element sites will not worsen access to opportunity and effort has been made to include sites in moderate resource areas.

Figure 2: Lower-Income Sites Inventory and Existing Affordable Housing Assets by TCAC/HCD Opportunity Map Composite Score



Source: Data downloaded from HCD AFFH Data and Mapping Tool in 2025, based on ACS data.

California Environmental Quality Act ("CEQA")

Adoption of the proposed resolution recommending the City Council approve the General Plan Amendments (GPA 2025-004) and Rezoning (RZ 2025-004) is statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code §21080.085. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and

subsequent development under the affected parcels will undergo CEQA review, as applicable.

Consistency with the Oakley Strategic Plan 27+

Implementation of Policy Action 1.1 of the Housing Element related to satisfying RHNA is consistent with the City of Oakley Strategic Plan 2022-2027+ (SP27+). Under the Community and Economic Development Goal, it is consistent with the Strategic and Thoughtful Growth Objective which states "Provide affordable housing sites that meet our legislative Regional Housing Needs Allocation (RHNA)."

Fiscal Impact

There is no fiscal impact associated with this work session. Staff time and materials to prepare this report are covered by the General Fund.

Staff Recommendation

Staff recommends the Planning Commission adopt the proposed resolution recommending the City Council adopt the resolution approving General Plan Amendment (GPA 2025-004) and the ordinance approving Rezoning (RZ 2025-004), as modified, resulting in completing implementation of Policy Action 1.1 (Rezone Adequate Sites to Meet RHNA Need) of the Housing Element, and finding the action exempt from CEQA.

Attachments

1. Notice of Public Hearing
2. Summary of Sites Subject to the General Plan Amendment and/or Rezone
3. Proposed City Council General Plan Amendment Resolution
4. Proposed City Council Rezone Ordinance
5. Proposed Resolution

City Clerk's Reading File

- City of Oakley 6th Cycle Housing Element 2023-2031

  Available online at:
  https://ca-oakley.civicplus.com/DocumentCenter/View/283/City-of-Oakley-2023-to-2031-Housing-Element---Certified-by-HCD-on-May-24-2023-PDF

OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **September 2, 2025 at 6:30 p.m.**, or as soon thereafter as the matter may be heard, the Planning Commission of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering application as described below:

Project Name: Housing Element Rezone - General Plan Amendments and Rezoning (GPA 2025-004, RZ 2025-004)

Project Location: Citywide

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561

Request: The City of Oakley is initiating a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consist of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.

- Approval of amendments to the General Plan Land Use Designation on six residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015).

- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).

- Approval of a Zoning Text Amendment to create a new zoning district titled M-30 (Multiple Family Residential) District by adopting Section 9.1.414 of the Oakley Municipal Code.

- Approval of a Rezone to six parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015).

- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

These zoning text amendments collectively are intended to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project"). Note: Pursuant to OMC Section 2.3.020.e, the Planning Commission will serve as an advisory role to the City Council on this application.

How to Review: The Staff Report and its attachments will be available for public review, on or before **August 28, 2025** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at: https://www.oakleyca.gov/129/Agendas-Minutes by navigating to the **September 2, 2025 Planning Commission** agenda and clicking the project title link. Interested persons are invited to submit written comments prior to and may testify at the public hearing. Written comments may be submitted to Ken Strelo, Community Development Director at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email at strelo@ci.oakley.ca.us.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

Summary of Sites Subject to General Plan Amendment and/or Rezone

Site #	Site Name	APN	Size (Acres)	Vacant or Underutilized[1]	Base Zoning	General Plan	Potential Units (at 24 units/acre)	Units Counted Toward Lower-Income RHNA	Initial Direction on Sites	June 10 Council Direction on Sites
1	E. Cypress Rd. & Van Pelt Ln. Lot 1	033-012-007	2.4	Underutilized (single family home)	M-12	RH	57	**43**	Rezone	Rezone
2	E. Cypress Rd. & Van Pelt Ln. Lot 2	033-012-008	1.12	Underutilized (single family home)	M-12	RH	26	**20**	Rezone	Rezone
3	E. Cypress Rd. & Van Pelt Ln. Lot 3	033-012-009	1.12	Underutilized (SFH)	M-12	RH	26	**20**	Rezone	Rezone
4	E. Cypress Rd. & Van Pelt Ln. Lot 4	033-012-012	2.39	Underutilized (SFH)	M-12	RH	57	**43**	Rezone	Rezone
5	6381 Sellers Ave.	033-180-007	1.98	Underutilized (SFH)	M-9	RM	47	**35**	Rezone	Rezone
6+7	W. Cypress Rd. & Main St. Lot	035-282-058, 035-282-062	1.19	Underutilized (SFH)	C	CO	28	**14**	AHO	AHO
11	3300 Neroly Rd.	053-071-046	3.66	Vacant	P-1	RH, CO	87	**87**	AHO	AHO
12	4671 Rose Ave.	035-182-015	0.83	Vacant	SP-4	CD	19	**14**	AHO	AHO
13	S/E Corner of Main St. & Rose Ave.	035-281-007	0.65	Vacant	SP-4	CD	15	**11**	AHO	AHO
14	901 E. Cypress Rd.	033-180-015	2.8	Underutilized	M-9	RM	67	**50**	Rezone	Rezone
15	440 West Cypress Road	035-282-054	3.16	Underutilized	M-9	RM	75	**56**	N/A	Rezone
16	2419 Laurel Road	053-071-041	0.75	Underutilized	C	CO	18	**9**	N/A	AHO
17	2459 Laurel Road	053-071-042	0.78	Underutilized	C	CO	18	**9**	N/A	AHO
18	7th Street (south of USPS)	035-172-004	2.41	Vacant	C	CD	57	**43**	N/A	AHO
19	7th Street (south of USPS and east of Site 18)	035-173-008	0.45	Vacant	C	CD	10	**8**	N/A	AHO

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A GENERAL PLAN AMENDMENT (GPA 2025-004) REQUIRED FOR IMPLEMENTATION OF POLICY ACTION 1.1 (REZONE ADEQUATE SITES TO MEET RHNA NEED) OF THE HOUSING ELEMENT, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consists of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.
- Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).
- Approval of a Zoning Text Amendment to amend Section 9.1.406 (Multiple Family Residential Districts) of the Oakley Municipal Code by adding text related to the proposed M-30 District.
- Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of a Rezone to one parcel from P-1 (Planned Unit Development) District to C (General Commercial) District (APN 053-071-046).
- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

The General Plan Amendment and Rezoning serve to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project"); and

WHEREAS, on September 2, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and deliberated on the project. At the

conclusion of its deliberations, the Planning Commission held a vote and adopted Planning Commission Resolution No. XX-25 recommending the City Council approve the project, as revised by the Planning Commission during its deliberations; and

WHEREAS, on or before XX, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution; 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; and was mailed out to outside agencies, to parties requesting such notice, and to all owners of property within 500 feet of the boundaries of all of the parcels subject to the requested actions; and

WHEREAS, on XX, 2025, the City Council held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to rezone adequate sites to meet the City's lower-income RHNA need and to facilitate the development of more housing choices for lower-income households.

   Adopting the proposed General Plan Amendment would implement Policy Action 1.1 of the City of Oakley Housing Element.

D. The City Council finds the proposed General Plan Amendment (GPA 2025-004) is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does

not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council hereby adopts the proposed resolution approving the General Plan Amendment (GPA 2025-004) subject to the following actions:

1) Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element. Amendments shall be as follows:

    a) Cleanup by renumbering "Table 2-2 (Land Use Designations)" to "Table 2-3 (Land Use Designations)";

    b) Adding "Residential Multiple Family (RMF)" to Table 2-3 (as renumbered) after "Residential High (RH)" with the following description and density range: *"The Residential Multiple Family (RMF) designation provides for higher density residential development. Appropriate primary land uses include multiple-family residences (such as condominiums, town houses, and apartments). Public and semi-public uses and similar compatible uses are also allowed. 20 to 30 dwelling units per acre.";*

    c) Adding the RMF designation to Tables 2-1 and 2-2 and adjusting the data in the table accordingly;

    d) Amending Table 2-4 resulting in the compatibility for the AHO to no longer be compatible with residential designations and instead add Commercial (CO) and Commercial Downtown (CD) as the compatible designations, and the new designation and associated M-30 District (zoning) will be added and made compatible with each other.

2) Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054), as depicted in Exhibit "A" of this resolution.

3) Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046), as depicted in Exhibit “B” of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley on this XX day of XX 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Shannon Shaw, Mayor

ATTEST:

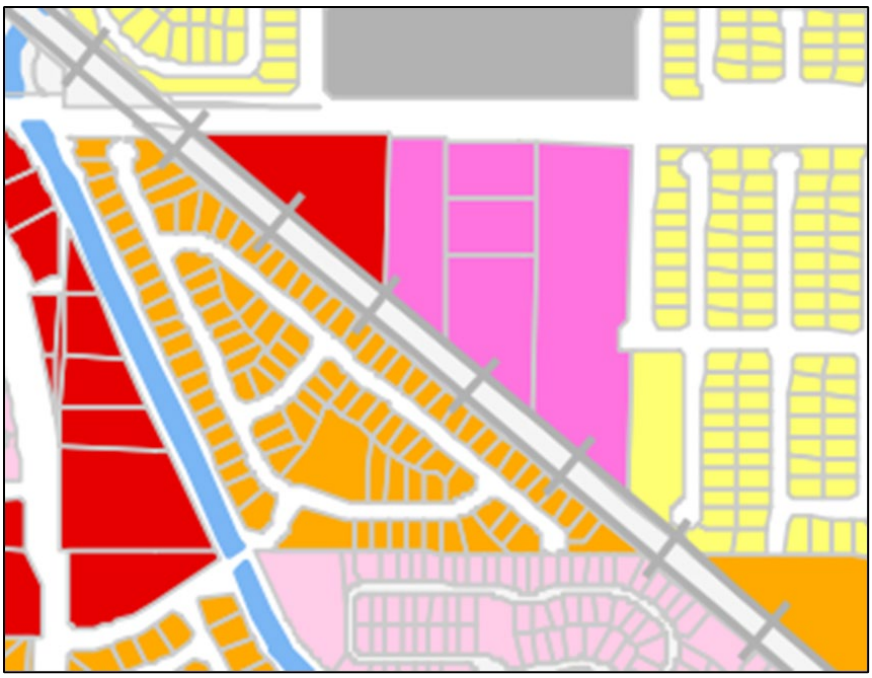
Kim Snodgrass, City Clerk

Date

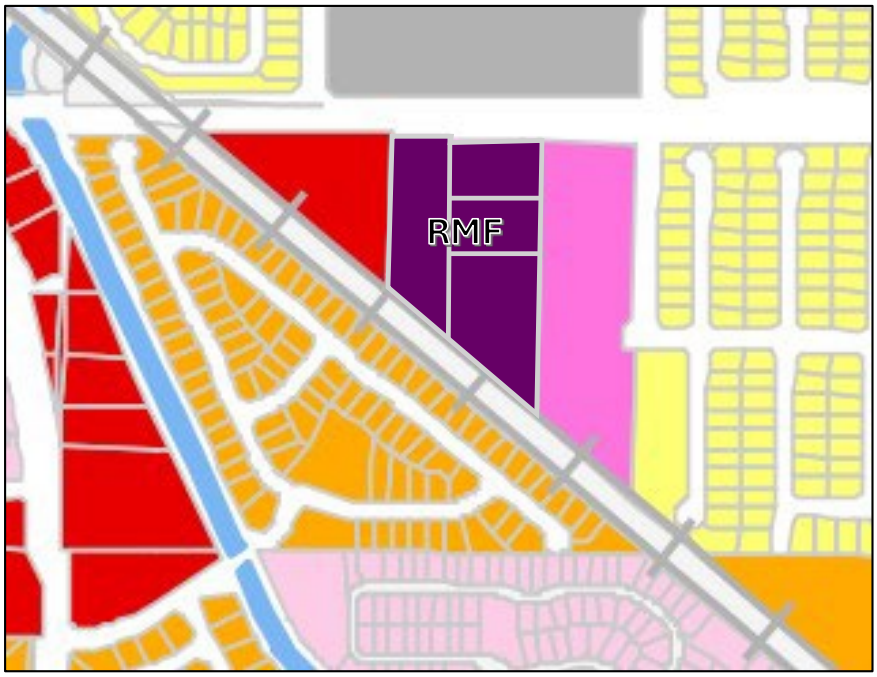
EXHIBIT A

Residential Multiple Family – (GPA 2025-004)

Existing Land Use: Residential High (RH) – APNs: 033-012-007 ,033-012-008, 033-012-009, 033-012-012



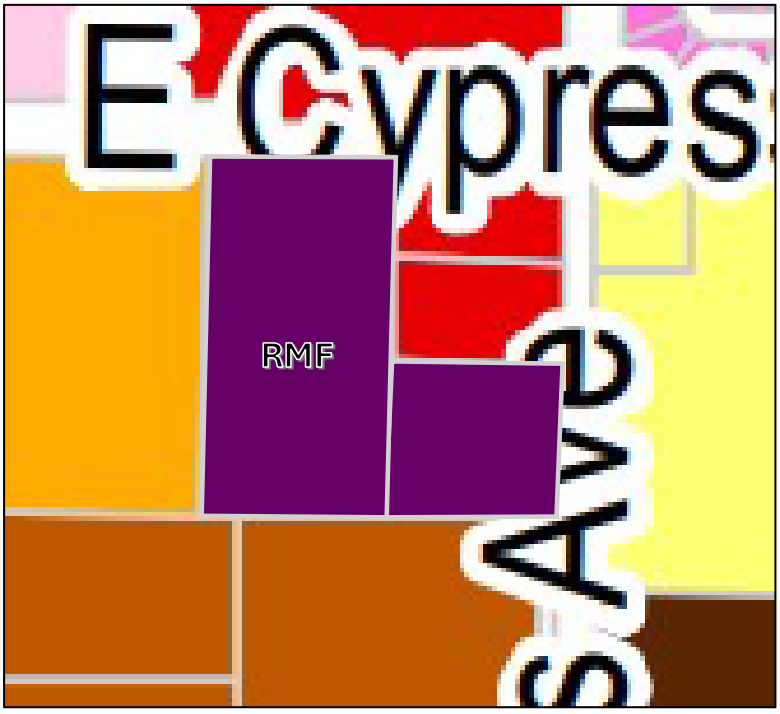
Proposed Land Use: Residential Multiple Family (RMF) – APNs: 035-282-058, 035-282-062



Existing Land Use: Residential Medium (RM) – APNs: 033-180-007,033-180-015



Proposed Land Use: Residential Multiple Family (RMF) – APNs: 033-180-007,033-180-015



Existing Land Use: Residential Medium (RM) – APNs: 035-282-054



Proposed Land Use: Residential Multiple Family (RMF) – APNs: 035-282-054

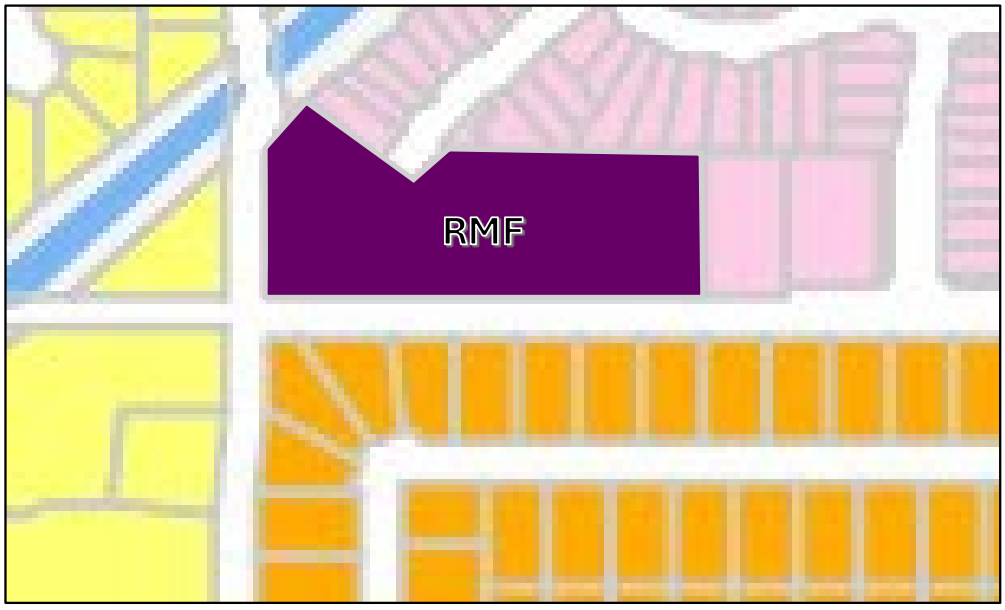
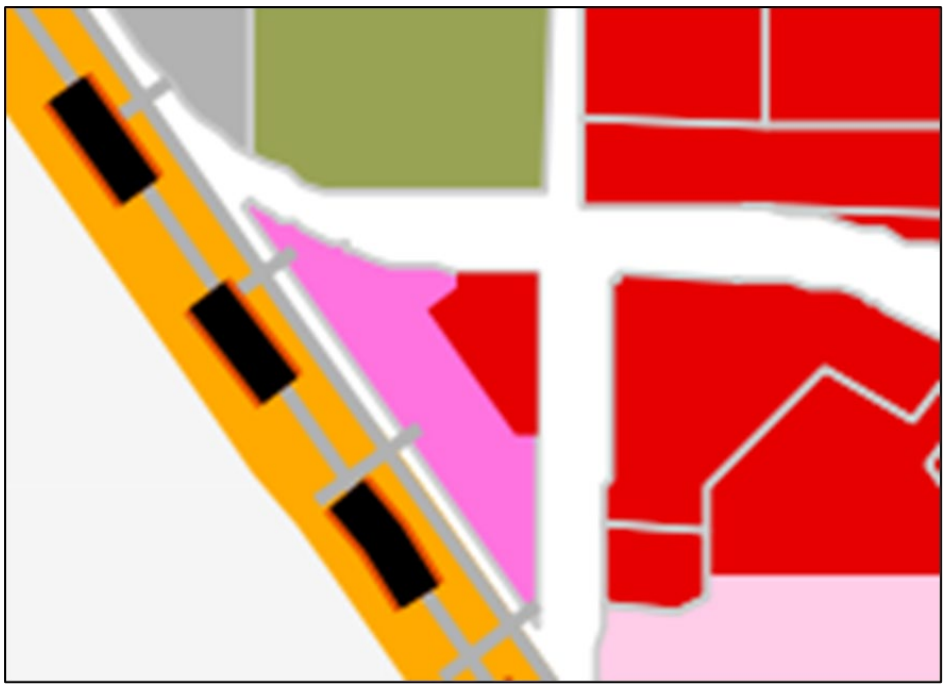


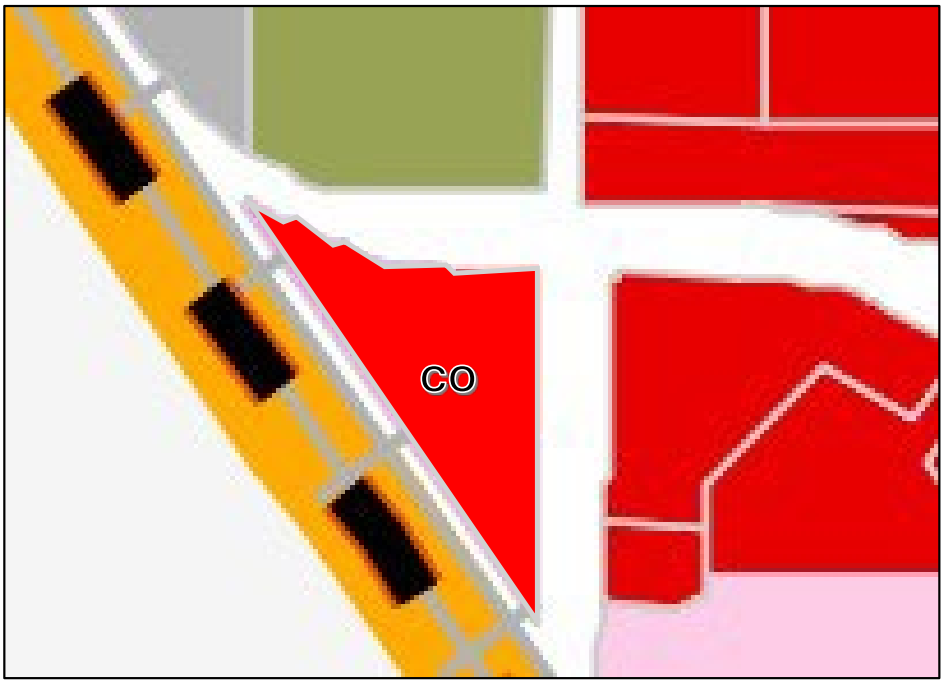
EXHIBIT B

General Plan Land Use

Existing General Plan Land Use: Residential High (RH)/Commercial (CO) – APNs: 053-071-046



Proposed General Plan Land Use: Commercial (CO) – APNs: 053-071-046



ORDINANCE NO. XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING REZONING (RZ 2025-004), RESULTING IN COMPLETING IMPLEMENTATION OF POLICY ACTION 1.1 (REZONE ADEQUATE SITES TO MEET RHNA NEED) OF THE HOUSING ELEMENT, THROUGH THE AMENDMENT OF OAKLEY MUNICIPAL CODE SECTION 9.1.406 MULTIPLE FAMILY RESIDENTIAL DISTRICTS, REZONING SEVEN PARCELS FROM M-9 AND M-12 DISTRICT TO M-30 DISTRICT, REZONING ONE PARCEL FROM P-1 (PLANNED UNIT DEVELOPMENT) DISTRICT TO C (GENERAL COMMERCIAL) DISTRICT, AND APPLYING THE AHO (AFFODABLE HOUSING OVERLAY) DISTRICT TO NINE PARCELS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consists of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.
- Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).
- Approval of a Zoning Text Amendment to amend Section 9.1.406 (Multiple Family Residential Districts) of the Oakley Municipal Code by adding text related to the proposed M-30 District.
- Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).
- Approval of a Rezone to one parcel from P-1 (Planned Unit Development) District to C (General Commercial) District (APN 053-071-046).
- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

The General Plan Amendment and Rezoning serve to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project"); and

WHEREAS, on September 2, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission held a vote and adopted Planning Commission Resolution No. XX-25 recommending the City Council approve the project, as revised by the Planning Commission during its deliberations; and

WHEREAS, on or before XX 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution; 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; and was mailed out to outside agencies, to parties requesting such notice, and to all owners of property within 500 feet of the boundaries of all of the parcels subject to the requested actions; and

WHEREAS, on XX, 2025, the City Council held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to rezone adequate sites to meet the City's lower-income RHNA need and to facilitate the development of more housing choices for lower-income households.

Adopting the proposed Rezoning would implement Policy Action 1.1 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

SECTION 3. Approval of a Zoning Text Amendment to create a new zoning district titled M-30 (Multiple Family Residential) District by amending Section 9.1.406 of the Oakley Municipal Code. Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby adopted in its entirety, as follows:

"9.1.406 Multiple Family Residential Districts (M-9; M-12; M-17; M-30)

a. **Purpose and Intent.** The purpose of the Multiple Family Residential District is to allow a designated area for multiple family residential district development designed to provide as much compatibility as possible with nearby single-family residential zoning.

b. **Permitted Uses.** Uses permitted in the M-9, M-12, M-17, and M-30 districts shall be as follows:

1. A detached single-family dwelling on each lot and the accessory structures normally auxiliary to it shall be permitted only in the M-9, M-12, and M-17 zones;
2. Accessory dwelling unit per Section 9.1.1102;
3. Duplex;
4. Multiple-family buildings, but not including motels or hotels;

5. Motor court and greenway cluster housing (small lot detached housing with garages accessed off a motor court or alley);
6. Home-based businesses, per Section 9.1.1120;
7. Residential care facilities serving six or fewer persons;
8. Supportive housing;
9. Transitional housing;
10. In the M-30 zone, residential developments that include at least 20 percent lower-income affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

c. **Uses Requiring a Conditional Use Permit.** In the M-9, M-12, M-17, and M-30 districts, the following uses are permitted on the issuance of a conditional use permit:

1. Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes;
2. Assembly uses;
3. Community buildings, clubs and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis, and swimming clubs; veterans and fraternal organizations not organized for monetary profit;
4. Day care centers;
5. Public, parochial, and private schools, including nursery schools;
6. Publicly owned buildings and structures, except as provided in Chapters 1, 2, and 9;
7. Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices;
8. Residential care facilities serving seven or more persons;
9. Emergency shelters consistent with Section 65008 of the Government Code.

d. Uses Requiring a Temporary Use Permit.

None.

e. Lot Requirements.

1. Area, Depth, and Width. No building or other structure permitted in the M-9, M-12, M-17, and M-30 districts shall be erected or placed on a lot containing less than the following land area:

Minimum Lot Requirements	Detached Single Family Dwelling	Duplex	Multiple Family Building
Lot Area (in square feet)	4,000	8,000	10,000
Lot Width (in feet)	N/A	N/A	N/A
Lot Depth (in feet)	N/A	N/A	N/A

2. Coverage and unit density. No building or structure permitted in the multiple family districts shall cover more than the lot area percentages listed in the following table.

	M-9	M-12	M-17	M-30
Maximum Coverage of Lot Area Allowed	40 %	40 %	40 %	50 %
Minimum Unit Density	N/A	N/A	N/A	20 per gross acre
Maximum Unit Density	9 per gross acre	12 per gross acre	16.7 per gross acre	30 per gross acre

f. Yard Requirements.

Minimum Yard Requirements (in feet)	Detached Single Family Dwelling	Duplex	Multiple Family Project Site (M-9; M-12; M-17; M-30)	Multiple Family Individual Unit
Front Yard	15	20	25	10
Rear Yard	15	20	20	10
Aggregate Width of Side Yard	10	20	20	N/A

i) Accessory uses in rear yards. An accessory building or accessory use may occupy not more than thirty percent (30%) of a required rear yard;

ii) Rear yard abutting on a side yard. In all multiple family residential districts, there shall be a rear yard of not less than five feet (5') wherever the rear yard of a lot or parcel of land abuts on a side yard; and

iii) Exception. Development pursuant to any multiple family residential district site plan approved prior to adopting this Ordinance, shall be governed by the yard requirements applicable when the site plan was approved and shall not be subject to the requirements of this subsection.

g. Building Height.

Building Height Requirements (in feet)	**Multiple Family Residential (M-9; M-12; M-17; M-30)**
Maximum Building Height	No building permitted in this district shall exceed thirty-six feet (36') in height, or three stories.
Special Height Requirements and Exceptions	See Section 9.1.1126

h. Other Regulations.

i) All new development shall be consistent with the City of Oakley Multifamily Objective Design Standards (pending 2025).

ii) Open area requirements. Twenty-five percent (25%) of the area described by the development plan submitted pursuant to subsection 4-A-3.7C shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Twenty-five percent (25%) (open area) shall be planted and maintained with growing plants.

iii) Building relationship requirements. Each building or structure shall be located at least ten feet (10') from other buildings or structures, except that garages and covered walkways between buildings or structures may be permitted within this ten-foot (10') distance. A covered walkway shall not be more than ten feet (10') wide and no more than fifty percent (50%) of the sides of the structures shall be enclosed with any material other than that necessary for roof supports.

iv) Refuse and recycling. An area adequate in size and appropriately screened shall be permitted for refuse and recycling containers."

SECTION 4. Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054), as depicted in Exhibit "A" of this ordinance.

SECTION 5. Approval of a Rezone to one parcel from P-1 (Planned Unit Development) District to C (General Commercial) District (APN 053-071-046), as depicted in Exhibit "B" of this ordinance.

SECTION 6. Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046), as depicted in Exhibit "C" of this ordinance.

SECTION 7. California Environmental Quality Act (CEQA).

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

SECTION 8. 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.

PASSED AND ADOPTED by the City Council of the City of Oakley on this ____ day of 2025 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Shannon Shaw, Mayor

ATTEST:

_____

Kim Snodgrass, City Clerk Date

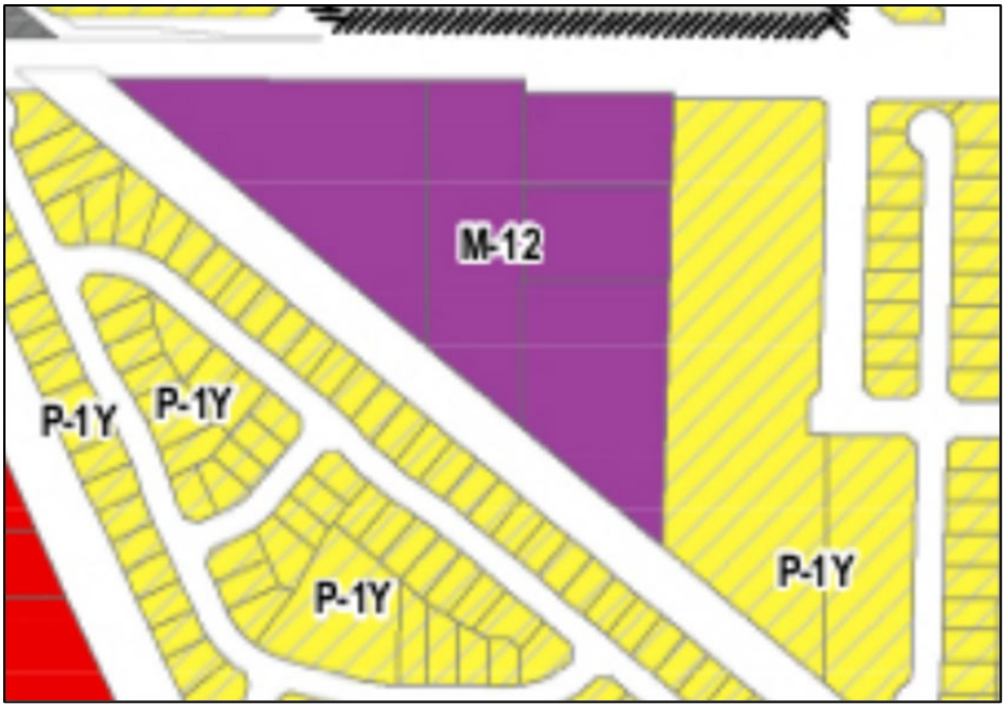
I HEREBY CERTIFY that in accordance with Government Code Section 40806, this ordinance is a true and correct copy of a city ordinance. It has been published or posted pursuant to law.

Kim Snodgrass, CMC
City Clerk

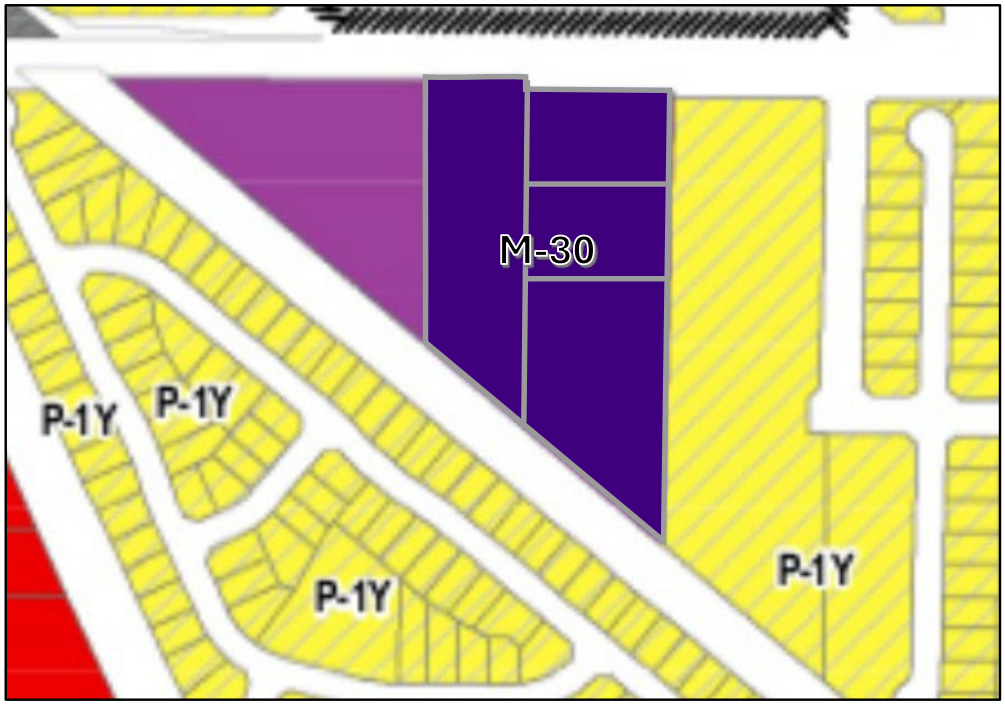
EXHIBIT A

Rezone to M-30 – (RZ 2025-004)

Existing Zoning District: M-12 – APNs: 033-012-007 ,033-012-008, 033-012-009, 033-012-012



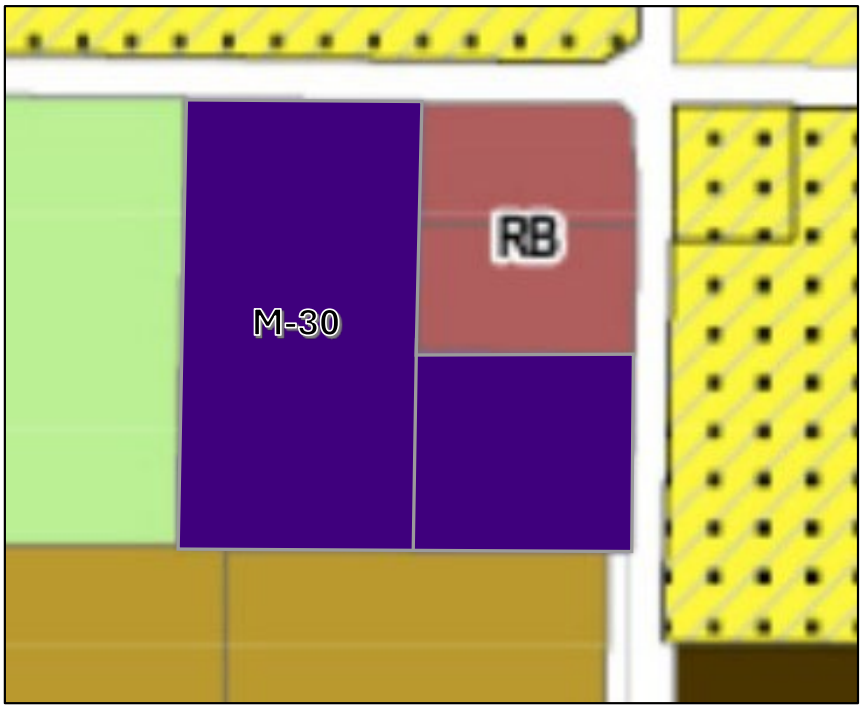
Proposed Zoning District: M-30 – APNs: 033-012-007 ,033-012-008, 033-012-009, 033-012-012



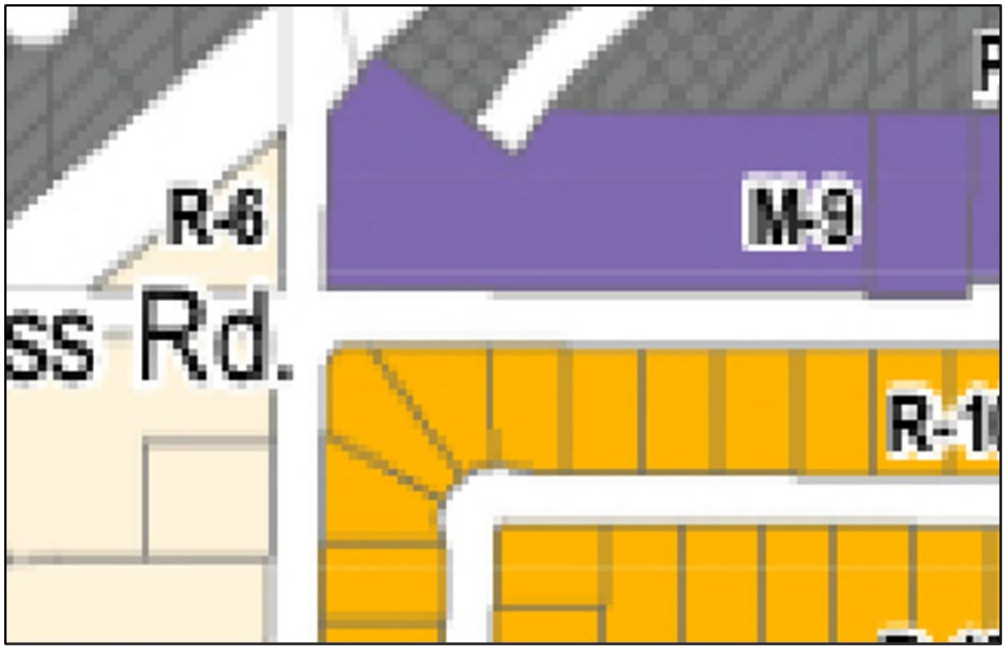
Existing Zoning District: M-9 – APNs: 033-180-007, 033-180-015



Proposed Zoning District: M-30 – APNs: 033-180-007, 033-180-015



Existing Zoning District: M-9 – APN: 035-282-054



Proposed Zoning District: M-30 – APN: 035-282-054

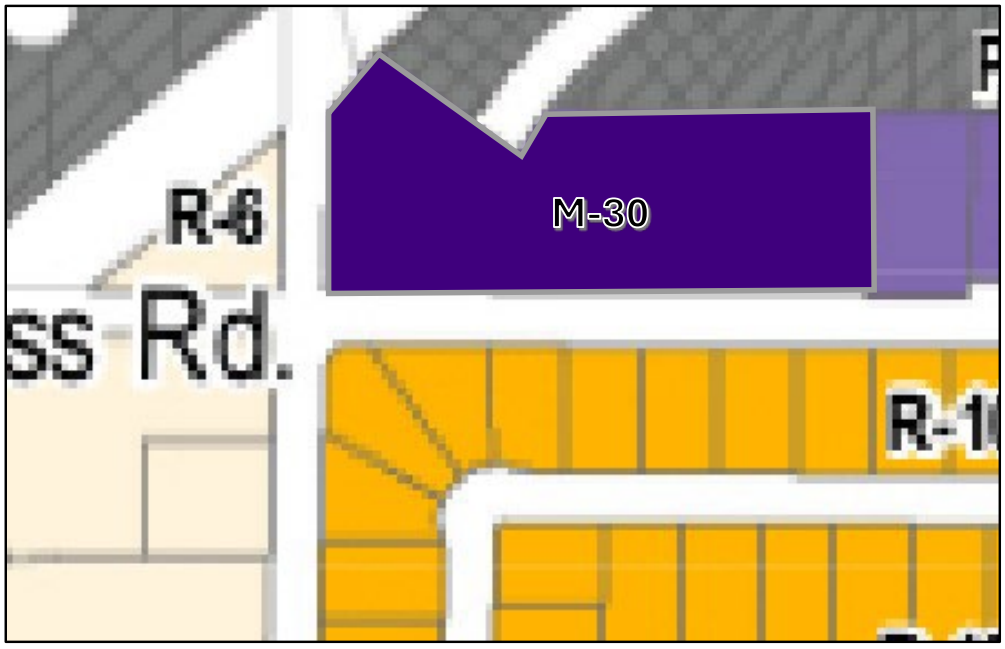
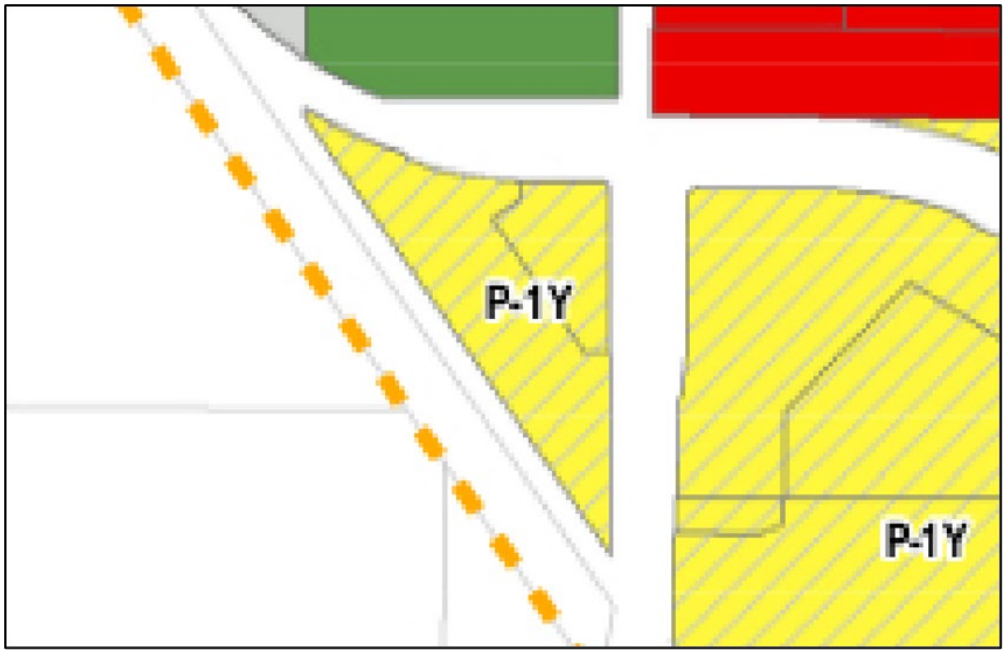


EXHIBIT B

Rezone – (RZ 2025-004)

Existing Zoning District: Planned Unit Development (P-1) – APNs: 053-071-046



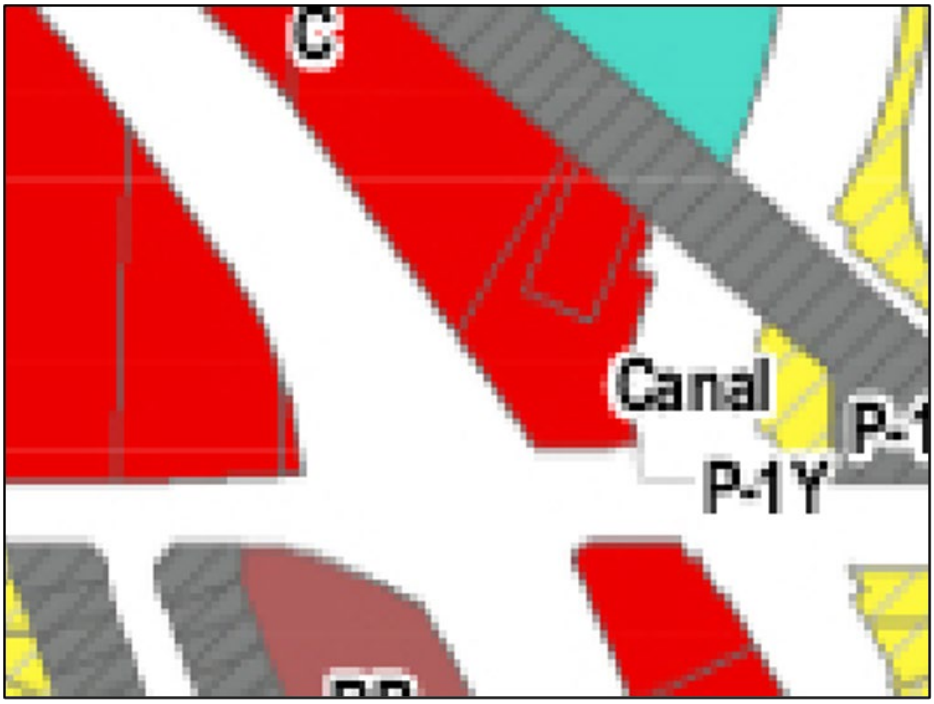
Proposed Zoning District: General Commercial (C) – APNs: 053-071-046



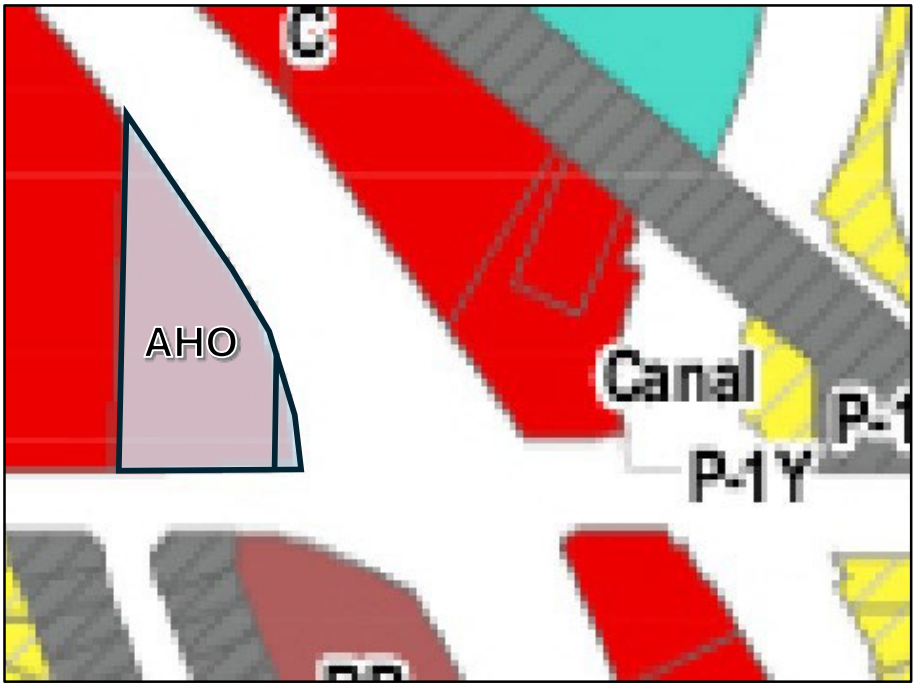
EXHIBIT C

Affordable Housing Overlay (AHO) - (RZ 2025-004)

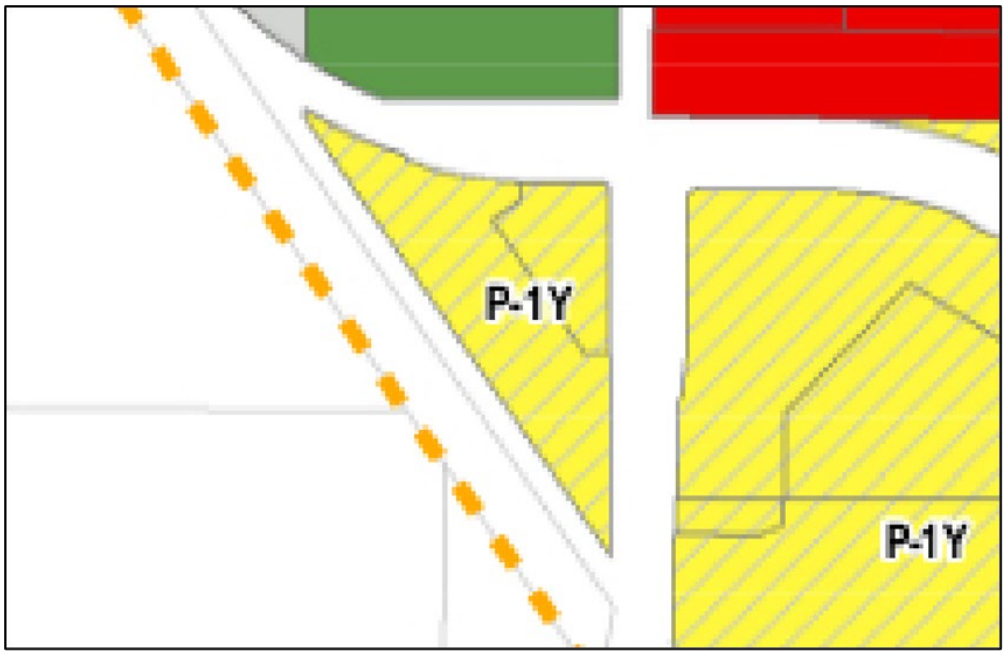
Existing Base Zoning District – APNs: 035-282-058, 035-282-062



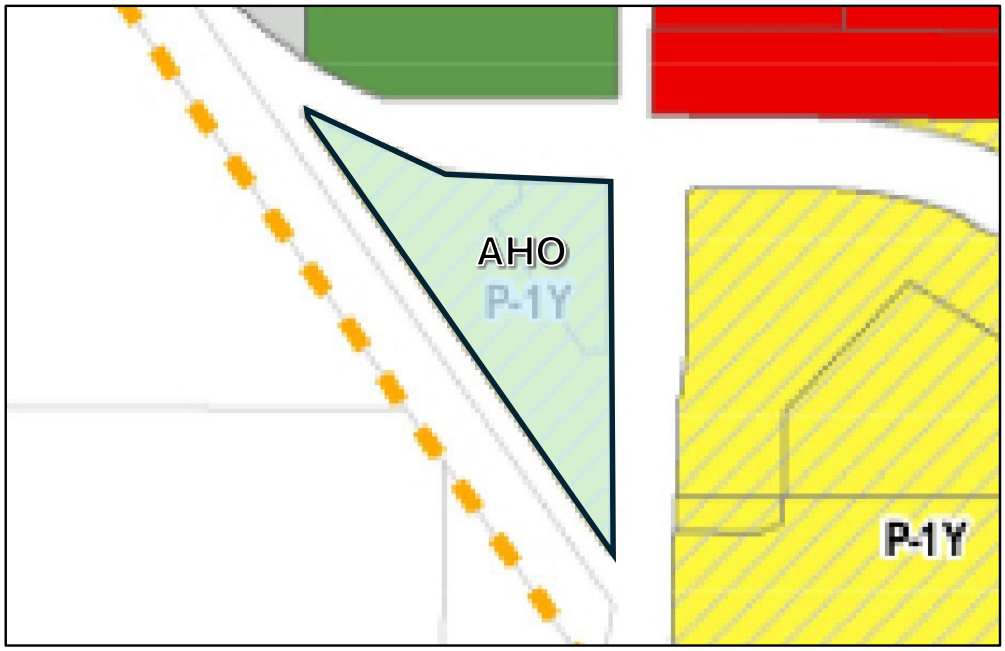
Proposed Affordable Housing Overlay (AHO) – APNs: 035-282-058, 035-282-062



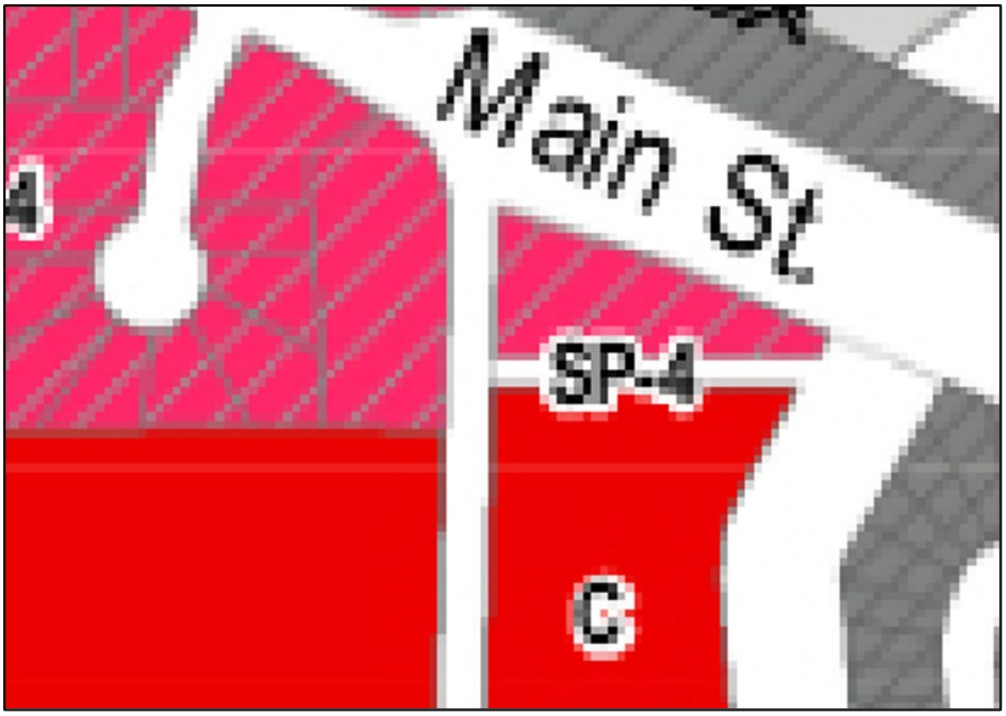
Existing Base Zoning District – APN: 053-071-046



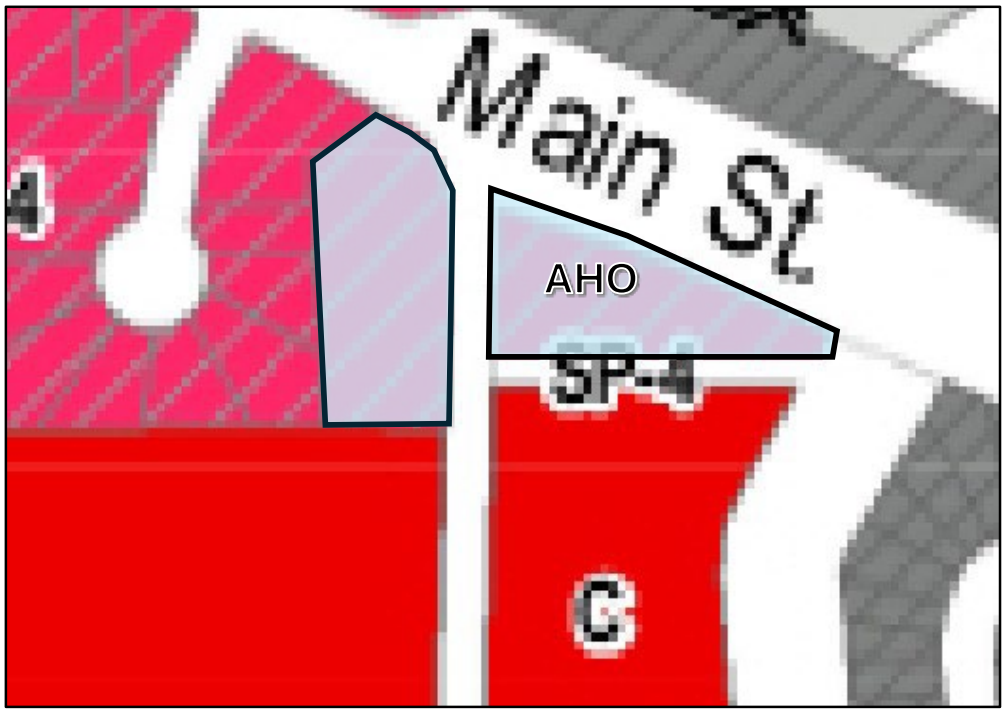
Proposed Affordable Housing Overlay (AHO) – APN: 053-071-046



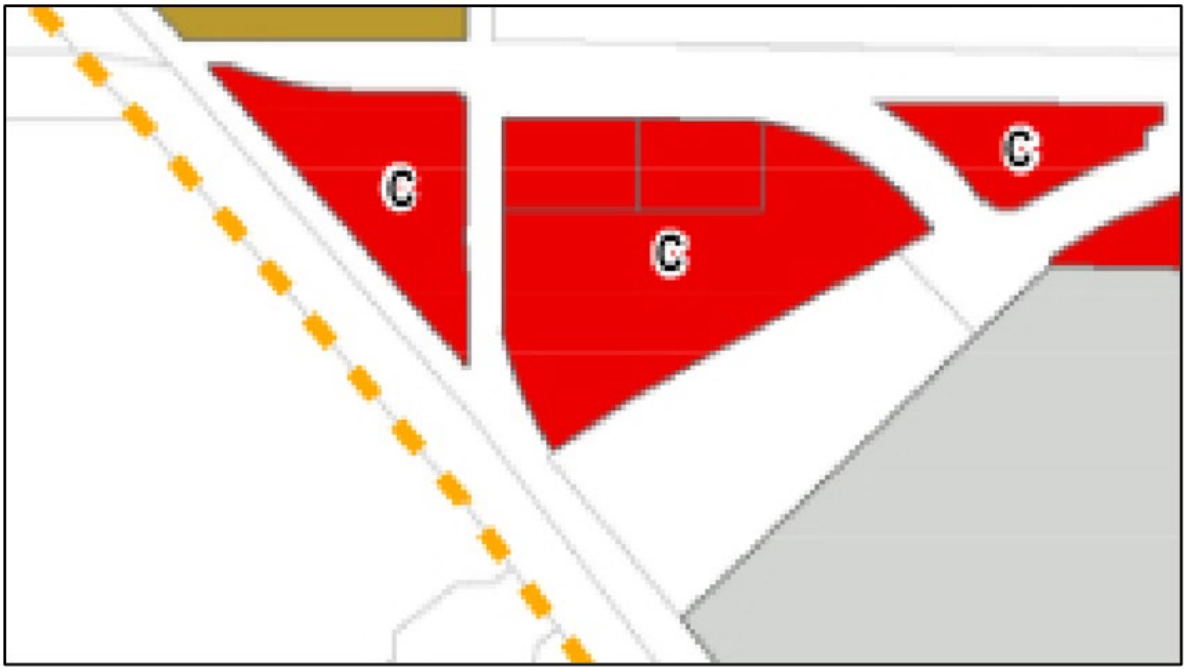
Existing Base Zoning District – APNs: 035-281-007, 035-182-015



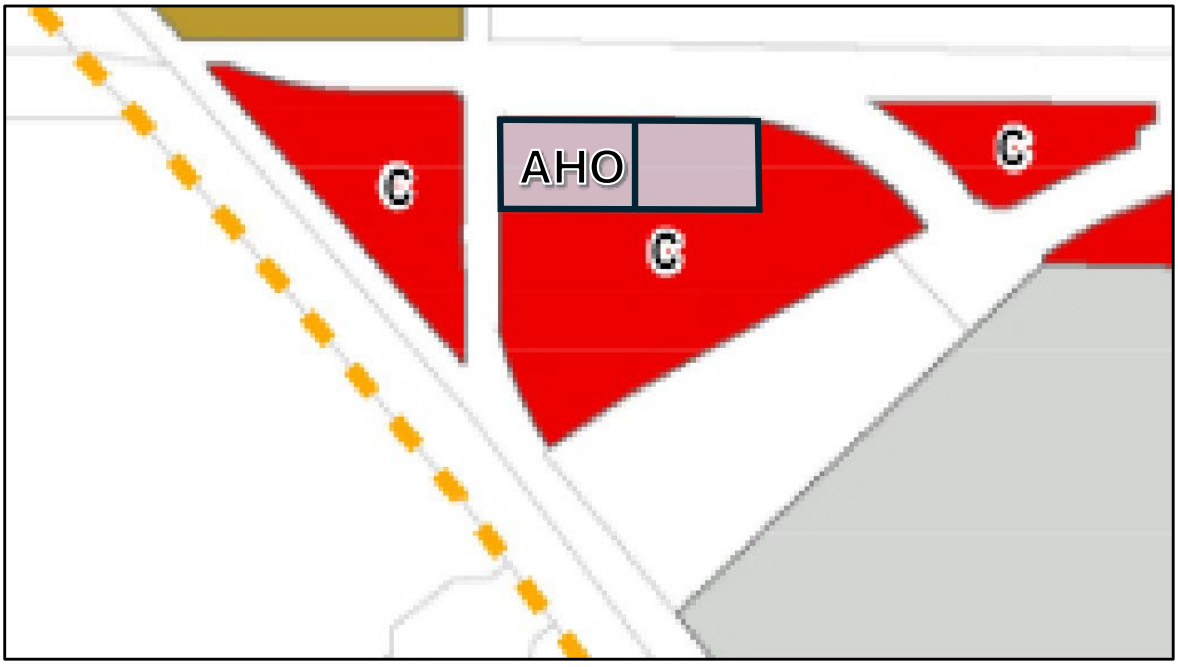
Proposed Affordable Housing Overlay (AHO) – APNs: 035-281-007, 035-182-015



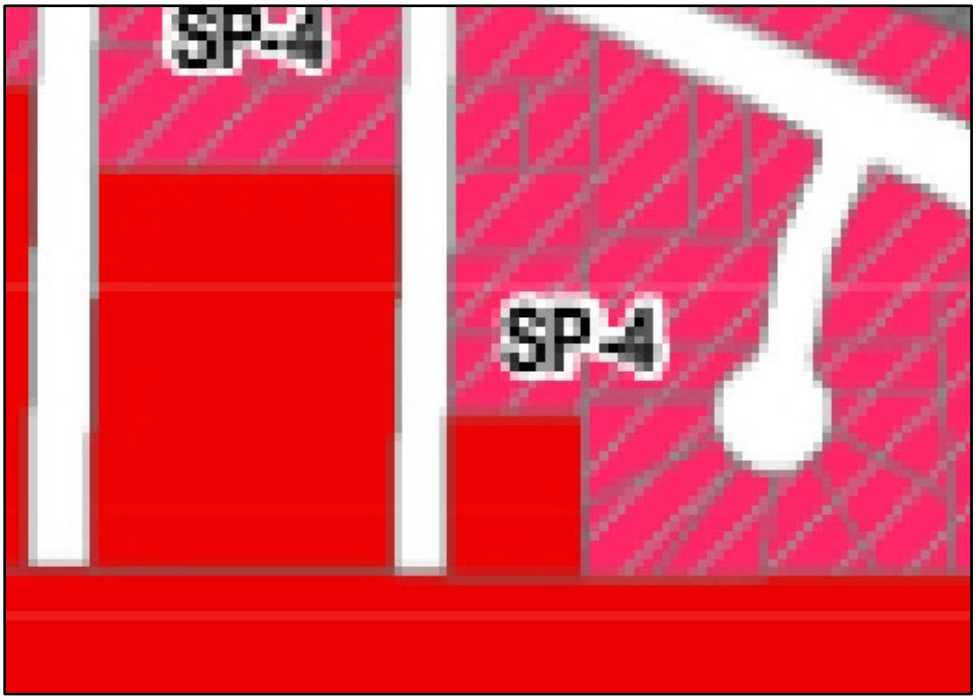
Existing Base Zoning District – APNs: 053-071-041, 053-071-042



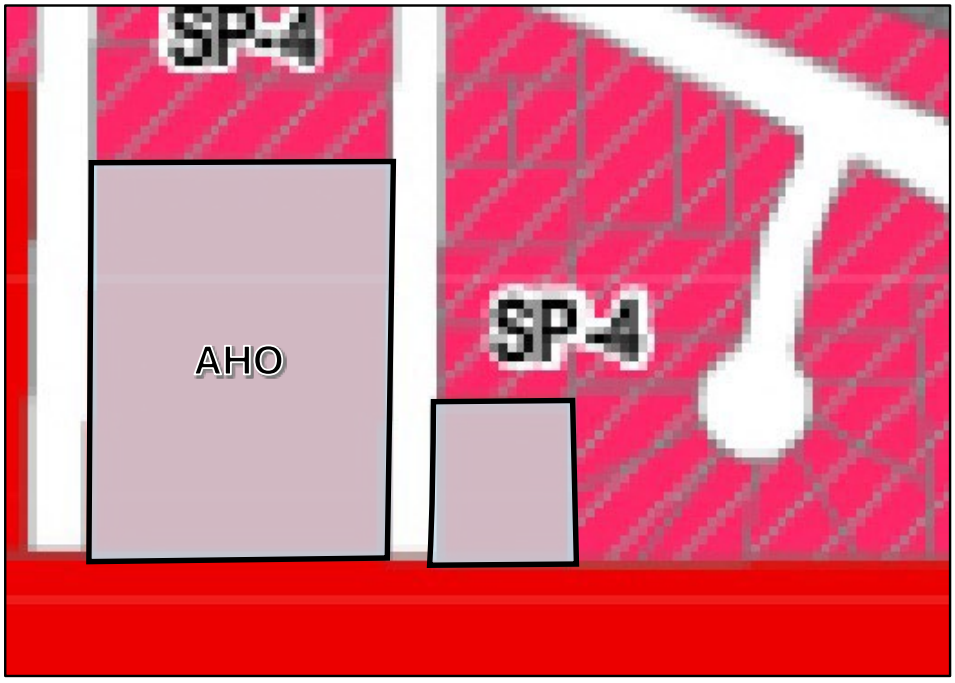
Proposed Affordable Housing Overlay (AHO) – APNs: 053-071-041, 053-071-042



Existing Base Zoning District – APNs: 035-172-004, 035-173-008



Proposed Affordable Housing Overlay (AHO) – APNs: 035-172-004, 035-173-008



RESOLUTION NO. XX-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT (GPA 2025-004) AND AN ORDINANCE APPROVING REZONING (RZ 2025-004), RESULTING IN COMPLETING IMPLEMENTATION OF POLICY ACTION 1.1 (REZONE ADEQUATE SITES TO MEET RHNA NEED) OF THE HOUSING ELEMENT, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consists of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.
- Approval of amendments to the General Plan Land Use Designation on six residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015).
- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).
- Approval of a Zoning Text Amendment to create a new zoning district titled M-30 (Multiple Family Residential) District by adopting Section 9.1.414 of the Oakley Municipal Code.
- Approval of a Rezone to six parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015).
- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

The General Plan Amendment and Rezoning serve to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project"); and

WHEREAS, on or before August 22, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution; 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; and was mailed out to outside agencies, to

parties requesting such notice, and to all owners of property within 500 feet of the boundaries of all of the parcels subject to the requested actions; and

WHEREAS, on September 2, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the Planning Commission makes the following additional findings in support of the approvals:

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to rezone adequate sites to meet the City's lower-income RHNA need and to facilitate the development of more housing choices for lower-income households.

Adopting the proposed General Plan Amendment and Rezoning would implement Policy Action 1.1 of the City of Oakley Housing Element.

D. The Planning Commission recommends that the City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, The Planning Commission hereby recommends that the City Council adopt the proposed resolution approving the General Plan Amendment (GPA 2025-004) and the proposed ordinance approving the Rezone (RZ 2025-004) included as attachments to the Staff Report for this project, and finding the action exempt from CEQA, with addition of the following action:

1. Rezoning Site 11 from P-1 (Planned Unit Development) District to C (General Commercial) District.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley at a meeting held on the 2nd day of September 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Diego Verduzco, Chair Date

ATTEST:

Kim Snodgrass, City Clerk Date