

DATE: July 9, 2024
TO: Joshua McMurray, City Manager
FROM: Ken Strelow, Community Development Director
SUBJECT: Zoning Text Amendments – Winery-Related Uses and Carwash Highway Buffers (RZ 02-24)

Approved and Forwarded to the City Council

Summary

This is a City-initiated application requesting approval of a Rezoning (RZ 02-24) consisting of zoning text amendments to amend 1) Oakley Municipal Code (“OMC”) section 9.1.404.c.9 so that wineries, tasting rooms, and processing of agricultural products are not only conditionally permitted in the R-20 and R-40 District, but also in other R Districts on properties of at least 20,000 square feet that have an existing vineyard; and 2) OMC section 9.1.1238.c.6, a performance standard for applicable to Carwashes, by adding an exclusion to the 1,000-foot minimum buffer between carwashes when within 1,000 of a highway on/off ramp (“Project”).

Background

WINERIES, TASTING ROOMS, AND PROCESSING OF AGRICULTURAL PRODUCTS

Oakley Municipal Code (“OMC”) section 9.1.404.c.9, which governs regulations for residentially zoned properties, conditionally permits (i.e., requires approval of a conditional use permit) “Wineries, tasting rooms, and processing of agricultural products only in the R-20 and R-40 residential districts.” These uses are also conditionally permitted in the AL (Limited Agricultural) District, per OMC section 9.1.402.c.9.

The R-20 and R-40 Districts have minimum lot sizes required in each district, which are 20,000 square feet and 40,000 square feet, respectively. The OMC does not permit the use of Wineries, tasting rooms, and processing of agricultural products in any of the single family residential districts with minimum lot sizes less than 20,000 square feet (R-6, R-7, R-10, or R-15). The AL District has a minimum lot size of 1 acre, which equates to 43,560 square feet.

CARWASHES

OMC section 9.1.1238 “Carwashes” is a Special Land Use section that addresses performance and operational standards required for all proposed carwash uses.



Details of the performance standards state there shall be no more than one carwash located within any shopping center or contiguous commercial properties that have internally shared access. In addition to capping the number of carwashes on a site or within a shopping center, another performance standard requires that a proposed carwash be a minimum of 1,000 feet from any existing carwash as measured between the shortest distance from either the perimeter of the carwash operation or parcel lines.

OMC section 9.1.1240 "Gas Stations" has a similar performance standard that requires a 500-foot buffer between gas station uses; however, that standard also states that the 500-foot buffer does not apply if a gas station is located within 1,000 feet of a highway on/off ramp or is part of a larger master development of at least 45,000 square feet of building floor area. This proposed zoning text amendment proposes to add a similar buffer exclusion for carwashes.

PLANNING COMMISSION PUBLIC HEARING (MAY 7, 2024)

On May 7, 2024, the Planning Commission held a duly noticed public hearing on the item. One item of discussion was on the 20,000-foot requirement related to wineries, tasting rooms, and processing of agricultural products. It was clarified that the minimum size requirement applied to the entire parcel and not just the size of an existing vineyard. Another question related to carwash use of recycled water. Information was provided that carwashes have recycling systems to filter and re-use water within their systems to reduce overall water usage. No public comments were received. After deliberations, the Planning Commission voted 5-0 to adopt Planning Commission Resolution 9-24 recommending the City Council adopt an ordinance approving the project.

Proposed Ordinance

The proposed ordinance would modify two sections of the municipal code as follows (underline represents added language; strikethrough represents deleted language)

WINERIES, TASTING ROOMS, AND PROCESSING OF AGRICULTURAL PRODUCTS

OMC 9.1.404 Single Family Residential District (R-6; R-7; R-10; R-15; R-20; R-40).

c. Uses Requiring a Conditional Use Permit. The following uses are permitted upon the issuance of a conditional use permit.

9. Wineries, tasting rooms, and processing of agricultural products ~~only in the R-20 and R-40 residential districts~~ and in the other R districts when a lot is a



minimum 20,000 square feet in size and contains an existing vineyard at the time of the application.

CARWASHES

OMC 9.1.1238 Carwashes.

c. Performance Standards.

6) There shall be no more than one carwash located within any shopping center or contiguous commercial properties that have internally shared access. In addition, no new carwash shall be proposed within one thousand (1,000) feet of an existing carwash as measured between the shortest distance from either the perimeter of the carwash operations or parcel lines, subject to the determination by the Community Development Director. An exception to the one thousand (1,000) foot buffer may be considered if a carwash is located within one thousand (1,000) feet of a highway on/off ramp, subject to the approval of the applicable decision-making body.

Analysis

The main purpose of the proposed zoning text amendments is to encourage further economic development within the City of Oakley.

WINERIES, TASTING ROOMS, AND PROCESSING OF AGRICULTURAL PRODUCTS

The existing code is written so that wineries and related uses are only allowed to be proposed on a lot of at least 20,000 square feet in size that is also zoned AL, R-20, or R-40 District. Oakley has a rich history in viticulture and there are many scattered vineyards on residential properties of at least 20,000 square feet, but that are zoned R-6 through R-15; thereby, not being eligible to apply for a conditional use permit for a winery/tasting room, etc. Vineyards are often faced with the dilemma of trying to maintain a vineyard in a growing city or sell the land to a perspective developer/speculator. Passing this ordinance will provide small vineyard owners on properties of at least 20,000 square feet the option to apply for a conditional use permit for a commercial winery, tasting room, or other processing of their viticulture products, which will result in helping viticulturalists continue their practices by opening new avenues for financial stability and opportunities for more small businesses in the City of Oakley. These additional use options are expected to be sought after by some property owner/vineyard owners, which would help to further preserve some of Oakley's smaller vineyards.



CARWASHES

Currently, the maximum number of carwashes on a single site or within a single shopping center is capped at one. Also, a carwash is required to be 1,000 feet from any other carwash on a different site. As infill development continues within the growing City of Oakley, the applicable performance standard serves to reduce potential over-saturation of carwashes in a given area. Adoption of a buffer exclusion for uses within 1,000 feet of a highway on/off ramp would not change how the municipal code applies to most of the commercial areas in Oakley, such as along Empire Avenue, O'Hara Avenue, Laurel Road, or Cypress Road. The exclusion would apply to the four corners at the intersection of Main Street, Neroly Road and Bridgehead Road, which is an area near Highway 160 and mostly surrounded by other commercial uses. This area is unique in the City as one surrounded by commercial and light industrial development that is not as walkable from nearby residential as many other commercial areas in Oakley. Adopting this buffer exclusion would open new opportunities for development/redevelopment of this intersection without the potential impact of carwash saturation.

Findings

Draft findings can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal to inspire and encourage Community and Economic Development through Strategic and thoughtful growth, a business friendly environment, and local employment opportunities.

Environmental Determination

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.



Fiscal Impact

No fiscal impact is associated with the preparation of this staff report and accompanying attachments. Costs associated with amending the Zoning Code on City-initiated projects, including staff time associated with this zoning text amendment, are funded through the City's General Fund.

Staff Recommendation

Staff recommends the City Council waive the first reading and introduce an ordinance amending Oakley Municipal Code sections 9.1.404.c.9 and 9.1.1238.b.6 and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments

1. Notice of Public Hearing
2. Planning Commission Resolution 9-24
3. Draft Ordinance

