

**ORDINANCE NO. -24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING OAKLEY MUNICIPAL CODE SECTIONS 9.1.404.C.9 RELATED TO WINERIES, TASTING ROOMS, AND PROCESSING OF AGRICULTURAL PRODUCTS AND 9.1.1238.B.6 (RZ 02-24) RELATED TO CARWASHES, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, 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”); and

**WHEREAS**, on May 7, 2024, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 02-24), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. 9-24 recommending the City Council adopt the proposed Ordinance; and

**WHEREAS**, on or before June 28, 2024, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa 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, outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to outside agencies and to parties requesting such notice; and

**WHEREAS**, on July 9, 2024, the City Council held a duly noticed public hearing to consider the proposed Ordinance, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; 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. The City Council finds 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.
- B. Amending OMC section 9.1.404.c.9 related to wineries, tasting rooms, and processing of agricultural products 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.
- C. Amending OMC section 9.1.1238.b.6 related to carwash highway buffers would open new opportunities for development/redevelopment of this intersection without the potential impact of carwash saturation.

SECTION 3. Subsection 9.1.404.c.9 of the Oakley Municipal Code Section 9.1.404 titled, “Single-Family Residential Districts (R-6; R-7; R-10; R-12; R-15; R-20; R-40)” is hereby repealed and amended, as follows:

“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.”

SECTION 4. Subsection 9.1.1238.b.6 of the Oakley Municipal Code Section 9.1.1238 titled, “Carwashes” is hereby amended, as follows:

“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.”

SECTION 5. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 6. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk’s Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2024 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Anissa Williams, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date