

ORDINANCE NO. 8-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING OAKLEY MUNICIPAL CODE TO REPEAL SECTIONS OF THE OAKLEY MUNICIPAL CODE SECTION 9.1.1102, AND REPLACE WITH ADOPTION OF THE STATE'S ADU LAW BY REFERENCE (GOVERNMENT CODE SECTIONS 66310-66342), 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 2026-001) consisting of zoning text amendments to repeal certain sections of the Oakley Municipal Code Section 9.1.1102 "Accessory Dwelling Units" which consists of Oakley's local regulations related to ADUs and replace with adoption of the States ADU law by reference (Government Code Sections 66310-66342) ("Project"); and

WHEREAS, on February 14, 2017, the City Council of the City of Oakley adopted Ordinance No. 01-17 amending title 9.1 (Land Use Regulations and Zoning) 9.1.406(b) and 9.1.1102 of the Oakley Municipal Code to comply with legislature changes to State ADU law; and

WHEREAS, on May 12, 2020, the City Council of the City of Oakley adopted Ordinance No. 07-20 amending Section 9.1.1102 of the Oakley Municipal Code to comply with subsequent legislature changes to State ADU law; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law; and

WHEREAS, for the City's ADU ordinance to remain valid, it must be amended to reflect the most recent changes to state law; and

WHEREAS, on or before January 24, 2026, 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, 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 February 3, 2026, the Planning Commission held a duly noticed public hearing to consider the proposed Rezone (RZ 2026-001), 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. 4-26 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on or before April 17, 2026 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, 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 April 28, 2026 the City Council held a duly noticed public hearing to consider the proposed Ordinance related to the Zoning Text Amendments amending the Oakley Municipal Code to repeal sections of OMC Section 9.1.1102, and replace with adoption of the States ADU law by reference (Government Code Sections 66310-66342), 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. Repealing certain sections of the Oakley Municipal Code Section 9.1.1102 “Accessory Dwelling Units” which consists of Oakley’s local regulations related to ADUs and replace with adoption of the States ADU law by reference (Government Code Sections 66310-66342) would ensure that in future years as legislature continues to amend and/or refine State ADU law, the Oakley Municipal Code would remain consistent with state law; zoning text amendments for ADUs would not be necessary.
- B. Repealing certain sections of the Oakley Municipal Code Section 9.1.1102 “Accessory Dwelling Units” which consists of Oakley’s local regulations related to ADUs and replace with adoption of the States ADU law by reference would be consistent with the Housing Element of Oakley’s General Plan, would result in the removal of government constraints, and staff would be able to communicate relevant regulations to applicants, the public, and appointed/elected officials.

- C. Consistency with the Housing Element is through direct implementation of Action 1.4 titled “Promote Accessory Dwelling Units” found in Chapter 8 (Housing Plan) of the Housing Element. Action 1.4 includes a goal that requires the City to monitor State law and revise the ADU Ordinance when required by any future revisions to State ADU law.
- D. 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.

SECTION 3. Section 9.1.1102 of the Oakley Municipal Code titled, “Accessory Dwelling Units” is hereby amended and adopted in its entirety, as follows:

“9.1.1102 Accessory Dwelling Units (ADU).

- a. Purpose and Intent. The California Legislature has declared that Accessory Dwelling Units are a valuable and essential component of California’s housing supply. The purpose of this section is to increase the supply of smaller dwelling units and rental housing units by allowing accessory dwelling units and junior accessory dwelling units to be developed in compliance with Chapter 13 of Title 7 of the California Government Code (Government Code Sections 66310-66342).
- b. Applicability.
 - 1) General. All proposed Accessory Dwelling Units that qualify under California Government Code Sections 66310-66342.
 - 2) Compliance. The applicant shall comply with all requirements stated in California Government Code Sections 66310-66342, any amendments thereto shall prevail over any conflicting provisions of this code, and additional standards applicable to the City of Oakley.
 - 3) Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of California Government Code Sections 66310-66342. Any changes to California Government Code Sections 66310-66342 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Section conflicts with Government Code Sections 66310-66342 or other applicable State law, State law shall supersede this Section. Any

ambiguities in this Section shall be interpreted to be consistent with State ADU law (Government Code Sections 66310-66342).

c. Standards Applicable to City of Oakley.

- 1) Accessory Dwelling Unit Size. For ADUs not otherwise regulated under Government Code Section 66323, the following size regulations shall apply:
 - a) A detached accessory dwelling unit may not exceed the following size:
 - i. Eight hundred fifty (850) square feet in compliance with (Gov. Code, §§ 66314, subd. (d)(5); 66321, subd. (a)(3) when the detached accessory dwelling unit is proposed to result in fifty percent (50%) or greater total lot coverage when combined with all existing and proposed on-site structures.
 - ii. Eight hundred fifty (850) square feet for units with only one bedroom.
 - iii. One thousand (1,000) square feet for units with more than one bedroom.
 - iv. One thousand two hundred (1,200) square feet for units that have more than one bedroom and are located on estates lots (zoned P-1, R-15, R-20, R-40 or AL and at least fifteen thousand (15,000) square feet in size).
 - b) An attached accessory dwelling unit may not exceed the smaller of the following sizes:
 - i. The size limitations specified in subsection (c)(1)(a) of this section for detached accessory dwelling units.
 - ii. Fifty percent (50%) of the living area of an existing primary dwelling unit.
 - iii. Eight hundred fifty (850) square feet.
 - iv. One thousand (1,000) square feet for ADUs with more than one bedroom.
- 2) Garage Attached to a Detached Accessory Dwelling Unit. If a garage is attached to a detached accessory dwelling unit, the garage may not exceed the following sizes:

- a) Up to two hundred twenty-five (225) square feet on a lot in any zoning district where an accessory dwelling unit is permitted.
 - b) Up to four hundred fifty (450) square feet on estates lots (zoned R-15, R-20, R-40 or AL and at least fifteen thousand (15,000) square feet in size) where an accessory dwelling unit is allowed.
- 3) Occupancy. No Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented or offered for rent for a term of less than thirty consecutive (30) days.”

SECTION 4. 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 5. Effective Date and Posting.

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 12th day of May 2026 by the following vote:

AYES: Fuller, Henderson, Meadows, Williams, Shaw

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Hugh Henderson, 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