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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William Gilchrist
Director, PBD

SUBJECT: Interim Development Controls For
Area Surrounding Proposed Location
Of A New Oakland Athletics Ballpark

DATE: October 23, 2017

City Administrator Approval

Date:

11/2/17

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning And Subdivision Codes To Include Special Regulations For Public Notification; Building Demolitions; Building Conversions; And New Development In The Area Defined By Franklin Street To The West; 14th Street, Lake Merritt, And Foothill Boulevard To The North; 14th Avenue To The East; And Interstate 880 To The South; And Make Appropriate California Environmental Quality Act Determinations.

EXECUTIVE SUMMARY

With the Oakland Athletics' (Oakland A's) recent announcement that their preferred location for a new Major League Baseball stadium is the Peralta Community College District administrative headquarters property at E. 7th Street and 5th Avenue on the east side of the Lake Merritt Channel, there are concerns within the nearby Chinatown and Eastlake neighborhoods that property owners and developers in the area may take speculative actions with nearby properties in ways that could result in the demolition of existing buildings, displacement of existing tenants and/or the removal of rental units from the market.

To address these concerns, staff recommends that the City adopt a new interim zoning district overlay for the areas near the proposed location for the new Oakland A's ballpark (to be called the "S-5 Chinatown Eastlake Interim Combining Zone" – see **Attachment B** for the S-5 zoning text amendment). The proposed new S-5 Zone is intended to help address the potential negative impacts of near-term land use proposals in the neighborhoods surrounding the potential ballpark location; and would be mapped in the area defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south (**Attachment C** for the S-5 Zone boundary map). The proposed S-5 Zone map boundary would take in most of the Lake Merritt Station Area Plan area in Chinatown, as well as the Eastlake neighborhood area to the east.

The specific S-5 interim development controls proposed are the following:

Item: _____
CED Committee
November 14, 2017

1. Enhanced public notification in the S-5 Zone.

For Planning applications subject to a 300-foot public notice in the zone or zones with which the S-5 Zone would be combined, the proposed interim controls would:

- Require the *project sponsor* to send public notice to property owners *and occupants* (the city currently sends out the public notices, and only to property owners); and
- Require the public notice to be written in English, *Cantonese, Mandarin, Vietnamese, and Spanish*; and sent out not less than *30 days* prior to the date set for a decision (notices are currently only written in English, and sent out 17 days prior to the date set for a decision).

2. Enhanced demolition protections for S-5 zoned properties.

The proposed interim controls would require Regular Design Review approval for the demolition or removal of *any* structure in the S-5 Zone (currently, only the demolition of an historic structure requires such a high level of review). The proposed special regulations are intended to provide additional demolition protections for the existing inventory of non-historic, "naturally affordable" commercial and residential buildings in the Chinatown and Eastlake neighborhoods.

3. Special regulations for Hotels and Large-Scale Developments in the S-5 Zone.

The proposed interim controls would require a Major Conditional Use Permit (CUP) for any new hotel (Transient Habitation Commercial Activity), or for any new development involving more than 50,000 square feet of new floor area. The proposed special regulations are intended to help ensure that large development projects proposed in the Chinatown and Eastlake neighborhoods do not weaken the concentration and continuity of the existing small- to medium-size commercial uses in the area.

4. Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

In order to avoid the speculative building of parking facilities in the areas surrounding the proposed location for a new Oakland A's ballpark, the S-5 regulations would prohibit any new paid parking facilities (Automotive Fee Parking Commercial Activities) for the duration of the S-5 Zone.

In addition to the proposed S-5 Zone regulations described above, interim controls would also be added to the city's existing condominium conversion regulations in Oakland Subdivision Code Chapter 16.36 (see **Attachment B** for the Subdivision Code text amendment). The proposed condo conversion interim controls would specify that no rental unit may be converted to condominium within the area defined by the S-5 zone unless a rental unit is added to the City's housing supply within the same S-5 zoned area, or "conversion rights" equal in number to the units proposed for conversion are owned by the converter within the same S-5 zoned area.

Both the proposed interim condo conversion controls in Oakland Subdivision Code Chapter 16.36 and the interim S-5 development controls in new Oakland Planning Code Chapter 17.81 (see **Attachment B** for the Planning Code text amendment) are intended to remain in place for a continuous period of two years from the date of adoption or until the City Council adopts permanent regulations, whichever comes first. The City Administrator would be authorized to

extend the S-5 Zone regulations and related condominium conversion interim controls for up to one additional year without returning to City Council.

BACKGROUND / LEGISLATIVE HISTORY

On September 13, 2017, the Oakland Athletics announced that their preferred site to build a new ballpark is the Peralta Community College District property at E. 7th St. and 5th Ave. The decision about whether to provide that parcel to the Oakland A's (for sale or lease) is a matter for the Peralta Board of Trustees, in consultation with Peralta faculty, staff and students. If the Peralta Board of Trustees reaches a property agreement with the team, the City of Oakland and the community would then need to carefully evaluate the full range of specific details, benefits and impacts of the ballpark development proposal.

However, prior to any development decision, the mere announcement of this preferred ballpark location by the team has the potential for immediate impacts on the surrounding neighborhoods (see **Attachment A** for a memo on this issue from Councilmember Guillen to the City Administrator). The potential development of a ballpark at the Peralta Community College District site may provide the incentive for surrounding property owners and interested developers to speculate on nearby properties in the Chinatown and Eastlake neighborhoods. These real-estate market pressures may further exacerbate the already severe housing affordability crisis in Oakland.

Residents in the census tracts surrounding the proposed Oakland A's ballpark site are particularly vulnerable, with 50-60 percent of residents being renters in the immediate areas. In the Chinatown neighborhood between 14th Street and I-880 from Broadway to Alice, the median income is a mere \$17,609; 22 percent speak English only; 62 percent do not speak English "very well"; and approximately 46% are over the age of 75 years.¹ These tenants are vital to the cultural character and economic diversity of the Chinatown and Eastlake neighborhoods, but are economically vulnerable.

To mitigate these potential impacts, interim development controls are proposed that will help to address the potential negative impacts of near-term land use proposals in the neighborhoods surrounding the potential location of a new Oakland A's ballpark.

On November 1, 2017, the City Planning Commission conducted a public hearing to consider interim development controls for the Chinatown and Eastlake neighborhoods near the potential Oakland A's ballpark site. At the hearing, the Planning Commission found that the existing noticing requirements being amended are inadequate and otherwise contrary to the public interest; and recommended that the proposed amendments to the Oakland Planning and Subdivision Codes be forwarded to the City Council for consideration. In their motion, the Planning Commission also recommended that: 1) a "pro/con" analysis of the proposed amendments be completed to fully understand their potential impacts; 2) at least one public meeting be held with Lake Merritt Station Area Plan stakeholders and area property owners

¹ Data from 2010 Census.

prior to the Council hearing; 3) other interim controls and anti-displacement measures be considered in addition to the items currently in this report; and 4) projects with at least 15% affordable housing should be exempt from the proposed interim controls.

ANALYSIS AND POLICY ALTERNATIVES

The following section summarizes the proposed interim development controls for the Chinatown and Eastlake neighborhoods near the potential Oakland A's ballpark site:

I. PLANNING CODE TEXT AMENDMENTS

1. Adopt new interim zoning regulations for the area surrounding the potential location of a new Oakland Athletics Baseball Stadium.

Proposal

Staff recommends that the City adopt a new interim zoning overlay for the areas near the proposed location for a new Oakland A's stadium (to be called the "S-5 Chinatown Eastlake Interim Combining Zone" – see **Attachment B** for S-5 zoning text amendment). The proposed new S-5 Zone would be adopted as a new chapter in the Oakland Planning Code (Chapter 17.81); and would be mapped in the area defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south (**Attachment C** for S-5 Zone boundary map). The proposed S-5 Zone map boundary would take in most of the Lake Merritt Station Area Plan area in Chinatown, as well as the Eastlake neighborhood area to the east.

The proposed S-5 Chinatown Eastlake Interim Combining Zone regulations are intended to remain in place as interim development controls for a continuous period of two years from the date of their adoption or until the City Council adopts permanent regulations, whichever comes first. The City Administrator would be authorized to extend the S-5 Zone regulations in Planning Code Chapter 17.81 and related interim condominium conversion controls in Oakland Subdivision Code Chapter 16.36 for up to one additional year without returning to City Council.

The regulations in the S-5 Zone may be combined with any other zone, and would be supplementary to the regulations applying in the zone or zones with which the S-5 Zone is combined. Whenever any provision of the S-5 Zone imposes overlapping or contradictory regulations with those contained in the Oakland Planning Code, or contains restrictions covering any of the same subject matter, the provision within the S-5 Zone would supersede, except as otherwise expressly provided in the zoning regulations.

2. Special regulations for public notification in the S-5 Zone.

Existing Regulation

The following is the existing notification procedure for Planning applications subject to a 300-foot Public Notice in the zone or zones with which the S-5 Zone would be combined:

- The owner of the affected property, or his or her authorized agent, is required to post an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. The city also mails notice to all owners of the City of Oakland lot or lots within 300 feet of the project site. All such notices must be given not less than 17 days prior to the date set for a decision on the application by the Director, or for a hearing before the Planning Commission. During the required 17-day noticing period, the Planning Department receives and considers comments from any interested party.

Proposal

The following is the proposed notification procedure for Planning applications subject to a 300-foot Public Notice in the zone or zones with which the S-5 Zone would be combined:

- The owner of the affected property, or his or her authorized agent, would be required to post an enlarged notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish not less than thirty (30) days prior to the date set for decision on the application, at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. The owner of the affected property, or his or her authorized agent, would also be required to give public notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish by certificate of mailing or delivery to all owners and occupants of the City of Oakland lot or lots within 300 feet of the project site not less than 30 days prior to the date set for decision on the application. During the required 30-day noticing period, the Director of Planning would receive and consider comments from any interested party.

The proposed notification changes in the S-5 Zone would:

- Require the *project sponsor* to send the public notice to property owners *and occupants* (the city currently sends out the public notices, and only to property owners); and
- Require both the enlarged on-site notice and mailed or delivered notice to be written in English, *Cantonese, Mandarin, Vietnamese, and Spanish*; and posted and sent out not less than *30 days* prior to the date set for a decision (notices are currently written only in English, and posted and sent out not less than 17 days prior to the date set for a decision).

Rational

The proposed enhanced notification procedures for the S-5 Zone are intended to help the multicultural Chinatown and Eastlake neighborhoods stay fully informed of any significant Planning applications that may be submitted in the area during the period while the city and community consider the appropriateness of the Peralta property for a major new sports facility.

3. Special regulations for demolition or removal of S-5 zoned properties.

Existing Regulation

Currently, the demolition or removal of structures not involving an historic structure, such as a Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP), can often be approved by the Bureau of Planning over the zoning counter through Small Project Design Review.

However, if the proposed demolition or removal does involve any historic structure, or involves a replacement project that requires discretionary approval, then the proposal must be approved through Regular Design Review (which ensures 300-foot public notice and a decision appealable to the Planning Commission).

Proposal

Requirements: Regular Design Review approval would be required for the demolition or removal of *any* structure in the S-5 Zone, and would only be granted if the proposal conforms to the general design review criteria in Section 17.136.050, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that:
 - a. The existing structure has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return; and
 - b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the structure into the proposed development.

Exceptions: A structure that must comply with a City order to: (i) repair or demolish an unsafe, uninhabitable or substandard condition; or (ii) rebuild due to destruction by fire, earthquake, or other natural disaster, would be exempt from the special requirements described above.

Rational

The proposed special regulations above are intended to provide additional demolition protections for the existing inventory of non-historic, "naturally affordable" commercial and residential buildings in the Chinatown and Eastlake neighborhoods.

4. Special regulations for Hotels and Large-Scale Developments in the S-5 Zone.

Existing Regulation

Currently in the proposed Chinatown and Eastlake interim control areas:

- Hotels (Transient Habitation Activities) are conditionally permitted in the D-LM-2, D-LM-3, D-LM-4, and D-LM-5 Lake Merritt Station Area Plan District Zones; and not permitted in any other zone in the area;
- "Large-Scale Developments" are defined in the D-LM-2, D-LM-3, D-LM-4, and D-LM-5 Lake Merritt Station Area Plan District Zones as any project with more than 100,000 square feet of new floor area; and may only be granted in these zones upon approval of a Major Conditional Use Permit (CUP). "Large-Scale Developments" are

not currently defined or designated for a higher level of review in any other zone in the proposed interim control area.

Proposal

1. New Hotel: Any project located in the S-5 Zone involving a new hotel (Transient Habitation Commercial Activity) would require review and approval of a Major Conditional Use Permit (CUP). Hotels would continue to be prohibited outside of the D-LM-2, D-LM-3, D-LM-4, and D-LM-5 Lake Merritt Station Area Plan District Zones.
2. Large-Scale Development: Any project located in the S-5 Zone resulting in more than fifty thousand (50,000) square feet of new floor area would be defined as a "large-scale development", and require review and approval of a Major CUP.

Major CUPs require 300-foot public notice, and an initial decision before the Planning Commission. Major CUPs are appealable to the City Council.

Exceptions: Any hotel project (Transient Habitation Commercial Activity) located in the S-5 Zone involving only accessory parking, the resumption of a discontinued Nonconforming Activity, or an addition to an existing hotel (Transient Habitation Commercial Activity) which does not increase the existing floor area by more than 20% would be exempt from the special requirements described above.

Rational

The proposed special regulations for hotels and large-scale development in the S-5 Zone are intended to help ensure that any large development projects proposed in the Chinatown and Eastlake neighborhoods do not weaken the concentration and continuity of the existing small- to medium-size commercial uses in the area.

5. Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

Existing Regulation

Currently in the proposed Chinatown and Eastlake interim control areas, Auto Fee Parking is:

- Conditionally permitted in the D-LM-2, D-LM-3, D-LM-4, and D-LM-5 Lake Merritt Station Area Plan District Zones; the CN-3 and CN-3/S-7 Neighborhood Commercial Zones; and the CC-2 Community Commercial Zone; and
- Permitted by right in the CIX-2 and CIX-2/S-19 Commercial Industrial Mix Industrial Zones.

Proposal

Requirement: No new paid parking facilities (Automotive Fee Parking Commercial Activities) would be permitted in the S-5 Zone.

Exceptions: Any Automotive Fee Parking Commercial Activity project located in the S-5 Zone involving only the resumption of a discontinued Nonconforming Activity, or an addition to an existing Automotive Fee Parking Commercial Activity which does not

increase the existing parking area by more than 20%, would be exempt from the special requirements described above.

Rational

In order to avoid the speculative building of parking facilities in the areas surrounding the proposed location for a new Oakland A's ballpark, the S-5 regulations would prohibit any new paid parking facilities in the Chinatown and Eastlake neighborhood areas for the duration of the S-5 Zone.

II. GEOGRAPHICALLY-SPECIFIC ZONING MAP AMENDMENTS

- 1. Add the proposed S-5 Interim Combining Zone to the existing base zones mapped in the Chinatown and Eastlake neighborhood areas defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south.**

In concert with consideration of a proposed new interim combining zone (S-5) as a text amendment to the Oakland Planning Code, the geographic extent of where the proposed new S-5 Zone would be mapped needs to be reviewed and considered. After consultation with the community and District 2 Council office, staff is proposing that the proposed new S-5 Zone be mapped in the area defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south. This proposed S-5 Zone map boundary would take in much of the Lake Merritt Station Area Plan area in Chinatown, as well as the Eastlake neighborhood areas to the east determined most vulnerable to ballpark-related land use impacts.

The S-5 Zone would be mapped in combination with any existing zone or zones in the proposed map boundary area. For example, if an area is currently mapped **CN-3** (Neighborhood Commercial – 3 Zone), the proposed zoning map change would re-designate the property as **CN-3/S-5** for the duration of the interim S-5 Zone regulations.

III. SUBDIVISION CODE TEXT AMENDMENTS

- 1. Special regulations for Condominium Conversions in the S-5 Zone.**

Existing Regulation

Oakland Subdivision Code Chapter 16.36 contains condominium conversion regulations that put certain controls on conversions.

For areas outside the "conversion impact area", which is defined in Oakland Subdivision Code Section 16.36.070 as an area of the city whose rental housing supply has been negatively impacted by previous conversions, only the conversion of five or more units into condominiums currently trigger a requirement for an equal number of replacement rental units or "conversion rights". ("Conversion rights" are generated by projects which add housing units to the City's rental supply, as described in Oakland Subdivision

Chapter 16.36, and one conversion right is equivalent to one housing unit within such a project).

For areas inside the conversion impact area, any number of proposed conversions trigger a requirement for replacement rental units or "conversion rights" (not just for five or more). The most highly impacted portion of the conversion impact area is designated as the "primary" section, and currently includes all or part of the Gold Coast, Adams Point, Rose Garden, and Piedmont Avenue neighborhoods. When converting within this primary section of the conversion impact area, any replacement units or conversion rights must be generated within the same primary impact area.

Proposal

For the duration of the S-5 Zone, the Chinatown and Eastlake neighborhood areas defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south would be included as a distinct sub-district within the primary section of the "conversion impact area", as defined in Oakland Subdivision Code Section 16.36.070 (**Attachment D** for a map of the proposed amendment to the City's Condominium Conversion Impact Area).

The overall conversion impact area would contain three sections: a proposed new "Primary A" section consisting of the areas defined by the S-5 Chinatown Eastlake Interim Combining Zone in Oakland Planning Code Chapter 17.81; the existing primary section (re-named "Primary B"), consisting of Census Tracts 4034, 4035, 4036, 4037, 4039, 4040, and 4041; and the existing Secondary section consisting of Census Tracts 4038, 4042, 4043, 4052, and 4053. The proposed new Primary A section of the "conversion impact area" would remain in place and be effective for a continuous period of two (2) years from the date of adoption of these regulations or until the City Council adopts permanent regulations, whichever comes first. The City Administrator would be authorized to extend these interim regulations in Oakland Subdivision Code Chapter 16.36 for up to one (1) additional year without returning to City Council.

For the duration of these interim regulations, the conversion of housing units into condominiums would not be approved within the S-5 Interim Combining Zone area unless:

1. Every converted unit will be replaced with a rental unit added to the City's housing supply within the proposed new "Primary A" section of the conversion impact area, or
2. "Conversion rights" equal in number to the units proposed for conversion are owned by the converter within the proposed new "Primary A" section of the conversion impact area. "Conversion rights" are generated by projects that add housing units to the City's rental supply, as described in Oakland Subdivision Chapter 16.36, and one conversion right is equivalent to one housing unit within such a project.

FISCAL IMPACT

Implementation of the proposed Planning and Subdivision Code changes will be a routine component of project review administered by the Department of Planning and Building, which collects fees for such review as established in the Master Fee Schedule. If adopted by Council, staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations to Planning applications. If adopted by Council, there will be no direct impact on costs or fees to the City.

PUBLIC OUTREACH / INTEREST

Following the Oakland Athletics announcement on September 13, 2017, of their preferred new ballpark site, Councilmember Guillen's office and city staff reached out to stakeholders from the Chinatown and Eastlake neighborhoods to discuss the potential impacts of a ballpark in the area, and the potential types of interim development controls that could help to address the near-term issues. A series of meetings was held with stakeholders since the announcement date to hear the neighborhoods' concerns and ideas.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and by the Budget Office.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed interim development controls will not prohibit new development activity in the Chinatown and Eastlake neighborhoods during the duration of the S-5 Zone, but rather require a higher level of review to ensure that projects that do move forward during this interim period, are supportive of the unique character of the area.

Environmental: Rehabilitation and re-use of existing structures is often more environmentally friendly than new construction, so there could be a near-term environmental benefit from the proposed special regulations intended to provide additional demolition protections for the existing inventory of non-historic, "naturally affordable" commercial and residential buildings in the Chinatown and Eastlake neighborhoods.

Social Equity: Speculation, re-purposing, and removal of units in the Chinatown and Eastlake neighborhoods surrounding the potential location of a new Oakland A's baseball stadium could contribute to rent hikes, which would add pressure to already struggling residents and small businesses. To mitigate these potential impacts, interim development controls are proposed that will help to protect the unique character of the neighborhoods near the potential ballpark site.

CEQA

The proposed amendments to the Planning Code, Subdivision Code, and Zoning Map rely on the previously certified set of applicable California Environmental Quality Act (CEQA) documents including: the Lake Merritt Station Area Plan EIR (2014); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIR- Central City East (2003); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Specifically, the proposed amendments to the Planning Code, Subdivision Code, and Zoning Map would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3).

Moreover, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of the reasons cited above serve as a separate and independent basis, and when viewed collectively provide an overall basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending: 1) The Oakland Planning Code To Include New Planning Code Chapter 17.81, Which Includes New S-5 Interim Combining Zone Regulations For Public Notification; Building Demolitions; Building Conversions; And New Development For The Areas Near The Potential Location Of A New Oakland A's Baseball Stadium; 2) The Oakland Zoning Maps To Apply The New S-5 Zone On An Interim Basis To The Zoning Map Area Defined By Franklin Street To The West, 14th Street, Lake Merritt, And Foothill Boulevard To The North, 14th Avenue To The East, And Interstate 880 To The South; And 3) The Oakland Subdivision Code To Revise The Condominium Conversion Regulations in Chapter 16.36 To Specify That No Rental Units May Be Converted To Condominium Within The Area Defined By The S-5 Zone On An Interim Basis Unless Rental Units Equal In Number To The Units Proposed For Conversion Are Added To The City's Housing Supply Within The Same S-5 Zoned Area, Or "Conversion Rights" Equal In Number To The Units Proposed For Conversion Are Owned By The Converter Within The Same S-5 Zoned Area; And Make Appropriate California Environmental Quality Act Determinations

For questions regarding this report, please contact Ed Manasse, Strategic Planning Manager at (510) 238-7733.

Respectfully submitted,



WILLIAM GILCHRIST
Director, Planning and Building Dept.

Reviewed by:
Darin Ranelletti, Deputy Director, Planning and
Building Dept.

Prepared by:
Ed Manasse, Strategic Planning Manager

Attachments (4):

- A. Memo from Councilmember Guillen to the City Administrator***
- B. Proposed Planning and Subdivision Code Text Amendments***
- C. Proposed Zoning Map Amendments for the Chinatown and Eastlake areas near the potential location of a new Oakland A's baseball stadium***
- D. Proposed Amendment to the City's Condominium Conversion Impact Area Map***

ATTACHMENT A



Councilmember Abel Guillén

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

Agenda Memorandum

Date: October 23, 2017

To: Sabrina Landreth, City Administrator

From: Councilmember Abel Guillén, District 2

Re: Interim Development Controls for the Area Surrounding the Potential Location of a New Oakland Athletics Ballpark

Colleagues on the City Council and Members of the Public,

On September 13, the Oakland Athletics announced that their preferred site to build a new ballpark is the Peralta Community College District site at E. 7th St and 5th Ave. The decision about whether to provide that parcel (for sale or lease) for a new ballpark is a matter for the Peralta Board of Trustees and the team to decide, in consultation with Peralta faculty, staff and students. If Peralta should reach a property agreement with the team, the City of Oakland and the community would then need to carefully evaluate the full range of specific details, benefits and impacts of the ballpark development proposal.

However, prior to any development decision, the mere announcement of this preferred location by the team has immediate impacts on the surrounding neighborhoods that require urgent action by the City Council.

The potential development of a ballpark at the site provides financial incentives for surrounding property owners and interested developers to re-purpose and speculate on nearby properties in the Chinatown and Eastlake neighborhoods. These real-estate market pressures may further exacerbate the already severe affordability crisis in Oakland.

Speculation, re-purposing and removal of units in the surrounding residential and commercial markets could contribute significantly to unfair rent hikes and displace already struggling residents and small businesses.

Residents in the census tracts surrounding the proposed ballpark site are particularly at risk of displacement – 50% to 60% of residents are renters in the immediate areas, according to American Community Survey data. Many of Chinatown’s residents are considered extremely vulnerable to escalating rents and displacement between 14th St. and I-880 from Broadway to Alice St., where the median household income is \$17,609, and only 22% speak English only, 62% do not speak English “very well,” and approximately 46% are over the age of 75 years (U.S. Census Bureau, 2011-2015 American Community Survey, 5-Year Estimates).

The census tracts surrounding the proposed site also have a total of 768 commercial properties, with almost 90% of them occupied or partially occupied. These businesses are integral to the local

economy and commercial diversity with approximately 50% retail, 14% office, and 23% industrial spaces (CoStar Properties, 2017).

These commercial and residential tenants are vital to the cultural character and economic diversity of the Chinatown and Eastlake neighborhoods. Therefore, it is imperative that the City implements interim protections quickly for existing residents and small businesses to guard against market speculation and undue displacement pressures.

At a time when Oakland is experiencing a housing crisis, this neighborhood and the community as a whole cannot afford to lose more naturally occurring affordable housing, commercial buildings and retail spaces in the portions of the Chinatown and Eastlake neighborhoods near the team's preferred site.

To mitigate these potential impacts, the City of Oakland needs to develop interim development controls on the approval of new large-scale developments (50,000 square feet or more of new floor area), building demolitions, approval of new hotels, condominium conversions and auto-fee parking lots in the portions of the Chinatown and Eastlake neighborhoods near the Peralta site.

These measures should address the potential loss of naturally occurring affordable housing units, commercial buildings, and retail spaces. The specific area that will be most impacted and in which these interim controls would apply is defined by the boundaries of Franklin St. to the west; 14th St., Lake Merritt and Foothill Blvd. to the north; 14th Ave. to the east; and Interstate 880 to the south.

As Peralta's decision-making process about the land unfolds, potential longer-term concerns of the ballpark development should also be addressed through inclusive community engagement. Other concerns that my office has heard from the community include:

- Laney College's community needs
- Safety, transportation and quality-of-life factors
- Protections for our environmental resources, wildlife habitats and open spaces
- Local hiring and good wages for Oakland workers
- Preservation of the cultural identity and diversity of the Eastlake and Chinatown neighborhoods

While the Peralta Board and the team are negotiating, it is necessary for the City to develop, implement and enforce these interim zoning regulations now for the area around the proposed ballpark at the Peralta District property at E. 7th St. and 5th Ave. to protect the unique character and future of Oakland, especially our underserved communities and most vulnerable neighbors.

Respectfully submitted,



Abel Guillén, City Councilmember

ATTACHMENT B

Title 17 PLANNING

Chapters:

[Chapter 17.81 - CHINATOWN EASTLAKE INTERIM COMBINING ZONE REGULATIONS](#)

Chapter 17.81 S-5 CHINATOWN EASTLAKE INTERIM COMBINING ZONE REGULATIONS

Sections:

17.81.010 Title, purpose, and applicability.

17.81.020 Expiration for S-5 Zone.

17.81.030 Zones with which the S-5 Zone may be combined.

17.81.040 Relationship to base zone.

17.81.050 Special regulations for public notification in the S-5 Zone.

17.81.060 Special regulations for demolition or removal of S-5 zoned properties.

17.81.070 Special regulations for Hotels and Large-Scale Developments in the S-5 Zone.

17.81.080 Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

17.81.090 Special regulations for Condominium Conversions in the S-5 Zone.

17.81.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-5 Chinatown Eastlake Interim Combining Zone Regulations. The Chinatown Eastlake Interim Combining (S-5) Zone is intended to apply, on an interim basis, to the Chinatown and Eastlake neighborhood areas near the Oakland Athletics' preferred location for a new Major League Baseball stadium; and to help address the potential negative impacts of near-term land use decisions that could result in the demolition of existing buildings, displacement of existing tenants and/or the removal of rental units from the market. These interim regulations are intended to remain in place until more comprehensive and permanent regulations are adopted by City Council.

17.81.020 Expiration for S-5 Zone.

The regulations contained in the S-5 Zone shall remain in place and be effective for a continuous period of two (2) years from the date of the adoption of these regulations or until the City Council adopts permanent regulations, whichever comes first. The City Administrator is authorized to extend the S-5 Zone and related regulations for up to one (1) additional year without returning to City Council.

17.81.030 Zones with which the S-5 Zone may be combined.

The S-5 Zone may be combined with any other zone.

17.81.040 Relationship to base zone.

The regulations in the S-5 Zone are supplementary to the regulations applying in the zone or zones with which the S-5 Zone is combined. Whenever any provision of the S-5 Zone imposes overlapping or contradictory regulations with those contained in the Oakland Planning Code, or

contains restrictions covering any of the same subject matter, the provision within the S-5 Zone shall control, except as otherwise expressly provided in the zoning regulations.

17.81.050 Special regulations for public notification in the S-5 Zone.

Notification Procedure for any Planning Application in the S-5 Zone that is Subject to a Three Hundred (300) Foot Public Notice in the Oakland Planning Code: Notice shall be given by the owner of the affected property, or his or her authorized agent, by posting an enlarged notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish not less than thirty (30) days prior to the date set for decision on the application by the Director of Planning or for a hearing before the Planning Commission, at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish shall also be given by the owner of the affected property, or his or her authorized agent, by certificate of mailing or delivery to all owners and occupants of the City of Oakland lot or lots within three hundred (300) feet of the project site not less than thirty (30) days prior to the date set for decision on the application by the Director or for a hearing before the Commission. During the required noticing period, the Director shall receive and consider comments from any interested party.

17.81.060 Special regulations for demolition or removal of S-5 zoned properties.

A. Regular Design Review approval shall be required for the demolition or removal of any structure in the S-5 Zone, and may only be granted if the proposal conforms to the general design review criteria in Section 17.136.050, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that:

- a. The existing structure has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return; and
- b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the structure into the proposed development.

B. Exceptions. Any structure that must comply with a City order to: (i) repair or demolish an unsafe, uninhabitable or substandard condition; or (ii) rebuild due to destruction by fire, earthquake, or other natural disaster, shall be exempt from the special regulations described in Subsection A.

17.81.070 Special regulations for Transient Habitation Commercial Activities and Large-Scale Developments in the S-5 Zone.

A. Requirements. A Major Conditional Use Permit (see Chapter 17.134 for the CUP procedure) shall be required for any of the following:

- 1. Transient Habitation Commercial Activities: Any project located in the S-5 Zone involving a new Transient Habitation Commercial Activity (i.e. hotel);
- 2. Large-Scale Development: Any project located in the S-5 Zone resulting in more than fifty thousand (50,000) square feet of new floor area.

B. Exceptions.

1. Any Transient Habitation Commercial Activity (i.e. hotel) project located in the S-5 Zone involving only accessory parking, the resumption of a discontinued Nonconforming Activity, or an addition to an existing Transient Habitation Commercial Activity which does not increase the existing floor area by more than twenty percent (20%) shall be exempt from the special regulations described in Subsection A.

17.81.080 Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

A. Requirements. No new Automotive Fee Parking Commercial Activities shall be permitted in the S-5 Zone.

B. Exceptions.

1. Any Automotive Fee Parking Commercial Activity project located in the S-5 Zone involving only the resumption of a discontinued Nonconforming Activity, or an addition to an existing Automotive Fee Parking Commercial Activity which does not increase the existing parking area by more than twenty percent (20%) shall be exempt from the special regulations described in Subsection A.

17.81.090 Special regulations for Condominium Conversions in the S-5 Zone.

The “conversion impact area”, which is defined in Oakland Municipal Code Section 16.36.070 as an area of the city whose rental housing supply has been negatively impacted by previous conversions, shall include the area defined by the S-5 Zone for the duration of the S-5 Zone regulations. (See Oakland Municipal Code Chapter 16.36 for additional regulations related to condominium conversions in the S-5 Zone).

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Title 16 - SUBDIVISIONS

Chapter 16.36 - CONDOMINIUM CONVERSIONS

16.36.070 - Action on the tentative map or tentative parcel map.

16.36.070 - Action on the tentative map or tentative parcel map.

Action by the Advisory Agency shall be governed, in addition to that set forth in Section 16.08.030, by the following:

- G. Notwithstanding the above, the Advisory Agency shall deny approval of a tentative map or tentative parcel map if it finds that the conversion is proposed to take place in the "conversion impact area," an area of the city whose rental housing supply has been negatively impacted by previous conversions. The conversion impact area shall contain ~~three~~ two sections: the Primary A section consisting of the area defined by the S-5 Chinatown Eastlake Interim Combining Zone, as described in Oakland Planning Code Chapter 17.81; the Primary B section consisting of Census Tracts 4034, 4035, 4036, 4037, 4039, 4040, and 4041; and the Secondary section consisting of Census Tracts 4038, 4042, 4043, 4052, and 4053. The Primary A section of the "conversion impact area" shall remain in place and be effective for a continuous period of two (2) years from the date of the adoption of these regulations or until the City Council adopts permanent regulations, whichever comes first. The City Administrator is authorized to extend the S-5 Zone in Oakland Planning Code Chapter 17.81 and the related regulations in this Section for up to one (1) additional year without returning to City Council.
- H. A conversion which would otherwise be denied due to its location within the conversion impact area shall be approved, subject to meeting all other requirements prescribed by state and city, if the subdivider agrees to replace (using the conversion rights method described above) each converted unit with a rental unit according to the following: For conversions to take place in either the Primary A or B sections of the conversion impact area, conversion rights must be generated within the same Primary A or B section; for conversions to take place in the Secondary section, conversion rights must be generated within the Secondary or Primary B sections of the conversion impact area.

ATTACHMENT C

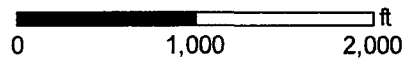
ATTACHMENT D



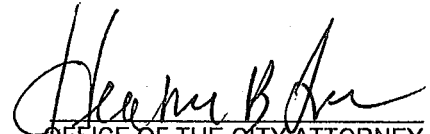
Planning and Building Department October 2017



Expansion of Condo Conversion Impact Area – New Primary A Section



2017 NOV -2 PM 12: 36


OFFICE OF THE CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING AND SUBDIVISION CODES TO INCLUDE SPECIAL REGULATIONS FOR PUBLIC NOTIFICATION; BUILDING DEMOLITIONS; BUILDING CONVERSIONS; AND NEW DEVELOPMENT IN THE AREA DEFINED BY FRANKLIN STREET TO THE WEST; 14TH STREET, LAKE MERRITT, AND FOOTHILL BOULEVARD TO THE NORTH; 14TH AVENUE TO THE EAST; AND INTERSTATE 880 TO THE SOUTH; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, the Oakland Athletics Major League Baseball (MLB) team have announced that their preferred location for a new baseball stadium is the Peralta Community College District administrative headquarters property at E. 7th Street and 5th Avenue; and

WHEREAS, the announcement of this preferred ballpark location by the Oakland Athletics may encourage property owners and developers to re-purpose nearby properties in the Chinatown and Eastlake neighborhoods that could result in the demolition of existing buildings, displacement of existing tenants and/or the removal of rental units from the market; and

WHEREAS, the loss of naturally occurring affordable housing units, commercial buildings, and retail spaces in the portions of the Chinatown and Eastlake neighborhoods near the Oakland Athletics' preferred location for a new ballpark would exacerbate the severe affordability crisis that the City of Oakland is currently experiencing; and

WHEREAS, until such time that the City adopts permanent amendments to the Oakland Planning and Subdivision Codes, the City needs interim development controls

to address this potential loss of naturally occurring affordable housing units, commercial buildings, and retail spaces; and

WHEREAS, the City desires to further the public health, safety and/or welfare by temporarily changing the land use approval process for certain types of new development in the area defined by Franklin Street to the west; 14th Street, Lake Merritt, and Foothill Boulevard to the north; 14th Avenue to the east; and Interstate 880 to the south, while it deliberates comprehensive and permanent reforms to the Oakland Planning Code and/or Subdivision Code; and

WHEREAS, on November 1, 2017, the City Planning Commission conducted a public hearing to consider proposed interim development regulations for the Chinatown and Eastlake areas near the potential location of a new Oakland Athletics' baseball stadium. The interim regulations would amend: 1) the Oakland Planning Code to create a new S-5 Chinatown Eastlake Interim Combining Zone in Chapter 17.81, with special regulations for public notification; building demolitions; building conversions; and new development; 2) the Oakland Zoning Maps to apply the new S-5 zone on an interim basis to the area defined by Franklin Street to the west, 14th Street, Lake Merritt, and Foothill Boulevard to the north, 14th Avenue to the east, and Interstate 880 to the south; and 3) the Oakland Subdivision Code to revise the Condominium Conversion regulations in Chapter 16.36 to specify that no rental units may be converted to condominium within the area defined by the S-5 zone on an interim basis unless rental units equal in number to the units proposed for conversion are added to the city's housing supply within the same S-5 zoned area, or "conversion rights" equal in number to the units proposed for conversion are owned by the converter within the same S-5 zoned area; and

WHEREAS, after a duly noticed public meeting on November 14, 2017, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on November 28, 2017 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the proposed amendments to the Planning Code, Subdivision Code, and Zoning Map rely on the previously certified set of applicable California Environmental Quality Act ("CEQA") documents including: the Lake Merritt Station Area Plan EIR (2014); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIR- Central City East (2003); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections

15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).; and

WHEREAS, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning and Subdivision Code amendments; and

WHEREAS, the proposed amendments to the Planning Code, Subdivision Code, and Zoning Map would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

Section 2. The City Council finds and determines the adoption of this Ordinance complies with the California Environmental Quality Act ("CEQA"), and relies on the Previous CEQA Documents. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 3. The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

Section 4. Titles 16 and 17 of the Oakland Municipal Code are hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Titles 16 and 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~.

Section 5. The Oakland Zoning Maps are hereby amended pursuant to *Exhibit B* attached hereto and incorporated by reference herein.

Section 6. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning and Subdivision Code amendments if the applicant chooses to do so.

Section 7. Nothing in this Ordinance shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law.

Section 8. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 9. This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution.

NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING AND SUBDIVISION CODES TO INCLUDE SPECIAL REGULATIONS FOR PUBLIC NOTIFICATION; BUILDING DEMOLITIONS; BUILDING CONVERSIONS; AND NEW DEVELOPMENT IN THE AREA DEFINED BY FRANKLIN STREET TO THE WEST; 14TH STREET, LAKE MERRITT, AND FOOTHILL BOULEVARD TO THE NORTH; 14TH AVENUE TO THE EAST; AND INTERSTATE 880 TO THE SOUTH; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

This ordinance proposes to add interim development regulations for the Chinatown and Eastlake areas near the potential location of a new Oakland Athletics' baseball stadium. The interim regulations would amend: 1) the Oakland Planning Code to create a new S-5 Chinatown Eastlake Interim Combining Zone in Chapter 17.81, with special regulations for public notification; building demolitions; building conversions; and new development; 2) the Oakland Zoning Maps to apply the new S-5 interim combining zone to the area defined by Franklin Street to the west, 14th Street, Lake Merritt, and Foothill Boulevard to the north, 14th Avenue to the east, and Interstate 880 to the south; and 3) the Oakland Subdivision Code to revise the Condominium Conversion regulations in Chapter 16.36 to specify that no rental units may be converted to condominium within the area defined by the S-5 Zone on an interim basis unless rental units equal in number to the units proposed for conversion are added to the city's housing supply within the same S-5 zoned area, or "conversion rights" equal in number to the units proposed for conversion are owned by the converter within the same S-5 zoned area. Both the proposed interim condo conversion controls in Oakland Subdivision Code Chapter 16.36 and the interim S-5 development controls in new Oakland Planning Code Chapter 17.81 are intended to remain in place for a continuous period of two years from the date of adoption or until the City Council adopts permanent regulations, whichever comes first. The City Administrator would be authorized to extend the S-5 Zone regulations and related condominium conversion interim controls for up to one additional year without returning to City Council.

NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING AND SUBDIVISION CODES TO INCLUDE SPECIAL REGULATIONS FOR PUBLIC NOTIFICATION; BUILDING DEMOLITIONS; BUILDING CONVERSIONS; AND NEW DEVELOPMENT IN THE AREA DEFINED BY FRANKLIN STREET TO THE WEST; 14TH STREET, LAKE MERRITT, AND FOOTHILL BOULEVARD TO THE NORTH; 14TH AVENUE TO THE EAST; AND INTERSTATE 880 TO THE SOUTH; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

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EXHIBIT A

TO THE NOVEMBER 14, 2017

CITY COUNCIL CED COMMITTEE

PLANNING AND SUBDIVISION CODE

TEXT AMENDMENTS –

FOR AREAS NEAR THE POTENTIAL

LOCATION OF A NEW OAKLAND

ATHLETICS BALLPARK

Title 17 PLANNING

Chapters:

Chapter 17.81 - CHINATOWN EASTLAKE INTERIM COMBINING ZONE REGULATIONS

Chapter 17.81 S-5 CHINATOWN EASTLAKE INTERIM COMBINING ZONE REGULATIONS

Sections:

17.81.010 Title, purpose, and applicability.

17.81.020 Expiration for S-5 Zone.

17.81.030 Zones with which the S-5 Zone may be combined.

17.81.040 Relationship to base zone.

17.81.050 Special regulations for public notification in the S-5 Zone.

17.81.060 Special regulations for demolition or removal of S-5 zoned properties.

17.81.070 Special regulations for Hotels and Large-Scale Developments in the S-5 Zone.

17.81.080 Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

17.81.090 Special regulations for Condominium Conversions in the S-5 Zone.

17.81.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-5 Chinatown Eastlake Interim Combining Zone Regulations. The Chinatown Eastlake Interim Combining (S-5) Zone is intended to apply, on an interim basis, to the Chinatown and Eastlake neighborhood areas near the Oakland Athletics' preferred location for a new Major League Baseball stadium; and to help address the potential negative impacts of near-term land use decisions that could result in the demolition of existing buildings, displacement of existing tenants and/or the removal of rental units from the market. These interim regulations are intended to remain in place until more comprehensive and permanent regulations are adopted by City Council.

17.81.020 Expiration for S-5 Zone.

The regulations contained in the S-5 Zone shall remain in place and be effective for a continuous period of two (2) years from the date of the adoption of these regulations or until the City Council adopts permanent regulations, whichever comes first. The City Administrator is authorized to extend the S-5 Zone and related regulations for up to one (1) additional year without returning to City Council.

17.81.030 Zones with which the S-5 Zone may be combined.

The S-5 Zone may be combined with any other zone.

17.81.040 Relationship to base zone.

The regulations in the S-5 Zone are supplementary to the regulations applying in the zone or zones with which the S-5 Zone is combined. Whenever any provision of the S-5 Zone imposes overlapping or contradictory regulations with those contained in the Oakland Planning Code, or

contains restrictions covering any of the same subject matter, the provision within the S-5 Zone shall control, except as otherwise expressly provided in the zoning regulations.

17.81.050 Special regulations for public notification in the S-5 Zone.

Notification Procedure for any Planning Application in the S-5 Zone that is Subject to a Three Hundred (300) Foot Public Notice in the Oakland Planning Code: Notice shall be given by the owner of the affected property, or his or her authorized agent, by posting an enlarged notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish not less than thirty (30) days prior to the date set for decision on the application by the Director of Planning or for a hearing before the Planning Commission, at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice written in English, Cantonese, Mandarin, Vietnamese, and Spanish shall also be given by the owner of the affected property, or his or her authorized agent, by certificate of mailing or delivery to all owners and occupants of the City of Oakland lot or lots within three hundred (300) feet of the project site not less than thirty (30) days prior to the date set for decision on the application by the Director or for a hearing before the Commission. During the required noticing period, the Director shall receive and consider comments from any interested party.

17.81.060 Special regulations for demolition or removal of S-5 zoned properties.

A. Regular Design Review approval shall be required for the demolition or removal of any structure in the S-5 Zone, and may only be granted if the proposal conforms to the general design review criteria in Section 17.136.050, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that:

- a. The existing structure has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return; and
- b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the structure into the proposed development.

B. Exceptions. Any structure that must comply with a City order to: (i) repair or demolish an unsafe, uninhabitable or substandard condition; or (ii) rebuild due to destruction by fire, earthquake, or other natural disaster, shall be exempt from the special regulations described in Subsection A.

17.81.070 Special regulations for Transient Habitation Commercial Activities and Large-Scale Developments in the S-5 Zone.

A. Requirements. A Major Conditional Use Permit (see Chapter 17.134 for the CUP procedure) shall be required for any of the following:

- 1. Transient Habitation Commercial Activities: Any project located in the S-5 Zone involving a new Transient Habitation Commercial Activity (i.e. hotel);
- 2. Large-Scale Development: Any project located in the S-5 Zone resulting in more than fifty thousand (50,000) square feet of new floor area.

B. Exceptions.

1. Any Transient Habitation Commercial Activity (i.e. hotel) project located in the S-5 Zone involving only accessory parking, the resumption of a discontinued Nonconforming Activity, or an addition to an existing Transient Habitation Commercial Activity which does not increase the existing floor area by more than twenty percent (20%) shall be exempt from the special regulations described in Subsection A.

17.81.080 Special regulations for Automotive Fee Parking Commercial Activities in the S-5 Zone.

A. Requirements. No new Automotive Fee Parking Commercial Activities shall be permitted in the S-5 Zone.

B. Exceptions.

1. Any Automotive Fee Parking Commercial Activity project located in the S-5 Zone involving only the resumption of a discontinued Nonconforming Activity, or an addition to an existing Automotive Fee Parking Commercial Activity which does not increase the existing parking area by more than twenty percent (20%) shall be exempt from the special regulations described in Subsection A.

17.81.090 Special regulations for Condominium Conversions in the S-5 Zone.

The "conversion impact area", which is defined in Oakland Municipal Code Section 16.36.070 as an area of the city whose rental housing supply has been negatively impacted by previous conversions, shall include the area defined by the S-5 Zone for the duration of the S-5 Zone regulations. (See Oakland Municipal Code Chapter 16.36 for additional regulations related to condominium conversions in the S-5 Zone).

Title 16 - SUBDIVISIONS

Chapter 16.36 - CONDOMINIUM CONVERSIONS

16.36.070 - Action on the tentative map or tentative parcel map.

16.36.070 - Action on the tentative map or tentative parcel map.

Action by the Advisory Agency shall be governed, in addition to that set forth in Section 16.08.030, by the following:

- G. Notwithstanding the above, the Advisory Agency shall deny approval of a tentative map or tentative parcel map if it finds that the conversion is proposed to take place in the "conversion impact area," an area of the city whose rental housing supply has been negatively impacted by previous conversions. The conversion impact area shall contain ~~three~~ two sections: the Primary A section consisting of the area defined by the S-5 Chinatown Eastlake Interim Combining Zone, as described in Oakland Planning Code Chapter 17.81; the Primary B section consisting of Census Tracts 4034, 4035, 4036, 4037, 4039, 4040, and 4041; and the Secondary section consisting of Census Tracts 4038, 4042, 4043, 4052, and 4053. The Primary A section of the "conversion impact area" shall remain in place and be effective for a continuous period of two (2) years from the date of the adoption of these regulations or until the City Council adopts permanent regulations, whichever comes first. The City Administrator is authorized to extend the S-5 Zone in Oakland Planning Code Chapter 17.81 and the related regulations in this Section for up to one (1) additional year without returning to City Council.
- H. A conversion which would otherwise be denied due to its location within the conversion impact area shall be approved, subject to meeting all other requirements prescribed by state and city, if the subdivider agrees to replace (using the conversion rights method described above) each converted unit with a rental unit according to the following: For conversions to take place in either the Primary A or B sections of the conversion impact area, conversion rights must be generated within the same Primary A or B section; for conversions to take place in the Secondary section, conversion rights must be generated within the Secondary or Primary B sections of the conversion impact area.

EXHIBIT B

**TO THE NOVEMBER 14, 2017
CITY COUNCIL CED COMMITTEE**

ZONING MAP AMENDMENTS –

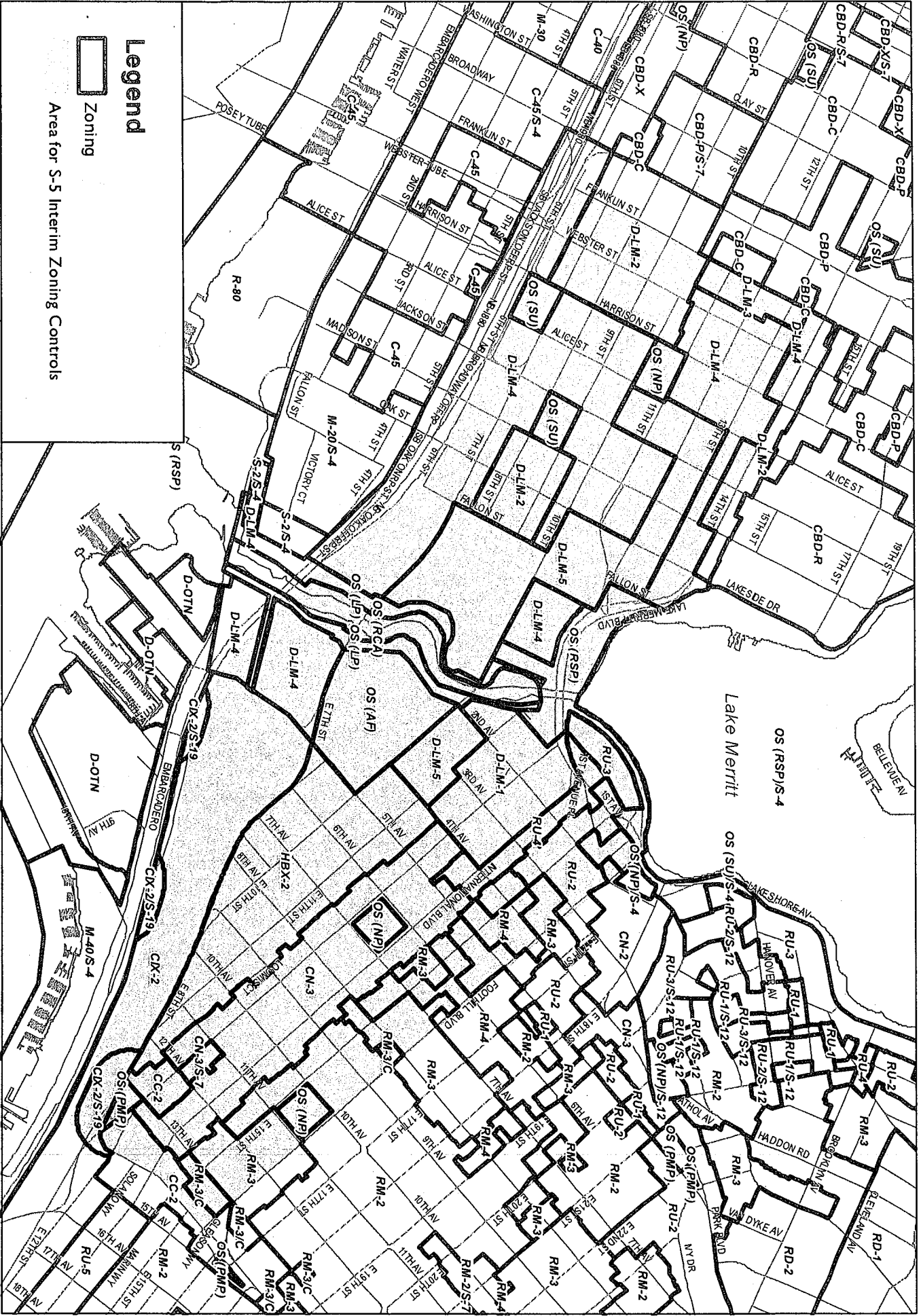
FOR AREAS NEAR THE POTENTIAL

LOCATION OF A NEW OAKLAND

ATHLETICS BALLPARK



Area For S-5 Interim Zoning Controls



Legend

Zoning

Area for S-5 Interim Zoning Controls

