

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY -1 PH 8:07

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community and Economic Development Agency
DATE: May 6, 2008

RE: Supplemental Report Regarding A Public Hearing and An Ordinance Amending the Oakland Planning Code To Update References, Improve Consistency Among Chapters, Clarify Language, And Make Other Minor Planning Code Revisions (including updating development standards in the HBX zone, permitted uses in the S-8 zoning designation; revising conditional use permit criteria for dwelling units with five or more bedrooms; and increasing the threshold before certain projects require a major conditional use permit in the R-36 and R-40 zones).

SUMMARY

This supplemental report incorporates direction received from the Community and Economic Development Committee (CEDC) at its April 22, 2008 meeting to modify the proposed zoning text amendments. The three changes to the proposed zoning text amendments that will be considered by the Oakland City Council at its May 6, 2008 meeting relate to the following:

- 1) The maximum height limit in the HBX-1 zone will increase to 35 feet; however, a conditional use permit is required for buildings exceeding 30 feet on Lowell Street.
- 2) No change will occur with regard to the amount of dwelling units triggering a major conditional use permit in the R-36 and R-40 zones; three dwelling units will trigger a major conditional use permit in these zones, as currently exists in the Planning Code.
- 3) The date the ordinance takes effect has been changed to allow zoning applications that are complete except for its environmental determination, to be processed under the current regulations, rather than under the proposed amended regulations.

The CEDC recommended that the changes listed above, as well as the remaining proposed zoning text amendments be adopted by the full City Council at its May 6, 2008 meeting. Staff recommends adoption of the Ordinance, with the revisions suggested by the CEDC.

CEDC AMENDMENTS

Staff has made the following changes to incorporate direction received from the CEDC:

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- In section 17.65.100 “HBX Housing and Business Mix Commercial Zone Regulations”-- “Maximum height”-- staff has revised the maximum height in HBX-1 to make new buildings over 30 feet subject to a conditional use permit on Lowell Street. The text change is as follows:

17.65.100 Maximum height.

A. The following table contains the maximum heights for the zones in this chapter.

Standard	Zone		
	HBX-1	HBX-2	HBX-3
Maximum height	30-35 ft.*	45 ft. when the lot abuts a street right of way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right of way that is 80 ft. wide or more.	55 ft.

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in the R-1 through R-50 zones. This maximum height shall increase one foot for every foot of distance from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. See ~~Section subsection 17.65.110(B)~~ for situations when exceeding these maximum heights may be permitted.
- 3.* On Lowell Street, any building height over thirty feet requires the granting of a conditional use permit (see 17.134).

- In section 17.134.020 (A)(1)(c)(i) “Conditional Use Permit Procedure”-- “Definition of major and minor conditional use permits”-- staff has removed the proposed change that four units would require a major conditional use permit in the R-36 and R-40 zones, so no change is made to the current Planning Code language that makes three dwelling units subject to a major conditional use permit in the R-36 and R-40 zones. The text change is as follows:

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A ~~major~~ conditional use permit is ~~one that~~ considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, R-90, C-51, C-55, S-2, or S-15 zones;

- c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three or more dwelling units in the R-36 or R-40 zone,
 - ii. Seven (7) or more dwelling units in the R-50 zone.
- d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting in 7 or more living units in the R-60, R-70, R-80, or R-90 zone.
- e. Large Scale Developments. Any development which is located in the R-80, R-90, C-51, C-55, S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area, or a new building, or portion thereof, of more than one hundred twenty (120) feet in height.

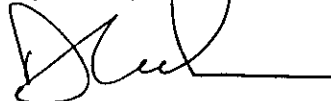
- Section three of the Ordinance, regarding its effective date, was changed as follows:

Section 3. 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; (b) zoning applications approved by the City and not yet expired; (c) complete zoning applications; or (d) zoning applications that would otherwise be considered complete except for an environmental determination, as of the date of final passage.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the Ordinance, with the revisions suggested by the CEDC.

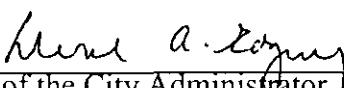
Respectfully submitted,



Dan Lindheim
Director
Community and Economic Development Agency

Prepared by:
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Strategic Planning Division, Planning and Zoning

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

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May 6, 2008