



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning and
Building

SUBJECT: Clerical Updates to Title 17 Chapter
17.101B D-OTN Oak-To-Ninth District
Zone

DATE: October 21, 2024

City Administrator Approval

Elizabeth Lake
Elizabeth Lake (Nov 8, 2024 11:52 PST)

Date: Nov 8, 2024

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The Planning Commission, That: (1) Amends The Oakland Planning Code to Update Chapter 17.101B D-OTN, Oak-To-Ninth District Zone Regulations, To: (a) Update The Chapter Title From Planned Waterfront Zoning District (PWD-4) To D-OTN, Oak-To-Ninth District Zone; And (b) Make Clerical Updates to the Chapter to Ensure the Intent of the Chapter Is Implemented; and 2) Makes Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

The Land Use and Transportation Element (LUTE) of the General Plan states that the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE and create a 'user friendly' Planning Code document that minimizes the complexity of regulations.

Staff found internal inconsistencies, typographical errors, and omissions in the Planning Code text adopted on May 16, 2023 that revised the Oakland Municipal Code ("O.M.C.") Chapter 17.101B D-OTN Oak To Ninth District Regulations, which were first revised on January 12, 2016. The proposed amendments to Chapter 17.101B will correct internal inconsistencies and omissions and improve the clarity of the Chapter so that its intent may be appropriately implemented.

On October 2, 2024, at a duly noticed public hearing, the Planning Commission recommended that the City Council adopt amendments to the Planning Code to update Chapter 17.101B D-OTN Oak-To-Ninth District Zone Regulations to update the Chapter Name to D-OTN Oak-To-Ninth District Zone and correct clerical errors.

BACKGROUND / LEGISLATIVE HISTORY

On February 10, 2010, the City Council adopted Chapter 17.101B D-OTN, Oak To Ninth District Regulations ([Ordinance No. 12999 C.M.S](#)) to establish D-OTN Oak to Ninth Zone and zoning regulations and standards for development. The zoning regulations and standards were meant to guide development within the Planned Waterfront Zoning District (PWD-4) area, which was originally established in July 2006 ([Ordinance No. 12578 C.M.S](#), July 18, 2006 and [Ordinance No. 12579 C.M.S](#), July 18, 2006).

Subsequently, on January 12, 2016, the City amended Chapter 17.101B ([Ordinance No. 13357 C.M.S](#)) to add Section 17.101B.020 – Permitted and Conditionally Permitted Activities and listed the permitted, conditionally permitted, and prohibited activities in the D-OTN and OS-RSP Zones within the Oak to Ninth Mixed Use Development.

On May 16, 2023, the City Council adopted [Ordinance No.13738 C.M.S](#) approving a zoning text amendment increasing the maximum average density and modifying parking requirements in the D-OTN Oak To Ninth District.

These updates resulted in inconsistencies, typographical errors and omissions that staff seeks to reconcile in order to implement the intent of the Chapter to guide development in the designated area it addresses.

ANALYSIS AND POLICY ALTERNATIVES

The proposed clerical updates to Chapter 17.101B advances the citywide priority for a responsive, trustworthy government.

The proposed clerical updates to Chapter 17.101B will supersede the Planning Code amendments that were made on May 16, 2023 ([Ordinance No.13738 C.M.S](#)), and January 12, 2016 ([Ordinance No. 13357 C.M.S](#)) respectively. The proposed updates will reconcile inconsistencies and bring Chapter 17.101B in conformance with the General Plan and Planning Code.

The content of the proposed updates is summarized below. Please refer Exhibit A to the Ordinance proposed for adoption for the specific text.

1. Staff is proposing updating the Chapter title as follows: 17.101B D-OTN Oak-To-Ninth District Zone. As such any Chapter text referencing Planned Waterfront Zoning District (PWD-4) is updated t to D-OTN Oak-To-Ninth District Zone.

Explanation: Planned Waterfront Zoning District (PWD-4) is not an existing zoning district designation. Updating that Chapter text referencing Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone will make the Chapter consistent with the Zoning Map and the rest of the Planning Code.

2. Staff is proposing adding a Limitation L4 to correct an oversight in Table 17.101B.01: Permitted and Conditionally Permitted Activities related to Residential Activities in the OS-RSP Zone.

Explanation: The proposed amendment would clarify that Caretaker's Quarters, as defined in Section 17.09.050.E of the Planning Code, is the only conditionally permitted residential activity in the OS-RSP Zone.

3. Staff is proposing updating parking requirements for residential and commercial uses in Table 17.101B.04 to eliminate minimum parking requirements for residential facility and commercial activity types within ½ mile of a major transit stop.

Explanation: The proposed amendment will bring Section 17.101B.180 Parking Requirements to be consistent with recently adopted State law (AB 2097) and Chapter 17.116 of the Planning Code.

FISCAL IMPACT

The proposed update is a routine component of project review administered by the Planning and Building Department to correct internal inconsistencies and improve the clarity of the Planning Code. Staff does not anticipate any direct fiscal impact from this action. The proposed ordinance should not have any noticeable fiscal impact nor increased staffing needs or workload.

PUBLIC OUTREACH / INTEREST

The proposed amendments to the Planning Code are clerical updates prompted by internal staff review, and no statutory changes are being proposed. As such, there was no public outreach conducted. The proposed amendments were presented at a public meeting of the Planning Commission on September 11, 2024. The meeting was noticed in the Oakland Tribune.

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 clerical amendments will reconcile inconsistencies and clarify the Planning Code. There are no direct economic opportunities associated with this report.

Environmental: The proposed clerical amendments will reconcile inconsistencies and clarify the Planning Code. There are no direct environmental opportunities associated with this report.

Race & Equity: The proposed clerical amendments will reconcile inconsistencies and clarify the Planning Code. There are no direct Race & Equity opportunities associated with this report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed amendments to the Planning Code rely on the certified Supplemental Environmental Impact Report (SEIR) for the Brooklyn Basin Marina Expansion Project (2023) and previous Oak-To-Ninth EIR (2009), since it implements, and is consistent with, the adopted Planning Code regulations that were studied in the previous Environmental Impact Report (EIR) and updated through the SEIR. This proposal is also categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183 (projects consistent with General Plan and Zoning) of the CEQA Guidelines.

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 Planning Commission, That: (1) Amends The Oakland Planning Code to Update Chapter 17.101B D-OTN, Oak-To-Ninth District Zone Regulations, To: (a) Update The Chapter Title From Planned Waterfront Zoning District (PWD-4) To D-OTN, Oak-To-Ninth District Zone; And (b) Make Clerical Updates to the Chapter to Ensure the Intent of the Chapter Is Implemented; and 2) Makes Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact LAKSHMI RAJAGOPALAN, PLANNER IV, at (510) 238-6751.

Respectfully submitted,


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