

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 APR 10 PM 4:24

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community and Economic Development Agency
DATE: April 15, 2008

RE: **Supplemental Report Regarding A Public Hearing and An Ordinance Amending The Oakland Planning Code To:**

- (1) Add Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones", Creating The Following Four New Zones: Commercial Industrial Mix-1, Commercial Industrial Mix-2, General Industrial And Industrial Office;**
- (2) Amend The City's Zoning Maps To Map These Proposed Zones In Areas In The City That Currently Have The General Plan Land Use Designations Of Business Mix And General Industrial/Transportation;**
- (3) Amend Chapter 17.10 "Use Classifications";**
- (4) Add Chapter 17.100 "S-19 Health And Safety Protection Overlay Zone" and Amend Zoning Map to Add Overlay;**
- (5) Amend Chapter 17.120 "Performance Standards"**
- (6) Amend "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to Reflect the New Zones**

SUMMARY

This supplemental report provides two modifications to the proposal to amend the Oakland Planning Code related to items #1 and #2 listed above. Specifically, the Community and Economic Development Committee (CED) of the City Council at their April 8, 2008 meeting directed staff to make the following changes to the proposal to be considered by the City Council on April 15, 2008:

1. Allow conversions of existing commercial or industrial buildings to work/live in all of the industrial zones with the granting of a conditional use permit (CUP) as a provisional step until more fully researched proposals on procedures to regulate flexible space (that mix work and living space) Citywide can be presented to Council; and
2. Areas that are currently designated as General Plan Business Mix or General Industrial/Transportation *and* zoned as residential will not be rezoned with a corresponding industrial zoning at this time. These areas will be brought forward for consideration by the Planning Commission and City Council at a later date for potential General Plan amendments.

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In addition, the CED Committee directed staff to return to the Committee in September 2008 with a study and recommendations regarding work/live uses, including requiring an active City of Oakland Business Tax Certificate.

Other than the actions described above, the CED Committee recommended that the other elements of the proposal be considered by the full City Council at its April 15, 2008 meeting. Staff recommends adoption of the proposed Ordinance by the City Council with the revisions recommended by the CED Committee.

CEDC AMENDMENTS

Staff has made the following revisions to reflect direction given by the CED Committee as shown below.

A. Staff has revised Chapter 17.73 “CIX-1, CIX-2, IG and IO Industrial Zones” to allow conversions of existing commercial or industrial buildings to work/live in all of the industrial zones with the granting of a conditional use permit (CUP). Section 17.73.040.C of the proposed new chapter to the Oakland Planning Code (Chapter 17.73 “CIX-1, CIX-2, IG And IO Industrial Zones”, page 17 of Exhibit A) is revised to read as follows:

“C. Conditional use permit required.

1. Establishment of a work/live unit for new construction ~~and conversion of existing buildings~~ is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 on lots that are both: 1) in the CIX-1 or CIX-2 zones and 2) within three-hundred feet of a residential zone.
2. Establishment of a work/live unit through the conversion of an existing building originally designed for commercial or industrial activities which is rated “A” or “B,” by the City’s Cultural Heritage Survey, is permitted in all industrial zones with the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.”

This revision results in no change from current regulations for conversions of existing buildings to work/live space in the proposed industrial zones, regarding where and how conversions are allowed. The proposal, as originally presented to the CED Committee had limited conversions of existing commercial/industrial buildings to areas zoned as CIX-1 and CIX-2 and within 300 feet of a residential zone with the granting of a CUP, and for buildings rated “A” or “B” by the City’s Cultural Heritage Survey in areas zoned as IG and IO. The regulations regarding work/live space in the industrial zones are intended to be a provisional step until more fully researched proposals on procedures to regulate flexible space (that mix work and living space) Citywide can be presented to Council.

B. Staff has revised the proposed changes to the City’s Zoning Maps to map the proposed industrial zones to areas in the City that currently have the General Plan Business Mix or General

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Industrial/Transportation designations **except** in areas that are currently zoned as residential. Areas that are currently designated as General Plan Business Mix or General Industrial/Transportation *and* zoned as residential will not be rezoned with a corresponding industrial zoning at this time. These areas will be brought forward for consideration by the Planning Commission and City Council in late 2008 for potential General Plan amendments. (See the attached maps that show areas that will remain residentially zoned at this time).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the proposed Ordinance by the City Council with the revisions recommended by the CED Committee.

Respectfully submitted,




Dan Lindheim
Director
Community & Economic Development Agency

Reviewed by:
Eric Angstadt, Strategic Planning Manager, CEDA

Prepared by:
Alisa Shen, Planner III
Planning and Zoning Division, Strategic Planning, CEDA

Margot Prado, AICP
Industrial and Brownfields Specialist, CEDA

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

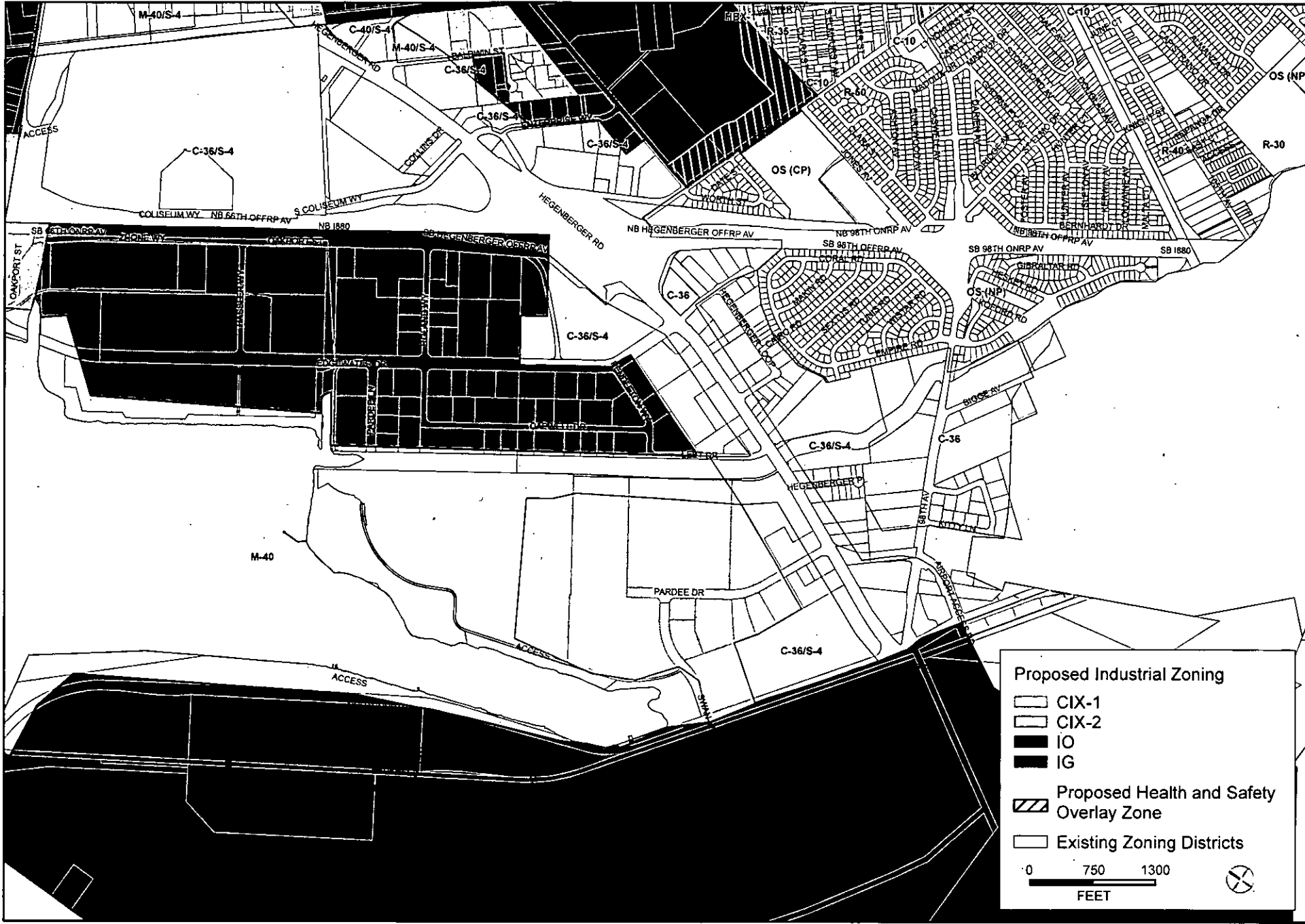


Office of the City Administrator

Attachment:

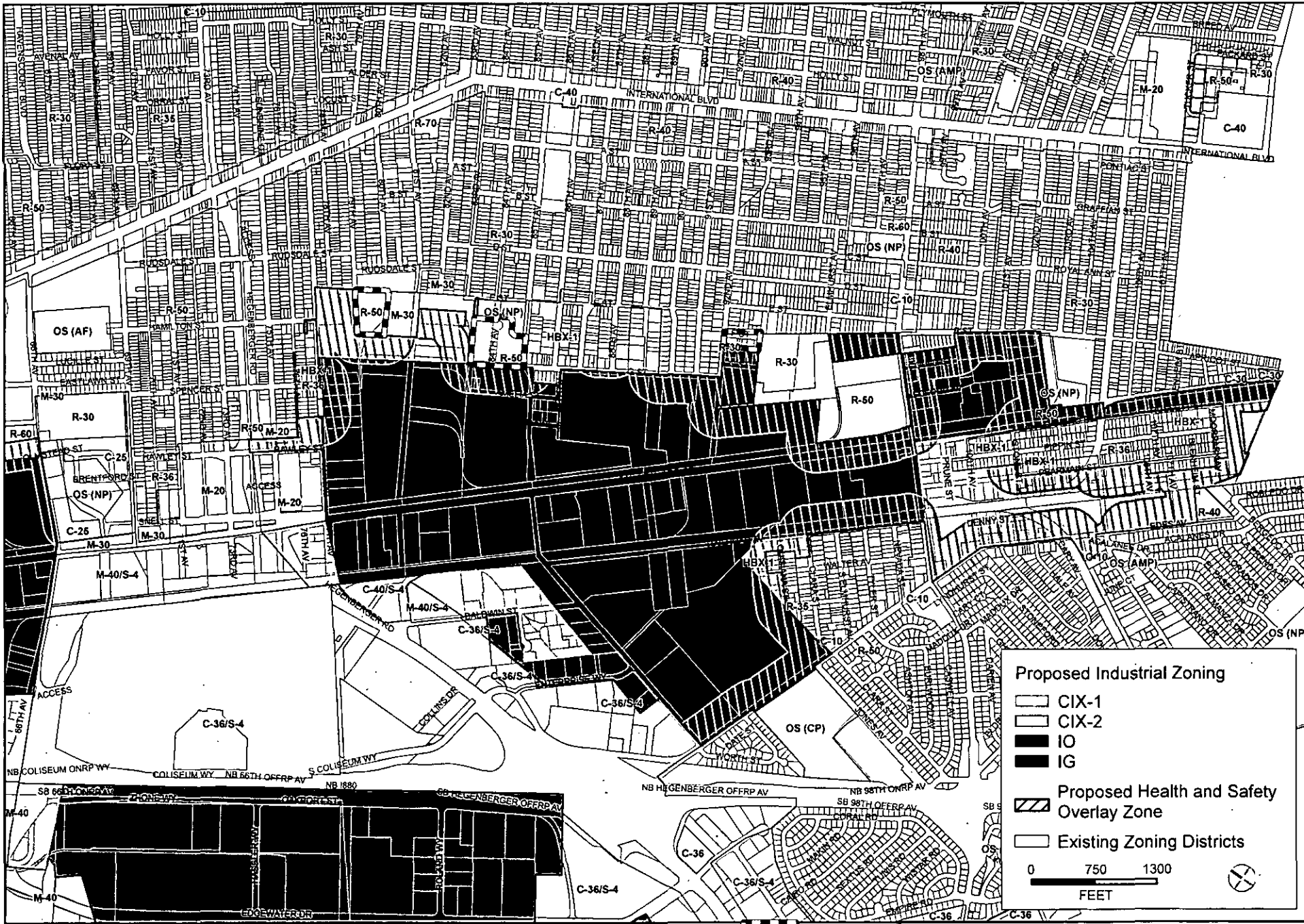
A. Exhibit B – Revisions to Oakland Zoning Map (Revised 4/15/08)

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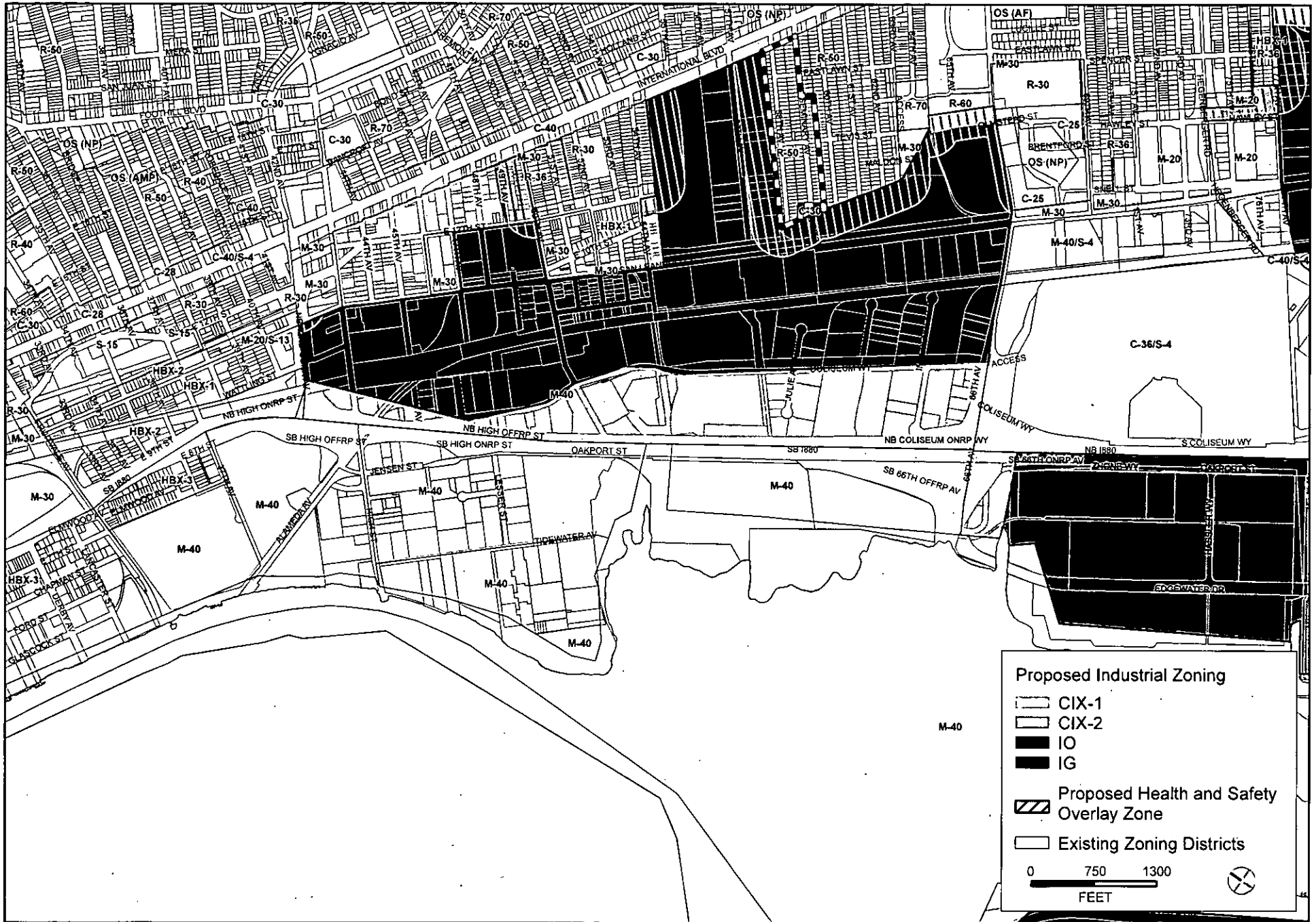
Proposed Industrial Re-zoning
Map 1 of 5

Note: No changes have been made to Map 1 of 5
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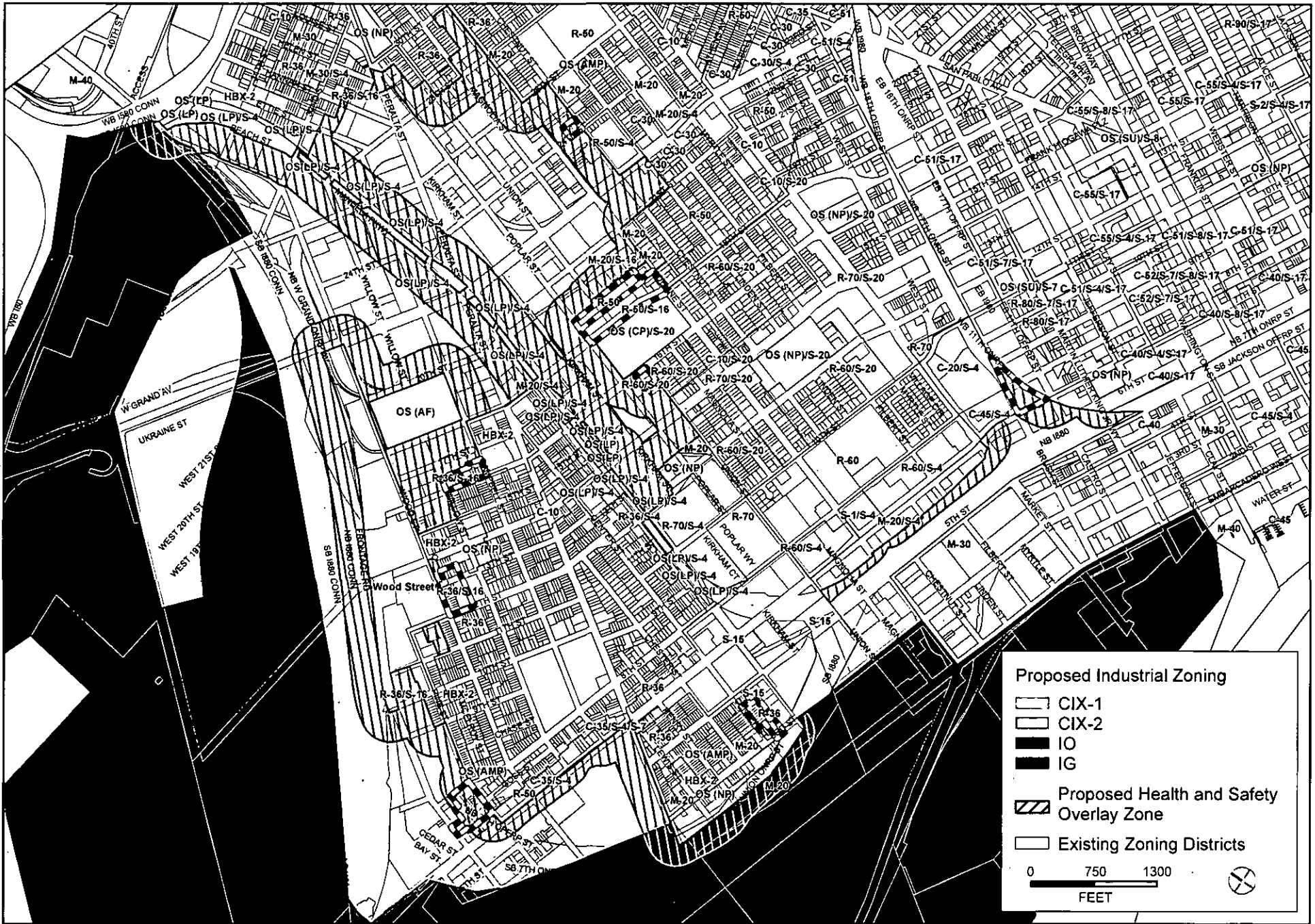
 Zones that will retain existing residential zoning at this time





 Zones that will retain existing residential zoning at this time





 Zones that will retain existing residential zoning at this time
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4/15/2008

