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OAKLAND

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APPROVED AS TO FORM AND LEGALITY

Mark P. Wall

DEPUTY CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE TO AMEND TITLE 17 OF THE OAKLAND PLANNING CODE TO REVISE THE CITYWIDE DESIGN REVIEW PROGRAM AND MAKE OTHER MINOR ZONING CODE REVISIONS; ELIMINATE THE S-14, S-18 AND S-19 COMBINING ZONE OVERLAYS FROM THE OAKLAND ZONING MAP; AND AMEND THE PLANNING AND ZONING FEES IN THE MASTER FEE SCHEDULE

WHEREAS, on December 18, 2001, the City Council adopted Ordinance No. 12376 C.M.S. (and corrected on February 26, 2002 with Ordinance No. 12406 C.M.S.), amending the Oakland Planning Code to include a new S-18 Mediated Design Review Combining Zone as a pilot program within City Council District One and the boundary area of the S-14 Overlay Zone (1991 Firestorm Area), with direction to staff to bring forward to the City Planning Commission and City Council an evaluation of the Mediated Design Review pilot program, and a recommendation of whether to retain it, eliminate it, or expand it to other areas; and

WHEREAS, from 2003 through 2006, staff held a series of community workshops and meetings with public and private working groups to discuss a comprehensive revision of the City's design review procedures and thresholds, and to evaluate the S-18 Mediated Design Review pilot program as part of this larger effort; and

WHEREAS, it is the assessment of staff that after administering the Mediated Design Review pilot program in the S-18 Zone since 2002, the program has not achieved its objective of facilitating design review through the use of mediation and in many respects has been counter-productive; and

WHEREAS, from 2003 through 2005, staff held a series of community workshops and meetings with public and private working groups to discuss a comprehensive revision of the City's design review procedures and thresholds, and to evaluate the S-18 Mediated Design Review pilot program as part of this larger effort; and

WHEREAS, on May 12, 2004 and October 13, 2004, the Oakland Planning Commission held a notice public hearing to discuss conceptual revisions to the City's 2 unit residential design review procedures, including a proposal to eliminate the S-18 Mediated Design Review pilot program; and

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WHEREAS, on February 15, 2005, the Oakland Planning Commission's Design Review Committee held a noticed Public Hearing to review and provide input regarding additional revisions to the City's 1-2 unit residential design review procedures; and

WHEREAS, on June 15, 2005, the Oakland Planning Commission held a noticed Public Hearing to discuss the design review changes described above and made a recommendation that the Oakland City Council adopt the proposed changes to the Planning Code; and

WHEREAS, following the June 15, 2005 Oakland Planning Commission hearing, staff received direction from the City Council that the proposed design review changes should be *expanded to lay the groundwork for commercial design review in areas of the City that do not currently require it*; and

WHEREAS, in order to accommodate the future expansion of nonresidential design review, staff developed additional revisions to the design review procedure changes previously endorsed by the Planning Commission to create more efficiencies through standardizing design review procedures for all residential project types citywide, and increasing the range of project types that qualify for a simple and expedited review process; and

WHEREAS, on November 8, 2005, the City Council's Community and Economic Development (CED) Committee held a noticed Public Hearing to discuss design review changes and directed staff to make additional revisions to the public notice and dispute resolution procedures; and

WHEREAS, on June 13, 2006, staff reported back to the CED Committee with an update to the design review procedure changes, a draft of the proposed zoning text amendments and a summary of public comment periods utilized by other East Bay cities; and

WHEREAS, on August 16, 2006, staff presented the proposed design review procedure changes and zoning text amendments to the Planning Commission's Zoning Update Committee (ZUC) for their review and recommendations; and

WHEREAS, on September 11, 2006, staff presented the proposed design review procedure changes and zoning text amendments to the Landmarks Preservation Advisory Board (LPAB) to receive their input and recommendations regarding amendments to historic preservation regulations and procedures; and

WHEREAS, on October 4, 2006, the Oakland Planning Commission held a duly noticed Public Hearing to discuss revisions to the design review procedures and thresholds citywide, revisions to other miscellaneous Zoning Code sections, and elimination of the S-14, S-18, and S-19 Combining Zones, and made a recommendation that the Oakland City Council adopt the proposed Zoning Code and Zoning Map changes; and

WHEREAS, in order to accommodate revisions to the citywide design review program, staff also developed revisions to the Master Fee Schedule to standardize Planning report and *notification fees for similar project types citywide*; and

WHEREAS, the revisions to the Master Fee Schedule will eliminate the specific fees for the following current design review procedures that will be eliminated as part of revisions to the citywide design review program: S-14 Expedited Design and Bulk Review, S-18 Mediated Design Review, Special Residential Design Review, S-11 Site Development and Design Review, and R-36 Design Review; and

WHEREAS, since July 2006, the fees collected by CEDA are deposited into a separate "Development Services Fund", and therefore the proposed changes to the planning fees in the Master Fee Schedule will not have a direct budget impact on the City's General Fund; and

WHEREAS, the City of Oakland's Community Economic Development Agency has studied the Master Fee Schedule changes and concluded that the following amendments to the Master Fee Schedule are reasonably related to the cost of processing design review related applications; and

WHEREAS, the City of Oakland's Community Economic Development Agency has studied the City's existing zoning regulations, existing zoning maps, and existing applicable statutory requirements, and has found them in need of improvement and contrary to the public interest, and thus has prepared the following amendments to the Oakland Planning Code and Zoning Map to better promote the public's health, safety and general welfare; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970 are satisfied according to State CEQA Guidelines Section 15061(b)(3), "general rule", no possibility of significant effect on the environment; Section 15183, adoption of uniformly applied development policies consistent with the General Plan; Section 15282(h), adoption of an ordinance involving second units in a single-family or multifamily residential zone; and Section 15273, the establishment, modification, restructuring, or approval of rates, fares and other charges by public agencies, Now, therefore,

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

SECTION 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 2. The City Council finds and determines, that the adoption of this Ordinance is exempt from CEQA under Sections 15061(b)(3), 15183, 15282(h), and/or Section 15273 of the State CEQA Guidelines and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

SECTION 3. Title 17 of the Oakland Planning Code is hereby amended pursuant to **Exhibit A** incorporated herein by reference. Additions to Title 17 of the Oakland Planning Code are shown in Exhibit A as underline and omissions are shown as ~~strikethrough~~.

SECTION 4. The Oakland Zoning Map is hereby amended to eliminate the S-14, S-18, and S-19 Combining Zones pursuant to **Exhibit B** incorporated herein by reference. Revisions to the Oakland Zoning Maps are shown in Exhibit B as ~~striketrough~~.

SECTION 5. The Planning and Zoning fees in the Oakland Master Fee Schedule are hereby amended pursuant to **Exhibit C** incorporated herein by reference. Additions to the Master Fee Schedule are shown in Exhibit C as underline and omissions are shown as ~~striketrough~~.

SECTION 6. If any section, subsection, phrase, word or provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 7. This Ordinance shall be effective on **April 1, 2007**, provided, however, that all applications accepted as complete prior to the effective date of this Ordinance may go forward according to the regulations in effect at the time of initial case intake. Applicants may choose to convert their application to the applicable new review procedure if such a conversion would serve to expedite the review process and is accompanied by any appropriate change in fees.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
 PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest: _____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

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NOTICE AND DIGEST

AN ORDINANCE WHICH: (1) AMENDS THE ZONING REGULATIONS TO REVISE DESIGN REVIEW PROCEDURES AND THRESHOLDS CITYWIDE, AND MAKE OTHER MINOR ZONING CODE REVISIONS; (2) AMENDS THE ZONING MAPS TO ELIMINATE THE S-14, S-18, AND S-19 COMBINING ZONES; AND (3) AMENDS THE PLANNING AND ZONING FEES IN THE MASTER FEE SCHEDULE

This ordinance will standardize design review across zoning districts for the same types of projects; expand the range of project types that qualify for a simple and expedited review process; establish uniform decision-making criteria; improve the City's public notification process; expand the geographic areas where design review requirements apply; and improve the efficiency and user-friendliness of the Zoning Code. This ordinance also makes other (non-design review) changes to the Zoning Code and amends the Master Fee Schedule.

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