

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY ADMINISTRATOR
2006 SEP 12 11:43:34

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 12, 2006

RE: ORDINANCE TO 1) ADOPT PROPOSED AMENDMENTS TO THE ZONING REGULATIONS THAT CREATE THREE NEW HOUSING AND BUSINESS MIX (HBX) ZONING DESIGNATIONS; 2) ADOPT A DESIGN REVIEW MANUAL ASSOCIATED WITH THE NEW HBX ZONING DESIGNATIONS; 3) AMEND THE ZONING MAPS TO INCLUDE THE NEW HBX ZONES; 4) MAKE MINOR REVISIONS AND CLARIFICATIONS TO THE GENERAL PLAN MAP TO REFINE THE HOUSING AND BUSINESS MIX GENERAL PLAN CLASSIFICATION BOUNDARIES; AND 5) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE NEW ZONES

SUMMARY

This ordinance provides development standards for areas of the City with a Housing and Business Mix General Plan land use classification or Residential Mixed Use Estuary Policy Plan land use classification. The proposed zoning designations, design guidelines manual, and changes to the Zoning and General Plan maps will provide development standards for areas of the City that are experiencing significant development interest. The Planning Commission and staff recommend adoption of the proposal because it will benefit both the affected neighborhoods and the development community. Neighborhoods will benefit through the creation of attractive and well designed buildings, an appropriate building scale, and a vibrant streetscape. The proposal will benefit the development community by establishing clear City expectations for new development and an efficient approval process.

FISCAL IMPACT

Adoption of this ordinance will not have any direct fiscal impacts. The Planning and Building Departments are self funded. All costs associated with development under the new requirements would be covered by permit applications fees. The proposal should facilitate development by providing more efficient permitting processes. More development would result in increased property taxes, sales taxes, and other revenue. These revenues would be partially offset by the ongoing costs of providing City services.

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BACKGROUND

In 1998 the City adopted the General Plan and subsequently the Estuary Policy Plan (the Estuary Policy Plan refines General Plan polices within the Estuary Planning Area). These documents lay out the City's vision for future development and represent the land use "constitution" for Oakland. All of the City's land use decisions and plans must be consistent with these documents. Within these documents are policies and descriptions for several land use classifications and associated maps. Each of these land use classifications should be implemented by the standards contained in a city's zoning code and zoning maps. However, revisions to these zoning documents were not adopted at the time of the passage of the General Plan or Estuary Policy Plan.

This proposal closes the gap for two important General Plan and Estuary Policy Plan classifications, Housing and Business Mix and Residential Mixed Use, respectively, through the adoption of three new zoning designations, a design guideline manual, and amendments to the zoning and General Plan maps. Staff presented this proposal to the Zoning Update Committee (ZUC) on January 18, 2006 where it was recommended for hearing before the Planning Commission. Staff subsequently presented the proposal to the Planning Commission on April 4, 2006. At that meeting, the Planning Commission unanimously recommended that the City Council adopt the proposal.

KEY ISSUES AND IMPACTS

Since the General Plan and Estuary Policy Plan were adopted, significant development activity and interest has occurred in the Housing and Business Mix and Residential Mixed Use classifications. The evaluation of these plans' consistency with the General Plan has occurred on an interim basis because no current zoning designation is consistent with these General Plan and Estuary Plan classifications. This situation has created uncertainty for developers, because the City's rules for evaluating projects are unclear, and frustration for planners, because they do not have a consistent set of standards to rely upon. The development review process has been particularly difficult in these areas because they tend to have inconsistent development patterns (see Description of Planning Areas, below). This proposal addresses these issues by providing specific development standards and design guidelines for these areas.

PROJECT DESCRIPTION

This section provides a description of the areas affected by the proposal, the General Plan and Estuary Policy Plan classifications, and the four components of the proposal:

1. Three new related zoning districts in the Planning Code and an associated design guidelines manual that implement the Housing and Business Mix General Plan

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- classification and the Residential Mixed Use (RMU) Estuary Policy Plan classification Attachment A of the ordinance is the proposed zoning district regulations and Attachment B of the ordinance is the proposed design manual;
2. Mapping the three new districts on the zoning map (see Attachment C of the ordinance);
 3. Refinement of the General Plan map to more accurately reflect areas appropriate for the Housing and Business Mix General Plan Classification (see Attachment C of the ordinance);
 4. Amendments to the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new HBX zones (see Attachment D of the ordinance).

Description of Areas

The proposed regulations would create three new related zones: the HBX-1, HBX-2, and HBX-3 zones.

The HBX-1 zone mapped in areas of East Oakland on the edge of heavy industrial areas and is mostly located near the 880 freeway. Neighborhoods in the HBX-1 zone typically have a variety of light industrial activities, auto repair activities, and stretches of low density, detached unit residential development patterns.

The HBX-2 zone (mapped in the Clawson District of West Oakland and the Lowell Street area of North Oakland) and the HBX-3 zone (the designation for the Kennedy Tract in the Estuary Plan area, a neighborhood generally west of Fruitvale Avenue and south of I-880) are a mix of light manufacturing, artisan activities, live/work units, warehousing, multifamily housing, and Victorian style homes on narrow lots. The nonresidential facilities in the HBX-3 zone tend to be of a larger scale and are located on larger sites than those in the HBX-2 zone.

Some of the existing development patterns in the HBX zones have resulted in land use conflicts, such as a row of two to three houses in the midst of heavy industrial or warehousing uses.

Descriptions of General Plan and Estuary Plan Classifications

The proposed zones implement the Housing and Business Mix General Plan classification and the Residential Mixed Use (RMU) classification in the Estuary Policy Plan. The intent of the Housing and Business Mix General Plan classification is to: 1) recognize the equal importance of both housing and business; 2) guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development; 3) provide additional housing and neighborhood friendly businesses; and 4) respect environmental quality. The General Plan also describes the desired character and uses of Housing and Business Mix General Plan designated areas: "Future Development within this classification should be compatible with housing, and development should recognize the mixed business nature of the area. Development of site specific buffers is essential as are specific conditions under which

business and housing will coexist. This classification allows mixed housing type density housing, 'live/work', low impact light industrial, commercial, service businesses, and compatible community facilities." The General Plan designates a maximum nonresidential floor area ratio of 3.0 and a maximum density of 30 units per gross acre.

According to the Estuary Policy Plan, the intent of the RMU classification is to "enhance and strengthen the viability and attractiveness of the Kennedy Tract as a mixed use residential neighborhood of low to medium density housing within a fine-grained fabric of commercial and light industrial uses." The desired character of the RMU classification "should be primarily residential, live/work, light industrial, neighborhood-serving retail, offices, public parks and open spaces." The Estuary Plan designates a maximum nonresidential floor area ratio of 1.0 and a maximum density of 40 units per gross acre.

Summary of Proposed HBX Zones

The following is a summary of the proposed HBX regulations and Design Guidelines Manual.

Regulations and guidelines

The proposed standards for the HBX zones are contained in two documents: the zoning regulations and an associated design manual. The regulations avoid strict requirements and define a generous building envelope. The manual provides guidelines and objectives to give direction to staff and developers where construction should occur within this envelope. For instance, there are no generally prescribed setbacks in the zoning regulations but the manual describes instances where setbacks may be appropriate, such as near single family homes or to contribute to rear yard open space. This method was developed because the varied development patterns and mix of activities in HBX zones makes prescribed zoning standards with stringent regulations impractical and cumbersome.

The design guidelines manual is organized into eight general "design objectives" relating to the orientation of buildings, parking location and design, open space, building scale, architectural quality, landscaping, and buffering. Each objective is followed by suggested guidelines to meet the objectives. To encourage design creativity, the manual states that alternative methods to achieve the objectives in an equivalent manner are allowed. In this way a project proponent will be able to design using the actual context and surrounding neighborhood character rather than relying on a predetermined set of standards.

The manual also describes basic urban design techniques to create a comfortable pedestrian scale and attractive streetscapes to improve the public realm. The document also provides guidelines specific to the HBX zones such as how to transition from existing, low density development to a more intense development pattern and buffering residential activities from impacts associated with nonresidential activities. Finally, the document stresses a design review process that accepts a variety of architectural styles and designs.

All proposals would be required to conform to the manual, whether they are proposals that can be approved over the counter or require a more formal design review process (see next section for a discussion of the proposed required design process).

Summary of regulations and design manual

The following describes key features of the proposed manual and their associated regulations in the draft zoning provisions.

Design review. The regulations state that the regular design review process is required for:

- Any increase in the height of a building over eight feet;
- The new construction of a principal building
- The creation of any new HBX work/live or live/work unit; and
- Any increase in the footprint or square footage of a building of 20 percent or more or 10,000 square feet, whichever is less.

Consistent with the other zones in the City, new signs and telecommunications facilities also require a design review process. In addition, all proposals require conformance to the design guidelines manual.

These thresholds allow for a detailed review of larger projects and projects that may impact neighboring properties, while allowing for a significant number of small additions to be approved with a more simple process where review and approval occur at the planning counter if standards are met.

Permitted and conditionally permitted activities. As directed by the General Plan and Estuary Policy Plan, each HBX zone has similar permitted and conditionally permitted activities that allow for a variety of activities such as residential, light industrial, offices, community facilities, services, and retail. The only difference between the zones is the HBX-1 zone conditionally permits auto repair with strict design standards where neither the HBX-2 or HBX-3 zone allow auto repair. Automotive repair is conditionally permitted in the HBX-1 zone because there are many nonconforming auto repair shops in HBX-1 areas; this allows the existing shops to expand under strict design standards. Heavy and General Manufacturing activities and activities involving hazardous waste management are not permitted in the HBX zones because of their essential incompatibility with residential development due to nuisance impacts (noise, vibration, dust, hazardous materials, transportation etc.) and health and safety considerations.

Site planning. Due to the varied contexts in the HBX zones, the zoning regulations provide no generally required setbacks in the HBX zones; instead, the design manual provides direction to developers and planners for when to setback a building from property lines. The guidelines encourage the following design and site planning elements:

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- A limited side and front yard setback pattern that encloses the street space by defining a street wall. An exception to accommodate parking on smaller lots is also provided.
 - A ten foot setback behind residential facilities to contribute to a collective rear yard open space area;
 - Mitigating light and air impacts on small scale facilities through the use of open space, upper story stepbacks, court yards, and light wells; and
 - Shifting mass away from neighboring small scale homes towards neighboring larger scale buildings and nonresidential properties.

The manual also provides basic site planning techniques to create an attractive and active streetscape such as orienting a main entrance to the street, reducing the visibility of parking areas, and integrating functional open space into a development.

Building design. The building design section of the manual contains guidelines regarding appropriate building scale, transitioning from the lower intensity building patterns, architectural style, and façade design.

- *Maximum height and scale.* In the zoning regulations, staff proposes a maximum height of thirty feet for the HBX-1 zone due to its existing small scale, mostly one story, single-family homes. In the HBX-2 zone, the draft zoning regulations propose a maximum height of 45 ft when a lot is abutting a street right of way that is less than 80 ft wide and 55 feet when a lot is abutting a street right of way that is 80 feet wide or more. Staff proposes an increased maximum height along wider streets where taller buildings can be accommodated. The height maximum in the HBX-3 zone is 55 feet due to the predominance of the larger scale development existing there.

The regulations also allow for a maximum height of 85 feet in two situations: 1) buildings within 125 feet of a freeway and 2) on sites both greater than 25,000 square feet and adjacent to a street 80 feet wide or greater. To qualify for the additional height, the manual states that a new development must either shield the surrounding neighborhood from the noise and visual impacts of the freeway or use the additional height to shift mass away from nearby small scale residential buildings.

The design manual provides guidelines for reducing the vertical scale of a building through a menu of techniques such as stepping back the front façade, placing larger buildings behind shorter structures, providing cornice lines, reducing the amount of façade area at upper stories, and the use of contrasting materials and colors at upper stories. The manual states that these techniques should be used at about the 35 to 45 foot level, depending on the width of the street. Exceptions for corner lots are made to frame the streetscape and set the tone for a block. An exception is also made for lots along streets wider than 100 feet.

The manual also provide guidelines for the following:

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- Avoiding abrupt transitions in height from neighboring properties;
 - Transitioning from smaller scale building patterns to more intense development through the use of open areas, building modulation, massing, and other techniques; and
 - Emphasizing a pedestrian scale at the street level of a building.
- *Architectural style and façade elements.* The manual places emphasis on creating a design review process that is open to creative designs and varied architectural styles in the HBX zone. Staff believes that this is appropriate because the intermixing of industrial commercial, modern, multi-family, and traditional style buildings found in HBX zones provides unique opportunities for innovative building design.

The manual discourages blank walls, particularly at the ground level, because they deaden the pedestrian space. Recognizing that they are sometimes unavoidable due to site constraints, the manual also provides a menu of techniques to bring visual interest to continuous ground level walls.

Landscaping and buffering. The manual and regulations provide direction regarding street trees and the buffering of outdoor storage activities, parking areas, and nonresidential activities. The regulations also provide maximum paving area for front yards and encourage the use of landscaped, permeable paving surfaces such as grasscrete. These requirements and guidelines are consistent with the General Plan’s intent to provide site specific buffers to create conditions under which business and housing can coexist.

Usable Open Space. The regulations state that the HBX-1 zone requires 200 square feet of usable open space per residential unit while the HBX-2 and HBX-3 zones require 150 square feet of usable open space per residential unit. The regulations further provide flexibility to a developer by allowing all the open space to be provided above ground, requiring no minimum group open space, and allowing each square foot of private open space to count as two square feet of usable open space. As mentioned previously, the manual provides guidelines regarding integrating open space into the design of a development.

Minimum lot area, width, and frontage. Staff recommends the minimum lot area, width, and frontage to be 4,000 square feet, 35 feet, and 35 feet, respectively. Staff chose these standards because they allow for some amount of site plan flexibility to provide legal curb cuts, garage parking, an entrance on a front facade, open space, and landscaping.

Maximum density. The maximum densities are proposed to be the following:

Zone		
HBX-1	HBX-2	HBX-3
One unit per 1,000 sf of lot area	One unit per 930 sf of lot area	One unit per 730 sf of lot area

These densities are the maximum allowed under the General Plan and the Estuary Policy Plan.

Floor area ratio. Floor area ratio is the total floor area of all buildings on a lot divided by the total area of the lot. For instance, a permitted FAR of 2.0 would allow the construction of 20,000 square feet of floor area on 10,000 square feet of land (10,000 x 2 = 20,000).

The proposed floor area ratio (FAR) maximums are the following:

Standard	Zone		
	HBX-1	HBX-2	HBX-3
When lot is abutting street right of way is less than 80 ft wide			
Maximum FAR	1.0	2.6	2.6
When lot is abutting street right of way is 80 ft wide or more			
Maximum FAR	1.0	3.4	3.4
Maximum nonresidential FAR	1.0	3.0	1.0

These FAR maximums reflect the following policies:

- The proposed nonresidential FARs are the maximum allowed in the General Plan. A relatively low nonresidential FAR of 1.0 is prescribed in the HBX-3 zone because Estuary Plan policies emphasize residential development in the Kennedy Tract.
- The proposed FAR for all structures is relatively high in the HBX-2 and HBX-3 zones to accommodate more intense development patterns.
- Greater FARs are allowed along streets 80 feet wide or more because wider streets provide broad visual sight lines for larger structures.

Measurement of FAR and density. Outside of downtown, providing living units in a mixed use project proportionately reduces the amount of nonresidential square footage on a lot. In other words, if a development contains the maximum number of units allowed on a lot, then that same development is not allowed to contain any nonresidential floor area even though the nonresidential FAR limit has not been reached. This restriction penalizes mixed use developments and discourages nonresidential floor area. To encourage a deeper mixture of uses, HBX zones would permit the amount of nonresidential square footage allowed on a lot to be unaffected by the number of units on a lot if 1) the maximum FAR or density allowed on a lot is not exceeded and 2) at least 25 percent of the square footage of the development contains nonresidential square footage.

Staff expects that most developers will maximize the number of dwelling units permitted under the zone and mostly provide work/live units (a nonresidential facility) for the remainder of the allowed floor area. This should provide dynamic developments with a mix of residential and entrepreneurial and artistic nonresidential activities.

HBX work/live and HBX live/work units. The new zones propose two new types of allowed facilities: HBX work/live and HBX live/work units. HBX work/live units accommodate both working and living activities but emphasize the accommodation of nonresidential activities. As

discussed above, staff proposes that nonresidential floor area as part of a project would not result in a decrease of the number of residential units allowed at a site. Several stakeholders have stated that they would like to use this development “bonus” to construct HBX work/live units, because they count as nonresidential floor area in the zoning code, not toward the maximum residential density. HBX live/work units accommodate both living and working, but does not emphasize one activity over the other. This unit would count toward the residential density maximum and have the same open space requirements as residential units.

Note that the construction of new HBX live/work units will be eligible to generate residential condominium conversion rights because they are considered residential facilities. Staff believes this is appropriate because new HBX live/work units will meet the same zoning standards as would be required for purely residential units (i.e. density, open space, and parking). Further, the proposed zones require a design review process for the creation of any new HBX live/work unit to: 1) assure adherence to the standards; and 2) create an official record for what the City considers an HBX live/work unit. The official record would distinguish an HBX live/work from an HBX work/live unit or a joint living and working quarter. This distinction is critical because HBX work/live units and joint living and working quarters are considered nonresidential facilities and therefore not eligible to generate condominium conversion rights under the City’s current regulations.

Mapping

Staff proposes changes to the zoning map that identify the location of the three new zones. These zones are proposed to be located where the General Plan or Estuary Policy Plan is currently mapped as either Housing and Business Mix or RMU. Staff also proposes minor modifications be made to the General Plan map where there are previous mapping errors. These errors include areas that should have been mapped Housing and Business Mix because they are adjacent to proposed Housing and Business Mix areas and contain a mix of residential and nonresidential activities. In other instances, a Housing and Business Mix classification was removed from an area because there is a solid and extensive pattern of either residential or nonresidential development. These refinements are shown in Attachment C of the ordinance.

General Plan Guidelines

On May 12, 1998, the City Council adopted interim controls that implement the General Plan prior to the adoption of revisions to the Oakland Planning Code. These interim controls are in a document entitled “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations”. However, the new zones will now implement Housing and Business Mix General Plan and the RMU Estuary Policy Plan classifications. Therefore, staff proposes to replace text in the Guidelines that implement the General or Estuary Plan classifications with text that refers to the new Planning Code provisions (see Attachment D of the ordinance).

Environmental Determination

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). Those environmental documents include the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted 1998 (General Plan EIR); the Oakland Estuary Policy Plan Environmental Impact Report, adopted 1998 (Estuary Plan EIR); the West Oakland Redevelopment Plan Environmental Impact Report, adopted 2003; and the Housing Element Update Initial Study/Mitigated Negative Declaration, adopted 2003. Furthermore, the proposed map changes are exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule", which states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment. This section describes how these documents are applicable to the proposal.

Please note that all new development proposals in the HBX zones must undergo separate review under CEQA.

General Plan EIR

The 1998 General Plan EIR evaluated the environmental impacts of the policies of the General Plan and the adoption of development standards to implement these policies. Reliance on the General Plan EIR for the adoption of development standards such as that being proposed is stated on page I-4 of that document:

The EIR may also be used at a future date by the Planning Commission and City Council to evaluate the environmental impacts of subsequent actions that are consistent with the Land Use and Transportation Element or are intended to implement the Land Use and Transportation Element.

Further, the changes to the ordinance and zoning map being proposed were evaluated by the General Plan EIR. The General Plan EIR specifically states that the document may be used to evaluate the environmental impacts of "amendments of the Zoning Ordinance and Zoning Map for General Plan consistency". This General Plan EIR contains several mitigation measures that reduce development impacts proposed by the General Plan to less than significant and identify others as unavoidable or irreversible. The April 4, 2006 Planning Commission staff report (see Attachment A of the staff report) summarizes the mitigation measures and the impacts associated with the General Plan identified in the EIR. Staff has considered and incorporated the mitigations into the proposal.

Several projects have been constructed and/or entitled in the Housing and Business Mix General Plan classification since the General Plan EIR was certified in 1998, particularly in the Clawson

neighborhood in West Oakland. Each of these projects was analyzed during their permitting processes and shown to be consistent with the General Plan. The intensity and character of these projects were, therefore, anticipated by the General Plan EIR. Further, the intensity and character of the proposed HBX-1 and HBX-2 zones are consistent with those anticipated by the General Plan as noted above.

As mentioned in the Mapping section of this report, the Housing and Business Mix mapping process refined the General Plan Map adopted in 1998. This refinement was anticipated by the General Plan EIR:

The proposed Land Use Diagram is more generalized than the 1980 map. While the 1980 map drew fine distinctions on individual blocks based on existing uses and residential densities, the proposed diagrams use more generalized designations. This is partly a result of the more inclusive categories, and partially a policy decision to leave block by block distinctions to the rezoning process.

Staff analysis calculates that the proposed refinements reduce the number of acres of Housing and Business Mix designated land by less than ten percent; this type of small alteration in the map was anticipated by the General Plan EIR in its analysis of environmental impacts. Therefore, reliance on the General Plan EIR for the proposed General Plan map amendments is consistent with CEQA.

Estuary Policy Plan EIR

The 1998 Estuary Plan EIR evaluated the environmental impacts of the proposed HBX-3 zone and anticipated future reliance on it for actions that were consistent with it. Reliance on the Estuary Plan EIR for the proposed HBX-3 zone, which implements the Estuary Policy Plan RMU classification, is appropriate as stated on page I-3 of that document:

The EIR may also be used at a future date by the Planning Commission and City Council to evaluate the environmental impacts of subsequent actions that are consistent with the Estuary Plan or are intended to implement the Estuary Plan.

As discussed in the General Plan Analysis section above, the proposed HBX-3 zone directly implements and is consistent with the Estuary Policy Plan. The Estuary Plan EIR contains several mitigation measures to reduce impacts of development anticipated by the Plan to less than significant and identifies unavoidable or irreversible impacts. The April 4, 2006 Planning Commission staff report contains mitigation measures and the impacts associated with the Estuary Plan identified in the EIR (see Attachment A of the staff report). The proposal has considered and incorporated these mitigation measures to mitigate potential impacts.

The Kennedy Tract has seen several projects either constructed or entitled since the Estuary Plan EIR was certified in 1998. These projects were analyzed during the permitting process to assure

consistency with the Estuary Policy Plan. Further, the General Plan Analysis section of this report shows that the intensity and character of the proposed HBX-3 zone was anticipated by the Estuary Policy Plan.

Redevelopment Plan EIR

In 1994, the City of Oakland adopted the Redevelopment Plan for the West Oakland Project Area (Redevelopment Plan) and certified an associated EIR (see Attachment A of the staff report). The Redevelopment Plan covers a substantial amount of West Oakland, including some areas proposed for an HBX-2 designation. The redevelopment plan is a broad document that does not contain specific projects, but directs and targets funding sources towards affordable housing, general housing and business improvements, infrastructure, and environmental improvements. The EIR identifies the potential impacts of these investments in the project area. Any mitigation required by the EIR has been considered and incorporated into this proposal to mitigate potential impacts.

Housing Element Initial Study

The purpose of the 2004 Housing Element is to establish goals, policies, and programs that address identified housing needs. The City's Housing Element is based on eight goals that provide direction and guidance for meeting the City's housing needs through 2006. An associated negative declaration for this document, certified in 2004, identifies the impacts of fulfilling these goals and describes mitigations to reduce the impacts to less than significant. The new housing that will be developed in the HBX zones is anticipated by the Housing Element, including the mitigation measures, and any mitigation required has been considered and incorporated into this proposal to mitigate potential impacts. The mitigated negative declaration and the mitigation measures are contained in the April 4, 2006 Planning Commission staff report (see Attachment A of the staff report) and incorporated by reference.

General Rule

The areas potentially affected by the proposed zoning text, zoning map, and General Plan map amendments have been thoroughly analyzed by several CEQA documents as discussed above. The proposal implements various plans described above; and these plans have undergone thorough environmental analysis, and satisfy the requirements of CEQA. As such, the proposal is exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule", that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment.

General Plan Amendment and City Council Hearing

According to state law, cities are only allowed to amend the General Plan a maximum of four times a year, but more than one change can be made at a time and still be considered one

amendment. The City has already made three General Plan amendments this year and Planning staff is recommending adoption of a General Plan amendment for two more projects: this HBX proposal and the Tossafaronga Village affordable housing development at 83rd and G Streets. The Tossafaronga Village project is scheduled to be heard by the City Council on October 3, 2006. Staff recommends that this HBX proposal be scheduled for the same October 3rd public hearing so the two proposals are considered one amendment by state law.

SUSTAINABLE OPPORTUNITIES

Economic: Adoption of the ordinance will increase job opportunities and housing in the City by allowing a more efficient development review process.

Environmental: Adoption of the ordinance will alleviate transportation related pollution and preserve natural open space by allowing a greater degree of infill development along transportation corridors.

Social Equity: Increased housing and jobs benefit citizens of all income levels.

DISABILITY AND SENIOR CITIZEN ACCESS

All new development accommodated by this ordinance will be required to comply with the Americans with Disabilities Act.

RECOMMENDATION(S) AND RATIONALE

Staff recommends adopting the proposed ordinance adopting the proposed amendments to the zoning text, General Plan map, zoning maps, and the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations".

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the attached ordinance.

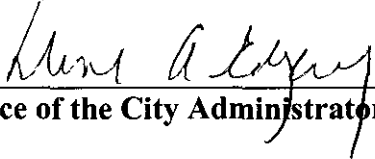
Respectfully submitted,



Claudia Cappio
Development Director, CEDA

Prepared by:
Neil Gray, Planner III
Planning and Zoning Division

APPROVED AND FORWARDED TO THE
CED COMMITTEE:



Office of the City Administrator

Attachments:

- A. April 5, 2006, Planning Commission Staff Report

Attachment A of Staff Report
April 5, 2006 Planning Commission Staff Report

Location:	Citywide (See attached maps)
Proposal:	Recommendation to the City Council to adopt 1) proposed amendments to the zoning regulations that create three new Housing and Business Mix (HBX) zoning designations; 2) a design review manual associated with the new HBX zoning designations; 3) amendments to the Zoning Maps to include the new HBX zones; 4) minor revisions and clarifications to the General Plan map to refine the HBX General Plan designation boundaries; and 5) amendments to the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new zones.
Applicant:	City of Oakland
Planning Permits Required:	Zoning Text Amendments, Zoning Map Amendments, and General Plan Map Amendments.
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the West Oakland Redevelopment Plan EIR (2003); and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). The proposal is also exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment.
Service Delivery Districts:	1 - 5
City Council Districts:	1 - 3; 5 - 7
Status:	Recommended by Zoning Update Committee to be considered by the Planning Commission.
Action to be Taken:	Decide whether to recommend to the City Council adoption of the proposal.
Staff Recommendation:	Recommend to the City Council adoption of the proposal.
Finality of Decision:	Adoption of proposal requires approval by the City Council.
For Further Information:	Contact case planner Neil Gray at 510-238-3878.

SUMMARY

This project proposes to create three new related zoning districts in the Planning Code and an associated design guidelines manual to implement the Housing and Business Mix (HBX) General Plan designation and the Residential Mixed Use (RMU) Estuary Policy Plan designation. The proposal also maps these designations on the zoning map and makes minor modifications to the General Plan land use designation map.

Staff recommends that the Planning Commission advise the City Council to adopt the proposal.

PROJECT DESCRIPTION

This project is comprised of four main components:

1. Three new related zoning districts in the Planning Code and an associated design guidelines manual that implement the Housing and Business Mix (HBX) General Plan designation and the Residential Mixed Use (RMU) Estuary Policy Plan designation (the Estuary Policy Plan is a document that refines policies in the General Plan regarding the estuary area. Attachment A contains the proposed zoning district regulations and Attachment B is the proposed design manual;
2. Mapping the three new districts on the zoning map (see Attachment C);
3. Refinement of the General Plan map to more accurately reflect areas appropriate for the HBX General Plan Designation (see Attachment C);
4. Amendments to the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new HBX zones.

BACKGROUND

On October 20, 2004, staff presented to the Zoning Update Committee (ZUC) its proposal to reformat, condense, and simplify the language of key chapters of the existing planning code without making substantive changes to the regulations. At that meeting, staff was directed to begin "Phase II" of the zoning update effort by drafting substantive changes to the zoning regulations in order to meet the 1998 General Plan Land Use Element objectives.

Since then, staff has refined and expanded the reformatting effort previously brought in front of the ZUC; completed a draft of proposed substantive changes to the Activity Classifications contained in Chapter 17.10 of the zoning ordinance; and completed a revised draft of the proposed industrial zones and the HBX zones.

As the first part of the Phase II effort, staff presented a proposal for three HBX zones to the Zoning Update Committee on January 18, 2006. These zones implement the HBX General Plan designation and the RMU designation of the Estuary Policy Plan, a plan that refines policies in the General Plan regarding the estuary area. The ZUC recommended that the proposal be brought in front of the Planning Commission.

Note that staff originally brought the HBX zones to the Planning Commission for input on January 21, 2004. Subsequently, Strategic Planning staff and the Development Director received detailed comments and concerns from Zoning Division Staff indicating that the proposed zones would be difficult to administer due to their vague design criteria and complicated permit processes. This input convinced the Development Director and Strategic Planning to take a second look at the HBX standards. In particular, the intent was to simplify the development standards and entitlement requirements within the ordinance language and develop a complimentary design guideline document to develop more comprehensive and objective design review criteria and evaluation.

Therefore, over the past six months, staff has had discussions with HBX stakeholders (the HBX stakeholders who attended those meetings are primarily landowners and developers, several of whom live in HBX neighborhoods) and the ZUC regarding a newly drafted zones. The draft development standards, design guideline manual, and zoning and General Plan map amendments presented in this report represent the consensus of these meetings.

GENERAL PLAN ANALYSIS

This section describes the regulatory context of the HBX zones in the General Plan.

As mentioned, the proposed zones implement the HBX General Plan designation and the RMU designation in the Estuary Policy Plan. The intent of the HBX General Plan designation is to 1) recognize the equal importance of both housing and business 2) guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development 3) provide additional housing and neighborhood friendly businesses and 4) respect environmental quality. The General Plan also describes the desired character and uses of HBX General Plan designated areas: "Future Development within this classification should be compatible with housing, and development should recognize the mixed business nature of the area. Development of site specific buffers is essential as are specific conditions under which business and housing will coexist. This classification allows mixed housing type density housing, 'live/work', low impact light industrial, commercial, service businesses, and compatible community facilities". The General Plan designates a maximum nonresidential floor area ratio of 3.0 and density of 30 units per gross acre.

The intent of the RMU designation is to "enhance and strengthen the viability and attractiveness of the Kennedy Tract as a mixed use residential neighborhood of low to medium density housing within a fine-grained fabric of commercial and light industrial uses". The desired character of the RMU designation "should be primarily residential, live/work, light industrial, neighborhood-serving retail, offices, public parks and open spaces". The Estuary Plan designates a maximum nonresidential floor area ratio of 1.0 and density of 40 units per gross acre.

The proposed zones are consistent with the General Plan and the Estuary Policy Plan for the following reasons:

- The proposed residential densities reflect 30 units per gross acre for the HBX-1 and HBX-2 zones, consistent with the Housing and Business Mix General Plan designation, and 40 units per acre in the HBX-3 zone, consistent with the Residential Mixed Use Estuary Plan designation. The proposed HBX-1 and HBX-2 designations have different allowed densities because a staff analysis of the entire land area under consideration showed more ground area that cannot be developed (i.e. in use of public right of ways and parks) in the HBX-2 zone than in the HBX-1 zone.
- The maximum nonresidential floor area ratio in the HBX-1, HBX-2, and HBX-3 designations are 1.0, 3.0, and 1.0, respectively. Each of these figures is within the maximum allowed under the General Plan and the Estuary Policy Plan.
- The permitted and conditionally permitted activities and facilities allows for a variety of activities such as residential, light industrial, offices, community facilities, services, and retail activities, and work/live and live/work facilities.
- Through site plan and buffering standards, the regulations and design manual encourage successful combinations of uses in adjacent locations. This approach is in contrast to the classical zoning notion of achieving compatibility through the separation of uses.
- Heavy and General Manufacturing activities and activities involving hazardous waste management are not permitted in the HBX zones because of their essential incompatibility with residential development due to nuisance impacts (noise, vibration, dust, etc.) and health and safety considerations.

DESCRIPTION OF PLANNING AREAS

The regulations would create three new related zones: the HBX-1, HBX-2, and HBX-3 zones.

The HBX-1 zone is mapped in areas of East Oakland on the edge of heavy industrial areas and is mostly located near the 880 freeway. Neighborhoods in the HBX-1 zone typically have a variety of light industrial activities, auto repair activities, and stretches of low density, detached unit residential development patterns.

The HBX-2 zone is mapped in the Clawson District of West Oakland and the Lowell Street area of North Oakland; the HBX-3 zone is in the neighborhood known as the Kennedy Tract in the Estuary Plan area. These areas have a mix of light manufacturing, artisan activities, live/work units, warehousing, multifamily housing, and Victorian style homes on narrow lots. The nonresidential facilities in the HBX-3 zone tend to be of a larger scale and are located on larger sites than those in the HBX-2 zone.

Some of the existing development patterns in the HBX zones have resulted in land use conflicts, such as a row of two to three houses in the midst of heavy industrial or warehousing uses.

SUMMARY OF PROPOSED HBX ZONES

The following is a summary of the proposed HBX regulations currently in front of the ZUC.

Regulations and guidelines

Staff and the stakeholders group agreed that the standards for the HBX zones be contained in two documents: the zoning regulations and an associated design manual. The regulations avoid strict requirements and define a generous building envelope. The manual provides guidelines and objectives to give direction to staff and developers where construction should occur within this envelope. For instance, there are no generally prescribed setbacks in the zoning regulations but the manual describes instances where setbacks may be appropriate, such as near single family homes or to contribute to rear yard open space.

This method was developed because the varied development patterns and mix of activities in HBX zones makes traditional zoning with stringent regulations impractical and cumbersome. With these varied contexts, each regulation in a traditional zoning ordinance would require confusing exceptions, use permits, and findings that would complicate the process and not provide clear direction to developers and staff. By providing a generous building envelope, the proposed ordinance allows a planner and developer to determine context appropriate standards for a site without a concern for variances. The planner and developer will consult the design guidelines manual to determine the appropriate standards for a site.

The design guidelines manual is organized into eight general "design objectives" relating to the orientation of buildings, parking location and design, open space, building scale, architectural quality, landscaping, and buffering. Each objective is followed by suggested guidelines to meet the objectives. To encourage design creativity, the manual states that alternative methods to achieve the objectives in an equivalent manner are allowed.

The manual also describes basic urban design techniques to create a comfortable pedestrian scale and attractive streetscapes to improve the public realm. The document also provides guidelines specific to

the HBX zones such as how to transition from existing, low density development to a more intense development pattern and buffering residential activities from impacts associated with nonresidential activities. Finally, the document stresses a design review process accepts a variety of architectural styles and designs.

All proposals would be required to conform to the manual, whether they are proposals that can be approved over the counter or require a design review process (see next section for a discussion of the proposed required design process).

Summary of regulations and design manual

The following describes key features of the proposed manual and their associated regulations in the draft zoning provisions.

Design review

The regulations state that the regular design review process is required for:

- Any increase in the height of a building over eight feet;
- The new construction of a principal building
- The creation of any new HBX work/live or live/work unit; and
- Any increase in the footprint or square footage of a building of 20 percent or more or 10,000 square feet, whichever is less.

Consistent with the other zones in the City, new signs and telecommunications facilities also require a design review process. In addition, all proposals require conformance to the design guidelines manual.

These thresholds allow for a detailed review of larger projects and projects that may impact neighboring properties, but allows a significant number of small additions to be approved over the counter.

Permitted and conditionally permitted activities

Each HBX zone has similar permitted and conditionally permitted activities that allow for a variety of activities such as residential, light industrial, offices, community facilities, services, and retail. The only difference between the zones is the HBX-1 zone conditionally permits auto repair with strict design standards where neither the HBX-2 or HBX-3 zone allow auto repair. Automotive repair is conditionally permitted in the HBX-1 zone because there are many nonconforming auto repair shops in HBX-1 areas; this allows the existing shops to expand under strict design standards. Several of the activities such as offices, grocery stores, and manufacturing require a use permit for facilities over 25,000 square feet to assure there are not negative impact on surrounding properties.

Site planning

Due to the varied contexts in the HBX zones, the zoning regulations provide no generally required setbacks in the HBX zones; instead, the design manual provides direction to developers and planners for when to setback a building from property lines. The guidelines encourage the following design and site planning elements:

- A limited side and front yard setback pattern that encloses the street space by defining a street wall. An exception to accommodate parking on smaller lots is also provided.

- A ten foot setback behind residential facilities to contribute to a collective rear yard open space area;
- Mitigating light and air impacts on small scale facilities through the use of open space, upper story stepbacks, court yards, and light wells (this issue is further discussed in the Key Issues and Impacts section of this report); and
- Shifting mass away from neighboring small scale homes towards neighboring larger scale buildings and nonresidential properties.

The manual also provides basic site planning techniques to create an attractive and active streetscape such as orienting a main entrance to the street, reducing the visibility of parking areas, and integrating functional open space into a development.

Building design

The building design section of the manual contains guidelines regarding appropriate building scale, transitioning from the lower intensity building patterns, architectural style, and façade design.

Maximum height and scale. In the zoning regulations, staff proposes a maximum height of thirty feet for the HBX-1 zone due to its existing small scale, mostly one story, single-family homes. In the HBX-2 zone, the draft zoning regulations propose a maximum height of 45 ft when a lot is abutting a street right of way that is less than 80 ft wide and 55 feet when a lot is abutting a street right of way that is 80 feet wide or more. Staff proposes an increased maximum height along wider streets because taller buildings will not overwhelm their public space. The height maximum in the HBX-3 zone is 55 feet due to the larger scale development existing there.

The regulations also allow for a maximum height of 85 feet in two situations: 1) buildings within 125 of a freeway and 2) on sites both greater than 25,000 square feet and adjacent to a street 80 feet wide or greater. To qualify for the additional height, the manual states that a new development must either shield the surrounding neighborhood from the noise and visual impacts of the freeway or use the additional height to shift mass away from nearby small scale residential buildings.

The design manual provides guidelines for reducing the vertical scale of a building through a menu of techniques such as stepping back the front façade, placing larger buildings behind shorter structures, providing cornice lines, reducing the amount of façade area at upper stories, and the use of contrasting materials and colors at upper stories. The manual states that these techniques should be used at about the 35 to 45 foot level, depending on the width of the street. Exceptions for corner lots are made to frame the streetscape and set the tone for a block. An exception is also made for lots along streets wider than 100 feet.

The manual also provide guidelines for the following:

- Avoiding abrupt transitions in height from neighboring properties;
- Transitioning from smaller scale building patterns to more intense development through the use of open areas, building modulation, massing, and other techniques; and
- Emphasizing a pedestrian scale at the street level of a building.

Architectural style and façade elements. The manual places emphasis on creating a design review process that is open to creative designs and varied architectural styles in the HBX zone. Staff believes that this is appropriate because the intermixing of industrial commercial, modern, multi-family, and

traditional style buildings found in HBX zones provides unique opportunities for innovative building design.

The manual discourages blank walls, particularly at the ground level, because they deaden the pedestrian space. Recognizing that they are sometimes unavoidable due to site constraints, the manual also provides a menu of techniques to bring visual interest to continuous ground level walls.

Landscaping and buffering

The manual and regulations provide direction regarding street trees and the buffering of outdoor storage activities, parking areas, and nonresidential activities. The regulations also provide maximum paving area for front yards and encourage the use of landscaped, permeable paving surfaces such as grasscrete.

Other regulations

Usable Open Space. The regulations state that the HBX-1 zone requires 200 square feet of usable open space per residential unit while the HBX-2 and HBX-3 zones require 150 square feet of usable open space per residential unit. The regulations further provide flexibility to a developer by allowing all the open space to be provided above ground, requiring no minimum group open space, and allowing each square foot of private open space to count as two square feet of usable open space. As mentioned previously, the manual provides guidelines regarding integrating open space into the design of a development.

Minimum lot area, width, and frontage. Staff recommends the minimum lot area, width, and frontage to be 4,000 square feet, 35 feet, and 35 feet, respectively. Staff chose these standards because they allow for some amount of site plan flexibility to provide legal curb cuts, garage parking, an entrance on a front facade, open space, and landscaping.

Maximum density. The maximum densities are proposed to be the following:

Zone		
HBX-1	HBX-2	HBX-3
1,000 sf of lot area per unit	930 sf of lot area per unit	730 sf of lot area per unit

These densities are the maximum allowed under the General Plan.

Floor area ratio. The proposed floor area ratio (FAR) maximums are the following:

Standard	Zone		
	HBX-1	HBX-2	HBX-3
When lot is abutting street right of way is less than 80 ft wide			
Maximum FAR	1.0	2.6	2.6
When lot is abutting street right of way is 80 ft wide or more			
Maximum FAR	1.0	3.4	3.4
Maximum nonresidential FAR	1.0	3.0	1.0

These FAR maximums reflect the following policies:

- The proposed nonresidential FARs are the maximum allowed in the General Plan. A relatively low nonresidential FAR of 1.0 is prescribed in the HBX-3 zone because Estuary Plan policies emphasize residential development in the Kennedy Tract.

- The proposed FAR for all structures is relatively high in the HBX-2 and HBX-3 zones to accommodate more intense development patterns.
- Greater FARs are allowed along streets 80 feet wide or more because wider streets provide broad visual sight lines for larger structures.

Measurement of FAR and density. Outside of downtown, providing living units on a lot proportionately reduces the amount of nonresidential square footage on a lot. In other words, if a development contains the maximum number of units allowed on a lot, then that same development is not allowed to contain any nonresidential floor area even though the nonresidential FAR limit has not been reached. This restriction penalizes mixed use developments. To encourage a deeper mixture of uses, staff proposes that for the HBX zones the amount of nonresidential square footage allowed on a lot be unaffected by the number of units on a lot if 1) the maximum FAR allowed on a lot is not exceeded and 2) at least 25 percent of the square footage of the development contains nonresidential square footage.

Staff expects that most developers will maximize the number of dwelling units permitted under the zone and mostly provide work/live units (a nonresidential facility) for the remainder of the allowed floor area. This should provide dynamic developments with a mix of residential and entrepreneurial and artistic nonresidential activities. This issue is further discussed in the “Key Issues and Impacts” section of this report.

HBX work/live units. The new zones propose a new type of allowed facility: an HBX work/live unit. This unit accommodates both working and living activities but emphasizes the accommodation of nonresidential activities. As discussed above, staff proposes that nonresidential floor area as part of development not result in a decrease of the number of residential units allowed at a site. Several stakeholders have stated that they would like to use this development “bonus” to construct HBX work/live units, because they count as nonresidential floor area in the zoning code, not toward the maximum residential density. Therefore, the creation of distinct standards for what constitutes a nonresidential facility as opposed to purely living unit is a critical element of the regulations. The stakeholders group and staff believed that standards for new work/live units should encourage business activities, not be a mask for loft style residential units. With input from the stakeholders, staff has developed standards that both fulfill this goal and are flexible enough to be feasibly applied. The following are highlights of these standards:

1. At least two-thirds of a unit must be designated as nonresidential floor area. Requiring at least two-thirds of a unit to be designated as nonresidential floor area assures that the unit will have ample open areas for work activities, with three exceptions:
 - 50 percent of a unit can be designated residential when the residential and nonresidential spaces are on different floors and the nonresidential space is on the ground level and oriented to the street; and
 - 45 percent of a unit can be designated residential when there are two entrances into a unit, one a residential entrance and the other a commercial entrance; and
 - 50 percent of a unit can be designated residential when the residential and nonresidential spaces for a certain number of small units (see item 3, below);

The first exception allows units to have a ground level business and upper story living areas without an awkward floor plan. The second exception encourages a floor plan that is more convenient for residential living and further differentiates a unit from a traditional residential floor plan. The third exception allows for a certain number of small units to be feasibly constructed.

2. Nonresidential space and residential space would be separated by a wall or between floors (including mezzanines), except kitchens may be open to the nonresidential space.
3. Units would be a minimum of 1,000 square feet. This figure is used because it would allow 333 square feet of residential area, a minimally sufficient space for residential activities. Staff also proposes that some units smaller than 800 square feet be allowed in buildings that are predominantly nonresidential. These units would be allowed to have 50 percent of their floor area devoted to residential activities to allow for feasible floor plans.
4. At least one tenant of each unit must operate a business and maintain a City of Oakland Business Tax Certificate. Also, a statement of disclosure must be provided to tenants and a sign must be posted at a public area of the building stating that 1) a business must be run out of each unit and 2) the units may experience impacts associated with business operations. These provisions provide some assurance that units will be used for business activities, not a residential loft.
5. Each unit must have an entrance accessible to a nonresidential space without traveling through a residential space. This avoids residential activities being disturbed by business visitors or employees.
6. Design review criteria requiring:
 - A commercial or industrial appearance to buildings containing predominantly work/live facilities;
 - Bona fide working spaces with unpartitioned work areas;
 - Ground floor units having a commercial or industrial presence on the street;
 - Provisions for the delivery of goods.

HBX live/work units. At the request of a stakeholder, staff has developed another type of facility: an HBX live/work unit. This unit accommodates both living and working, but does not emphasize one activity over the other. This unit would count toward the residential density maximum and have the same open space requirements as residential units. Therefore, floor plan standards and design review criteria are much more flexible in this type of unit than the HBX work/live units.

Note that the construction of new HBX live/work units will be eligible to generate residential condominium conversion rights because they are considered residential facilities. Staff believes this is appropriate because new HBX live/work units will meet the same zoning standards as would be required for purely residential units (i.e. density, open space, and parking). Further, the proposed zones require a design review process for the creation of any new HBX live/work unit to: 1) assure adherence to the standards; and 2) create an official record for what the City considers an HBX live/work unit. The official record would distinguish an HBX live/work from an HBX work/live unit or a joint living and working quarter. This distinction is critical because HBX work/live units and joint living and working quarters are considered nonresidential facilities and therefore not eligible to generate condominium conversion rights. Note that the design review requirement applies to all new units whether they are converted from an existing structure or in a newly constructed building.

Currently, the proposal does not explicitly say that HBX live/work units can generate condominium conversion rights. Staff recommends that this language be inserted into the HBX regulations to make this issue clear to future regulators. This language would be inserted prior to a hearing in front of the City Council.

MAPPING

Staff proposes changes to the zoning map that identify the location of the three new zones. These zones are proposed to be located where the General Plan or Estuary Policy Plan is mapped either HBX or RMU. The General Plan map is proposed for minor modifications where there were previous mapping errors. These errors include areas that should have been mapped HBX because they are adjacent to proposed HBX areas and contain a mix of residential and nonresidential activities. In other instances, an HBX designation was removed from an area because there is a solid and extensive pattern of either residential or nonresidential development. These refinements are shown in Attachment C.

GENERAL PLAN GUIDELINES

On May 12, 1998, the City Council adopted interim controls that implement the General Plan prior to the adoption of revisions to the Oakland Planning Code. These interim controls are in a document entitled "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations". However, the new zones will now implement HBX General Plan and the RMU Estuary Policy Plan designations. Therefore, staff proposes to replace text in the Guidelines that implement the General or Estuary Plan designations with text that refers to the Planning Code (see Attachment D).

ENVIRONMENTAL DETERMINATION

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). Those environmental documents include the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted 1998 (General Plan EIR); the Oakland Estuary Policy Plan Environmental Impact Report, adopted 1998 (Estuary Plan EIR); the West Oakland Redevelopment Plan Environmental Impact Report, adopted 2003; and the Housing Element Update Initial Study/Mitigated Negative Declaration, adopted 2003. Furthermore, the proposed map changes are exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule", that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment. This section describes how these documents are applicable to the proposal.

General Plan EIR

The General Plan EIR evaluated the environmental impacts of the proposal and anticipated future reliance on it for actions that were consistent with it and intended to implement it. Reliance on the General Plan EIR is appropriate as stated on page I-4 of that document:

The EIR may also be used at a future date by the Planning Commission and City Council to evaluate the environmental impacts of subsequent actions that are consistent with the Land use and Transportation Element or are intended to implement the Land Use and Transportation Element.

Further, the changes to the ordinance and zoning map being proposed were evaluated by the General Plan EIR. The General Plan EIR specifically states that the document may be used to evaluate the environmental impacts of "amendments of the Zoning Ordinance and Zoning Map for General Plan

consistency". This General Plan EIR contains several mitigation measures that reduce development impacts proposed by the General Plan to less than significant and identify others as unavoidable or irreversible. Attachment E summarizes the mitigation measures and the impacts associated with the General Plan identified in the EIR. Staff has considered and incorporated the mitigations into the proposal.

Several projects have been constructed and/or entitled in the HBX General Plan designation since the General Plan EIR was certified in 1998, particularly in the Clawson neighborhood in West Oakland. Each of these projects was analyzed during their permitting processes and shown to be consistent with the General Plan. The intensity and character of these projects were, therefore, anticipated by the General Plan EIR. Further, the intensity and character of the proposed HBX-1 and HBX-2 zones are consistent with that anticipated by the General Plan (see General Plan analysis, above).

As mentioned in the Mapping section of this report, the Housing and Business Mix mapping process refined the General Plan Map adopted in 1998. This refinement was anticipated by the General Plan EIR:

The proposed Land Use Diagram is more generalized than the 1980 map. While the 1980 map drew fine distinctions on individual blocks based on existing uses and residential densities, the proposed diagrams uses more generalized designations. This is partly a result of the more inclusive categories, and partially a policy decision to leave block by block distinctions to the rezoning process.

Staff analysis calculates that the proposed refinements reduce the number of acres of Housing and Business Mix designated land by less than ten percent; this type of small alteration in the map was anticipated by the General Plan EIR in its analysis of environmental impacts. Therefore, reliance on the General Plan EIR for the proposed General Plan map amendments is consistent with CEQA.

Estuary Policy Plan EIR

The Estuary Plan EIR evaluated the environmental impacts of the proposed HBX-3 zone and anticipated future reliance on it for actions that were consistent with it. Reliance on the Estuary Plan EIR for the proposed HBX-3 zone, which implements the Estuary Policy Plan RMU designation, is appropriate as stated on page I-3 of that document:

The EIR may also be used at a future date by the Planning Commission and City Council to evaluate the environmental impacts of subsequent actions that are consistent with the Estuary Plan or are intended to implement the Estuary Plan.

As discussed in the General Plan Analysis section, above, the proposed HBX-3 zone directly implements and is consistent with the Estuary Policy Plan. The Estuary Plan EIR contains several mitigation measures to reduce impacts of development anticipated by the Plan to less than significant and identifies unavoidable or irreversible impacts. See Attachment F for the mitigation measures and the impacts associated with the Estuary Plan identified in the EIR. The proposal has considered and incorporated these mitigation measures to mitigate potential impacts.

The Kennedy Tract has seen several projects either constructed or entitled since the Estuary Plan EIR was certified in 1998. These projects were analyzed during the permitting process to assure consistency with the Estuary Policy Plan. Further, the General Plan Analysis section of this report shows that the intensity and character of the proposed HBX-3 zone was anticipated by the Estuary Policy Plan.

Redevelopment Plan EIR

In 1994, the City of Oakland adopted the Redevelopment Plan for the West Oakland Project Area (Redevelopment Plan) and certified an associated EIR (see Attachment G). The Redevelopment Plan covers a substantial amount of West Oakland, including some areas proposed for an HBX-2 designation. The redevelopment plan is a broad document that does not contain specific projects, but directs and targets funding sources towards affordable housing, general housing and business improvements, infrastructure, and environmental improvements. The EIR identifies the potential impacts of these investments in the project area. Any mitigation required by the EIR has been considered and incorporated into this proposal to mitigate potential impacts.

Housing Element Initial Study

The purpose of the 2004 Housing Element is to establish goals, policies, and programs that address identified housing needs. The City's Housing Element is based on eight goals that provide direction and guidance for meeting the City's housing needs through 2006. An associated negative declaration for this document, certified in 2004, identifies the impacts of fulfilling these goals and describes mitigations to reduce the impacts to less than significant. The new housing that will be developed in the HBX zones is anticipated by the Housing Element, including the mitigation measures, and any mitigation required has been considered and incorporated into this proposal to mitigate potential impacts. The mitigated negative declaration and the mitigation measures are contained in Attachment H of this document and incorporated by reference.

General Rule

The areas potentially affected by the proposed zoning text, zoning map, and general plan map amendments have been thoroughly analyzed by several CEQA documents as discussed above. The proposal implements various plans described above; and these plans have undergone thorough environmental analysis, and satisfy the requirements of CEQA. Staff recommends the Planning Commission find it exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule", that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment.

KEY ISSUES AND IMPACTS

Self Storage

Issue. The issue of how self storage facilities should be regulated in the HBX zones is an issue amongst stakeholders. Those in favor of allowing self storage facilities argue that they 1) create few noise or traffic impacts on residential activities; 2) are consistent with the intent of the HBX zones to allow a mix of activities; and 3) provide a needed service to the City. Also, conditionally permitting self storage would give the City an opportunity to deny an application if it is not appropriate for a neighborhood.

Others argue that self storage facilities should not be a permitted activity for the following reasons:

- They create a dead space on street frontages that provide little visual interest to residents or pedestrians;
- Self storage facilities do not populate a neighborhood with people to support neighborhood businesses and street activity;

- The profitability of self storage businesses and the HBX designations' proximity to the freeway may create an overconcentration of these businesses in HBX neighborhoods;
- Self storage businesses bring an insignificant number of jobs to the City;
- Their proximity to the freeway may create pressure to permit tall signs in HBX neighborhoods; and
- There are many other areas of the City where self storage facilities have an opportunity to locate.

Recommendation. Staff recommends that self storage facilities be conditionally permitted in a project that:

- Has no more than 20 percent of its square footage devoted to self storage;
- Does not have storage space in the front of a building; and
- Has ground floor retail space.

Conditionally permitting self storage facilities behind other more active uses allows these businesses to exist in the HBX zones without deadening the streetscape. Limiting the square footage of the activity assures that there will not be an overconcentration of self storage facilities in the HBX zones. A successful example of this combination is the former Sears store at the corner 27th Street and Grand Avenue.

Conversion of Residential Facilities to Joint Living and Working Quarters

Issue. Bruce Beasley, a member of the stakeholder group, has expressed a desire to place an exception in the HBX zones that would allow residential facilities to be converted to joint living and working quarters (JLWQs). Currently, under section 17.102.190 of the zoning ordinance, only existing nonresidential buildings can be converted to JLWQ's. Mr. Beasley contends that JLWQ conversions should be allowed in residential buildings within the HBX zones because these zones are intended to allow a variety of activities and contain buildings that can be flexibly used for various activities over time. Therefore, the ability to move from one use to another and back is an important characteristic.

Allowing conversion of residential buildings to JLWQs would bring up several important issues:

- The City Attorney has informed staff that allowing conversion to JLWQs from a residential facility may be attempted by property owners to avoid the condominium conversion requirements of Oakland's condominium conversion ordinance, including, among other things, tenant rights requirements and the requirement to replace rental units being lost due to the conversion.
- Joint living and working quarters converted from residential space will look and act like residential units because they were originally designed for residential buildings. The existing development standards for conversions are highly broad and flexible which further limits the City's ability to assure that the units would operate as commercial facilities.
- Density, open space, and parking requirements do not apply to JLWQs. Therefore, allowing conversions would create a loophole where new units with a residential character could be approved without the density, open space, and parking requirements that are required for residential units. This would also allow residential densities over that allowed by the General Plan without providing the amenities and mitigations required of residential units.

Note that under the current proposal, any building, including residential building, can be converted to HBX live/work units or HBX work/live units through a design review process if they meet the requirements for these types of facilities.

Recommendation. Staff agrees that the HBX zones should allow buildings that can be flexibly used for a variety of activities. Therefore, staff recommends that section 102.230 of the zoning ordinance be

amended to allow the conversion of residential structures to nonresidential facilities without a use permit in the HBX zones (see Attachment A). If directed by the Commission, staff can also amend 17.102.190 to allow the conversion of residential buildings to JLWQs in the HBX zones if the new units meet the density, open space, parking, and condominium conversion requirements of residential units. This would allow buildings to be flexibly used while meeting the intent and standards of the General Plan, condominium ordinance, and zoning ordinance.

Applicability of Manual to Nonresidential Development

Issue. The West Oakland Commerce Association (WOCA) has written a letter to staff expressing their concern that the “tone” of the Design Manual is geared towards residential development, not commercial or industrial development (see Attachment H). They further state that the manual would make it “impossible to design a building that would be functional and economically efficient”. WOCA also stated that the document lacks clarity because it does not clearly state which guidelines would apply to nonresidential development and which would not.

Recommendation. At the request of the Commission, staff can provide a short passage in the introduction of the manual stating that the guidelines are applicable to both residential and nonresidential development unless 1) specifically stated otherwise or 2) type of development is clear from the context of the guideline. Staff also recommends that the manual include more illustrations of nonresidential buildings.

Staff does not feel other modifications are required because a review of the manual showed that its guidelines could equally be applied to residential and nonresidential development. Further, the manual clearly states when a guideline should only be applied to one type of development.

Each guideline addresses one or more of four basic elements: massing, site planning, architectural style, and buffering. The massing guidelines address universal issues that can be equally applied to residential and nonresidential development: transitioning from existing patterns on the street, breaking up the mass of a building, and scaling a building to be pedestrian friendly and appropriate to the width of a street. Similarly the site planning sections describe elements appropriate for any type of development: mitigating light and air impacts of new development on neighboring small residential buildings and appropriate location of parking. The manual does discuss location of open space in the site planning section but makes clear that the subject applies to residential development. The guidelines relating to architectural style and visual quality are also flexible enough to be applied to any development: they encourage a variety of architectural styles, including industrial; they state that particular attention should be paid to street facing facades; and they discourage blank street facing walls. Finally, the landscaping and buffering section makes clear when its guidelines apply to nonresidential construction.

In addition, several guidelines provide a menu of examples of techniques that can be used to fulfill the intent of the manual. Several of these examples include techniques appropriate for nonresidential buildings such as providing ground level glazing, canopies, awnings, prominent ground floor heights, and other features.

If the Commissioners believe that more work on this issue is required, staff could hold a focused meeting with WOCA members to review the manual in more detail.

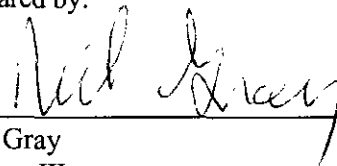
Minor modifications

Staff requests that the Planning Commission authorize staff to make minor changes to the text and illustrations of the manual or regulations prior to adoption in front of the City Council. This may be required to clean up language, correct typing errors, or provide improved graphic examples. Staff also

requests permission to reformat the manual to be more attractive and user friendly prior to the City Council hearing. Staff proposes to bring any significant or controversial changes back to the Planning Commission for approval.

- RECOMMENDATIONS:**
1. Recommend to the City Council that they affirm staff's environmental determination;
 2. Recommend to the City Council to adopt the proposed Zoning Text Amendments, Zoning Map Amendments, General Plan Map Amendments, and changes to the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations".

Prepared by:



Neil Gray
Planner III

Approved by:



GARY PATTON
Deputy Director of Planning and Zoning

Approved for forwarding to the
City Planning Commission:



Claudia Cappio
Development Director

ATTACHMENTS:

- A. Proposed zoning text amendments
- B. Proposed Design Manual
- C. Proposed Zoning and General Plan map amendments
- D. Proposed Amendments to the General Plan Guidelines
- E. Summary of Environmental impacts and mitigations measures described in the General Plan EIR
- F. Summary of Environmental impacts and mitigations measures described in the Estuary Policy Plan EIR
- G. West Oakland Redevelopment Plan EIR
- H. Initial Study/Mitigated Negative Declaration for the 2004 City of Oakland Housing Element Update
- I. March 23, 2006 letter from the West Oakland Commerce Association to Neil Gray

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(NOTE: ALL TEXT IS NEW LANGUAGE INSERTED INTO THE ZONING ORDINANCE)

Chapter 17.65 HOUSING AND BUSINESS MIX (HBX) COMMERCIAL ZONES REGULATIONS

Sections:

- 17.65.010 Title, purpose, and applicability.
- 17.65.020 Permitted and conditionally permitted activities.
- 17.65.030 Permitted and conditionally permitted facilities.
- 17.65.040 Special regulations for self storage facilities.
- 17.65.050 Required design review processes.
- 17.65.060 Minimum lot area width and frontage.
- 17.65.070 Maximum density.
- 17.65.080 Maximum floor area ratio.
- 17.65.090 Maximum density and floor-area ratio for mixed use projects.
- 17.65.100 Maximum height.
- 17.65.110 Different maximum floor area ratio and height regulations in special situations.
- 17.65.120 Minimum yards.
- 17.65.130 Minimum usable open space.
- 17.65.140 Landscaping, paving, and buffering.
- 17.65.150 Outdoor storage.
- 17.65.160 Special Regulations for HBX Work/Live Facility Type.
- 17.65.170 Special Regulations for HBX Live/Work Facility Type.

17.65.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the Housing and Business Mix Zones Regulations. This chapter establishes land use regulations for the HBX-1, HBX-2 and HBX-3 zones. The purposes of the Housing and Business and Mix zones are to:

- Allow for mixed use districts that recognizes both housing and business.
- Establish development standards that allow residential and business activities to compatibly co-exist.
- Provide a transition between industrial areas and residential neighborhoods.
- Encourage development that respects environmental quality and historic patterns of development.
- Foster a variety of small, entrepreneurial, and flexible home based businesses.

HBX-1 Housing and Business Mix 1 Zone. The HBX-1 zone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

HBX-2 Housing and Business Mix 2 Zone. The HBX-2 zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and medium to high density residential development. This zone recognizes the equal importance of housing and business.

HBX-3 Housing and Business Mix 3 Zone. The HBX-3 zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher

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density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

17.65.020 Permitted and conditionally permitted activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX-1, HBX-2, and HBX-3 zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

“L” designates activities subject to certain limitations listed at the bottom of the table

“--” designates uses that are prohibited in the corresponding zone.

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Residential Activities				
Permanent Residential	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	P	P	P	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient Residential	C	C	C	17.102.212
Civic Activities				
Essential Service	C	C	C	
Limited Child-Care	P	P	P	
Community Assembly	P(L1)	P(L1)	P(L1)	
Community Education	C	C	C	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	C	C	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Telecommunication	C	C	C	17.128
Commercial Activities				
General Food Sales	P(L3)	P(L3)	P(L3)	
Convenience Market	C	C	C	17.102.210
Fast-Food Restaurant	--	--	--	
Alcoholic Beverage Sales	C	C	C	17.102.210
Convenience Sales and Service	P	P	P	
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P(L2)	P(L2)	P(L2)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
General Personal Service	P	P	P	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	--	--	--	
Consumer Laundry and Repair Service	P	P	P	
Group Assembly	C	C	C	
Administrative	P(L2)	P(L2)	P(L2)	
Business and Communication Service	P	P	P	

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Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Retail Business Supply	P	P	P	
Research Service	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	
General Wholesale Sales	P(L2)	P(L2)	P(L2)	
Transient Habitation	--	--	--	17.102.370
Construction Sales and Service	P(L5)	P(L5)	P(L5)	
Automotive Sales, Rental, and Delivery	--	--	--	17.58.050
Automotive Servicing	C(L6)	--	--	17.58.050
Automotive Repair and Cleaning	C(L6)	--	--	17.58.050
Automotive Fee Parking	--	--	--	17.58.050
Transport and Warehousing	P(L7)	P(L7)	P(L7)	17.102.xx
Animal Care	C(L8)	C(L8)	C(L8)	
Undertaking Service	--	--	--	
Scrap Operation	--	--	--	17.102.xx
Manufacturing activities				
Custom Manufacturing	P(L2)	P(L2)	P(L2)	17.120
Light Manufacturing	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	17.120
General Manufacturing	--	--	--	
Heavy Manufacturing	--	--	--	
Small Scale Transfer and Storage	--	--	--	
Hazardous Waste Management				
Industrial Transfer/Storage Hazardous Waste Management	--	--	--	
Residuals Repositories Hazardous Waste Management	--	--	--	
Agricultural and Extractive activities				
Plant Nursery	C	C	C	
Crop and Animal raising	--	--	--	
Mining and Quarrying Extractive	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	17.102.xx

Limitations:

- L1- The total floor area devoted to these activities by a single establishment shall only exceed ten- thousand (10,000) square feet upon the granting of a conditional use permit (see 17.134).
- L2- The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see 17.134).
- L3- The total floor area devoted to a grocery store shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see 17.134). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see 17.134).
- L4- Not including accessory activities, this activity shall take place entirely within an enclosed building.
- L5- This activity shall is only permitted upon the granting of a conditional use permit (see 17.134) if it is the principal activity on a lot that is 25,000 square feet or larger or covers 25,000 square feet or more of lot area.
- L6- This activity shall take place entirely within an enclosed building and not involve open storage of goods or materials. Approval pursuant to the design review procedure (see 17.136) is required for all projects that require a conditional use permit. A conditional use permit or design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing.
- L7- Warehousing is permitted if the total floor area by a single establishment does not exceed twenty-five thousand (25,000) square feet. Floor areas over twenty-five thousand (25,000) square feet are only permitted upon the granting of a conditional use permit (see 17.134). Outdoor storage as a primary activity is only permitted upon the granting of a conditional use permit (see 17.134). Container storage, oil and gas storage, freight terminals, corporation yards, truck terminals, and truck services as primary activities are not permitted. Also, see section 17.65.040 for special regulations regarding self storage activities.
- L8- Dog or cat kennels are not permitted.

17.65.030 Permitted and conditionally permitted facilities.

The following table lists special regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

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“P” indicates that the facility is permitted in the corresponding zone.

“C” indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

“--” designates uses that are prohibited in the corresponding zone.

Facility Types	Zone			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Residential Facilities				
One-Family Dwellings	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	17.102.xx
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	--	--	--	
HBX Live/Work Facility	P	P	P	17.135.160
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C	C	C	
Sidewalk Café	P	P	P	
Drive-In Nonresidential	P	P	P	
Drive-Through Nonresidential	C	C	C	
Shopping Center Facility	--	--	--	
HBX Work/Live Facility	P	P	P	17.135.150
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	C	C	C	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	--	--	--	
Sign Facilities	See 17.104			

17.65.040 Special regulations for self storage facilities.

A. For the purposes of this Chapter, self storage facility means a facility that provides storage in small individual spaces that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public. Generally, the individual storage spaces are 400 square feet or less.

B. No more than twenty percent of the total floor area on a lot shall be occupied by self storage facilities.

C. Any project that includes a self storage facility shall not have any storage space within 20 feet of the building frontage.

D. The entire project shall have a minimum fifty (50) percent of lot frontage occupied by ground floor General Retail Sales and/or General Food Sales.

17.65.050 Required design review process.

A. Conformance to the “HBX Design Guideline Manual” is required for all projects in the HBX-1, HBX-2, and HBX-3 zones.

B. Approval pursuant to the Design Review Procedure (see Chapter 17.136) is required for:

1. Any increase in the height of a building over eight (8) feet;
2. Any new construction of a principal building;
3. The creation of any new HBX work/live or HBX live/work unit. This requirement shall apply for both 1) conversions of existing facilities to contain either of these units and 2) the new construction of buildings that contain these either of these units;

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4. Any increase in the footprint or square footage of a building of 20 percent or more or 10,000 square feet, whichever is less; and
5. Signs and telecommunication facilities when directed by regulations contained in Chapters 17.128 and 17.104, respectively.

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width and frontage requirements for the zones in this chapter.

Standard	Zone		
	HBX-1	HBX-2	HBX-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width	35 ft	35 ft	35 ft
Minimum lot frontage	35 ft	35ft	35 ft

Note:

See 17.106.xx for exceptions to lot area, width and street frontage regulations and 17.106 for the definition of a buildable lot.

17.65.070 Maximum density.

The following table contains the maximum number of residential units allowed per lot for the zones in this chapter.

Zone		
HBX-1	HBX-2	HBX-3
1,000 sf of lot area per unit	930 sf of lot area per unit	730 sf of lot area per unit

Notes:

1. See 1)17.102.xx for regulations regarding secondary units; 2)17.102.xx for affordable housing density incentives; and 3)17.102.xx for increased density for senior housing.
2. See 17.65.090 for how to calculate density in mixed use projects.

17.65.080 Maximum floor area ratio.

A. The following table contains the maximum floor area ratios (FARs) for all structures for the zones in this chapter

Standard	Zone		
	HBX-1	HBX-2	HBX-3
When lot is abutting street right of way is less than 80 ft wide			
Maximum FAR	1.0	2.6	2.6
When lot is abutting street right of way is 80 ft wide or more			
Maximum FAR	1.0	3.4	3.4

Notes:

1. These floor area ratios are only allowed upon approval pursuant to the design review procedure (see Chapter 17.136) and in conformance to the "Design Guidelines for the HBX zones".
2. See subsection B for further limitations on FAR for nonresidential facilities and 17.65.110 for situations when exceeding the maximum FAR may be permitted.
3. See 17.65.090 for how to calculate FAR in mixed use projects.

B. The following table contains the maximum floor area ratios (FARs) for nonresidential facilities for the zones in this chapter.

Standard	Zone		
	HBX-1	HBX-2	HBX-3
Nonresidential FAR	1.0	3.0	1.0

Notes:

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1. These floor area ratios are only allowed upon approval pursuant to the design review procedure (see Chapter 17.136) and in conformance to the “Design Guidelines for the HBX zones”.
2. Under no circumstances shall a project exceed the nonresidential floor area ratio listed in this table, even if the project is less than the maximum floor area ratio for all structures listed in subsections A.
3. See 17.65.090 for how to calculate FAR in mixed use projects.

17.65.090 Maximum density and floor-area ratio for mixed use projects.

A. This section shall only apply to the following mixed use projects:

- 1) Projects that have at least twenty-five (25) percent of its total floor area devoted to nonresidential facilities;
- 2) Projects on an interior or corner lot that have the following characteristics:
 - Projects on lots that are fifty (50) feet wide or less; and
 - Projects that have a minimum fifty (50) percent of lot frontage occupied by ground floor General Retail Sales and/or General Food Sales. This commercial space must be at least 20 feet deep measured from the building frontage and be within an enclosed building;
- 3) A project on a through lot that has the following characteristics:
 - Projects on lots that are fifty (50) feet wide or less; and
 - The project has a minimum (50) percent of its longest lot frontage occupied by ground floor General Retail Sales and/or General Food Sales. This commercial space must be at least 20 feet deep measured from the building frontage and be within an enclosed building;

B. For projects described in subsection A, the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects, the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. This subsection supercedes the requirements in section 17.106.030.

C. See 17.106.030 for how to calculate density and floor area ratio for mixed use projects not described in subsection A.

17.65.100 Maximum height.

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

Standard	Zone		
	HBX-1	HBX-2	HBX-3
Maximum height	30 ft	45 ft when lot is abutting street right of way is less than 80 ft wide; 55 feet when lot is abutting street right of way is 80 ft wide or more	55 ft

Notes:

1. Lots shall have a 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 17.108.xx for allowed projections above height limits and 17.108.020 for increased height limits for civic buildings.
2. These heights are only allowed upon approval pursuant to the design review procedure (see Chapter 17.136) and in conformance to the “Design Guidelines for the HBX zones”.
3. See 17.65.110 for situations when exceeding these maximum heights may be permitted.

17.65.110 Different maximum floor area ratio and height regulations in special situations.

A. Structures in the following locations may be constructed to a maximum height of 85 feet:

1. Anywhere on a lot that both 1) abut a street right of way that is 80 feet wide or more and 2) are 25,000 square feet more; and

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2. On lots adjacent to, or directly across the street from, a freeway right of way. On these lots, only the 125 feet of the lot closest to the freeway are eligible for the 85 foot maximum height.

B. For lots eligible for additional height under location 2. in subsection A, above, any floor area above the generally prescribed maximum height listed in 17.65.100 shall not be counted towards the maximum floor area ratio for all structures listed in 17.65.080A. However, any nonresidential floor area shall be counted towards the maximum nonresidential floor area ratio listed in 17.65.080B.

C. Any structure greater than the maximum FAR and height listed in Sections 17.65.080 and 17.65.100, respectively, is permitted only upon approval pursuant to the design review procedure (see Chapter 17.136) and in conformance to the “Design Guidelines for the HBX zones” as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

17.65.120 Minimum yards.

A. Minimum yards shall be consistent with the “Design Guidelines for the HBX zones” as adopted by the City Council.

B. A minimum ten foot rear yard depth is required when a rear lot line abuts any portion of a lot in a residential zone. Also, see 17.108.110 for reduced required rear yard depth next to an alley.

C. See 17.108.080 for the required interior side yard width on a lot containing two or more living units and opposite a legally required living room window.

D. When the rear yard of a reversed corner lot abuts a key lot that is in a residential zone, the required street side yard width of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see illustration 1-12a).

17.65.130 Minimum usable open space.

The following table contains the minimum usable open space requirements per residential unit for the zones in this chapter.

Zone		
HBX-1	HBX-2	HBX-3
200 sf/unit	150 sf/unit	150 sf/unit

Note:

Usable open space is only required on lots with two units or more, and not required for single family homes with secondary units. Each square foot of private usable open space equals two square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

17.65.140 Landscaping, paving, and buffering.

A. A landscaping and buffering plan shall be submitted for every project that requires approval pursuant to the design review process. The landscaping and buffering plan shall contain the following:

1. Landscaping and buffering that is consistent with the “Design Guidelines for the HBX Zones” as adopted by the City Council;
2. An automatic system of irrigation for all landscaping shown in the plan;
2. A minimum of one fifteen-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty (20) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

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3. At least one tree in the parking lot for every six parking spaces for projects that involve new or existing parking lots of 3,000 square feet or greater.

4. For parking lots of 3,000 square feet or greater, at least five feet of distance from the parking lot to the front and street side property lines. Where parking stalls face into this open area, the width of the open area shall be increased by two feet unless wheel stops are installed.

B. The following table contains the maximum percent of surface that may be paved at all street fronting yards within 15 feet from the property line, excluding areas containing structures.

Type of lot	Maximum percent of surface in street fronting yards allowed to be paved	Notes
Corner lots	30 percent	
Through lots	40 percent for lots with 50 feet or less of street frontage; otherwise 25 percent.	
Interior lots	50 percent	1

Note:

1. The maximum on interior lots that have 50 feet or less street frontage may increase to 75 percent if all driving surfaces are paved with permeable materials that allow landscaping on the driveway. To qualify for this bonus, the paving shall contain landscaping that is permanently maintained and includes a system of automatic irrigation.

17.65.150 Outdoor storage.

The outdoor storage of materials shall be no higher than sixteen feet on a lot. Further, outdoor storage may not be higher than eight feet if both 1) the storage is within 15 feet from any property line of a lot containing residential activities and 2) the storage faces any windows of a residential facility. Outdoor storage may also not be higher than eight feet if it is within 15 feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the “Design Guidelines for the HBX zones” as adopted by the City Council.

17.65.160 Special Regulations for HBX Work/Live Facility Type.

A. Definitions.

1. HBX Work/Live Facilities include permanently fixed buildings, or those portions thereof, that accommodate or are intended to accommodate one or more new HBX work/live units.

2 A “HBX work/live unit” means a room or suite of rooms that are internally connected and has a residential occupancy of not more than four persons maintaining a common household that includes (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit accommodates both residential and nonresidential activities but emphasizes the accommodation of commercial activities.

B. Regulations in this section do not supercede regulations contained in section 17.102.xx relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

C. Activity, parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX work/live unit; the minimum size of an HBX work/live unit; and the parking, loading, and open space required for each HBX work/live unit:

Standard	Requirement	Note
Activities allowed in an HBX work/live unit	Same as described in Section 17.xx.xx and any activity that would qualify as a home occupation in a residential facility (see Chapter 17.112).	

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Standard	Requirement	Note
Required parking	One parking space per unit plus another one unassigned visitor parking space per five HBX work/live units.	1
Required loading	Square feet of facility	Requirement
	Less than 25,000 sf	No berth required
	25,000--69,999 sf	One berth
	70,000—130,000 sf	Two berths
	Each additional 200,000 sf	One additional berth
Required usable open space	75 square feet of usable open space per unit	3
Minimum size of unit	1,000 square feet	4

Notes:

1. See Chapter 17.116 for other off-street parking standards.
2. Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of design review approval and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supercede the requirement for a conditional use permit stated in 17.116.220.
3. All required usable open space shall meet the usable open standards contained in 17.126 except all usable open space for HBX work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.
4. See subsection P for exceptions to this requirement.

D. At least two-thirds of the floor area for each HBX work/live unit shall be designated for and devoted to nonresidential activities, with two exceptions:

1. Up to half of the floor area of the unit may be devoted to residential floor area if each of the following are true:

- The majority of the nonresidential space for the unit is at a public street level and directly accessible to the public street;
- The unit has no residential space at the ground level; and
- The ground floor entrance is clearly designated as a business entrance.

2. Up to 45 percent of the floor area of a unit may be devoted to residential space if there are two entrances into a unit, one adjacent to the residential space, the other adjacent to the nonresidential space. To qualify for this additional floor area, the nonresidential entrance shall be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.

E. All required plans for the creation of HBX Work/Live Facilities shall 1) delineate areas designated to contain living activities and areas designated to contain working activities and 2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

F. For HBX work/live units, residential and nonresidential floor areas shall be designated according to the following standards:

1. Residential floor area shall be considered areas containing bedrooms, sleeping areas, kitchens (not including kitchenettes).
2. Nonresidential areas shall include floor area designated for working areas.
3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this subsection.

4. Bathrooms shall be counted as residential space if its access requires walking through areas designated as residential floor area. Conversely, a bathroom shall be counted as a nonresidential area if its access requires walking through an area designated as nonresidential. Half of the floor area of a bathroom that can be directly accessed from both nonresidential and residential floor areas shall be considered residential floor area; the remainder shall be considered nonresidential floor area.

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5. The Zoning Administrator shall determine the designation of the floor area when the above standards do not clearly do so.

G. Nonresidential floor areas and residential floor areas shall be separated by either being on separate floors of a building (including mezzanines) or by an interior wall. However, a kitchen may be open to a nonresidential floor area if either:

- It is on a different floor (including mezzanines) as the rest of the residential floor area; or
- The kitchen is adjacent to and directly accessible from a residential floor area.

In these unpartitioned kitchens, the following areas shall be considered to be residential floor area: the counters, cabinets, sink and appliances in the area that will function as a kitchen and the floor area that is eight feet in front these items.

H. Each HBX work/live unit shall contain no more than one fully equipped kitchen. An HBX work/live unit may contain a second kitchenette to serve the work area. For the purposes of this section a kitchenette shall be considered a counter that is no more than 20 square feet, a sink, and an area for a refrigerator. No stovetop or oven (excluding microwave ovens) shall be permitted in a kitchenette.

1. Each HBX work/live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential floor area of the unit.

J. Each HBX Work/Live Facility shall be built according to either F8 or R8 building code standards.

K. Each unit shall contain at least one tenant that operates a business within that unit. At least one tenant each HBX work/live unit shall possess a valid and active City of Oakland Business Tax certificate to operate a business out of the unit.

L. For any HBX Work/Live Facility, a statement of disclosure shall be 1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold and 2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The property is in an nonresidential facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing;

2. Each unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

M. Each building with a HBX work/live unit shall contain a sign that: 1) is permanently posted; 2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area 3) is made of durable material; 4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing. Further, City of Oakland regulations require that each unit have a tenant that 1) operates a business from that unit and 2) possesses an active City of Oakland Business Tax Certificate for this business.

N. The HBX Work/Live Facilities Type shall be considered a nonresidential facility and shall be counted towards the nonresidential floor area ratio, not the residential density.

O. The development of HBX work/live units in the HBX zone shall not be considered adding housing units to the City's rental supply and does not create 'conversion rights' under the City's condominium conversion ordinance, section 16.36.

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P. Twenty-five (25) percent of the number of HBX work/live units in a building shall qualify for certain exceptions to the standards contained in this section. An HBX work/live unit shall only qualify for the exceptions if both:

- More than seventy-five (75) percent of the total floor of the building containing the unit is devoted to nonresidential facilities; and
- The unit proposed for the exceptions are not on the ground floor of a building.

These exceptions shall only include the following:

1. A unit does not need to have a floor area of at least 1,000 square feet. However the floor area of the unit shall not be greater than 800 square feet;
2. No unassigned visitor parking spaces are required; and
3. The maximum amount of floor area of a unit designated for residential activities is raised to no more than 50 percent.

Q. Design Review Criteria. Design Review approval for HBX Work/Live Facilities may be granted only upon determination that the proposal conforms to the following criteria:

1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.

2. That, whenever feasible, a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor and at street fronting elevations.

3. That units on the ground floor of a building have nonresidential floor area that is directly accessible from and oriented towards the street.

4. That units on the ground floor of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, interior space visible to the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;

5. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

- a. Service elevators designed to carry and move oversized items;
- b. Stairwells wide and/or straight enough to deliver large items;
- c. Loading areas located near stairs and/or elevators; and
- d. Wide corridors for the movement of oversized items.

7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

17.65.170 Special Regulations for HBX Live/Work Facility Type.

A. Definitions.

1. HBX Live/Work Facilities include permanently fixed buildings, or those portions thereof, that accommodate or are intended to accommodate one or more new HBX live/work units.

2. A "HBX live/work unit" means a room or suite of rooms that are internally connected and has a residential occupancy of not more than four persons maintaining a common household that includes (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX live/work unit accommodates both residential and nonresidential activities.

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B. Regulations in this section do not supercede regulations contained in section 17.102.xx relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

C. Activity, parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX live/work unit; the minimum size of an HBX live/work unit; and the parking, loading, and open space required for each HBX live/work unit:

Standard	Requirement	Note	
Activities allowed in an HBX live/work unit	Same as described in Section 17.xx.xx and any activity that would qualify as a home occupation in a residential facility (see Chapter 17.112).		
Required parking	One parking space per unit.	1	
Required Loading	Square feet of facility	2	
	Less than 50,000 sf		No berth required
	50,000--149,999 sf		One berth
	150,000--299,999 sf		Two berths
	Each additional 300,000 sf	One additional berth	
Permitted Density	Same as 17.65.070		
Required usable open space	Same as 17.65.130		

Notes:

- 1 See Chapter 17.116 for other off-street parking standards.
- 2 Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of design review approval and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supercede the requirement for a conditional use permit stated in 17.116.220.

D. Any amount of area in an HBX live/work unit may be designated for and devoted to residential activities.

E. Each HBX Live/Work Facility shall be built according to either F7 or R7 building code standards.

F. For any HBX Live/Work Facility, a statement of disclosure shall be 1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold and 2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in an facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing;

G. Each building with a HBX live/work unit shall contain a sign that: 1) is permanently posted; 2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area 3) is made of durable material; 4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: This development contains live/work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing.

H. The HBX Live/Work Facilities Type shall be considered a residential facility and shall be counted towards the residential density, not the nonresidential floor area ratio.

I. Design Review Criteria. Design Review approval for HBX live/work units may be granted only upon determination that the proposal conforms to the following criteria:

8. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

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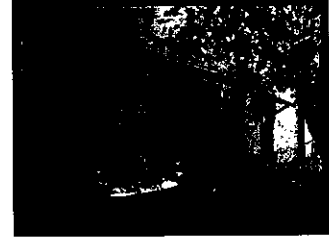
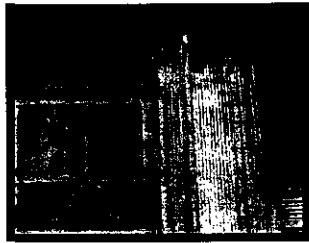
9. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

- a. Service elevators designed to carry and move oversized items;
- b. Stairwells wide and/or straight enough to deliver large items;
- c. Loading areas located near stairs and/or elevators; and
- d. Wide corridors for the movement of oversized items.

HOUSING AND BUSINESS MIX

Design Guidelines Manual

5 April 2006



INTRODUCTION

Why is there a Design Guidelines Manual for the Housing and Business Mix (HBX) zones?

The Land Use Element of the General Plan states that:

“The Housing and Business Mix (HBX) classification identifies areas of the city where a complex mix of residences and businesses has evolved due to converging historic development patterns”

This convergence has resulted in a context characterized by complex and inconsistent development patterns, making rigid and prescriptive zoning requirements ineffective as the sole regulatory tool to allow for well designed developments. Therefore, strict requirements are avoided in the Zoning Ordinance and massing, scale and site planning issues are addressed in a design guidelines manual, which provides greater flexibility and provides for site specific design solutions.

Overall intent of the HBX Design Guidelines Manual

The overall intent of this manual is to:

- Guide and transition into a more intense development pattern than has traditionally existed in HBX neighborhoods;
- Allow freedom to create buildings of varied designs and styles;
- Develop attractive streetscapes and urban spaces;
- Allow the compatible coexistence of residential and nonresidential activities; and
- Promote innovative building designs that exist compatibly with traditional development patterns.

Organization of the Manual

This manual is organized into four sections: Site Planning, Building Design, Corner Buildings, and Landscape and Buffering; each section contains one or more Design Objectives to achieve the overall intent of the Manual. Specific guidelines are provided to achieve a corresponding Design Objective.

The following is a review of the design objectives contained in this manual:

Design Objective #1: Create a development pattern that encloses the street space by defining a street wall and street section while providing transitions from existing patterns and respecting the light and air of residential properties, if present.

HBX Design Guidelines Manual

- Design Objective #2:** Site parking to maintain an attractive streetscape and preserve on-street parking.
- Design Objective #3:** Integrate functional open space into the design of the site.
- Design Objective #4:** Use design techniques to scale buildings appropriate to their location.
- Design Objective #5:** Consider a variety of architectural styles.
- Design Objective #6:** Provide visual interest to street facing areas.
- Design Objective #7:** Provide visual emphasis to buildings at street corners.
- Design Objective #8:** Provide well designed landscaping and buffering for street fronting yards, parking areas, nonresidential activities, and parking podiums.

How should this Manual be used?

Conformance with this manual and the design review criteria contained in Section 17.136.070 of the Zoning Ordinance is required to receive Regular Design Review approval from the City of Oakland Planning Department or Planning Commission. The project must conform to the design objectives of the manual. Guidelines provide methods to fulfill an associated design objective; however, they are not intended to restrict innovation, imagination and variety in design. An alternative design will be considered if it achieves the desired objectives of the manual to the same extent as their associated guidelines.

Context and neighborhood pattern

Several guidelines allude to transitioning from a neighborhood development pattern. However, due to the nature of HBX zoned neighborhoods, most new developments will not have a development pattern from which to transition. For the purpose of this manual, only solid and discernable neighborhood development patterns on the same block or street must be considered in a design. A development should not be required to transition from a spotty or inconsistent neighborhood pattern.

Occasionally, accommodations are not necessary or practical even when there is a solid or discernable development pattern because either 1) adjacent lots are underutilized, in disrepair, or proposed for redevelopment or 2) the neighborhood as a whole is transforming into a different development character. The case planner and the Zoning Administrator will determine if any such factors are present. If this determination is made, a new development should be designed to be appropriate for the anticipated neighborhood character.

SITE PLANNING

Site planning refers to the placement and relationship of buildings, open spaces, parking and service areas on a site. A designer should carefully arrange building footprints, open spaces, roadways, driveways, circulation access

points, and parking in response to the specific site and surrounding area conditions and opportunities, such as the size and shape of lots, the size and scale of nearby buildings, the site's location at prominent streets, and other features.

Design Objective #1: Create a development pattern that encloses the street space by defining a street wall and street section while providing transitions from existing patterns and respecting the light and air of residential properties, if present.

A setback establishes the footprint of a building by providing the required distance between buildings and the front, rear, and side property lines. Rigid setback requirements are not prescribed in the zoning ordinance because of the varied development patterns found within areas with an HBX designation. Instead, flexible setback guidelines are contained in this section to respond to the varied development contexts in the HBX zones.

Front Setback and Orientation

Guideline 1.1: Design the front setback to establish a street wall and transition from the front yard setback pattern. In cases where there is not an established pattern of setbacks (see the introduction for how to determine a pattern), a limited front yard setback should be designed so that a street edge or "wall" creates a comfortable pedestrian scale and unifies the street space. For larger lots (lots with a street frontage of more than 50 feet), this may consist of a maximum five foot front setback, an area just large enough to provide an entrance feature and/or landscaping that creates a pleasing transition from the public to the private space. A somewhat larger front setback area of up to fifteen feet may be appropriate for smaller lots (lots with a street frontage of 50 feet or less) to accommodate a landscaped yard, front stairs, and occasional visitor parking.

Note that the public right of way can be used for some or all of these setbacks so long as an area for a minimum eight foot wide sidewalk remains (six feet for the walking area and two feet for a planting strip). Construction, landscaping, or development in the right of way may require an encroachment permit from the City of Oakland.

Guideline 1.2: Provide appropriate transitions from front yard setback contexts. If a street has an established front yard setback pattern (see the introduction for how to determine a pattern) farther away from the front property line, larger developments (generally proposals on lots with a street frontage of more than 50 feet) should transition to a new context closer to the street. The following are two design techniques to consider:

- Providing an equivalent front yard setback adjacent to the context, then reducing it as the distance increases from the existing pattern; or
- Providing open spaces such as landscaped areas and driveways adjacent to the neighboring context to mark an end to the setback pattern and establish a new pattern. These open spaces should be at least 15 feet wide.

Smaller developments (proposals on lots with a street frontage of 50 feet or less) can unify the streetscape pattern (see the introduction for how to determine a pattern and context) by transitioning between adjacent front yard setback contexts. The following design techniques can achieve this transition:

- Provide a front yard setback that is midway between the front yard setbacks of adjacent properties. For instance, if buildings on the two neighboring properties on both sides of the development have front yard setbacks of five and 15 feet, respectively, consider providing a ten foot front yard setback; or
- Step or stagger the façade of the subject property between the setbacks of the two neighboring properties. For instance, in the example of adjacent five and 15 foot front yard setbacks, half of the property could match the 15 foot setback of the adjacent lot, and the other half could match the five foot setback of the other lot. Intermediate steps, such as at seven and 13 feet, would also provide an appropriate transition.

ILLUSTRATION.

Rear setback

Guideline 1.3: Preserve the collective rear yard open area for residential development. A series of adjacent rear yards on a block collectively contribute to an overall open and airy environment. This collective open space also provides solar access for adjacent residential properties.

The preservation of the rear yard open area is most important for residential properties or properties available for residential development. Therefore, new development should respect and contribute to the collective open area with a rear yard setback of at least ten feet when adjacent to residential, vacant, or underutilized parcels. However, a well designed parking podium to the property line may be constructed (see Guideline 8.5 for appropriate wall designs) to the property line to accommodate required parking. This podium should be no higher than ten feet unless twelve feet is required to accommodate a mechanical lift.

Further, new construction should take into account the light and air of single family homes, duplexes, or similar small scale residential development that

exist to the rear, particularly if that existing property does not enjoy a back yard of 20 feet deep or greater. This can be achieved through limiting building height near the neighboring properties, stepping back upper stories, providing courtyards at the rear of portion of the building, or other methods.

Note, however, that the more intense urban development envisioned by this document will affect the light and air of existing properties. The case review planner must carefully balance the intent of this document to encourage more intense development patterns and construction that is compatible with existing traditional neighborhoods.

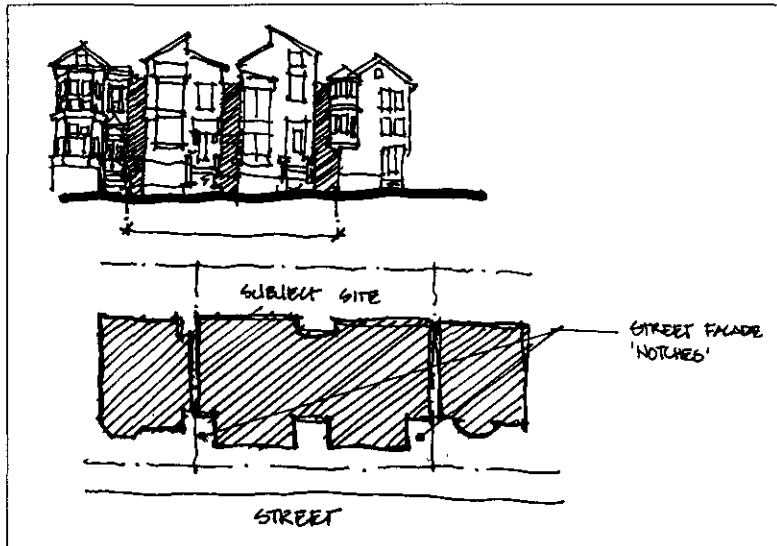
In general, residential facilities (other than parking podiums) should not be closer than ten feet from the rear property line to preserve the light and air for new units. A possible exception to this requirement is when a freeway, railroad, or BART line is directly to the rear. If there is a nonresidential building to the rear or other building with a blank wall, the mass can also be shifted to this ten foot rear yard space if it allows for more light and air to adjacent residential properties at other locations on the lot. In this case, the design of a building should provide light and air to new units through the use of courtyards or other methods.

Interior side setback and spacing between buildings

Guideline 1.4: Provide limited interior side setbacks and spacing between buildings toward the front of a property if there is not an established context on the street. In general, a new development should provide limited interior side setbacks that are visible from the street if there is 1) no established street pattern of interior yard setbacks on a street or 2) an established pattern of no interior side yard setbacks (see the introduction for how to determine a pattern). This siting provides an effective street wall, eliminates areas for dumping garbage, and adds a measure of safety by minimizing unsafe dark areas near the street.

Where there is an established pattern that creates a rhythm of buildings on street (see the introduction for how to determine a pattern), a developer should either transition to a new rhythm or continue the existing rhythm. The following are two suggested design techniques to create a transition:

- On larger lots, provide open areas that are at least 15 feet wide and that contain recreational space or driveways adjacent to the neighboring lot to effectively mark an end to the existing rhythm. This method frees a development to establish a new rhythm;
- Provide a shallow notch adjacent to building façades to create a pattern of vertical separation, or shadow line to reflect the existing rhythm of the street and building modulation (see Guideline 4.3, below). On larger lots, a development could transition to its own pattern as the distance from the existing pattern increases (see illustration, below).



Guideline 1.5: Street Fronting "Notches"

- Provide the same interior yard setback as on the street. For large developments, buildings with similar widths and separation as found on the street provide an effective transition. A development could transition to its own pattern as the distance from the existing pattern increases.

Guideline 1.5: Design interior side setbacks that provide appropriate light and air to neighboring residential development. This guideline describes techniques that developments can use to mitigate light and air impacts on single family homes and duplexes with windows facing the sides of a new development. Each of these features should be placed at locations that provide the light and air to building openings on neighboring properties. The methods include providing:

- Setbacks, driveways, and recreational space that leave open areas between a property line and a proposed building;
- Limited building height near the neighboring properties;
- Stepped back upper stories;
- Open courtyards on the ground or at upper stories;
- Roofs that slope away from the neighboring property;
- Light wells opposite the windows and/or existing light wells of the neighboring property;
- Other effective techniques.

Another method includes shifting mass away from the single family home or duplex towards adjoining properties that have nonresidential development or

buildings with blank walls facing the site. Mass can also be shifted towards larger scale multi-family developments with light wells at the location of the windows on the other lot. This shifting of mass towards other sides of a lot can allow for a combination of courtyards, setbacks, or stepbacks, and light wells adjacent to the small scale development.

The combination of methods to use depends on the subject site and the adjoining sites. The wider lots (lots that are wider than 50 feet) have the most site plan flexibility. These lots should mitigate through the use of setbacks, upper story courtyards, height limitations, and/or stepbacks at locations that allow light and air to a neighboring property. Locating open areas such as yards, driveways, or parking areas next to the neighboring property also buffers the light and air impacts of larger developments. Note that any parking areas or driveways should have a landscaping and fencing buffer to mitigate vehicle noise and glare from headlights to the adjacent property.

As a development site becomes narrower and smaller it becomes more challenging to provide mitigations for neighboring properties while preserving development potential. No “one size fits all” solution exists for the varied site contexts that will be found in the HBX zones. Therefore, a designer needs to carefully analyze the site and context and creatively use the design tools described above or other techniques to mitigate the impacts of new development. Further, if the neighboring single family home, duplex, or other structure is eight feet or more away from the new construction, then no further mitigation is required. Often times, providing this eight foot separation will not be feasible on narrow lots; in this case a developer should employ the methods described in this section. The eight foot separation is not a requirement of these guidelines. However, providing this separation assures a developer that no more mitigation of the light and air to the sides of neighboring homes will be required.

When the eight foot separation is not provided, the design review planner must carefully balance the intent of these guidelines to 1) encourage more intense development and 2) provide buildings that are compatible with small scale residential development patterns (see the introduction for how to determine a pattern).

Note, however, that the light and air of existing properties will be affected by new development; the same amount of light and air a neighboring property enjoyed prior to a development cannot be preserved after the development is constructed. The intent of these guidelines to direct a more intense development pattern cannot be achieved without disturbing the light and air of existing development. Therefore, this guideline accounts for a reduction of light and air to neighboring properties that will result from new development in the dense urban environment envisioned by this document.

Finally, on the narrower lots, a well designed parking podium to the property line may be constructed (see Guideline 8.5 for appropriate wall designs) to the property line to accommodate parking requirements. This podium should be no higher than ten feet unless twelve feet is required to accommodate a mechanical lift.



Guideline 1.6: New development should respect the light and air of neighboring residential properties.

Design Objective #2: Site parking to maintain an attractive streetscape and preserve on-street parking.

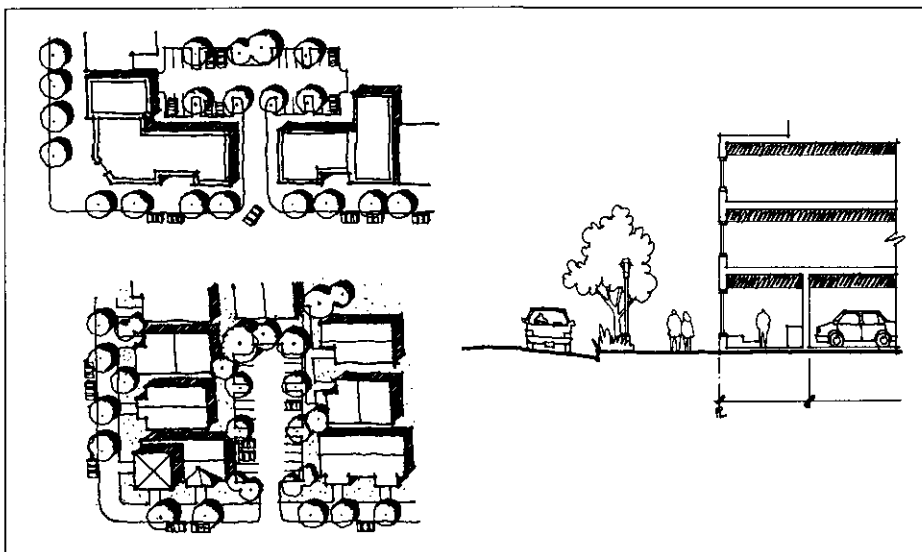
Guideline 2.1: Reduce the visibility of parking areas. For developments on larger lots (lots with a street frontage of more than 50 feet) and corner lots, a site plan should incorporate techniques to reduce the visibility of parking from the street, such as:

- Place a parking “podium”, an enclosed ground level garage area, behind another type of facility such as a lobby, business, joint living and working quarter, or living unit;
- Provide parking areas behind buildings;
- Cluster parking spaces in one location to reduce its presence throughout a development and reduce the number of garage doors;
- Provide subterranean parking; and
- Site parking entrances at the side or rear of a lot.

Guideline 6.1 describes techniques to provide visual interest to blank parking podium walls when they are unavoidable due to site constraints.

For developments on smaller lots (lots with a street frontage of 50 feet or less), a developer can provide subterranean parking and/or provide garages at the ground floor of a structure (see Design Objective #5 for guidelines regarding garage door and façade design). Structures with ground floor parking should have living space directly above the garages. Placing required parking in the front of a lot is not a preferred parking technique for new construction.

See Guideline 8.3 for appropriate landscaping and paving for driveways and parking lots.



Guideline 2.1: Examples of preferred parking techniques on large lots.

Guideline 2.2: Dimension curb cuts to maximize on-street parking spaces. Parking should be dimensioned to maximize the availability of on-street parking spaces. Where possible, parking spaces should be either clustered or provided through an alley that leads to garages at the rear of the units. Where a series of curb cuts is unavoidable due to site constraints, provide at least 20 feet of full height curb length between curb cuts on a site to preserve on-street parking between driveways. Where feasible, this amount of curb length should also be provided between a curb cut on a new development and that of adjacent properties.

Design Objective #3: Integrate functional open space into the design of the site.

Guideline 3.1: Place required open space at locations convenient to residential units and prominent common areas. Unlike most zones in the City, the HBX zone allows all required usable open space to be private and provided above the ground. This allows the designer flexibility to gracefully integrate open space

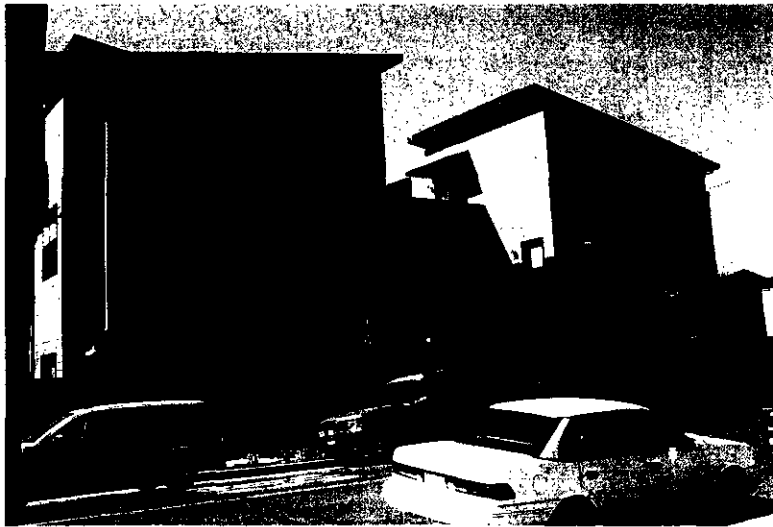
HBX Design Guidelines Manual

into the design of a building that is convenient for the use of residents and promotes social interaction amongst residents. Potential areas for private and group open space include:

- Spaces between roof forms;
- Rear and front upper story stepbacks;
- Rear yard setbacks;
- Common courtyards;
- Open areas along commonly traveled pedestrian routes; and
- Other methods.

Group usable open space can also be used to transition from the height, scale, and setback context of adjacent lots and, with appropriate landscaping, as a screening and privacy buffer for neighboring properties.

Usable open spaces should be oriented towards living units, windows, and balconies to promote activity and provide security.



Guideline 3.1: The private usable open space above the garages of this duplex is convenient to both units and incorporated into the design of the building.

BUILDING DESIGN

This section provides specific guidance regarding the design of a building in terms of height, scale, and architectural elements.

Height and Scale

Scale is the appearance of the size of a building or its elements relative to their surroundings. The scale of building can be adjusted depending on how different masses, forms, or shapes of a building are proportioned. For instance, a large

building can be proportioned to have a scale that relates to smaller buildings through the use of bands, projections, cornices, stepbacks, or windows. Similarly, a tall building can be scaled to relate to pedestrians through the use of a prominent base, storefront windows, or a canopy.

Design Objective #4: Use design techniques to scale buildings appropriate to their location.

As mentioned, HBX areas have a convergence of development patterns that has resulted in buildings of varied heights and scales. The HBX regulations encourage investment by allowing the construction of buildings that will have a larger scale than this development pattern; this introduces yet another development type into these areas. This section provides guidelines and techniques to appropriately scale new construction into this complex streetscape pattern.

Guideline 4.1: Use design techniques to provide a building with an appropriate scale. The scale of a building plays an important urban design role. Urban environments depend on buildings to provide the appropriate “walls” to define the street space. Buildings facing each other across a wide street should have a larger scale to properly unify or define the public space. Conversely, buildings with too great a perceived height can overwhelm and loom over a narrow street. Therefore, the appropriate scale of a building depends, in part, on the width of the public space between buildings on opposite sides of a street.

This guideline provides different methods to treat the scale of a building. When a development is located on a narrow right of way (a right of way less than 80 feet wide), the methods should be employed above about the 35 to 40 foot level of a building; on a wide right of way (a right of way 80 feet or greater) the methods can be used above about the 45 foot level. Methods to significantly reduce the scale of a building are not necessary along very wide right of ways of 100 feet or greater.

The following are methods that can be used to reduce the scale of a building at a street facing facade. As with all the guidelines in this document, other creative methods that provide a pleasing architectural composition and achieve the design objective are encouraged. These methods should be employed in the HBX-2 and HBX-3 zones, where greater heights are permitted.

Stepping back from the front façade about one foot for every two vertical feet provides an effective reduction in scale. A strong horizontal feature such as a cornice line where the building begins its stepback creates an additional reduction in scale. Note that stepbacks repeated at several sequential stories can create an awkward wedding cake or ziggurat appearance that may need to be varied and architecturally treated.

Reducing the amount of façade area above a horizontal element through the use of varied roof forms, vertical articulations, or other methods also reduces the

scale of a building. On larger lots, this method can also create interesting variation and rooflines at the streetscape, create opportunities for decks, and provide solar access to units within the development and on neighboring lots.

Another technique is to place tall structures behind smaller street facing buildings. This allows for tall structures that do not impact the street.

Coupled with other techniques, changing the materials and textures, and providing a progressively light color application to upper stories can also reduce the perceived height of a building.

This reduction of scale described in this section can occur at a higher level at the end of a block because larger scaled structures at corners serve to frame the streetscape and set the tone for a neighborhood (see Design Objective #7).



Guidelines 4.1 and 4.2: Variations in roofs height and upper story stepbacks reduce the scale of this building and provide a transition to the neighboring smaller scale property.

Guideline 4.2: Avoid abrupt transitions in height and scale from a neighboring property. A designer should apply methods to avoid an abrupt transition from adjacent shorter intact buildings, particularly residential buildings. Several techniques can be used to avoid this abrupt transition, including:

- Providing a partial upper story setback adjacent to the shorter neighboring buildings, particularly toward the front of the proposed building;
- On larger lots, providing open areas that are at least 15 feet wide and that contain recreational space or driveways adjacent to the neighboring lot.
- Using a sloping roof to transition from neighboring structures;

- Providing a strong horizontal element such as a prominent cornice line at the same height as neighboring buildings;
- Modulating building heights near neighboring structures.



Guideline 4.2: Open areas can provide an effective transition in scale.

Guideline 4.3: Use open areas, building modulation, or other methods to transition from the rhythm and scale of traditional residential streets. In HBX areas, larger developments on wide lots will frequently be proposed next to traditional turn of the century residential developments of single family homes and duplexes on small lots. Adjacent to these patterns (see the introduction for how to determine a pattern), a façade should be broken up and scaled to reflect this existing context through massing, modulation, window patterns, colors, textures, strong entries, varied and visually interesting materials, and detailing. Notches, such as described in Guideline 1.4, can also be used to mass or modulate a building façade. On larger lots, a development can transition to a greater scale and different rhythm as the distance from the traditional pattern increases. A development could also provide open areas that are at least 15 feet wide and that contain recreational space or driveways adjacent to the neighborhood pattern. This technique marks the beginning of a new pattern.



Guidelines 4.2 and 4.3: Techniques that transition from the pattern on the street.

Guideline 4.4: Emphasize human scale design and an active streetscape. The term “human scale” refers to the use of architectural elements to provide a building that is proportionate to human scale, particularly at the street level. Activating the street involves providing a visual, transitional, and/or operational connection between the sidewalk and what goes on within the building. It also involves providing ground level activities that attract pedestrians. If emphasis is placed on the human scale and activating the street, buildings will convey a sense that the neighborhood is an inviting, vibrant, pleasant, and safe environment for pedestrians. Consider the following methods to compose a human scaled façade and create an active streetscape:

- Provide a ground level ceiling height greater than the upper stories;
- Provide visually interesting details on street facing ground levels that contrast with the upper stories. For instance, entrances, exterior light fixtures, changes in materials, colors, and textures add interest and give a human scale to street-level building facades;
- Modulate the façade of buildings into human-scale intervals;
- Design a regular cadence of storefront sized windows and entrances at the front facade;
- Locate nonresidential activities facing the street and at street level, including the nonresidential activities within work/live units;
- Provide transparent glazing for nonresidential activities facing the street, including the nonresidential activities within work/live units.
- Locate overhead cover along the sidewalk for pedestrian comfort such as front porches, canopies, awnings, or arcades;
- Provide prominent stoops;
- Provide a prominent front entrance;
- Provide second story stepbacks;

- Avoid blank walls (see Guideline 6.1);
- Other methods.

ILLUSTRATION.

Guideline 4.5: Clearly identify the main entrance from the street. A main entrance should be clearly identifiable from the street. Techniques a designer should consider to clearly identify a main entrance include, but are not limited to, projecting or recessing the entrance, or providing a porch, awning, or lobby feature.

Guideline 4.6: Provide heights above the increased maximum height and floor area ratio (FAR) when it benefits the neighborhood and improves the site planning of a project. The zoning ordinance allows buildings to be above the increased maximum height and FAR on lots that are both 1) greater than 25,000 square feet and 2) on streets that at least 80 feet wide. Approval of this height requires approval through the design review procedure and conformance to this guideline and must accomplish specific design objectives that benefit the neighborhood and improve the site planning of a project. Specifically, the additional height must achieve at least one of following objectives:

- Mitigate light and air impacts to and transition from the scale of nearby small scale residential buildings by massing development towards nonresidential buildings. A greater height at one part of a site allows for shorter heights near smaller scale homes;
- Shield the neighborhood from noise and visual impacts from an elevated freeway or BART tracks.

Taller buildings also provide greater site planning and massing flexibility that create an opportunity for a more integrated and efficient site plan and more architectural interest. For instance, taller buildings at a site allow for:

- Variations in massing and heights;
- Area for centrally located and usable open space;
- Parking placed away from the street;
- A more efficient circulation plan;
- Breaking up a façade to open up the interior of a site to the public areas; and
- Ground floor treatments that provide a more pedestrian friendly environment.

Applications for developments that require a departure from the height regulations requires an accurately scaled axonometric drawing of the proposal and the surrounding context to demonstrate how the massing of the project responds to its location and the site plan benefits from the flexibility afforded by

the additional height. These developments also require a shadow study to assess the solar impact on the surrounding area.

Architectural Style and Façade Elements

Design Objective #5: Consider a variety of architectural styles.

Guideline 5.1: The design review process should be receptive to a variety of design styles. The intermixing of industrial, commercial, modern, multi-family, and Victorian style buildings commonly found in areas with an HBX zoning designation provides designers a unique opportunity to design buildings with various styles, materials, roof forms, and textures. The design review process should encourage the design of visually attractive buildings that add richness and variety to the neighborhood. Designers should not be limited to any particular architectural style.

Guideline 5.2: Provide appropriate references to historic architecture. Copying designs from other eras can produce architecture that appears false and artificial. Ornamentation and features that refer to period styles in a manner that appears “tacked-on” or artificially thin are discouraged. Designers who voluntarily decide to reference historic styles are encouraged to take cues from the roof forms, windows, and proportions from noteworthy traditional architecture and incorporate them into a contemporary design.

Design Objective #6: Provide visual interest to street facing areas.

Guideline 6.1: Avoid blank walls at street front facades. Blank walls deaden the streetscape, reduce the visual interest of buildings, and increase safety concerns by removing “eyes on the street”. This guideline describes several methods to bring visual interest to street facing facades.

The generous placement of windows is encouraged at street fronting facades. To create visual interest, the placement and style of windows should contribute to a coherent and appealing composition on the façade. Also, recessed windows provide shadow lines and depth to a façade.

In addition to providing windows at facades, consider the following methods to avoid blank walls: articulating and massing the façade to create a series of smaller forms and incorporating elements such as entrances, bay windows, roof brackets, cornices, and columns.

Blank walls at the ground level are particularly discouraged because they deaden the pedestrian space and remove visual interest at the most visible part of a building. When sections of blank walls are unavoidable at the ground level

due to site constraints, several design methods can be employed to increase visual interest, including:

- Providing grill or art work, benches, façade articulations, lighting, canopies, awnings, or other features;
- Installing a vertical trellis in front of the wall with climbing vines or plant materials;
- Installing trees in front of the wall;
- Providing a landscaped or raised planter bed in front of the wall, including plant materials that could grow to obscure the wall's surface;
- Providing special lighting, a canopy, or awning;
- Using of varied colors and materials.

Guideline 6.2: Integrate garages doors into the architecture of a building. Because the garage door is usually the largest opening on a building, care should be taken to make it an attractive feature and integrate it into the design of the development. Guideline 2.1 describes preferred garage door and parking locations. The following provides guidance to provide attractive garage doors:

- Recessing the door from the front façade to create shadow lines;
- Choosing a garage door with a design and with materials that complement the architecture of the building; Placing windows on the garage door;
- Recessing the bottom floor façade containing the garage door from the upper stories;
- Placing living space above the garage;
- Placing a landscaped trellis around the garage door;
- Using materials that provide visual interest;
- Providing garage doors with a width proportionate with the scale of the structure. This may require separating wide garage doors into smaller sized doors on smaller projects.

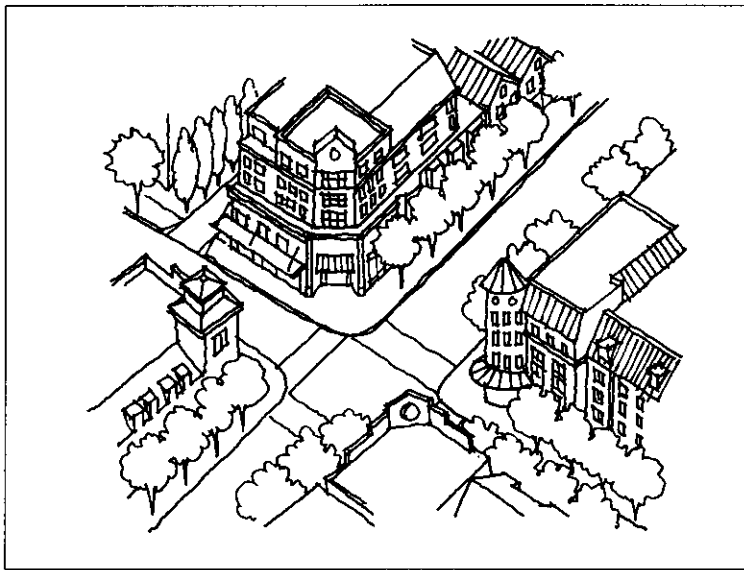
ILLUSTRATION.

CORNER BUILDINGS

Design Objective #7: Provide visual emphasis to buildings at street corners.

Guideline 7.1: Provide emphasis to buildings at street corners through decreased front and street side setbacks and greater scale and visual interest. Corner buildings play a strong urban design role because they set the character of a neighborhood and frame the streetscape. Designers can recognize this prominent role through some of the following methods:

- Using a building height and scale that is greater than but not overwhelming to neighboring buildings;
- Treating both street facing facades with equal visual interest: as much as possible, both sides of a corner building should be relate to the street as a front facade;
- Adding additional architectural detailing than other buildings on the street; and
- Designing a prominent architectural feature at the corner of the lot nearest the intersection.



Guideline 7.1: Visual Prominence on Corner Buildings

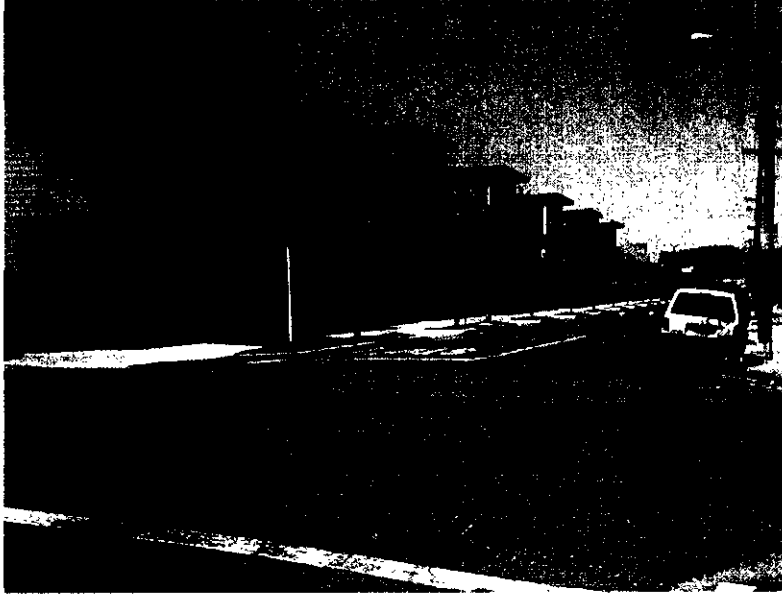
LANDSCAPE AND BUFFERING

Design Objective #8: Provide well designed landscaping and buffering for street fronting yards, parking areas, nonresidential activities, and parking podiums.

Guideline 8.1: Landscape street yard areas. The entire length of street facing areas of a lot, except for driveways, buildings, walkways, and signs shall be generously landscaped. The maintenance of these areas is the responsibility of the property owner and is critical to providing attractive neighborhoods. Where there is enough width between the property line and the sidewalk, landscaping should be provided between the front property line and the back edge of the sidewalk.

Guideline 8.2: Provide street trees consistent with the neighborhood. The HBX regulations require one street tree per twenty feet of street frontage or portion thereof. When possible, the trees should be consistent with other street

trees in the neighborhood. However, all street trees must be from the approved street tree list of the Public Works Agency, Tree Division.

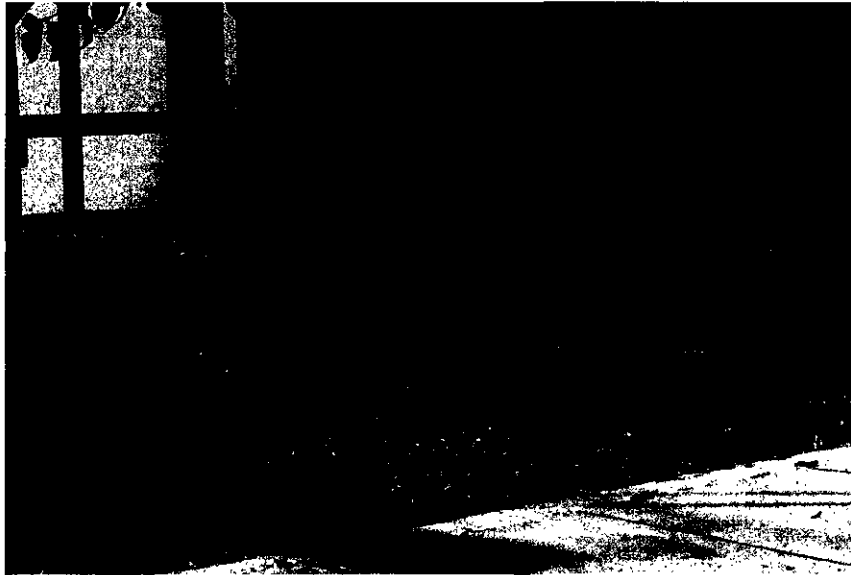


Guidelines 8.2: Street trees are an important part of a successful streetscape.

Guideline 8.3: Provide landscaping and buffering for parking lots and driveways. The perimeter of parking lots and driveways should be visually screened from the street, other activities on the lot, and abutting properties by either buildings or a combination of dense landscaping or solid walls.

Also, the HBX regulations state that a tree shall be provided for every six parking spaces for projects that involve new or existing parking lots of 3,000 square feet or greater. Rows of canopy trees should be evenly distributed throughout the lot to shade surface parking and reduce heat build-up. Planter islands parallel to the parking spaces provide locations for trees to effectively canopy a parking lot. The use of light-colored materials is also encouraged to help reduce heat islands.

Pervious landscaped paving materials such as grasscrete are encouraged to allow landscaping, soften the appearance of outdoor parking areas, and decrease off-site runoff. Other decorative paving materials such as stamped concrete or faux brickwork can also soften the appearance of driveways and parking areas.



Guideline 8.3: Landscaped paving softens the appearance of outdoor parking areas and decreases off-site runoff.

Guideline 8.4: Provide landscape and architectural wall buffers for commercial and industrial activities. Providing the appropriate buffering between properties is critical in allowing the various activities in the HBX zones to coexist compatibly. Therefore, lots that contain commercial or industrial activities (not including those in live/work units) and new residential construction next to existing commercial or industrial properties should provide sufficient landscaping and buffering to mitigate noise and visual impacts to the residential activities.

A method to consider is constructing a minimum eight foot high masonry wall in front of an approximately five foot wide area of landscaping, including a row of trees that will grow above an eight foot level, at the property lines adjacent to residential properties. Other techniques will be considered that have an equivalent buffering and screening effect.

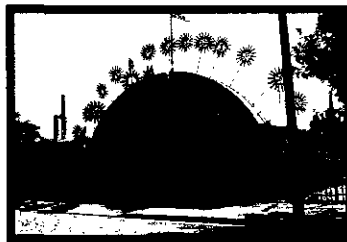
Outdoor storage near the front property line of a nonresidential property should be visually buffered from the street through combination of masonry walls and dense landscaping. The wall towards the front of the property should be no higher than eight feet tall and be visually softened through the use of landscaping, vines, contrasting textures, articulation, colors, or other methods. Landscaping, including trees, should be incorporated into the buffering method. Walls up to 10 feet may be allowed if they are set back at least 15 feet from the front property line.

Note that neither chain link nor barbed wire is an appropriate material for fences.

Guideline 8.5: Use high quality design on the walls of a parking podium that faces an adjacent residential activity. Guidelines 1.3 and 1.5 state that a well designed parking podium to the rear and side property lines may be an appropriate design for some developments. Developments employing this design should use a combination of the following techniques to mitigate the visual impacts of a wall to neighboring properties:

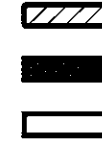
- Vines draping over the wall;
- Scoring or modulating the wall to be consistent with the architecture of the building;
- The use of visually interesting materials with contrasting textures, appearance, and color.

6 June 2005



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 1)**

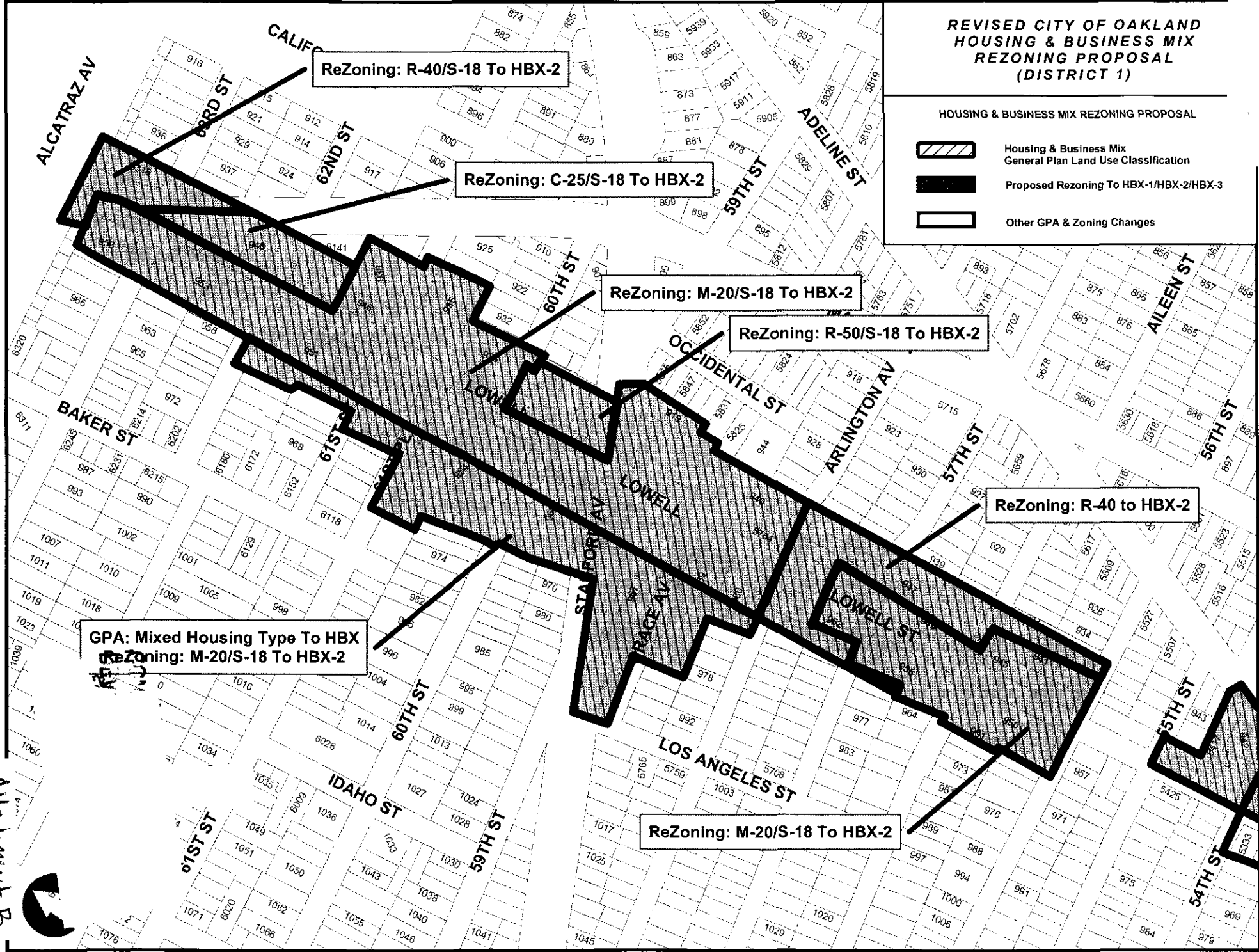
HOUSING & BUSINESS MIX REZONING PROPOSAL



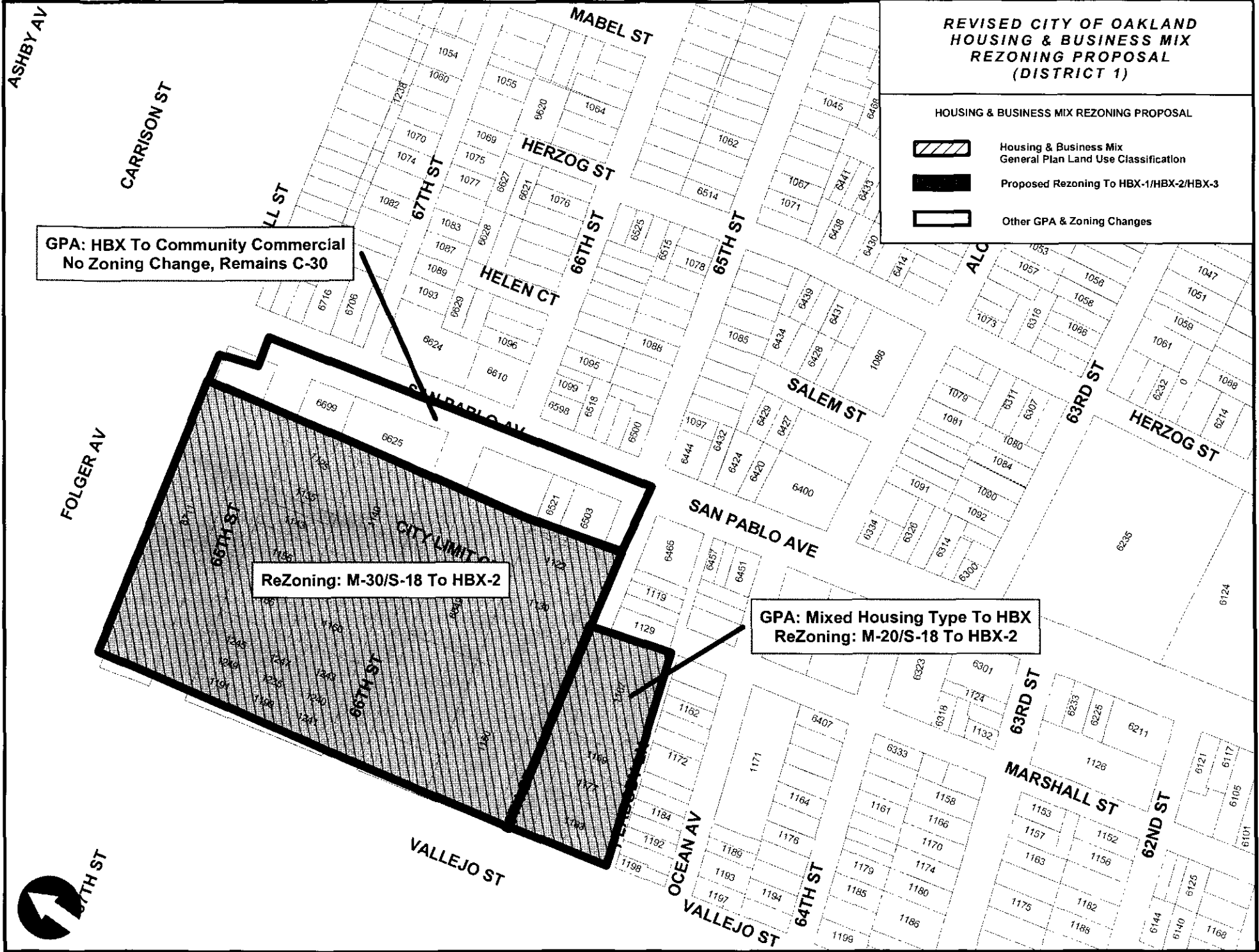
Housing & Business Mix
General Plan Land Use Classification

Proposed Rezoning To HBX-1/HBX-2/HBX-3

Other GPA & Zoning Changes






Attachment B



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 1)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes




**GPA: HBX To Community Commercial
No Zoning Change, Remains C-30**

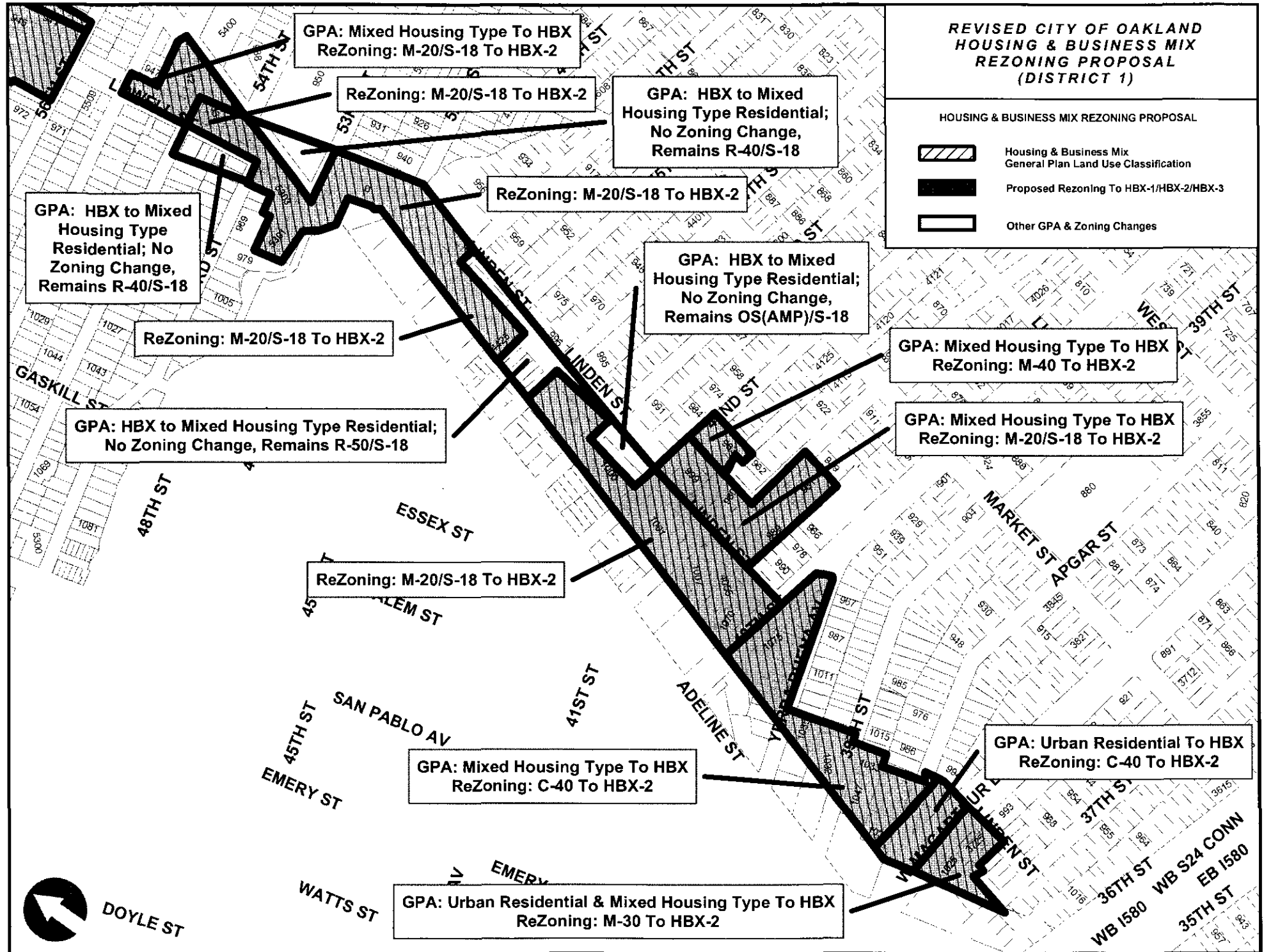
ReZoning: M-30/S-18 To HBX-2

**GPA: Mixed Housing Type To HBX
ReZoning: M-20/S-18 To HBX-2**

**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 1)**




HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 3)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

**GPA: Mixed Type Residential to HBX
ReZoning: R-36 to HBX-2**

ReZoning: M-30 to HBX-2

ReZoning: R-36 to HBX-2

**No Zoning Change,
Remains OS (LP)**

**GPA: Mixed Type Residential to HBX
ReZoning: M-30 to HBX-2**

**GPA: Mixed Type Residential to HBX
ReZoning: C-10 to HBX-2**

**GPA: Mixed Type Residential to HBX
ReZoning: M-30 to HBX-2**

ReZoning: R-36 to HBX-2

ReZoning: M-30 to HBX-2

ReZoning: R-36 to HBX-2

ReZoning: R-36 to HBX-2

ReZoning: R-36/S-16 to HBX-2




**GPA: HBX to Business Mix
No Zoning Change, Remains: M-30/S-16**

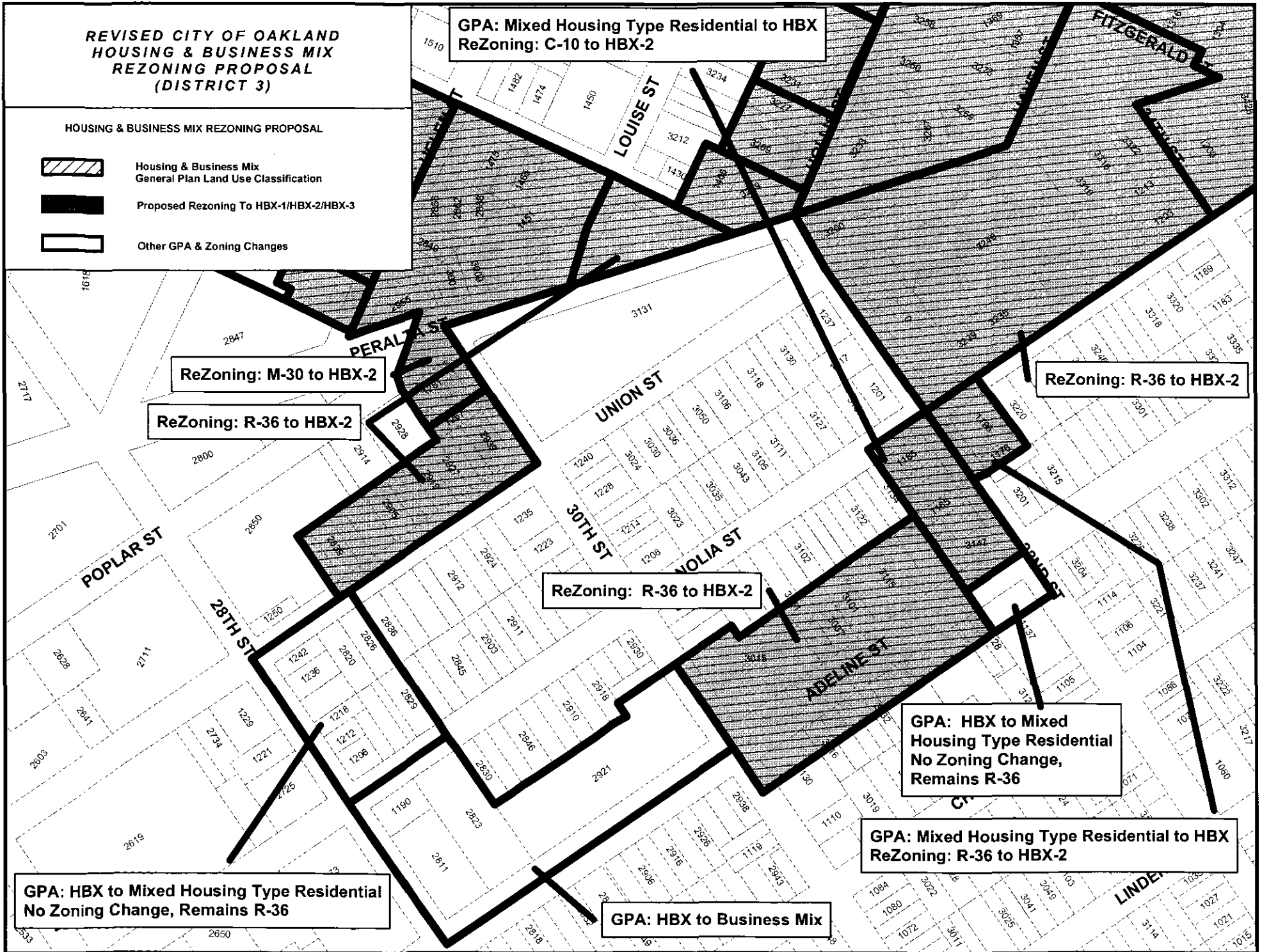
ReZoning: M-30/S-4 to HBX-2



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 3)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes



GPA: Mixed Housing Type Residential to HBX
ReZoning: C-10 to HBX-2

ReZoning: M-30 to HBX-2

ReZoning: R-36 to HBX-2

ReZoning: R-36 to HBX-2

ReZoning: R-36 to HBX-2

GPA: HBX to Mixed
Housing Type Residential
No Zoning Change,
Remains R-36




GPA: Mixed Housing Type Residential to HBX
ReZoning: R-36 to HBX-2

GPA: HBX to Mixed Housing Type Residential
No Zoning Change, Remains R-36

GPA: HBX to Business Mix

**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 3)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

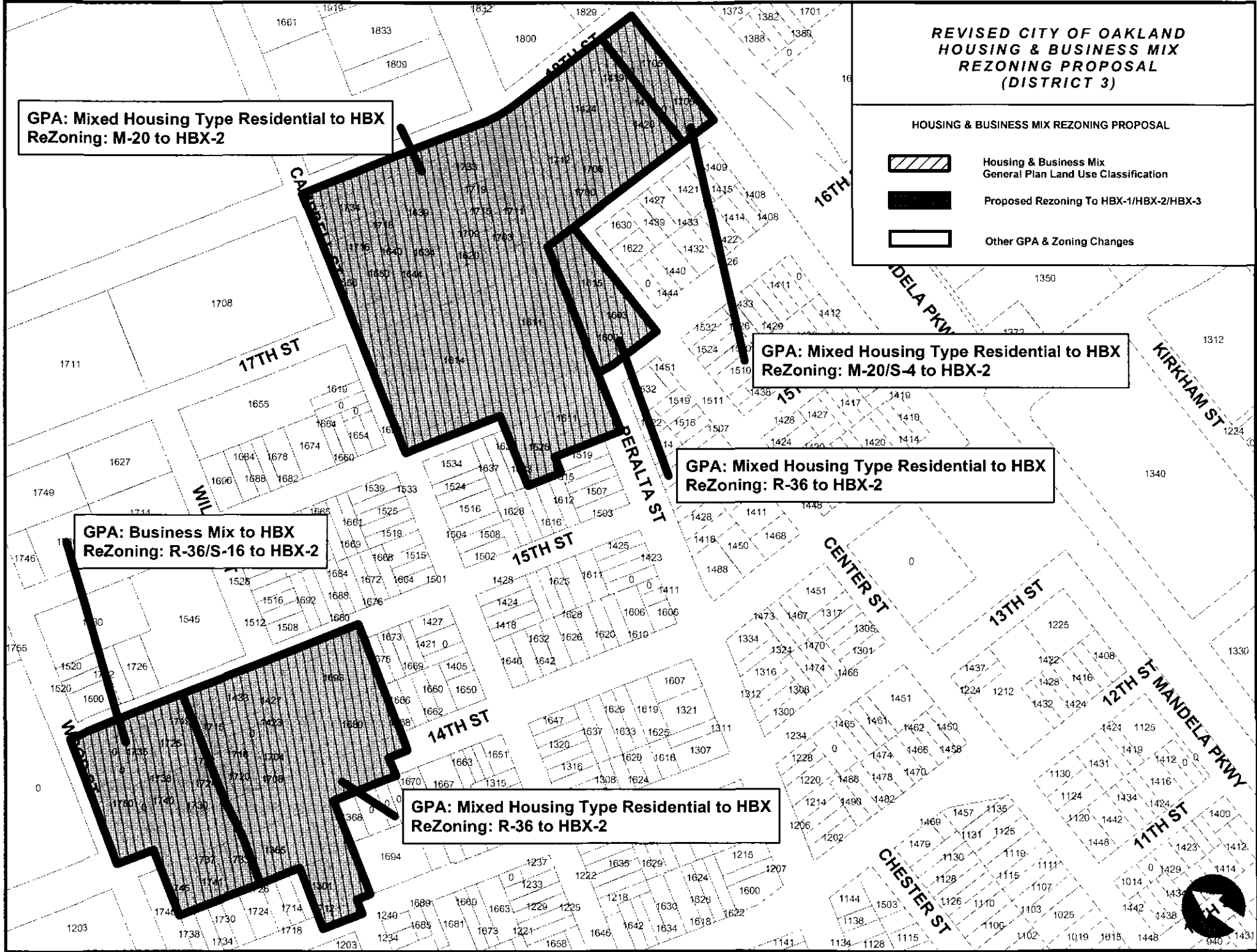
**GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20 to HBX-2**

**GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20/S-4 to HBX-2**

**GPA: Mixed Housing Type Residential to HBX
ReZoning: R-36 to HBX-2**

**GPA: Business Mix to HBX
ReZoning: R-36/S-16 to HBX-2**

**GPA: Mixed Housing Type Residential to HBX
ReZoning: R-36 to HBX-2**



REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 3)

HOUSING & BUSINESS MIX REZONING PROPOSAL



Housing & Business Mix
General Plan Land Use Classification



Proposed Rezoning To HBX-1/HBX-2/HBX-3



Other GPA & Zoning Changes

GPA: Mixed Housing Type Residential to HBX
ReZoning: R-36 to HBX-2

GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20 to HBX-2

PERALTA ST

HENRY ST

NB UNION ONRP ST




NB 1880

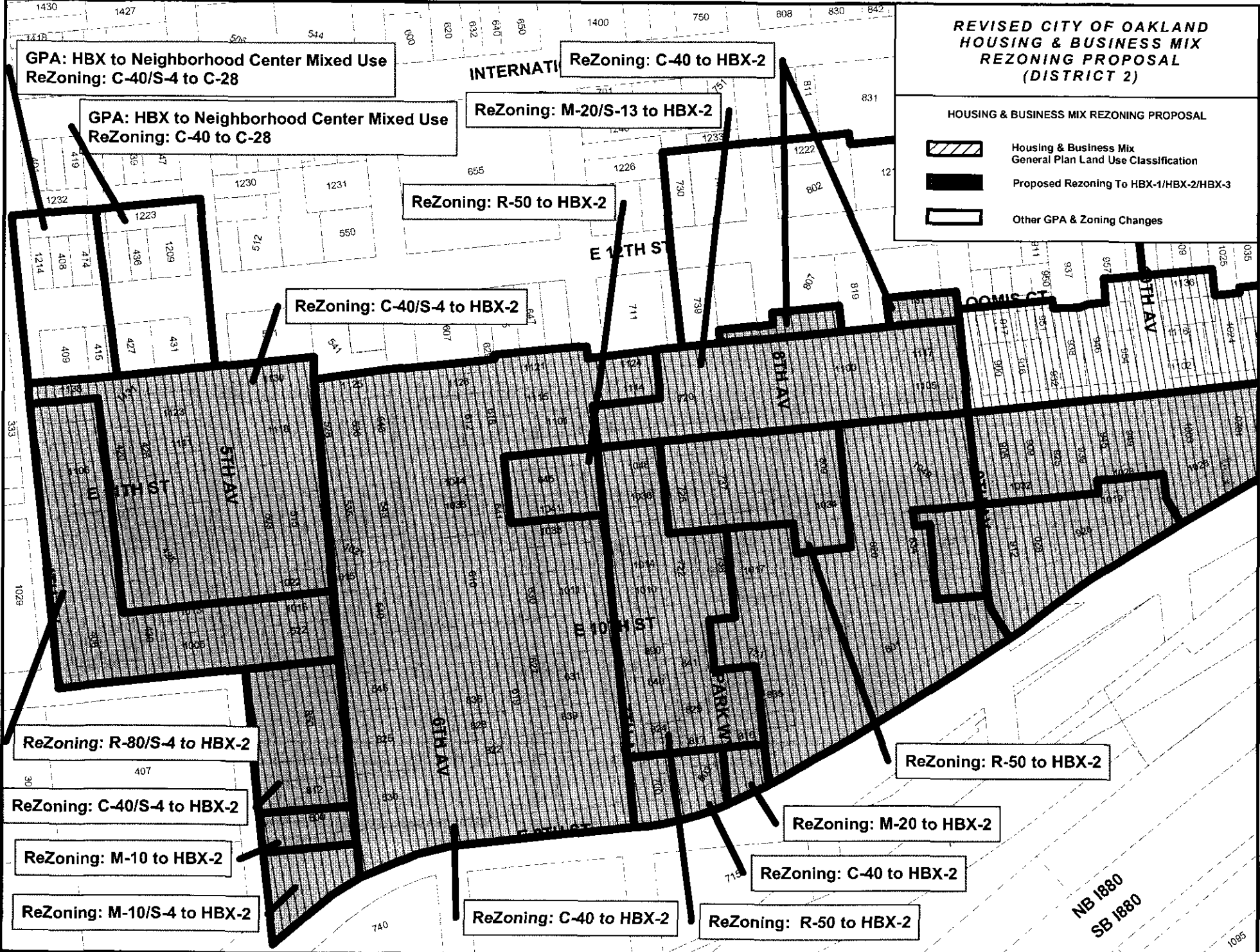
SB 1880



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 2)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes



GPA: HBX to Neighborhood Center Mixed Use
ReZoning: C-40/S-4 to C-28

GPA: HBX to Neighborhood Center Mixed Use
ReZoning: C-40 to C-28

INTERNATI ReZoning: C-40 to HBX-2

ReZoning: M-20/S-13 to HBX-2

ReZoning: R-50 to HBX-2

ReZoning: C-40/S-4 to HBX-2

ReZoning: R-80/S-4 to HBX-2

ReZoning: C-40/S-4 to HBX-2

ReZoning: M-10 to HBX-2

ReZoning: M-10/S-4 to HBX-2

ReZoning: C-40 to HBX-2

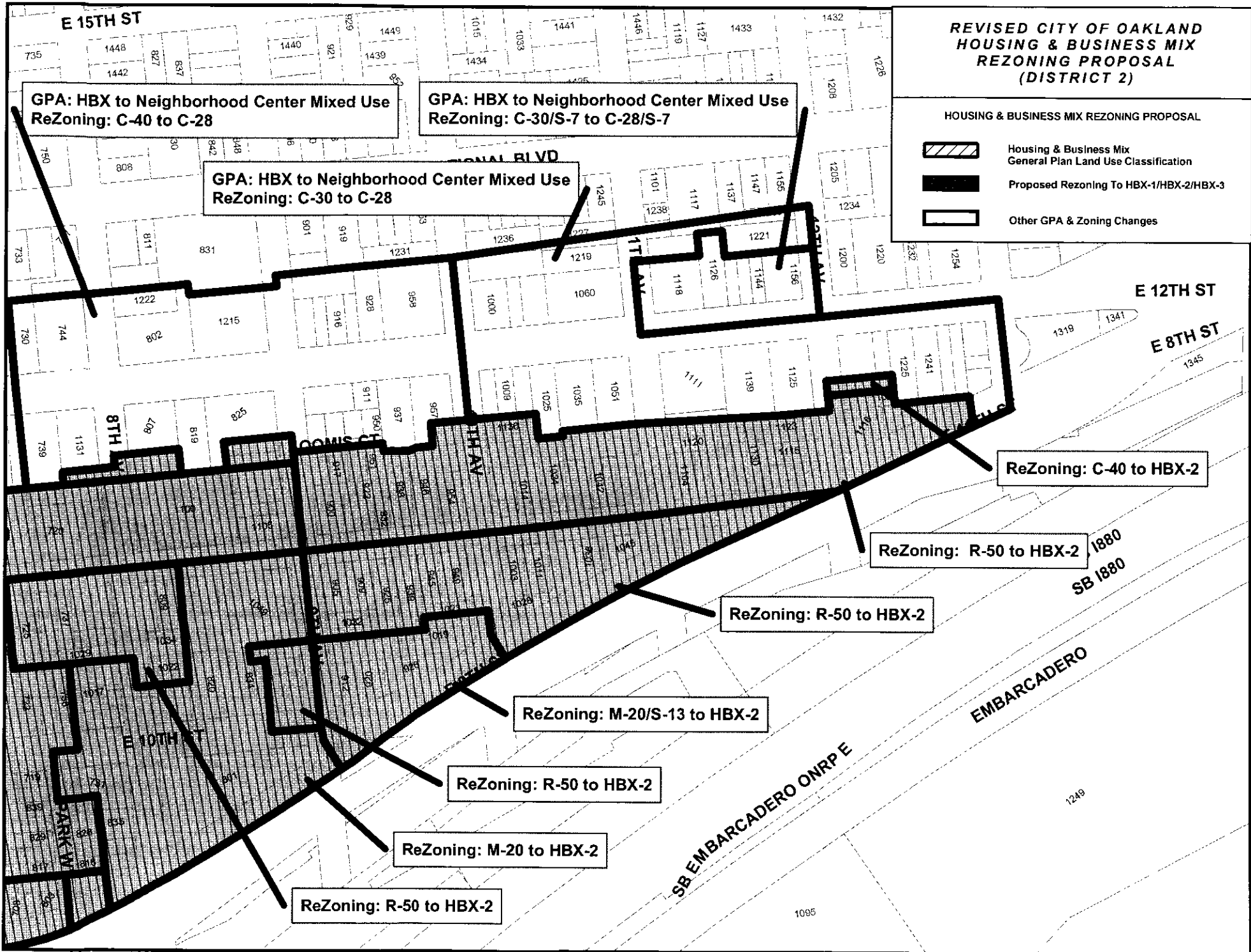
ReZoning: R-50 to HBX-2

ReZoning: R-50 to HBX-2

ReZoning: M-20 to HBX-2

ReZoning: C-40 to HBX-2

NB 1880
SB 1880



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 5)**

HOUSING & BUSINESS MIX REZONING PROPOSAL



Housing & Business Mix
General Plan Land Use Classification



Proposed Rezoning To HBX-1/HBX-2/HBX-3



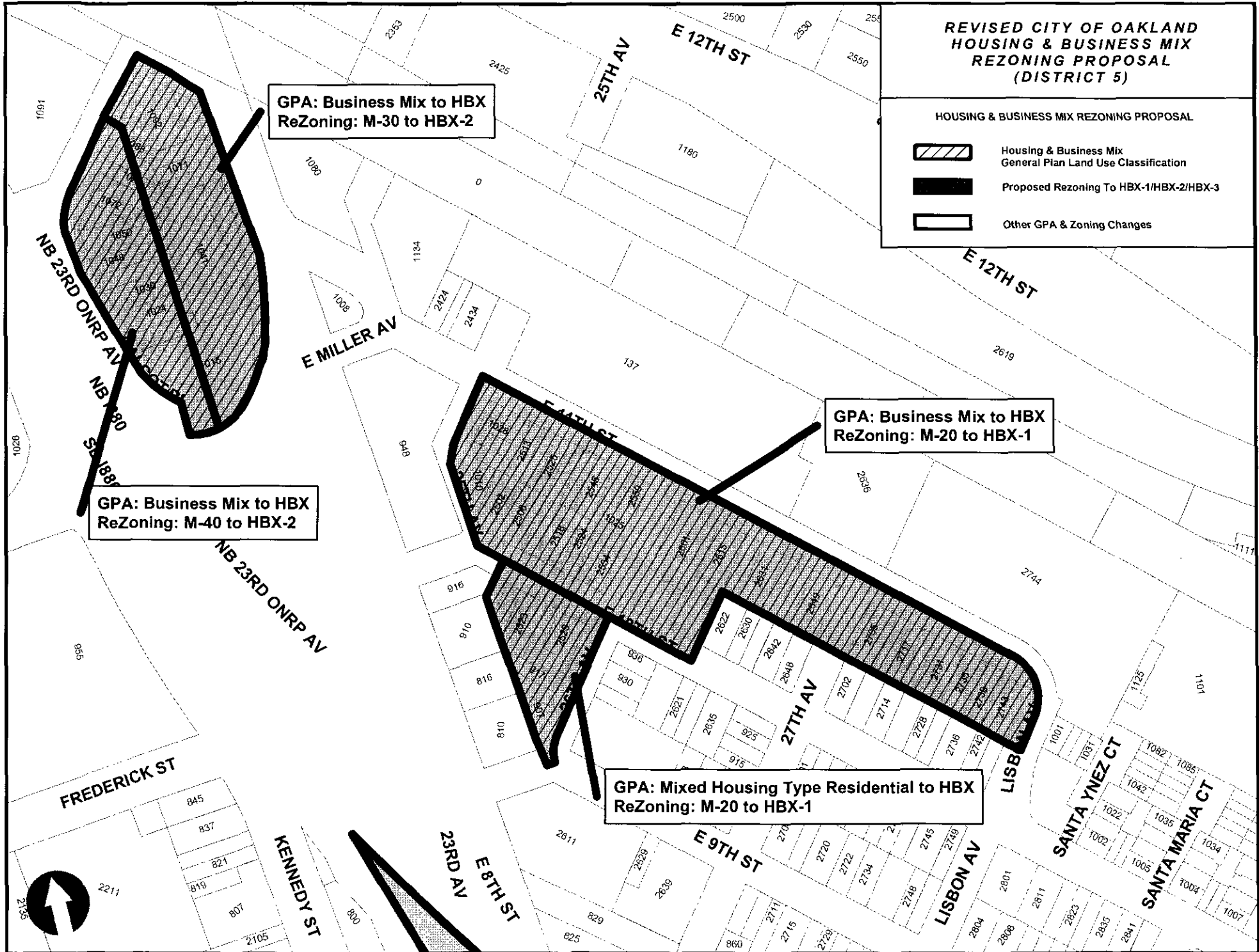
Other GPA & Zoning Changes

**GPA: Business Mix to HBX
ReZoning: M-30 to HBX-2**

**GPA: Business Mix to HBX
ReZoning: M-40 to HBX-2**




**GPA: Business Mix to HBX
ReZoning: M-20 to HBX-1**

**GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20 to HBX-1**



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 5)**

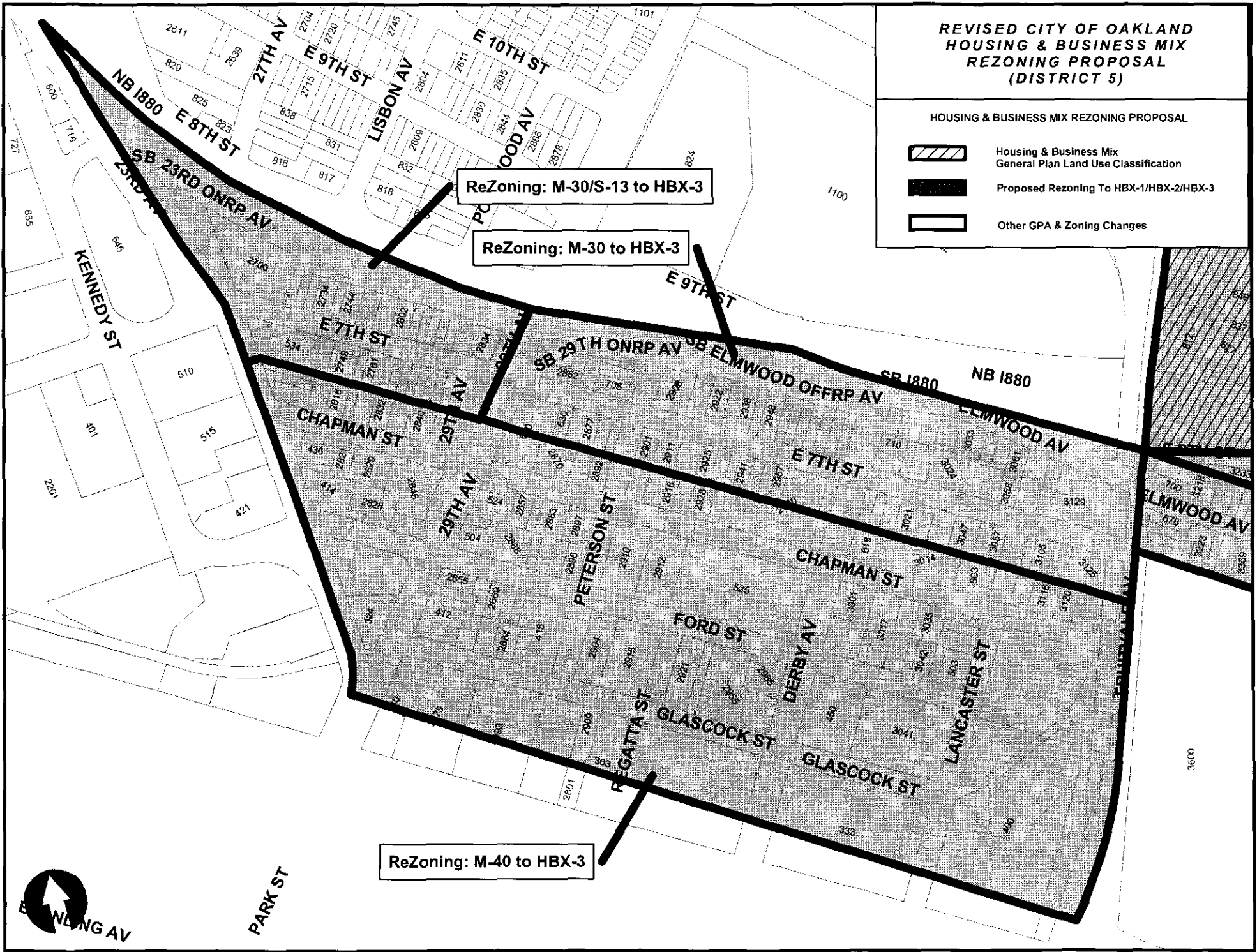
HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

ReZoning: M-30/S-13 to HBX-3




ReZoning: M-30 to HBX-3

ReZoning: M-40 to HBX-3



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 5)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

**GPA: Neighborhood Center Mixed Use to HBX
ReZoning: M-20/S-13 to HBX-2**

**GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20/S-13 to HBX-2**

ReZoning: M-20/S-13 to HBX-1

ReZoning: M-40 to HBX-3




ReZoning: M-30 to HBX-3

ReZoning: M-30 to HBX-2



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICTS 5 & 6)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

GPA: HBX to Mixed Housing Type Residential
ReZoning: M-30 to R-36

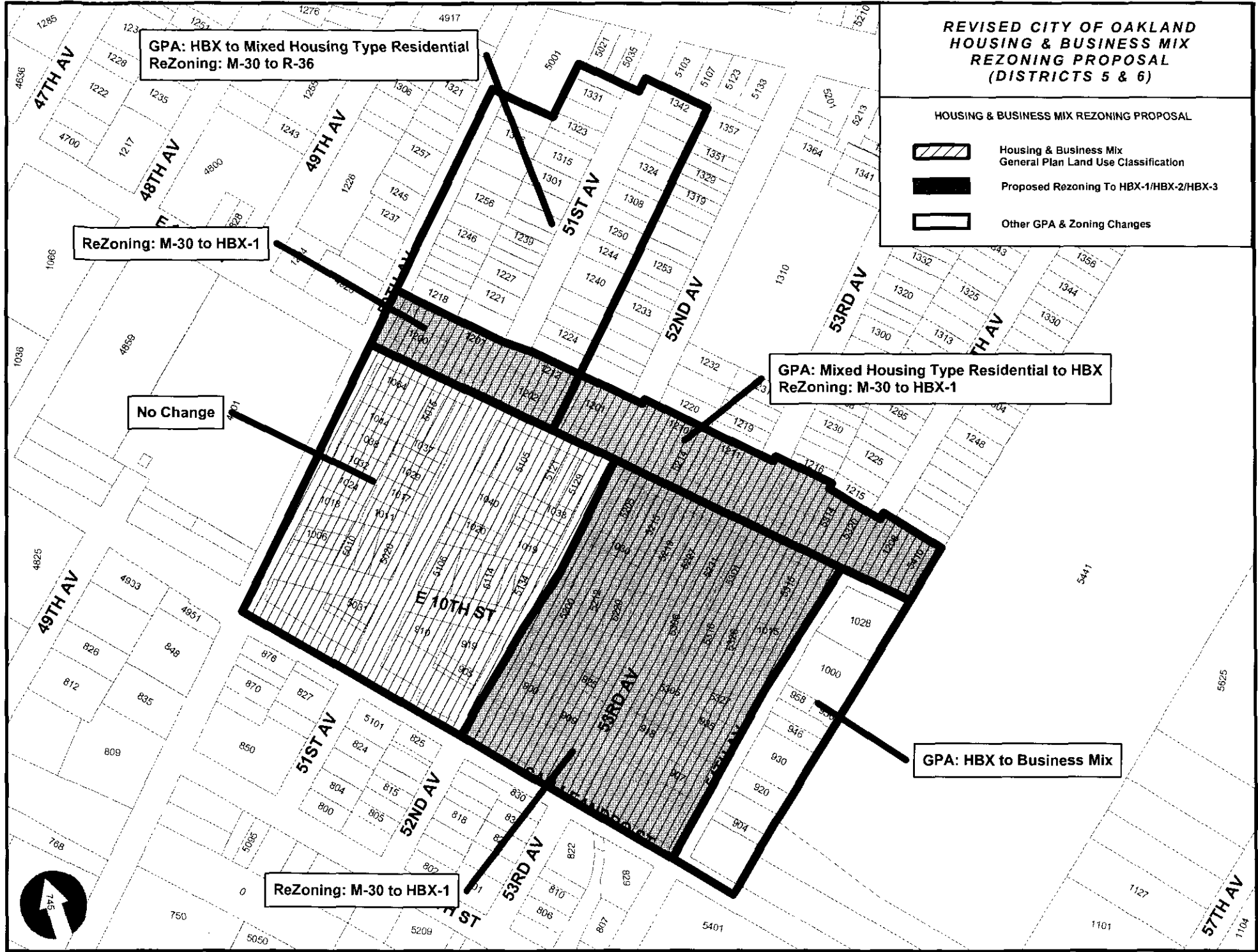
ReZoning: M-30 to HBX-1

No Change

GPA: Mixed Housing Type Residential to HBX
ReZoning: M-30 to HBX-1




GPA: HBX to Business Mix

ReZoning: M-30 to HBX-1



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 7)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

GPA: HBX to Urban Residential
ReZoning: R-50 to R-60

GPA: HBX to Detached Unit Residential
ReZoning: M-30 to R-30

GPA: HBX to Mixed Housing Type Residential
ReZoning: R-50 to R-36

GPA: HBX to Business Mix

GPA: Detached Unit Residential to HBX
ReZoning: R-50 to HBX-1

GPA: HBX to Mixed Housing Type Residential
ReZoning: R-50 to R-36

GPA: HBX to Urban Residential

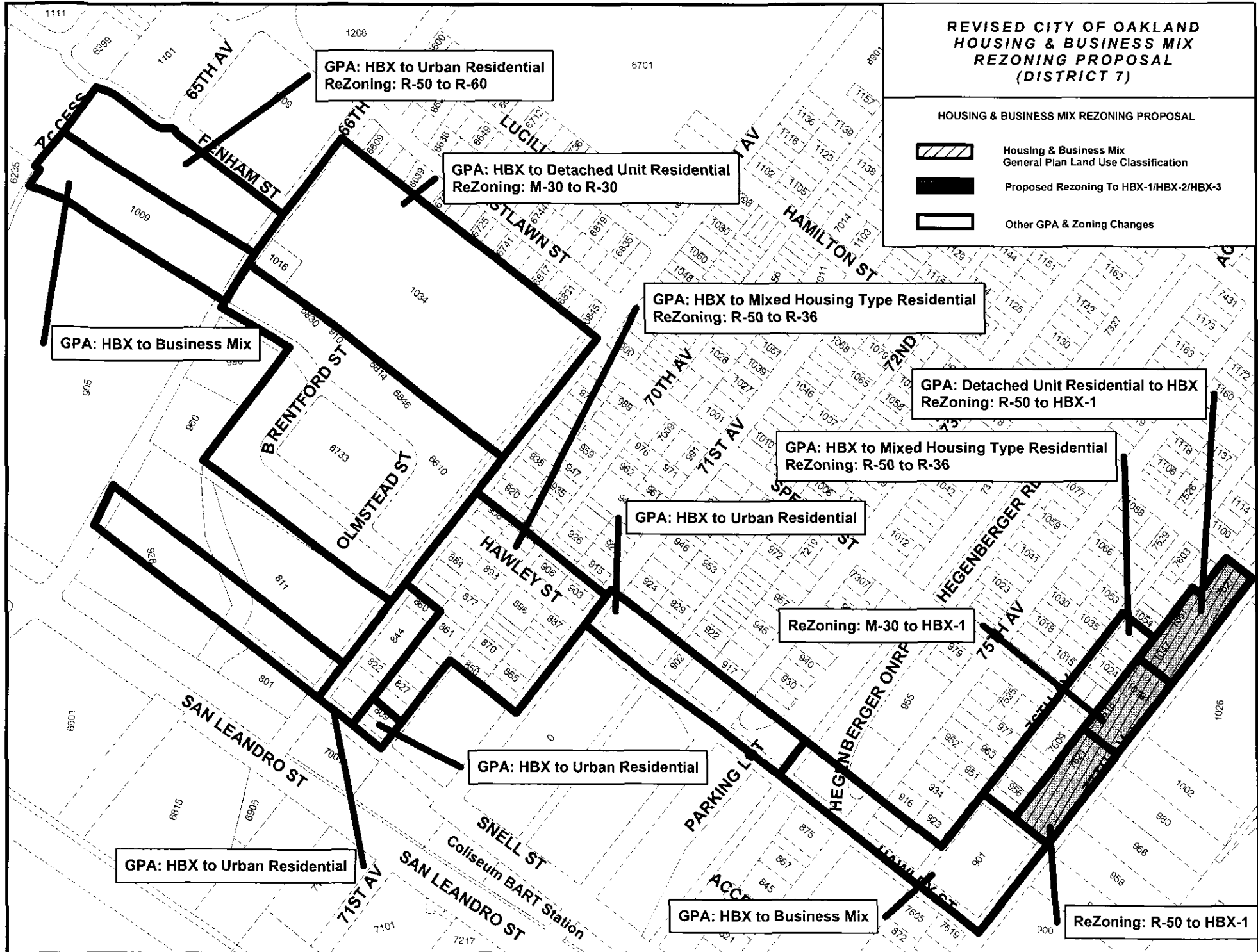
ReZoning: M-30 to HBX-1

GPA: HBX to Urban Residential

GPA: HBX to Urban Residential




GPA: HBX to Business Mix

ReZoning: R-50 to HBX-1



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 7)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

GPA: HBX to Mixed Housing Type Residential
No Zoning Change, Remains R-50

GPA: HBX to Mixed Housing Type Residential
No Zoning Change, Remains OS (NP)

GPA: Mixed Housing Type Residential to HBX
ReZoning: M-20 to HBX-1

GPA: HBX to Detached Unit Residential
No Zoning Change, Remains R-30

GPA: General Industrial/Transportation to HBX
ReZoning: M-30 to HBX-1

ReZoning: M-20 to HBX-1




GPA: HBX to Business Mix

GPA: HBX to Detached Unit Residential
No Zoning Change, Remains R-30



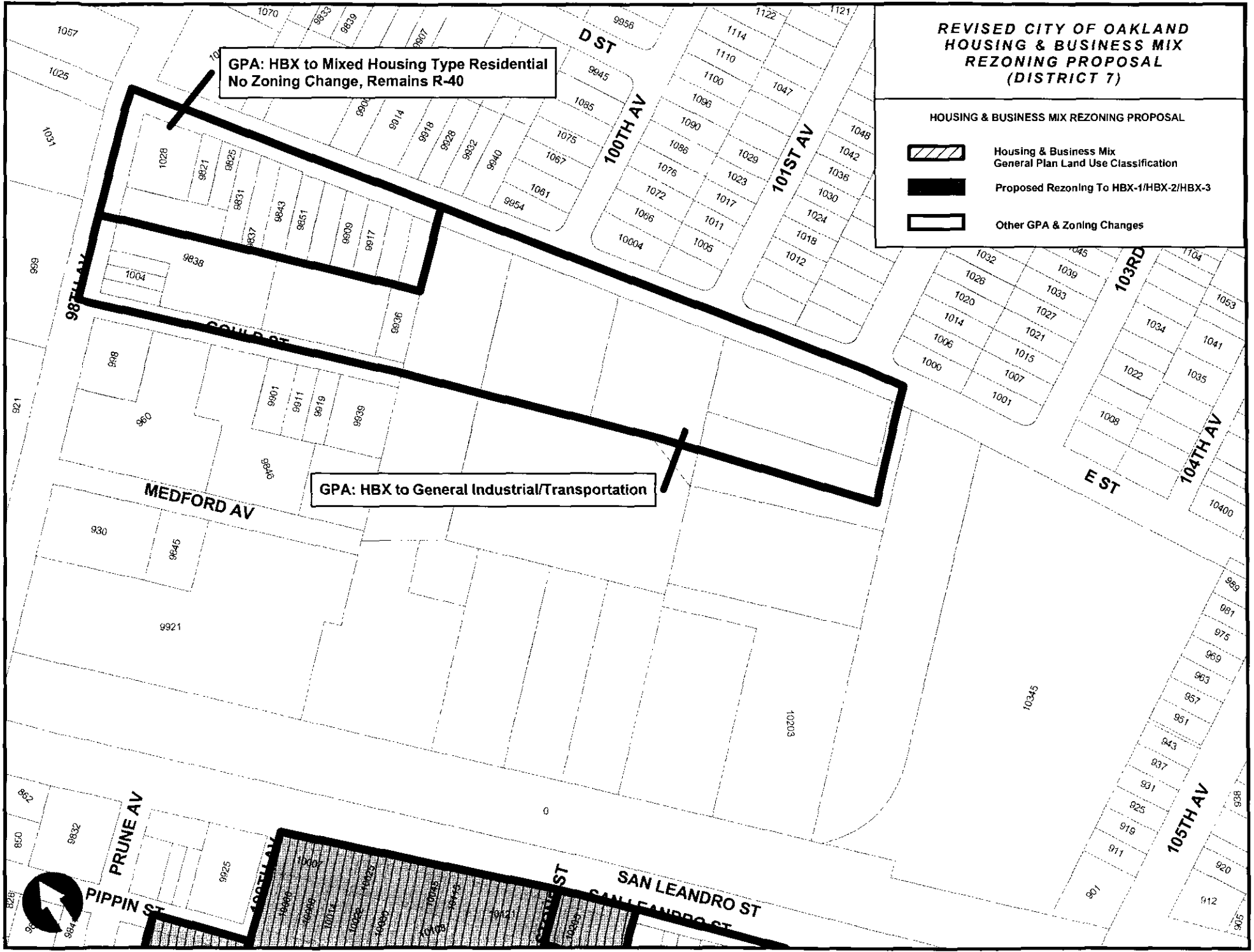
**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 7)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

**GPA: HBX to Mixed Housing Type Residential
No Zoning Change, Remains R-40**

GPA: HBX to General Industrial/Transportation



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 7)**

HOUSING & BUSINESS MIX REZONING PROPOSAL



Housing & Business Mix
General Plan Land Use Classification



Proposed Rezoning To HBX-1/HBX-2/HBX-3



Other GPA & Zoning Changes

GPA: HBX to Business Mix




ReZoning: M-30 to HBX-1

GPA: HBX to Mixed Housing Type Residential
ReZoning: R-30 to R-35



**REVISED CITY OF OAKLAND
HOUSING & BUSINESS MIX
REZONING PROPOSAL
(DISTRICT 7)**

HOUSING & BUSINESS MIX REZONING PROPOSAL

-  Housing & Business Mix
General Plan Land Use Classification
-  Proposed Rezoning To HBX-1/HBX-2/HBX-3
-  Other GPA & Zoning Changes

