

CITY OF OAKLAND

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:11 **AGENDA REPORT**

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Darin Ranelletti  
Acting Director, PBD

**SUBJECT:** West Oakland-Focused Planning  
Code, Zoning Map, And Height Area  
Amendments

**DATE:** March 24, 2017

City Administrator Approval

Date:

3/28/17

**RECOMMENDATION**

**Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending: 1) The Oakland Zoning and Height Area Maps To: a) Make Map And Height Designation Changes For The 3rd To 7th Street Areas Between West Oakland BART And Downtown; b) Make Map Designation Changes For The West Side Of Mandela Parkway From 17th To 8th St., For The 8th St. Corridor From Mandela To Wood, And For The Peralta/Lewis/5th St. Triangle; c) Make A Map Designation Change For A Portion Of Adeline Street Between 18th And 19th; d) Bring The Rear Portion Of The Lot At San Pablo Avenue And 33rd Street Into Adjacent RU-5 Zone And 60 Ft. Height Area; And e) Make Map Designation Changes For The Wood Street Zone To Convert Development Areas 1-9 Into Nine Separate Zoning Districts; And 2) The Oakland Planning Code To Move The Development Standards Summary Table For Wood Street Into The D-WS Wood Street District Zone Chapter (17.101A) And Make Minor Revisions, And Make Appropriate California Environmental Quality Act Determinations.**

**EXECUTIVE SUMMARY**

Adoption of the proposed Ordinance Amendments will accomplish the following:

- Amendments are proposed to the Zoning and Height Area Map in West Oakland to: a) encourage more retail and other neighborhood-serving commercial uses on the ground floor of buildings along Mandela Parkway, 8<sup>th</sup>, and 5<sup>th</sup> Streets; b) support the further rejuvenation of 7<sup>th</sup> Street; c) attract more industrial development to the 3<sup>rd</sup> Street corridor and away from residential neighborhoods; and d) facilitate the construction of much needed affordable and senior housing.
- Planning Code amendments are proposed to the D-WS Wood Street District Zone Regulations (Chapter 17.101A) to improve consistency and usability.

Item: \_\_\_\_\_  
CED Committee  
April 11, 2017

The proposed Planning Code Text, Map, and Height Area amendments fall into the following two basic categories: (1) West Oakland-focused Zoning Map and Height Area Changes, and (2) D-WS Wood Street Zone Planning Code Text Changes (Chapter 17.101A).

**1. West Oakland-focused Zoning Map and Height Area amendments:**

- a. For the 3rd to 7th Street areas between West Oakland BART and Downtown –
  - Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
  - Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
  - Split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880 (**Attachment C**).
- b. For the west side of Mandela Parkway from 17th to 8th St., and for the 8th St. corridor from Mandela to Wood –
  - Change the current RM-2 zoning for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4, depending on existing context; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
  - Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (see **Attachment D**).
- c. For Adeline St. between 18th and 19th –
  - Bring a portion of the current RM-2 zoned area along Adeline Street between 18th and 19th Street into the RM-4 Zoning designation that currently is mapped for the parcels facing 18th Street (**Attachment E**).
- d. For the corner of San Pablo Avenue and 33rd Street –
  - Re-align the current RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel, resulting in a portion of the lot changing from its current designation of RM-2 to RU-5 with a 60-foot height limit (see **Attachment F**).
- e. For the Wood Street Zone in West Oakland –
  - Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of a corresponding Wood St. Development Area 1 through 9. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9 (see **Attachment G**).

**2. Amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A):**

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. Over the years, this administrative

approach has become increasingly confusing to the public and staff, since copies of the separate Wood Street Zoning District document are not always readily available. In 2014, the City Council adopted Planning Code changes that transferred the Permitted Activities section of the Wood Street Zoning Regulations from this separate 2006 Zoning document into the citywide Planning Code. The proposed Planning Code Text amendments described in this report (see **Attachment B**) would continue this transfer effort by moving the Development Standards Summary Table for Wood Street into the D-WS Zoning Chapter (17.101A).

Also, many of the current development standard numbers associated with the Wood Street Zone are unusually precise compared to other similar regulations in the rest of the Planning Code. The proposed Planning Code amendments would round certain development regulation numbers up or down to a whole number. (See also the Analysis section of the report for a discussion of the proposed Wood Street Zoning Map amendments).

## **BACKGROUND / LEGISLATIVE HISTORY**

### ***Project History***

On January 18, 2017, the City Planning Commission conducted a public hearing to consider various proposed amendments to the Oakland Planning Code intended to facilitate the construction of needed housing units, especially what is sometimes called “missing middle” housing - which is the broad spectrum of housing types between large-lot single-family homes and large-scale apartment buildings. In addition, amendments were proposed to the Zoning and Height Area Maps in West Oakland to encourage more retail and other neighborhood-serving ground floor uses along Mandela Parkway, 8<sup>th</sup>, and 5<sup>th</sup> Streets; support the further rejuvenation of 7<sup>th</sup> Street; attract more industrial development to the 3<sup>rd</sup> Street corridor and away from residential neighborhoods; and facilitate the construction of much needed affordable and senior housing.

At the hearing, the Planning Commission recommended that the proposed Zoning and Height Area Map changes in West Oakland and amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A) be forwarded to the City Council for consideration. The Commission took no action on the other proposed Planning Code amendments at the January 18, 2017 hearing (see **Attachment A**), and instead asked that staff come back for another hearing before the Commission at some future date after completing additional public outreach.

The proposed Planning Code Text, Map, and Height Area amendments described in this report are consistent with the Planning Commission recommendation, and only include (1) West Oakland-focused Zoning Map and Height Area Changes, and (2) D-WS Wood Street Zone Planning Code Text Changes (Chapter 17.101A).

## **ANALYSIS AND POLICY ALTERNATIVES**

The following sections summarize the proposed changes to the Planning Code Text, Zoning Map, and Height Areas:

### **I. PLANNING CODE TEXT AMENDMENTS**

#### **1. Amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A).**

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. In 2014, the City Council approved the transfer of the Permitted Activities section of the Wood Street Zoning Regulations from this separate 2006 Zoning document into the citywide Planning Code. The proposed amendments would continue this effort of integrating the Wood Street Zoning District into the citywide zoning code, and move the Development Standards Summary Table for Wood Street into the D-WS Wood Street District Zoning Chapter.

In addition, many of the current development standard numbers associated with the Wood Street Zone are unusually precise compared to other similar regulations in the rest of the Planning Code. For example, the current maximum permitted density in the Development Area 4 portion of the Wood Street Zone is *613.75 sf. per unit* and the maximum Nonresidential Floor Area Ratio is *2.02:1*. The proposed amendments would round these and other similarly precise Wood Street development regulation numbers up or down to a whole number. In the example above, the Development Area 4 standards for maximum permitted density would change from *613.75 sf. per unit* to 614 sf. per unit and for maximum Nonresidential Floor Area Ratio from *2.02:1* to 2.00:1.

Finally, the amendments refer to the new citywide parking regulations in Chapter 17.116 recently adopted by City Council as the applicable Wood Street parking requirements. (See below for a discussion of the proposed Wood Street Zoning Map amendments).

### **II. GEOGRAPHICALLY-SPECIFIC ZONING MAP AND HEIGHT AREA AMENDMENTS**

#### **1. Revise the zoning map and height area designations for the 3rd to 7th St. Area between the West Oakland BART station and Downtown.**

Proposal

- Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
- Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
- Split the current CC-3 zoning along 7th Street into CC-2 for the parcels facing 7th, and CC-3 for the areas next to and under I-880 (**Attachment C**).

Rationale

The proposed map change at 2nd and Brush would address a nonconforming status erroneously created in 2014 for an existing live/work complex when zoning changes were adopted as part of the West Oakland Specific Plan. Other proposed changes to the zoning map in the West Oakland BART station area would allow new residential uses along the south side of 7th Street between the West Oakland BART station and Downtown (since residential is already permitted on the north side of this same section of 7th Street); and facilitate the relocation of trucking-related activities to the 3<sup>rd</sup> Street area and away from the residential neighborhoods of West Oakland. Also, the existing 90-foot height area between 5th and 7th Street would be slightly modified and reduced in its extent to accommodate small boundary changes to the zones adjacent to I-880.

2. **Revise the zoning map designations for the west side of Mandela Pkwy. from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle –**

Proposal

- Change the current RM-2 zoning designation for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4, depending on existing context; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
- Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (*Attachment D*).

Rationale

The proposed changes are intended to help bring more pedestrian activity and neighborhood-serving retail to the Mandela Parkway, 8<sup>th</sup> and 5<sup>th</sup> Street corridors, and to provide for a small increase in residential density.

As stated earlier in this report, the sections of 8th Street between Mandela Parkway and Wood Street, and 5th Street between Peralta and Lewis Street, have many old storefronts along their length, which are now mostly vacant or converted to non-commercial uses. The proposed zoning changes will make it easier to re-activate these old storefronts, as well add more storefronts to the neighborhood over time as part of new infill projects.

3. **Revise the zoning map designation for a portion of Adeline St. between 18th and 19th Street –**

Proposal

- Bring a portion of the area along Adeline Street between 18th and 19<sup>th</sup> Street that is currently zoned RM-2 into the adjacent RM-4 Zone that is mapped along 18th Street (*Attachment E*).

Rationale

The proposed map change for a portion of Adeline St. between 18th and 19th Street would move approximately 8 parcels that are currently zoned RM-2 into the adjacent RM-4 Zone centered along 18th Street. The parcels in question do not fit the typical profile of RM-2 zoned properties, which are typically 1- 2-unit residences. Instead, this section of Adeline St. between 18th and 19th Street is made up of a large church and parking lot; a commercial warehouse and vacant lot behind the West Oakland branch of the Public Library; an assortment of small apartment buildings; and a small vacant house on a large lot. Due to the proximity of this area to transit, public services, and the higher zoned 18<sup>th</sup> Street corridor, staff recommends rezoning these parcels to RM-4, which provides an opportunity for increasing corridor residential density.

**4. Revise the zoning map and height area designation for the corner of San Pablo Avenue and 33rd Street –**

Proposal

- Re-align the RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel - resulting in the rear portion of the subject lot changing from RM-2 to the same RU-5 Zone with a 60-foot height limit that currently applies to the rest of the parcel. (**Attachment F**).

Rationale

It is current practice in zoning proposals to establish the boundary along existing property lines wherever possible, to avoid splitting single lots into multiple zones and thus complicating any future development. In this case, the property at San Pablo Avenue and 33rd Street appears to have been inadvertently split through the rear third of the parcel. The proposed map change would move the existing RU-5 zoning boundary to be along the rear property line of the existing corner parcel at San Pablo Avenue and 33rd Street, resulting in a portion of the lot changing from RM-2 to the same RU-5 Zone with a 60-foot height limit that currently applies to the rest of the parcel.

**5. Revise the zoning map designations for the Wood Street Zoned area in West Oakland –**

Proposal

- Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of an existing Wood St. Development Area (**Attachment G**).

Rationale

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. This proposed map amendment would simplify the administration of the D-WS Zoning Chapter by converting the existing nine Wood St. "Development Areas" into nine new zoning districts (D-WS-1 through D-WS-9). This will result in a new D-WS-1 Zone with the same boundary as the Wood

Street "Development Area 1", and so on through D-WS-9. In this way, the Wood Street District will be fully integrated into the city's zoning ordinance for ease of reference and consistency.

### **FISCAL IMPACT**

Implementation of the proposed Planning Code Text, Map, and Height Area changes will be a routine component of project review administered by the Department of Planning and Building, which collects fees for such review as established in the Master Fee Schedule. Staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations to Planning applications. If adopted by the City Council, there will be no impact on costs or fees to the City. More broadly, these changes are intended to increase economic activity and encourage residential development, both of which have positive fiscal impacts.

### **PUBLIC OUTREACH / INTEREST**

All of the proposed Zoning Map and Height Area amendments included in this report are located in one geographic area - West Oakland. Staff hosted two community meetings in West Oakland to discuss the proposed Zoning Map and Height Area amendments. The City Planning Commission also conducted a public hearing to consider these amendments.

On October 6<sup>th</sup>, 2016, Planning staff held a community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. The feedback received was very positive and supportive of all of the proposed Map and Height Area changes.

The staff proposal at that time for the C Commercial overlay area included only the parcels facing Mandela Parkway, Memorial Park, and a portion of Center Street between 15<sup>th</sup> Street to the north and 11<sup>th</sup> Street to the south. But a number of community members at the meeting recommended that this proposed map change actually *increase* in geographic area from what staff had originally proposed, and extend down to and include the portion of 8<sup>th</sup> Street near the West Oakland BART station. This section of 8<sup>th</sup> Street between Mandela Parkway and Wood Street has many old storefronts along its length, most of which are now vacant or converted to non-commercial uses. Staff agreed to study this community proposal and present any changes to the Map amendments at a second community meeting.

On October 20<sup>th</sup>, 2016, Planning staff held a second community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. Staff explained that they had reviewed and analyzed the larger Mandela and 8<sup>th</sup> Street corridors, and agreed that the map change proposal should expand as the community had requested. The revised map areas were distributed to the attendees and discussed at the meeting, with the feedback received again very positive about the changes.

### **COORDINATION**

Item: \_\_\_\_\_  
CED Committee  
April 11, 2017

This report and legislation have been reviewed by the Office of the City Attorney and by the Controller's Bureau.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The amendments to the Zoning Map and Height Area regulations are intended to encourage more retail and other neighborhood-serving ground floor uses along Mandela Parkway, 8<sup>th</sup>, and 5<sup>th</sup> Streets; and support the further rejuvenation of 7<sup>th</sup> Street in West Oakland.

***Environmental:*** One of the benefits of encouraging more retail and other neighborhood-serving ground floor uses in West Oakland is that it can contribute to the city's desire to foster more walkable neighborhoods.

***Social Equity:*** The amendments to the Zoning Map and Height Area regulations are also intended to facilitate the construction of much needed affordable and senior housing in West Oakland, which will help people facing economic and other challenges to continue to live in the community.

### **CEQA**

The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas rely on the previously certified set of applicable California Environmental Quality Act (CEQA) documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street District EIR (2006); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents").

No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Specifically, the proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3).



Moreover, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of the reasons cited above serve as a separate and independent basis, and when viewed collectively provide an overall basis for CEQA clearance.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending: 1) The Oakland Zoning and Height Area Maps To: a) Make Map And Height Designation Changes For The 3rd To 7th Street Areas Between West Oakland BART And Downtown; b) Make Map Designation Changes For The West Side Of Mandela Parkway From 17th To 8th St., For The 8th St. Corridor From Mandela To Wood, And For The Peralta/Lewis/5th St. Triangle; c) Make A Map Designation Change For A Portion Of Adeline Street Between 18th And 19th; d) Bring The Rear Portion Of The Lot At San Pablo Avenue And 33rd Street Into Adjacent RU-5 Zone And 60 Ft. Height Area; And e) Make Map Designation Changes For The Wood Street Zone To Convert Development Areas 1-9 Into Nine Separate Zoning Districts; And 2) The Oakland Planning Code To Move The Development Standards Summary Table For Wood Street Into The D-WS Wood Street District Zone Chapter (17.101A) And Make Minor Revisions, And Make Appropriate California Environmental Quality Act Determinations

For questions regarding this report, please contact Ed Manasse, Strategic Planning Manager at (510) 238-7733.

Respectfully submitted,



DARIN RANELLETTI

Interim Director, Dept. of Planning and Building

Prepared by:

Ed Manasse, Strategic Planning Manager

**Attachments (7):**

- A. Planning Commission Staff Report (without attachments) – January 18, 2017
- B. Proposed Planning Code Text Amendments
- C. Proposed Zoning Map and Height Area Amendment to the 3rd to 7th Street areas between the West Oakland BART Station and Downtown
- D. Proposed Zoning Map Amendment to west side of Mandela Pkwy from 17th to 8th St., the 8th St. corridor from Mandela to Wood, and the Peralta/Lewis/5th St. triangle
- E. Proposed Zoning Map Amendment to a portion of Adeline St. between 18th and 19th
- F. Proposed Zoning Map and Height Area Amendment to the corner of San Pablo Avenue and 33rd Street
- G. Proposed Zoning Map Amendment to the Wood Street Zoned area in West Oakland

Item: \_\_\_\_\_  
CED Committee  
April 11, 2017

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:12

# ATTACHMENT A

**Location:** Citywide

**Item:** Review proposed citywide Planning Code amendments, including proposals to: 1) Revise development standards in RD, RM and RU Zones; 2) Permit 'Group Assembly' and 'Personal Instruction Services' with Conditional Use Permit (CUP) and reduce restrictions on Commercial Activities in R-80 Zone; 3) Allow Custom Manufacturing with CUP on ground floor in CN Zones; 4) Increase minimum ground floor height in RU, CN and CC Zones; 5) Clarify that new Residential Facilities are prohibited in CC-3 Zone, and restricted in CR-1 Zone to serve only certain activities; 6) Revise CR Zone front setback; 7) Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone; 8) Revise density regulations in HBX Zones; 9) Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas in all applicable zones; 10) Standardize fence standards in Chapter 17.73 and Section 17.108.140; 11) Add regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones without a T overlay; 12) Make the Use Permit findings for S-15 and D-CO-1 Zones the same; 13) Modify the Large-Scale Development regulations in S-15 Zones to correct references and standardize language; 14) Revise S-19 provisions to conform to long-standing mapping practice; 15) Add the Wood Street Property Development Standards to Ch. 17.101A and make minor revisions; 16) Clarify that strict discontinuance regulations in Section 17.114.050 don't apply to CIX-1A, -1B, -1C, and -1D Zones with T overlay; 17) Add maximum loading requirements to Chapter 17.116, and remove conflicting parking regulations from individual zone chapters; 18) Change Major CUP thresholds for RM, R-80, C-40, C-45, S-1, and S-2 Zones; 19) Revise Ch. 17.136 to clarify regulations for demolition or removal of structures in CIX-1A Zone, and to standardize design review threshold for Track 3 Small Project; 20) Revise mini-lot regulations; and 21) Make minor Planning Code Text changes to improve clarity.

**Review proposed geographically specific Zoning Map and Height Area amendments, including proposals to:** 1) Amend map and height designations for the 3rd to 7th Street areas between West Oakland BART and Downtown; 2) Amend map designations for the west side of Mandela Parkway from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle; 3) Amend the map designation from RM-2 to RM-4 for the portion of Adeline St. between 18th and 19th; 4) Bring rear portion of parcel at San Pablo Avenue and 33rd Street into adjacent RU-5 zone with 60 ft. height; and 5) Amend map designations for the Wood Street Zone to convert Development Areas 1-9 into nine separate zoning districts.

**Applicant:** City of Oakland**Case File Number:** ZT16030**General Plan:** Citywide**Zoning:** Citywide**Environmental  
Determination:**

The proposed amendments to the Planning Code Text, Map and Height Areas rely on the previously certified set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

**Staff****Recommendation:** Review, discuss and recommend approval to the City Council**For Further****Information:** Contact **Ed Manasse** at 238-7733 or email [emanasse@oaklandnet.com](mailto:emanasse@oaklandnet.com)

## **PROJECT SUMMARY**

The Land Use and Transportation Element (LUTE) of the Oakland General Plan contains policy direction calling for a more user-friendly and easier-to-interpret Planning Code. To comply with this directive, the Bureau of Planning undertakes a periodic update or “clean-up” of the Planning Code to improve consistency and simplify language in key chapters of the Planning Code. In addition, Planning Staff occasionally take note of certain Code Sections, as well as of certain Zoning and Height Area map designations, that are in need of reconsideration, so these provisions are also brought forward for a potential change during a periodic update.

The proposed changes to the Planning Code Text, Zoning Map, and Height Areas included in this current code update fall into two basic categories:

- Citywide Planning Code Amendments; and
- Geographically Specific Zoning Map and Height Area Amendments.

### **A. Citywide Planning Code Amendments**

Proposed changes include the following Citywide Planning Code amendments:

1. Revise development standards in RD, RM and RU Zones;
2. Permit ‘Group Assembly’ and ‘Personal Instruction Services’ with a Conditional Use Permit (CUP) in the R-80 Zone, and reduce restrictions on Commercial Activities;
3. Allow Custom Manufacturing with CUP on the ground floor in CN Zones;
4. Increase minimum ground floor height in RU, CN and CC Zones;
5. Clarify that new Residential Facilities are prohibited in the CC-3 Zone, and restricted in the CR-1 Zone to serve only certain activities;
6. Revise CR Zone front setback;
7. Permit ‘Group Assembly’ and ‘Personal Instruction Services’ in C-45 Zone;
8. Revise density regulations in HBX Zones;
9. Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas in all applicable zones;
10. Standardize the Commercial and Industrial fence standards in Chapter 17.73 and Section 17.108.140;
11. Add regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones without a T overlay;
12. Make the Use Permit findings the same for the S-15 and D-CO-1 Transit-Oriented Development Zones;
13. Modify the Large-Scale Development regulations in the S-15 Zones to correct references and standardize language;
14. Revise the S-19 provisions to conform to long-standing mapping practice;
15. Add the Wood Street Property Development Standards to Chapter 17.101A and make minor revisions to standards;
16. Clarify in Chapter 17.114 that the strict discontinuance regulations in Section 17.114.050 do not apply to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones with a T overlay;
17. Add maximum loading requirements to the parking regulations in Chapter 17.116;
18. Change Major CUP thresholds for the RM, R-80, C-40, C-45, S-1, and S-2 Zones;
19. Revise Chapter 17.136 to clarify regulations for the demolition or removal of structures in the CIX-1A Zone, and to standardize design review threshold for Track 3 Small Project;
20. Revise mini-lot regulations; and
21. Make minor Planning Code Text changes to improve clarity.

The content and purpose of these proposed changes is summarized in the following report. Please see **Attachment A** for the full text of the proposed citywide Planning Code amendments (proposed text additions are shown in underline and proposed deletions are shown as ~~strike through~~).

### **B. Geographically Specific Zoning Map and Height Area Amendments:**

Proposed changes also include the following West Oakland-focused Zoning Map and Height Area amendments:

1. For the 3rd to 7th Street areas between West Oakland BART and Downtown –
  - Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
  - Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
  - Split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880 (see **Attachment B**).
2. For the west side of Mandela Parkway from 17th to 8th St., the 8th St. corridor from Mandela to Wood, and the Peralta/Lewis/5th Street triangle –
  - Change the current RM-2 zoning for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
  - Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (see **Attachment C**).
3. For Adeline St. between 18th and 19th –
  - Bring a portion of the current RM-2 zoned area along Adeline Street between 18th and 19th into the RM-4 Zoning designation that currently is mapped for the parcels facing 18th Street (see **Attachment D**).
4. For the corner of San Pablo Avenue and 33rd Street –
  - Re-align the current RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel, resulting in a portion of the lot changing from current RM-2 to RU-5 with a 60-foot height limit (see **Attachment E**).
5. For the Wood Street Zone in West Oakland –
  - Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of a corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9 (see **Attachment F**).

## **BACKGROUND**

In September 2015, the Oakland City Council adopted the *Roadmap Toward Equity: Housing Solutions for Oakland, CA*, as a framework for addressing the city's housing affordability crisis. Developed by PolicyLink and the city's Housing and Community Development Department, the Roadmap provides specific policy objectives the City of Oakland can implement in order to address the housing crisis. In Section II of the *Roadmap*, the report recommends that the city "incentivize private production of or contribution to housing affordable to Oakland's Low- to Moderate-Income Families".

The lack of an adequate supply of housing that is affordable to Oakland's moderate-income residents contributes to their potential displacement from Oakland or places competitive pressure on the "naturally affordable" housing stock occupied by lower-income residents. Therefore, it is a priority of the Bureau of Planning to do what it can to encourage a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

The proposed amendments included in this year's Planning Code cleanup are intended to facilitate the construction of needed housing units, especially what is sometimes called "missing middle" housing - which is the broad spectrum of housing types between large-lot single-family homes and large-scale apartment buildings. Housing types in the missing middle range are often difficult to build today, given certain regulatory restrictions, as well as the cost of land, labor, and materials. While the Bureau of Planning can do little about land, labor or material costs, it can evaluate existing regulations and development standards, and propose to modify regulatory barriers to the production of housing types that may be more affordable to Oakland's low- to moderate-income families.

For example, the proposed changes described in this report to minimum lot size, setback, and density standards have been carefully crafted and analyzed to help make more small infill projects in the city "pencil out". Another recommended change, which is to reduce the minimum lot size in the RD, RM, and RU Zones, has the potential to distribute the opportunity for home ownership more broadly in the city, by allowing more people to buy small lots and small units.

Some of the proposed Planning Code amendments described in this report were previously considered by the Zoning Update Committee on October 14, 2015, and the Planning Commission on October 21, 2015.

However, due to the very large set of proposed amendments before the Planning Commission at that October 21, 2015 hearing and concerns expressed about some of the proposals, the Planning Commission only recommended that the non-substantive and minor substantive changes described in the 10/21/15 staff report and amendments to Transitional and Supportive Housing regulations be forwarded to the City Council for consideration.

Since that time, staff has re-evaluated each of the previously proposed, but not approved, code amendments, and only brought forward as part of this year's much smaller and more focused code clean-up package, those amendments that were not controversial at last year's hearing. In addition, other new Planning Code Text, Zoning Map, and Height Area amendment proposals are included in this report.

The content and purpose of each of the proposed Planning Code Text, Map, and Height Area amendments is summarized below in the following report section. Please see **Attachment A** for the full text of the proposed citywide Planning Code amendments (proposed text additions are shown in underline and proposed deletions are shown as ~~strikethrough~~).

## **PUBLIC OUTREACH**

In keeping with staff's intent of bringing forward a smaller, more focused code clean-up package this year, all of the proposed Zoning Map and Height Area amendments included in this report are located in one geographic area - West Oakland. Staff hosted two community meetings in West Oakland to discuss the proposed Zoning Map and Height Area amendments.

On October 6<sup>th</sup>, 2016, Planning staff held a community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. The feedback received was very positive and supportive of all of the proposed Map and Height Area changes. Many community members said that they could especially see the value of adding the C Commercial overlay to the parcels fronting Mandela Parkway, so that ground floor commercial uses could be added over time to activate the street and bring more neighborhood-serving retail to the corridor. The staff proposal at that time for the C Commercial overlay area included only the parcels facing Mandela Parkway, Memorial Park, and a portion of Center Street between 15<sup>th</sup> Street to the north and 11<sup>th</sup> Street to the south.

But a number of community members at the meeting recommended that this proposed map change actually *increase* in geographic area from what staff had originally proposed, and extend down to and include the portion of 8<sup>th</sup> Street near the West Oakland BART station. This section of 8<sup>th</sup> Street between Mandela Parkway and Wood Street has many old storefronts along its length, most of which are now vacant or converted to non-commercial uses. Staff agreed to study this community proposal and present any changes to the Map amendments at a second community meeting.

On October 20<sup>th</sup>, 2016, Planning staff held a second community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. Staff explained that they had reviewed and analyzed the larger Mandela and 8<sup>th</sup> Street corridors, as requested by community members at the October 6<sup>th</sup> meeting, and agreed that the map change proposal should extend along more of Mandela Parkway, include the majority of the 8<sup>th</sup> Street corridor between Mandela Parkway and Wood Street, and also include the Peralta/Lewis/5th Street triangle. The revised map areas were distributed to the attendees and discussed at the meeting, with the feedback received again very positive about the changes.

**ANALYSIS**

The following section summarizes the proposed substantive changes to the Planning Code Text, Zoning Map, and Height Areas:

**I. CITYWIDE PLANNING CODE AMENDMENTS**

**1. Amend the regulations for the RD Detached Unit Residential Zones (Chapter 17.15), RM Mixed Housing Type Residential Zones (Chapter 17.17), and RU Urban Residential Zones (Chapter 17.19).**

a. Proposed changes to the RD Detached Unit Residential Zones (Chapter 17.15):

The current minimum lot dimensions for the RD Zones in Table 17.15.03 (5,000 sf. in lot area and 45 ft. in lot width mean), are larger than the threshold for Reduced Setbacks for Smaller Lots in Table 17.15.04 (4,000 sf. in area and 40 ft. in width). This inconsistency can create a hardship for any lot that is less than the current required minimum size, but not small enough to utilize the reduced setbacks. For consistency purposes, the proposed change would revise the minimum lot dimensions for the RD Zones to be the same as the threshold for Reduced Setbacks for Smaller Lots in Table 17.15.04 (see below and **Attachment A**):

**Table 17.15.03: Property Development Standards**

Development Standards	Zones	
	RD-1	RD-2
<b>Minimum Lot Dimensions</b>		
Lot Width mean	40-45-ft.	40-45-ft.
Frontage	25 ft.	25 ft.
Lot area	4,000-5,000-sf.	4,000-5,000-sf.

b. Proposed changes to the RM Mixed Housing Type Residential Zones (Chapter 17.17):

The current maximum density requirements for the RM Zones in Table 17.17.03 include a number of inconsistencies, as well as regulatory hurdles. For instance, the RM-2 Zone allows 2 units on lots 4,000 square feet or greater, but states that the maximum conditionally permitted density is 1 unit per 2,500 sq. ft. of lot area. For consistency purposes, the proposed amendments revise the maximum conditionally permitted density for the RM-2 Zone to be at the same ratio as the permitted density, or 1 unit per 2,000 sq. ft. of lot area. Also, the density ranges from the RM-3 and RM-4 Zones are proposed to step up in regular 500 sf. increments, such that the RM-3 permitted density would remain the same (1 unit per 1,500 sq. ft. of lot area); but RM-4 permitted density would change from the current 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area (to establish a density range more easily divisible by a typical lot size in the city, such as 4,000 sf.).

Also, as part of the code amendments adopted in concert with the West Oakland Specific Plan, special provisions were created for the RM-2 in the West Oakland District only to allow for: (1) a reduced lot size; (2) a reduced lot width mean; and (3) a reduced interior side and street setback. Staff is now proposing to replace these West Oakland-specific amendments with the following revisions to minimum lot size, lot width mean, and setbacks that would apply uniformly across all RM-zoned areas in the city:

- For the RM-1 Zone, the minimum lot size would reduce from 5,000 sf. to 4,000 sf.; the lot width mean would reduce from 45 feet to 40 feet; and the interior side and street setbacks would reduce from 5 feet to 4 feet.
- For the RM-2 Zone, the minimum lot size would change from the current range of allowed sizes (2,500/4,000/5,000 sf.) to a simple 3,000 sf. min. lot size standard. As an example, this proposed 3,000 sf. standard would equate to a lot that is 30 ft. x 100 ft. Many of the existing lots in the RM-2 zoned areas of West Oakland are already 30 feet or less in width and often smaller than 3,000 sf., but current standards do not allow new lots to replicate this historic pattern without resorting to what is called a “mini-lot” subdivision. Consistent with this proposed change to minimum lot size, the minimum lot width mean would change from the current range of allowed widths (25/45 ft.) to a new standard of 30 ft. Also, the interior side and street setbacks would change from the current range of min. setbacks (3/4/5 ft.) to a new 4 ft. standard for the minimum interior and street side setback.
- For the RM-3 and RM-4 Zones, the minimum lot size would reduce from 4,000 sf. to 3,000 sf., but the lot width mean and interior/street side setbacks would remain the same.
- For the RM-1 and RM-2 Zones with the C Commercial overlay, a 5-foot minimum front setback would be added for commercial facilities (there is no front setback required for commercial facilities in any RM zone today); and would provide an exception to the front setback requirement where there is an existing context in the area of no front yard setback, or when located in an existing facility that was built prior to the effective date of this Chapter (see below and applicable footnote in **Attachment A**):

**Table 17.17.03: Property Development Standards**

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4



Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
<b>Minimum Setbacks for Lots Equal to or Greater than Four-Thousand (4,000) Square Feet in Area or 40 Feet in Width</b>				
Minimum front for Facilities in the C Combining Zone	5 ft.	5 ft.	0 ft.	0 ft.
Minimum interior side	4 ft. 5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.
Minimum street side	4 ft. 5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.

Other proposed amendments to the RM Zone standards include -

- *Modify the RM open space requirements so they step in more regular increments (see below):*

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
<b>Minimum Open Space</b>				
Group open space per regular unit	300 sf.	250 sf. 300 sf.	200 sf.	175 sf.
Group open space per regular unit when private open space substituted	100 sf.	90 sf. 100 sf.	80 sf. 85 sf.	70 sf.

- *Change the maximum lot coverage standard for 3 or more units in the RM-2 Zone from the current 40% to a proposed 45% to reflect the added buildable area that would be allowed due to the proposed reduction in interior and street side setbacks (see below):*

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
<b>Max. Lot Coverage for 3 or More Units</b>	N/A	45% 40%	50%	N/A

- *Clarify that for the RM-2 Zone, the existing conditionally permitted heights are 30 feet for the exterior walls of the primary building and 35 feet for a pitched roof.*
- *Change the allowed maximum pitched roof height for the primary building in the RM-3 Zone to 35 feet (the same as the conditionally permitted roof height in RM-2). Also, in order to accommodate ground floor heights in new construction suitable for commercial use, change the allowed max. wall height for the primary building in the RM-3 Zone to 35 feet for projects with ground-floor Commercial Facilities only. All other projects in the RM-3 Zone would be subject to a maximum wall height of 30 feet (see below):*

Development Standards	Zones
-----------------------	-------

	RM-1	RM-2	RM-3	RM-4
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>				
Maximum wall height primary building	25 ft.	25/30 ft.	30/35 ft.	35 ft.
Maximum pitched roof height primary building	30 ft.	30/35 ft.	35/30 ft.	35 ft.
Min. height of ground floor Commercial Facilities ( <i>new construction only</i> )	15 ft.	15 ft.	15 ft.	15 ft.

- Consolidate the reduced setbacks for the smaller lots in RM to one uniform standard (see below):

**Table 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet in Area or Forty (40) Feet in Width)**

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf. in Area or ≤ 40 feet in Width wide	≤ 3,000 sf. or ≤ 35 feet wide	
<b>Minimum Setbacks</b>			
Minimum interior side	3 ft. 4 ft.	3 ft.	1
Minimum street side	3 ft. 4 ft.	3 ft.	1
Rear	15 ft.	15 ft.	1

c. Proposed changes to the RU Urban Residential Zones (Chapter 17.19):

- The density ranges for the RU-1 through RU-3 Zones would be standardized into generally regular increments, such that the RU-1 permitted density would change from 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area (the same as what is proposed for RM-4); RU-2 permitted density would change from the current 1 unit per 800 sq. ft. of lot area to: 1 unit per 750 sq. ft. of lot area; and RU-3 permitted density would remain the same (1 unit per 450 sq. ft. of lot area).
- Similar to the situation in the RD Zones mentioned earlier, the current minimum lot sizes for the RU Zones in Table 17.19.03 are larger than the threshold for Reduced Setbacks for Smaller Lots (3,000 sf. in area). For consistency purposes, the proposed amendments revise the minimum lot size for the RU Zones to be the same as the threshold for Reduced Setbacks for Smaller Lots.

Other proposed amendments to the RU Zone standards include –

- *In the RU-3 Zone, the standard min. interior setback would increase from 0 ft. to 3 ft., and the standard street side setback would reduce from 4 ft. to 3 ft. As a result, the reduced street side setback for smaller lots in the RU-3 is not needed and can be eliminated, because it would be the same as the standard street side setback (see below).*
- *In the RU-4 and RU-5 Zones, the Residential Facility rear setback would change from the current range (10/15 ft.) to a uniform 10 ft.; and the Nonresidential Facility rear setback would be consolidated to be either 0 or 10 ft. (eliminating the 15 ft. minimum):*

**Table 17.19.03: Property Development Standards**

Development Standards	Zones				
	RU-1	RU-2	RU-3	RU-4	RU-5
<b>Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet in Area or 25 Feet in Width</b>					
Minimum interior side	4 ft.	4 ft.	3 ft. 0 ft.	0 ft.	0 ft.
Minimum street side	4 ft.	4 ft.	3 ft. 4 ft.	0 ft.	0 ft.
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10 ft. 40/45 ft.	10 ft. 40/45 ft.
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10 ft. 0/40/45 ft.	0/10 ft. 0/40/45 ft.
<b>Reduced Setbacks for Smaller Lots (Less than 3,000 Square Feet in Area or 25 Feet in Width) &lt; 3,000 sf. or &lt; 35 ft. wide</b>					
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A
Minimum street side	3 ft.	3 ft.	N/A 3 ft.	N/A	N/A

- *In the RU-1 and RU-2 Zones, the maximum height of primary buildings would decrease from 40 ft. to 35 ft. in the RU-1 Zone, and from 50 ft. to 45 ft. in the RU-2 Zone. This change would make the heights allowed in the RU-1 and RU-2 Zones consistent with the existing low range of heights allowed in the RU-4 and RU-5 Zones along the major corridors (see table below):*

Regulations (for RU-4 and RU-5 Zones)	Height Areas					
	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.

- *In the RU Zones, the minimum height for new ground-floor Nonresidential Facilities would increase from 12 feet to 15 feet to be consistent with minimum ground floor commercial heights citywide (see below):*

**Table 17.19.03: Property Development Standards**

Development Standards	Zones				
	RU-1	RU-2	RU-3	RU-4	RU-5
<b>Height Regulations</b>					
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	15 ft. 42 ft.	15 ft. 42 ft.
Maximum height primary building	35 ft. 40 ft.	45 ft. 50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04

2. **Amend the R-80 High-Rise Apartment Residential Zone Regulations (Chapter 17.30).**  
 In the R-80 Zone, there are currently outdated restrictions placed upon Commercial Activities - such that customer access is only allowed through the *lobby of the facility*, and *no Business Signs or display windows* may be provided for such activities. Also, the maximum floor area devoted to commercial activities is currently limited to only 1,500 square feet.

The proposed R-80 amendments would:

- Remove the current restriction on access location, business signs, and display windows;
- Increase the maximum floor area for commercial activities from 1,500 sf. to 7,500 sf. (similar to the CUP threshold for many commercial uses in the downtown CBD Zones);
- Permit 'Group Assembly' and 'Personal Instruction and Improvement Services' with a CUP (both are currently prohibited); and
- Eliminate the special Use Permit findings for commercial activities in the R-80 Zone, and refer instead to the standard citywide CUP findings in Chapter 17.134.

**3. Allow Custom Manufacturing on the ground floor in the CN Neighborhood Center Commercial Zones with a Conditional Use Permit (CUP) (Chapter 17.33).**

Custom Manufacturing is currently conditionally permitted in all CN Zones, but in the CN-1 through CN-3 Zones, a limitation currently prohibits this activity on the ground floor. This amendment would retain the CUP requirement for Custom Manufacturing, but remove the ground floor prohibition.

*Custom Manufacturing Industrial Activities* include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities are not allowed to produce noise, vibration, air pollution, fire hazard, or noxious emission that would disturb or endanger neighboring properties.

**4. Increase the minimum height of ground floor Nonresidential Facilities in the CN Neighborhood Center Commercial Zones and CC Community Commercial Zones (Chapters 17.33 and 17.35).**

The minimum height for new ground-floor Nonresidential Facilities would increase from 12 feet to 15 feet in the CN and CC Zones (similar to the change mentioned earlier for the RU Zones), to be consistent with minimum ground floor commercial heights citywide.

**5. Clarify that new Residential Facilities are prohibited in the CC-3 Community Commercial Zone, and restricted in the CR-1 Regional Commercial Zone to serve only certain activities (Chapters 17.35 and 17.37).**

In the CC-3 Zone, Residential Activities are permitted in existing Residential Facilities only. The amendment to the CC-3 Zone would simply clarify that no new Residential Facilities are allowed.

In the CR-1 Zone, the amendment would clarify that no new Residential Facilities are permitted, *except* for those serving a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

**6. Minimum Front Setback in the CR Regional Commercial Zone Regulations (Chapter 17.37).**

As part of the Coliseum Area Specific Plan, the west side of Hegenberger Road was re-zoned to the new D-CO Coliseum Area District Zones. The CR-1 Zoning that formerly applied to both sides of Hegenberger now only applies to the east side of Hegenberger Rd. and to the Oakland portion of the East Bay Bridge Shopping Center at the border with Emeryville. This amendment changes the minimum front setback requirement from the current “20 feet on parcels facing a right of way of 100 feet or more; 10 feet on parcels facing a right of way that is less than 100 feet wide” to “0/10 feet” to allow pedestrian-serving uses in the CR Zone to be built up to the front property line.

**7. Amendments to the C-45 Community Shopping Commercial Zone Regulations (Chapter 17.56).**

In order to make the allowed uses along the portion of Broadway in the Jack London District (from I-880 to the Embarcadero) more consistent with the allowed uses along the portion of Broadway through Downtown, the proposed amendments would make ‘Group Assembly’ and ‘Personal Instruction and Improvement Services’ permitted activities (both are currently only allowed with a CUP).

**8. Amendments to the HBX Housing and Business Mix Commercial Zones Regulations (Chapter 17.65).**

The HBX density ranges would be revised to step up in regular 100 sf. increments, such that the HBX-2 dwelling unit permitted density would change from the current 1 unit per 930 sq. ft. of lot area to: 1 unit per 900 sq. ft. of lot area; while the HBX-3 dwelling unit permitted density would change from the current 1 unit per 730 sq. ft. of lot area to: 1 unit per 700 sq. ft. of lot area. Rooming Unit densities are intended to be proportional to the regular unit density in each zone, so they would also be revised accordingly (as shown below).

**17.65.070 Maximum density.**

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Dwelling Unit	1,000 sf. of lot area per unit	<u>900 sf. 930-sf.</u> of lot area per unit	<u>700 sf. 730-sf.</u> of lot area per unit	800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	<u>450 sf. 465-sf.</u> of lot area per unit	<u>350 sf. 365-sf.</u> of lot area per unit	400 sf. of lot area per unit

**9. Amendments to the height map density ranges (throughout the Planning Code).**

The height map density ranges applicable to all zones subject to a height map (including but not limited to the RU-4, RU-5, CN, CC, and S-15 Zones) would be revised to step in regular 100 sf. increments, such that the existing allowed densities for the 35-foot and 45-foot height map areas would remain the same at 550 sf. per unit and 450 sf. per unit respectively; but the 60-foot height map area would change from 375 sf. per unit to 350 sf. per unit, and the 75-foot height map area would change from 275 sf. per unit to 250 sf. per unit.

This small, but important change to the density ranges that currently apply along the majority of the city's corridors would facilitate the construction of more needed housing units by establishing density numbers that are more easily divisible by the city's typical lot sizes. For example, under current regulations, a lot that is 10,000 sf. in the 75-foot height area could be permitted a maximum of 36 units (calculated by dividing the 10,000 sf. lot area by the 275 sf. allowed density); while an allowed density of 250 sf. in the 75-foot height area could allow for a maximum of 40 units on the same lot.

**10. Amend the Commercial and Industrial Fence Standards to be the same in Chapter 17.73 (CIX, IG AND IO Industrial Zones Regulations) and Section 17.108.140 (Fences, dense hedges, barrier, and similar freestanding walls).**

The existing fence height standards specified for Commercial and Industrial Zones are internally inconsistent in the Planning Code. The proposed revisions will clarify that the standards in Section 17.108.140 will apply to all Industrial Zones, including the CIX, IG, and IO Zones. In Section 17.108.140, the maximum height of a fence located in any Industrial Zone within 10 feet of an abutting Residential or Open Space Zone would be 8 feet by right, with a fence higher than 8 feet but no more than 12 feet permitted with Small project design review.

In addition, Section 17.108.140 would be amended to add restrictions on electrified fencing in all Residential and Commercial Zones.

**11. Add threshold for "Large-Scale Development" to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones (Chapter 17.73).**

There is currently no threshold for what is considered a "Large-Scale Development" in the West Oakland Specific Plan's CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones. The purpose of such a threshold would be to more clearly establish the size of project that would be forwarded to the Planning Commission for initial decision. The proposed change would utilize the generally applied standard for what is "Large-Scale Development" throughout Planning Code, which is:

- Projects involving more than 100,000 square feet of new floor area.

**12. Make the special Use Permit findings in the S-15 Transit-Oriented Development Commercial Zones and the D-CO Coliseum Area District Zones the same (Chapters 17.97 and 17.101H).**

When the City Council adopted the Coliseum Area Specific Plan in March 2015, the previous zoning in the Coliseum Area was replaced with the new D-CO Zones. In the area surrounding the Coliseum BART station, the D-CO-1 Zone replaced the previously applied S-15 Zone in that area. The purpose of the D-CO-1 and S-15 Zones are the same, which is to regulate and encourage transit-oriented development near major transit facilities such as BART stops. Many uses in both the D-CO-1 and S-15 Zones require the city to make special use permit findings as part of any approval. The special findings in these two zones were intended to be the same but currently are not. The proposed amendments rectify this issue and make the special findings the same in Section 17.97.025 for the S-15 Zones and in Section 17.101H.070 for the D-CO-1 Zone.

**13. Modify the “Large-Scale Development” regulation in the S-15 Transit-Oriented Development Commercial Zones to correct references and standardize language (Section 17.97.030).**

The “Large-Scale Development” threshold regulation in the S-15 Zones currently includes an incorrect reference to a code section that was deleted and moved as part of the recent Parking regulation update. The proposed amendment corrects this Planning Code section reference, and adds the new standard language for Planned Unit Developments.

**14. Revise the S-19 Health and Safety Protection Combining Zone provisions to conform to long-standing mapping practices (Chapter 17.100A).**

It has been the long-standing practice of the Bureau of Planning to map the S-19 Health and Safety Protection Combining Zone onto the portions of the CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary. The proposed amendment below brings the Planning Code text in Chapter 17.100A fully in sync with this existing mapping practice:

**17.100A.030 Zones with which the S-19 Zone may be combined.**

A. The standards of the S-19 Combining Zone shall apply to the following zoning districts:

~~3. CIX-1 (Commercial Industrial Mix-1) Zone;~~

34. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north);

45. CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones zoning districts that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary.

**15. Amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A).**

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. Over the years, this administrative approach has become increasingly confusing to the public and staff, since copies of the separate Wood Street Zoning District document are not always readily available. In 2014, Planning staff received Council approval to transfer the Permitted Activities section of the Wood Street Zoning Regulations from this separate 2006 Zoning document into the citywide Planning Code. The proposed amendments would continue this transfer effort by moving the Development Standards Summary Table for Wood Street into the D-WS Zoning Chapter.

Also, many of the current development standard numbers associated with the Wood Street Zone are unusually precise compared to other similar regulations in the rest of the Planning Code. For instance, the current maximum permitted density in the Development Area 2 portion of the Wood Street Zone is *848.85 sf. per unit* and the maximum Nonresidential Floor Area Ratio is *2.02:1*. The proposed amendments would round these and other similarly precise development regulation numbers up or down to the nearest whole number – in this case, the proposal would be to change the Development Area 2 standards to a maximum permitted density of 849 sf. per unit and a

maximum Nonresidential Floor Area Ratio is 2.00:1. (See also Subsection II of this section of the report for a discussion of the proposed Wood Street Zoning Map amendments).

**16. Amend Section 17.114.050 to clarify that the regulations were not intended to apply to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones with a T overlay (Chapter 17.114).**

As part of the code amendments adopted in 2014 along with the West Oakland Specific Plan, Subsection D. of Section 17.114.050 (Nonconforming Activity—Discontinuance) was added to the Planning Code to specify a strict standard on the resumption of a nonconforming Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the new CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones (CUP required if the nonconforming activity discontinues active operation for more than 90 days). The proposed amendment would correct an oversight and add a provision to exclude the application of this strict discontinuance standard to the new CIX Zones that include the T Overlay, which is only applied to sites south of Highway 880 in the 3rd Street corridor - an area that the West Oakland Specific Plan specifically highlights as appropriate for Trucking and Truck-Related Industrial Activities.

**17. Add maximum loading standards to the new Off-Street Parking and Loading Requirements in Chapter 17.116, and remove conflicting parking regulations from individual zone chapters.**

In October 2016, the Council adopted the first comprehensive update of the city’s parking regulations since 1965. While the primary focus of this project was updating the off-street parking requirements, staff also included an update to the City’s commercial and residential loading requirements. Like parking, these new loading requirements were based on nationwide best practices.

However, due to an oversight, many of the new commercial loading requirements do not include any *maximum* number of required spaces; as a result, a few projects have recently had to request variances due to the very large and infeasible number of loading spaces that would have been required by the new parking standards. This proposal would retain the same loading space ratios adopted by Council, but add a cap to the number of spaces required (see example below):

**17.116.130 Off-street loading—Civic Activities.**

<b>Civic Activity and Total Floor Area of Facilities Occupied</b>	<b>Requirement</b>
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
<del>300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.</del>	<del>Three (3) One (1) additional berths.*</del>

Also, as another oversight, a few former parking regulations that have now been superseded by the updated parking requirements remain in individual zoning chapters, such as in Chapter 17.13, RH Hillside Residential Zones Regulations, Chapter 17.15, RD Detached Unit Residential Zones



Regulations, and Chapter 17.101A, D-WS Wood Street District Zones Regulations. The proposed amendments eliminate these conflicting and out-of-date parking requirements, and instead refer to the new adopted parking requirements in Chapter 17.116.

#### 18. Amendments to the Conditional Use Permit Procedure (Chapter 17.134).

As stated earlier in the Background section of this report, one of the primary purposes of this code cleanup is to facilitate the construction of needed housing units, and to modify regulatory barriers to the production of housing types that are may be more affordable to Oakland's low- to moderate-income families. One of those barriers is the disproportionately rigorous Planning review process certain smaller projects are required to undergo under current regulations. The Land Use and Transportation Element of the Oakland General Plan includes the following policy in support of this intent to modify regulatory barriers:

##### Policy N11.2 Streamlining Permit Procedures.

The City of Oakland should review, streamline, modernize, and simplify its permit review procedures to facilitate new construction.

The following amendments to the definition of Major Conditional Use Permits (Section 17.134.020) would simplify the permit review procedure for many types of "middle housing" by correcting references to only those zones with conditionally permitted densities, and slightly raising the threshold for the size of project in those zones that would be forwarded to the Planning Commission for initial decision:

#### 17.134.020 Definition of Mmajor and Mminor Conditional Use Permits.

A. **Major Conditional Use Permit.** A Conditional Use Permit (CUP) is considered a Mmajor Conditional Use Permit if it involves any of the following:

1. Thresholds. Any project requiring a Conditional Use Permit that meets any of the following size thresholds:
  - c. Residential projects requiring a Conditional Use Permit for density resulting in a total number of living units as follows:
    - i. Five (5) Three (3) or more dwelling units in the RM-2 Zone;
    - ii. Seven (7) or more dwelling units in the RM-3 Zone; or
    - iii. Nine (9) or more dwelling units in the RM-4 Zone.
  - d. Residential projects requiring a Conditional Use Permit to exceed the basic or permitted density resulting in nine (9) seven (7) or more dwelling units in the RU or CBD- R R-80, C-40, C-45, S-1, or S-2 Zones.

Also, the proposal would amend Section 17.134.080 (Adherence to approved plans) to specify that a CUP will terminate 2 years from the effective date of its granting unless a different termination date is prescribed (instead of the 1 year currently listed in the code). The proposed 2-year expiration period is consistent with current Planning practice.

#### 19. Revise Chapter 17.136 (Design Review Procedure) to clarify regulations for the demolition or removal of structures in the CIX-1A Zone, and to standardize thresholds for Track 3 Small Project Design Review.

In 2014, as part of code changes made in concert with the adoption of the West Oakland Specific Plan, regulations for the demolition or removal of *non-historic* structures in the CIX-1A Zone were added to the existing regulations for demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties in Section 17.136.075. This approach has led to some confusion, so the proposed amendment (see below) would transfer the regulations for the demolition or removal of *non-historic* structures in the CIX-1A Zone to its own new section (Section 17.136.072).

**17.136.072 Special regulations for demolition or removal of CIX-1A zoned properties.**

A. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone that is not a Designated Historic Property or Potentially Designated Historic Property may only be granted if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that:

- i. The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return;  
or
- ii. The applicant demonstrates that the structure is economically infeasible to rehabilitate on its present site.

Also, the proposal would amend Section 17.136.030(C)(3) to standardize the threshold for Track 3 Small Project Design Review to: *Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet, in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8)-foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.*

**20. Amendments to the Mini-Lot and Planned Unit Development Regulations (Chapter 17.142).**

In 2014, as part of code changes made in concert with the adoption of the West Oakland Specific Plan, the Mini-Lot Development regulations were modified in Section 17.142.012 for the RM-2 Zone in the West Oakland District only to allow the minimum setback requirements for a mini-lot development to be the same as those for a single lot less than 4,000 square feet in size.

The proposed amendment would expand the allowance for reduced minimum setback requirements in a mini-lot development from just the RM-2 Zone in West Oakland to the entire city, and thereby ease the regulatory hurdles for small-scale infill subdivisions as a means of increasing the home ownership opportunities in Oakland.

**II. GEOGRAPHICALLY SPECIFIC ZONING MAP AND HEIGHT AREA AMENDMENTS**

Proposed changes also include the following West Oakland-focused Zoning Map and Height Area amendments:

**1. Revise the zoning map and height area designations for the 3rd and 7th St. areas between the West Oakland BART station and Downtown.**

Proposal.

- Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
- Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
- Split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880 (see **Attachment B**).

Rationale.

The proposed map change at 2nd and Brush would address a nonconforming status erroneously created for an existing live/work complex when new zoning changes were adopted in 2014 as part of the West Oakland Specific Plan. Other proposed changes to the zoning map in the West Oakland BART station area would allow new residential uses along the south side of 7th Street between the BART station and Downtown (as residential is already permitted on the north side of this same section of 7th Street); and facilitate the relocation of trucking-related activities to the 3<sup>rd</sup> Street area and away from the residential neighborhoods of West Oakland. Also, the existing 90-foot height area between 5th and 7th Street would be modified and reduced in its extent to accommodate small boundary changes to the zones adjacent to this portion of the I-880 corridor.

**2. Revise the zoning map designations for the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle –**

Proposal.

- Change the current RM-2 zoning for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
- Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (see **Attachment C**).

Rationale.

As stated earlier in this report, Planning staff held a community meeting on October 6th, 2016 in West Oakland to discuss this and the other proposed Zoning Map and Height Area amendments. Planning staff received very positive feedback to the proposed revisions to the zoning map designations for the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle. Many community members stated that they could especially see the value of adding the C Commercial overlay to the parcels fronting Mandela Parkway, so that ground floor commercial uses could be added over time to activate the street and bring more neighborhood-serving retail to the corridor.

The staff proposal at that time for the C Commercial overlay area included only the parcels facing Mandela Parkway, Memorial Park, and a portion of Center Street between 15th Street to the north and 11th Street to the south. But a number of community members at the meeting recommended that this proposed map change actually increase in geographic area from what staff had originally proposed, and extend down to and include not only the portion of 8th Street near

the West Oakland BART station but also the Peralta/Lewis/5th Street triangle. The sections of 8th Street between Mandela Parkway and Wood Street, and 5th Street between Peralta and Lewis Street have many old storefronts along their length, but which are now mostly vacant or converted to non-commercial uses. Staff agreed to study this community proposal and present any changes to the Map amendments at a second community meeting.

On October 20th, 2016, Planning staff held a second community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. Staff explained that they had reviewed and analyzed the larger Mandela, 8th, and 5th Street corridors, as requested by community members at the October 6th meeting, and agreed that the map change proposal should extend along more of Mandela Parkway, and include the majority of the 8th Street corridor between Mandela Parkway and Wood Street, and the portion of 5th Street between Peralta and Lewis. The revised map areas were distributed to the attendees and discussed at the meeting, with the feedback received again very positive about the changes.

**3. Revise the zoning map designation for a portion of Adeline St. between 18th and 19th – Proposal.**

- Bring a portion of the current RM-2 zoned area along Adeline Street between 18th and 19th into the RM-4 Zoning designation that currently is mapped for the parcels facing 18th Street (see **Attachment D**).

Rationale.

The proposed map change for the portion of Adeline St. between 18th and 19th Street would move approximately 8 parcels that are currently zoned RM-2 into the adjacent RM-4 Zone centered along 18th Street. The parcels in question do not fit the typical profile of RM-2 zoned properties, which are typically 1- 2-unit residences. Instead, this section of Adeline St. between 18th and 19th Street is made up of a large church and parking lot, a commercial warehouse and vacant lot behind the West Oakland branch of the Public Library, an assortment of small apartment buildings, and a small vacant house on a large lot. Due to the proximity of this area to transit, public services, and a higher zoned corridor, staff recommends rezoning to RM-4.

**4. Revise the zoning map and height area designations for the corner of San Pablo Avenue and 33rd Street –**

Proposal.

- Re-align the current RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel, resulting in a portion of the lot changing from current RM-2 to RU-5 with a 60-foot height limit (see **Attachment E**).

Rationale.

It is current practice in zoning proposals to establish the boundary along existing property lines wherever possible, to avoid splitting property into multiple zones and thus complicating any future development. In this case, the property at San Pablo Avenue and 33rd Street appears to have been inadvertently split through the rear third of the parcel. The proposed map change would move the current RU-5 zoning boundary to be along the rear property line of the existing corner parcel at San Pablo Avenue and 33rd Street, resulting in a portion of the lot changing from

RM-2 to the same RU-5 Zone with a 60-foot height limit that currently applies to the rest of the parcel.

**5. Revise the zoning map designations for the Wood Street Zoned area in West Oakland – Proposal.**

- Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of a corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9 (see **Attachment F**).

**Rationale.**

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. Over the years, this administrative approach has become increasingly confusing to the public and staff, since copies of the separate Wood Street Zoning District document and Development Area Map are not always readily available. The proposed amendments would simplify the administration of the D-WS Zoning Chapter by converting the existing nine Wood St. Development Areas displayed on a separate map from the citywide zoning map into nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of the corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9.

## **ENVIRONMENTAL DETERMINATION**

The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas rely on the previously certified set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the

circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

**RECOMMENDATIONS**

1. Affirm staff's environmental determination;
2. Recommend that the City Council approve the proposed Planning Code Text, Map, and Height Area amendments; and
3. Find that existing regulations being amended or deleted are inadequate and otherwise contrary to the public interest.

Prepared by:

---

Ed Manasse, Strategic Planning Manager

Approved for forwarding to the  
City Planning Commission by:

---

Darin Ranelletti, Interim Director - Department of Planning and Building

**ATTACHMENTS:**

- A. Proposed Planning Code Text Amendments
- B. Proposed Zoning Map and Height Area Amendment to the 3rd Street to 7th Street areas between the West Oakland BART station and Downtown
- C. Proposed Zoning Map Amendment to the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle
- D. Proposed Zoning Map Amendment to the portion of Adeline St. between 18th and 19th Street
- E. Proposed Zoning Map and Height Area Amendment to the corner of San Pablo Avenue and 33rd Street
- F. Proposed Zoning Map Amendment to the Wood Street Zoned area in West Oakland

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:12

# ATTACHMENT B



**Title 17 PLANNING**

**Chapters:**

Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS

**Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS**

**Sections:**

17.101A.010 Title, purpose, and applicability.

17.101A.030 Property development standards.

**17.101A.010 Title, purpose, and applicability.**

- A. The provisions of this Chapter (in combination with the separate Wood Street Zoning District document adopted by City Council as part of Ordinance 12673 C.M.S that prescribes the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District), shall be known as the D-WS Wood Street District Zones Regulations. The intent of the Wood Street District (D-WS) Zones is to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880. The D-WS-1 through D-WS-9 Zones are intended to reflect the same boundaries as the Wood Street Development Areas 1 through 9.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District shall be as prescribed in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, all subsequent amending Ordinances adopted by City Council, and as amended in ~~Section 17.101A.020~~ below. All such regulation shall apply to the area of the zoning maps with a D-WS designation.

**17.101A.020 Permitted and conditionally permitted activities.**

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the ~~Development Areas of the D-WS Zones~~. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding ~~Development Areas of the D-WS Zone~~.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding ~~Development Areas of the D-WS Zone~~ (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

**Table 17.101A.01: Permitted and Conditionally Permitted Activities**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	<u>D-WS-1</u>	<u>D-WS-2</u>	<u>D-WS-3</u>	<u>D-WS-4</u>	<u>D-WS-5</u>	<u>D-WS-6</u>	<u>D-WS-7</u>	<u>D-WS-8</u>	<u>D-WS-9</u>	
<b>Residential Activities</b>										

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Permanent	P	P	P	P	—	P	P	P	—	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	—	P(L1)	P(L1)	P(L1)	—	17.103.010
Supportive Housing	P	P	P	P	—	P	P	P	—	
Transitional Housing	P	P	P	P	—	P	P	P	—	
Emergency Shelter	—	—	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	—	—	
Bed and Breakfast										17.10.125
<b>Civic Activities</b>										
Essential Service	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Limited Child-Care	—	P	—	P	P	P	—	P	—	
Community Assembly	—	P(L2)	—	P(L2)	P(L2)	P(L2)	—	P(L2)	C(L12)	
Recreational Assembly	—	—	—	—	C	—	—	—	C(L12)	
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	—	P	—	P	P	P	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P(L3)	—	P	—	
Health Care	—	P(L3)	—	C	C	C	—	P	—	
Special Health Care	—	—	—	—	—	—	—	—	—	17.103.020
Utility and Vehicular	—	P(L4)	—	P(L4)	P(L4)	P(L3)	—	P(L4)	—	

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Extensive Impact	—	—	—	—	—	—	—	—	—	
<b>Commercial Activities</b>										
General Food Sales	—	P(L5)	—	P(L5)	P	P(L5)	—	P(L5)	—	
Full Service Restaurant	—	P	—	P	P	P	—	P	—	
Limited Service Restaurant and Cafe	—	P	—	P	P	P	—	P	—	
Fast Food Restaurant	—	—	—	C	C	C	—	C	—	17.103.030 and 8.09
Convenience Market	—	C(L6)	—	C(L6)	C(L6)	C(L6)	—	C(L6)	—	17.103.030
Alcoholic Beverage Sales	—	C(L7)	—	C(L7)	C(L7)	C(L7)	—	C(L7)	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	—	—	—	—	
Medical Service	—	P(L8)	—	P(L8)	P(L8)	P(L8)	—	P(L8)	—	
General Retail Sales	—	P(L3)	—	P(L3)	P	P	—	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	—	—	
Consumer Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consultative and Financial Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	17.103.040

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Consumer Cleaning and Repair Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consumer Dry Cleaning Plant	—	—	—	—	—	—	—	—	—	
Group Assembly	—	—	—	—	C	—	—	P	C(L12)	
Personal Instruction and Improvement Services	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P	—	P	—	
Business, Communication, and Media Service	—	C	—	C	C	C	—	P	—	
Broadcasting and Recording Service	—	C	—	C	C	C	—	P	—	
Research Service	—	C(L11)	—	—	—	—	—	P	—	
General Wholesale Sales	—	C(L11)	—	—	—	—	—	P	—	
Transient Habitation	—	—	—	—	—	—	—	P	—	17.103.050
Building Material Sales	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	—	—	—	—	
Automobile and Other	—	—	—	—	—	—	—	—	—	

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Light Vehicle Gas Station and Servicing										
Automotive and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	—	—	17.103.055
Animal Care	—	—	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	—	—	
<b>Industrial Activities</b>										
Custom Manufacturing	—	P	—	C	C	C	—	P	—	
Light Manufacturing	—	C	—	—	C	—	—	C	—	
General Manufacturing	—	—	—	—	—	—	—	C	—	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	—	—	—	
Research and Development	—	C(L11)	—	—	C	—	—	—	—	
Construction Operations	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P(L10)	—	
<b>Warehousing, Storage and Distribution-Related:</b>										
A. General Warehousing, Storage and	—	C(L11)	—	—	—	—	—	—	—	

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Distribution										
B. General Outdoor Storage	—	—	—	—	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	—	—	—	
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	—	—	—	
Regional Freight Transportation:	—	—	—	—	—	—	—	—	—	
Trucking and Truck-Related:	—	—	—	—	—	—	—	—	—	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
Hazardous Materials Production, Storage & and Waste Management-Related	—	—	—	—	—	—	—	—	—	
Agricultural and Extractive Activities										
Plant Nursery	—	—	—	—	—	—	—	—	—	

CITY OF OAKLAND

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Limited Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Mining and Quarrying Extractive	—	—	—	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	—	—	—	—	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	—	—	—	—	—	—	—	—	—	17.102.110

**Limitations on Table 17.101A.01:**

**L10.** Activities with a total floor area greater than five thousand (5,000) square feet require the granting of a conditional use permit (see Chapter 17.134) and activities with a floor area over ten thousand (10,000) square feet are prohibited except for the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B (the icehouse property). This activity is limited to neighborhood-serving construction product sales and services (Note: Hardware Stores are a General Retail Sales Commercial Activity, refer to L3)

**L11.** Only applies to the “Icehouse” building located in the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B.

**17.101A.030 Property development standards.**

**Zone Specific Standards.** Table 17.101A.02 below prescribes development standards specific to individual D-WS Zones in the Wood Street Zoning District. The number designations



CITY OF OAKLAND

in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified D-WS Zone.

**Table 17.101A.02 – Property Development Standards**

Development Standards	Zones Development Areas									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>										
Maximum Permitted Minimum Density for Regular Land Area per Dwelling Units	1 unit per 1,535 sf.	1 unit per 848.85 sf.	1 unit per 1,218 sf.	1 unit per 613.75 sf.	N/A	1 unit per 549.06 sf.	1 unit per 679.02 sf.	1 unit per 332 sf.	N/A	1
	1535.3 sf. of lot area	848.85 sf. of lot area	1217.5 sf. of lot area	613.75 sf. of lot area		549.06 sf. of lot area	679.02 sf. of lot area	331.6 sf. of lot area		
Maximum Dwelling Units per Acre (DU/A)	28.4 DU/A	51.5 DU/A	35.8 DU/A	71.1 DU/A	N/A	79.33 DU/A	64.2 DU/A	131.3 DU/A	N/A	1
Maximum Number of Units	82	200	200	450	0	215	170	264	0	1
<b>Minimum Residential Density (square feet of lot area required per dwelling unit)</b>										
Minimum Permitted Density for Regular Land Area per Dwelling Units	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	N/A	N/A	1 unit per 1,000 sf. of lot area (44 DU/A)	1 unit per 1,000 sf. of lot area (44 DU/A)	N/A	1
<b>Maximum Nonresidential Floor Area Ratio (FAR)</b>										
Max. FAR for Nonresidential Uses	N/A	1.4 1.38:1	N/A	2.0 2.02:1	2.0 2.00:1	2.0 2.02:1	N/A	3.0 2.947:1	N/A	3, 6, 7
<b>Maximum Floor Area For Nonresidential Uses</b>										
Max. Floor Area for Nonresidential Uses (sq. ft.)	0 sf.	221,000 sf. 220,779 sf.	0 sf.	40,000 sf.	70,000 sf.	6,000 sf.	0 sf.	258,000 sf.	N/A	3, 6, 7
<b>Maximum Height</b>										
Max. Height	65 ft.	65 ft.	50 ft.	50 ft.		65 ft.	90 ft.	90 ft.	N/A	2

CITY OF OAKLAND

Development Standards	Zones Development Areas									Additional Regulations <sup>s</sup>
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Minimum Street Setbacks</b>										
Wood Street	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	4
12th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
Frontage Road	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
14th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
Public Access Areas	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
<b>Minimum Interior Setbacks</b>										
Min. Interior Setbacks	5 ft.	5 ft.	10 ft.	5 ft.	5 ft.	5 ft.	0 ft.	0 ft.	N/A	4
<b>Minimum Usable Open Space</b>										
Group Usable Open Space per Dwelling Unit (DU)	100 sf.	75 sf.	100 sf.	100 sf.	N/A	75 sf.	75 sf.	50 sf.	N/A	5
<b>Parking Requirements</b>										
Required Parking for All Uses	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements									
Required Parking For Residential Uses	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	1:1 spaces per DU	N/A	
Required Parking For Joint Living and Working Quarters (L/W Unit)	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	1:2 spaces per L/W Unit	N/A	
Required Parking For Nonresidential Uses	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	See Reg. 8 below	8

**Additional Regulations for Table 17.101A.02:**

1. Density based on Regular Dwelling Units. For Efficiency Dwelling Units, the minimum allowable lot area per unit shall be the same as for Regular Dwelling Units. One additional unit

is allowed if after division of the total lot area by the minimum lot area the remainder is equal to 2/3 or greater of the minimum lot area. For Rooming Units, there is no minimum density standard.

2. See Section 5.23 and Figure 5.23-1 in the separate Wood Street Zoning District document adopted by City Council for additional height restrictions applicable to the Wood Street Zoning District Development Areas and Overlay Areas. Projections above height limits are allowed as set forth in Section 17.108.030 of the Oakland Planning Code.

3. See Section 5.80 in the separate Wood Street Zoning District document adopted by City Council for restrictions on additions to the 16<sup>th</sup> Street Train Station.

4. For Minimum Street Setbacks, see Figure 5.24-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

5. For additional Open Space Standards applicable to the Wood Street Zoning District, see Section 5.40 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

6. For Standards applicable to the D-WS-5 Zone (same area as Development Area 5), see Section 5.80 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

7. For Standards applicable to the D-WS-9 Zone (same area as Development Area 9), see Section 5.90 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

8. For Required Off Street Parking for Nonresidential Uses, see Table 5.50-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

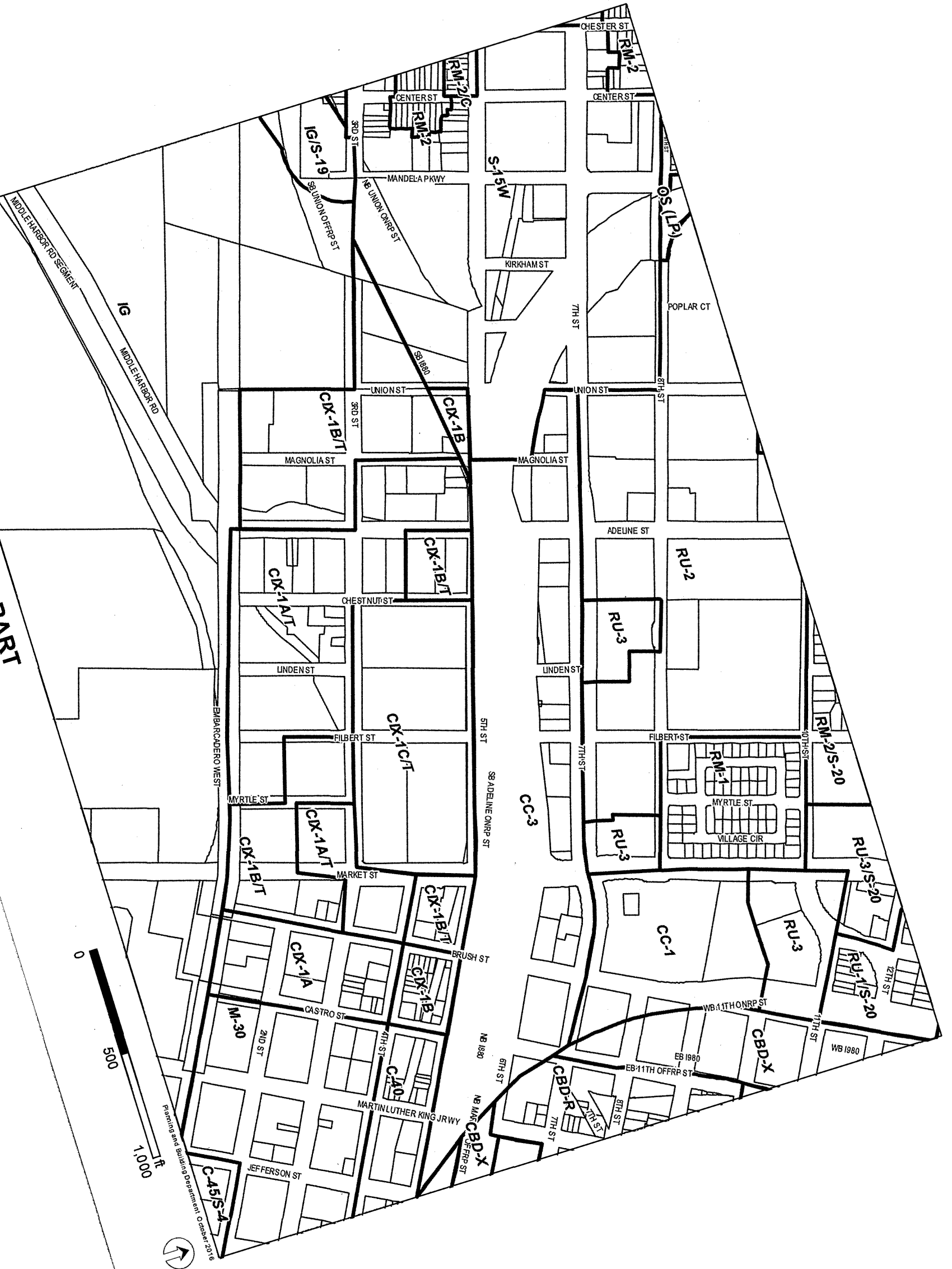
2017 MAR 29 PM 1:12

# ATTACHMENT C

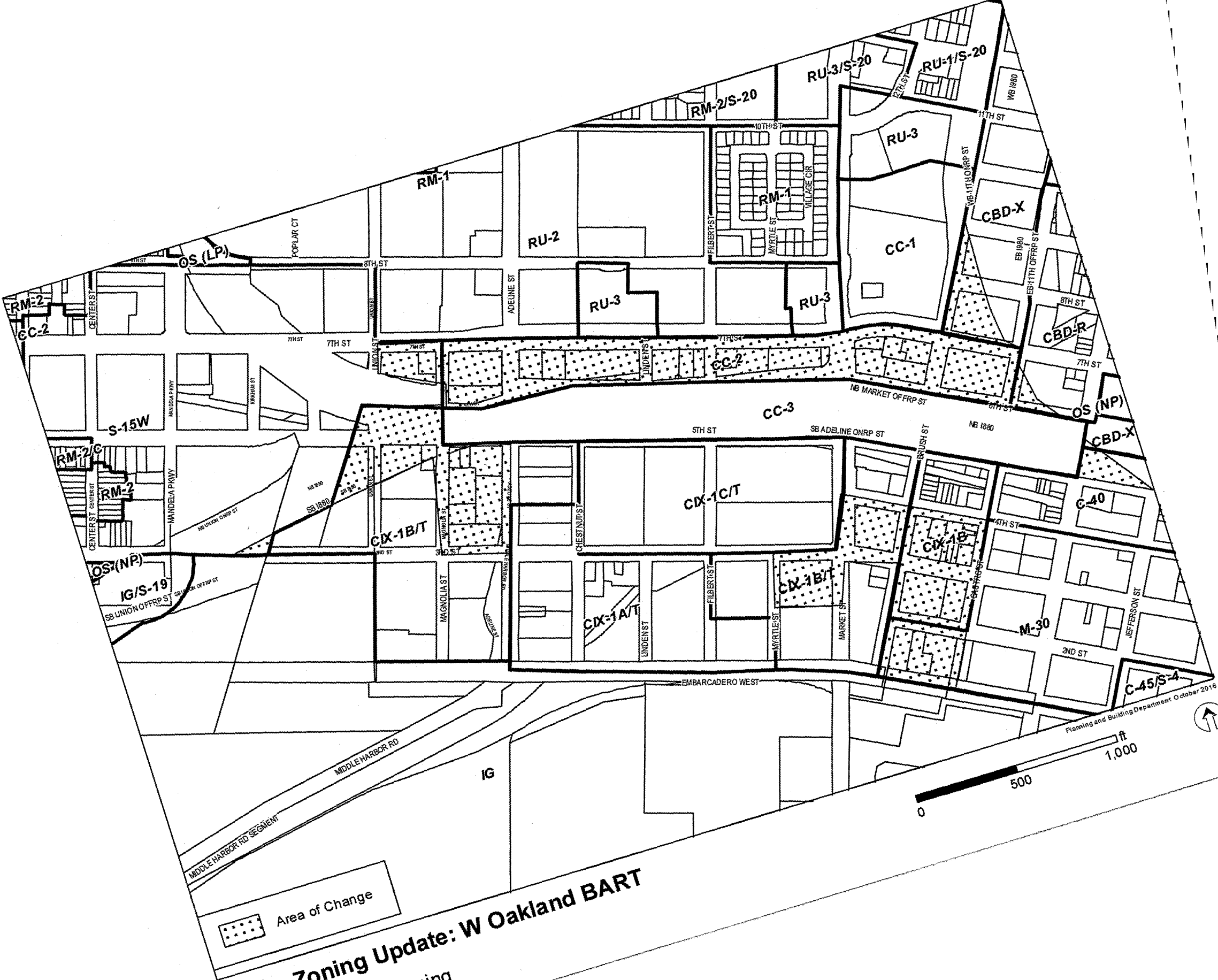



Existing Zoning

Zoning Update: N Oakland BART



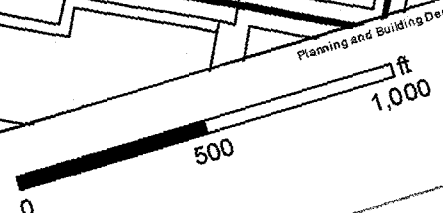
Plan prepared by Bartlett Development, Inc. October 2016



 Area of Change

# Zoning Update: W Oakland BART

## Proposed Zoning



Planning and Building Department October 2018

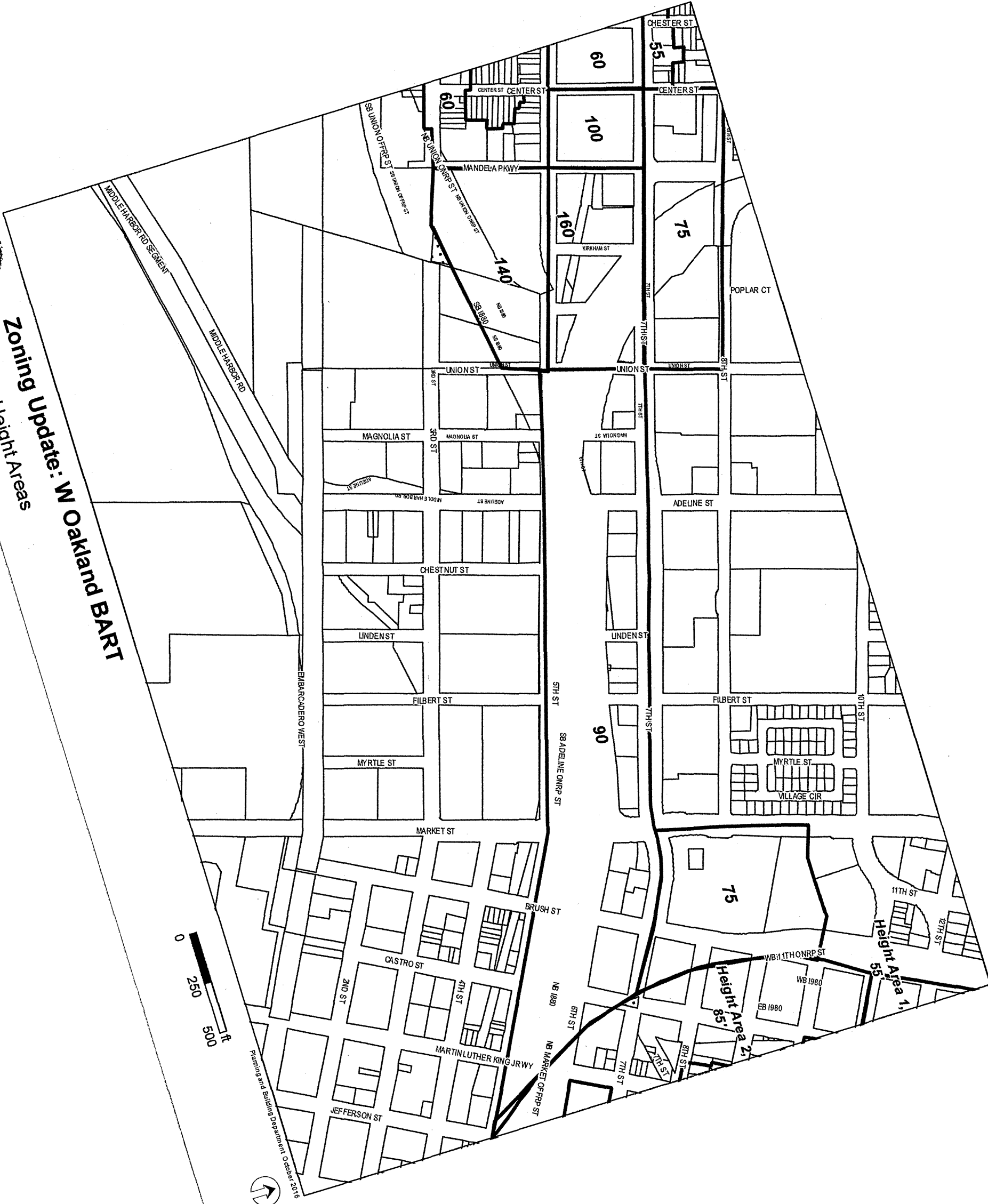


# Zoning Update: M Oakland BART

## Existing Height Areas



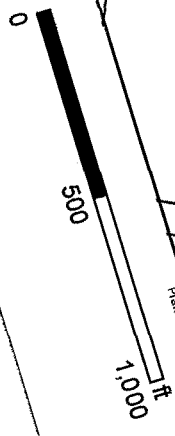
Planning and Building Department  
8/20/18



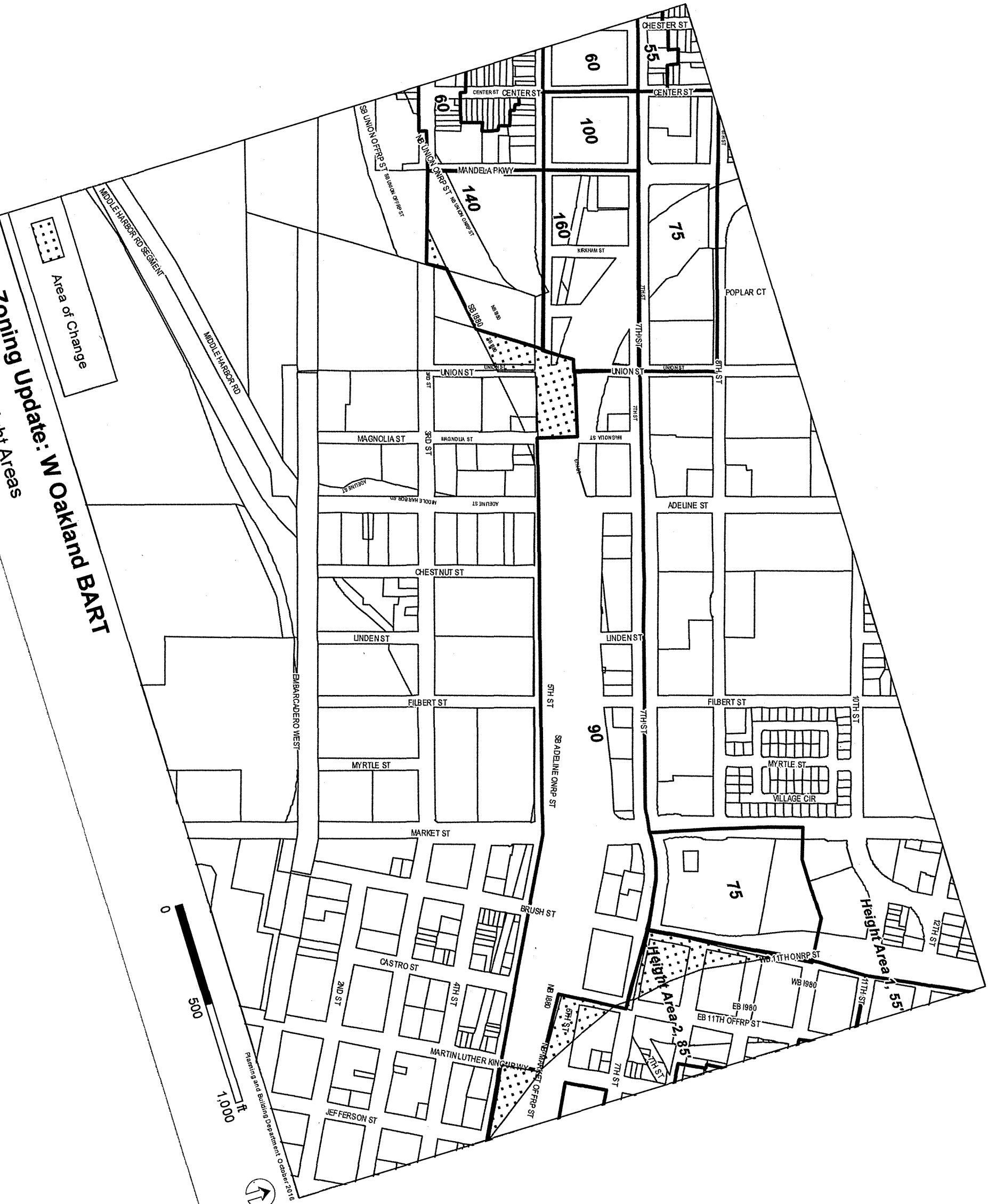


**Proposed Height Areas**  
**Zoning Update: N Oakland BART**

Area of Change

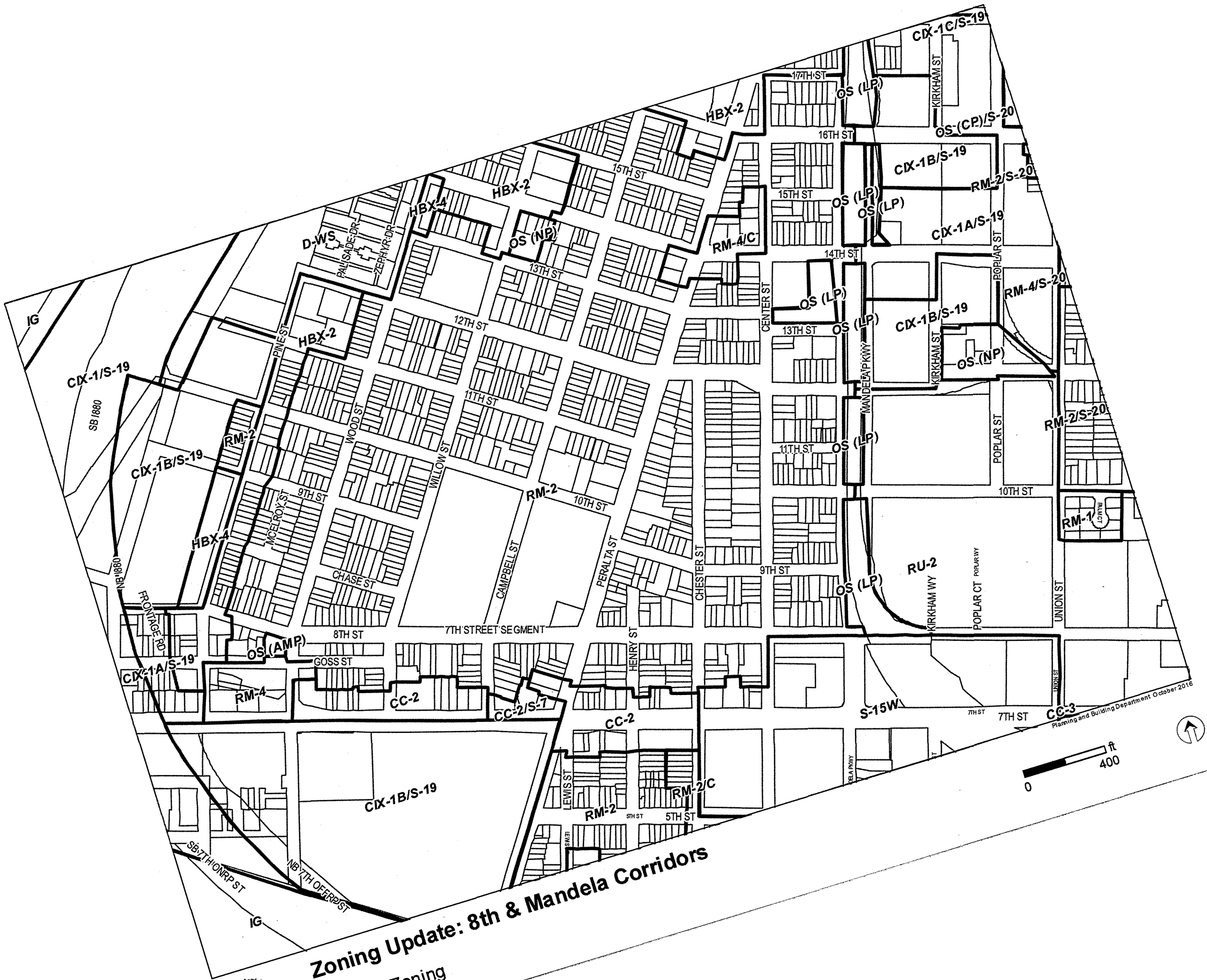


Planning and Building Department  
 October 2016





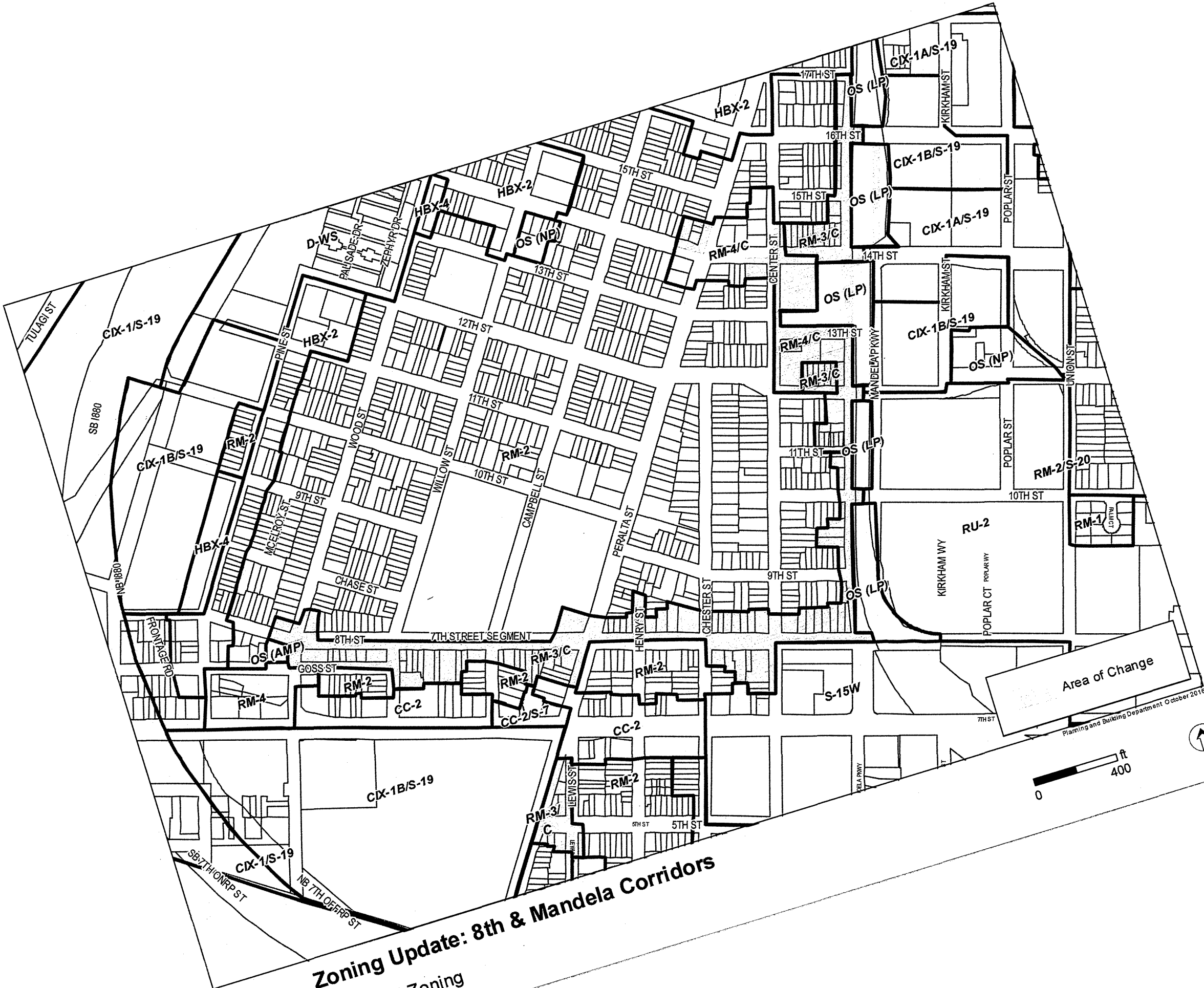
# **ATTACHMENT D**



**Zoning Update: 8th & Mandela Corridors**  
 Existing Zoning



Planning and Building Department, October 2016



# Zoning Update: 8th & Mandela Corridors

## Proposed Zoning

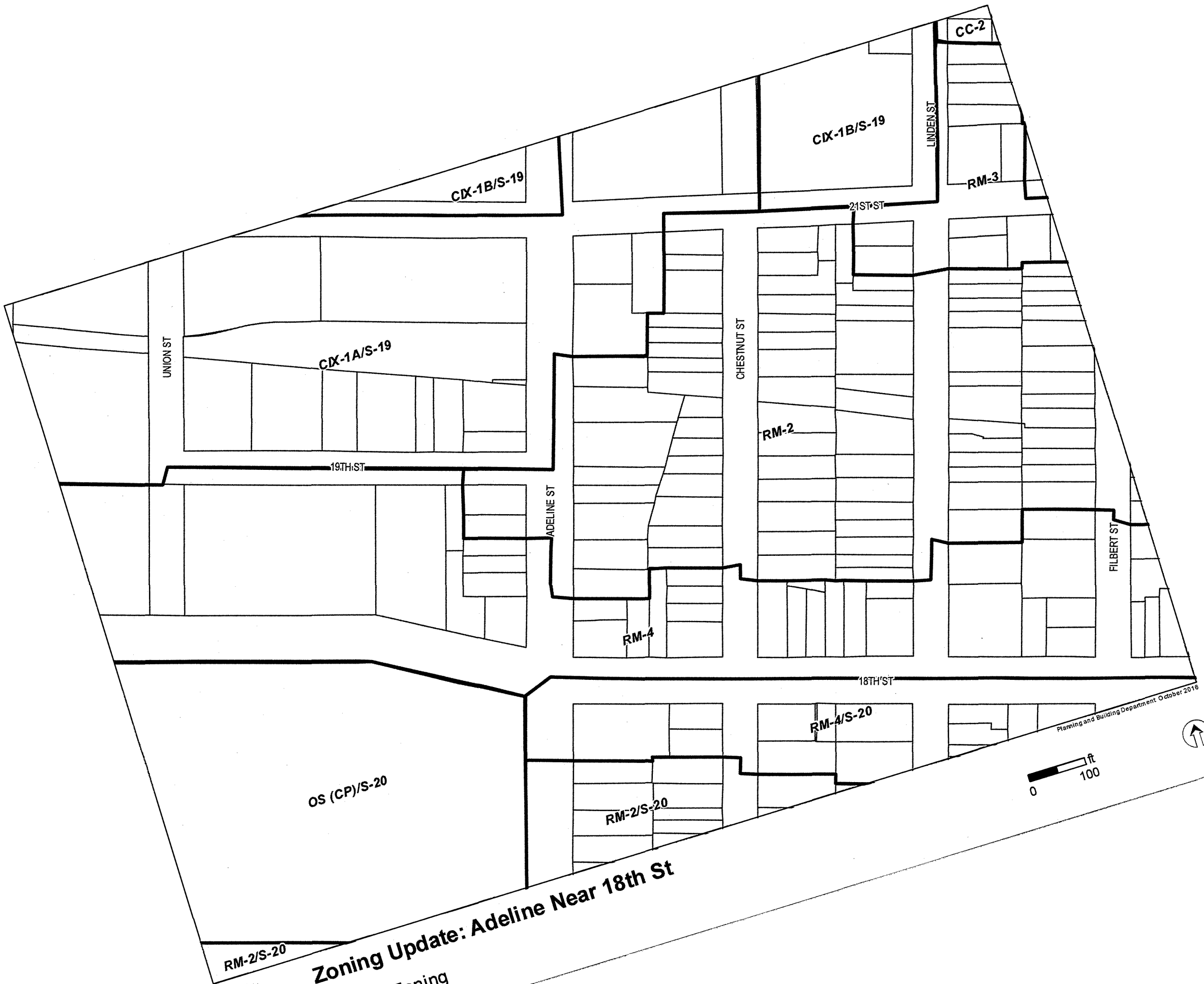


Planning and Building Department © October 2016

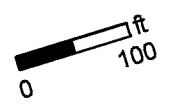
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:12

# ATTACHMENT E



**Zoning Update: Adeline Near 18th St**  
Existing Zoning



Planning and Building Department October 2016





# Proposed Zoning

## Zoning Update: Adeline Near 18th St

RM-2/S-20

OS (CP)/S-20

UNION ST

CIX-1A/S-19

CIX-1B/S-19

RM-4

ADELINE ST

RM-2/S-20

CHESTNUT ST

CIX-1B/S-19

RM-4/S-20

RM-2

21ST ST

LINDEN ST

18TH ST

RM-3

CC-2

FILBERT ST



Area of Change

Parking and Building Department, October 2016



# **ATTACHMENT F**



# Zoning Update: San Pablo at 33rd St

Existing Zoning



Planning and Building Department October 2016

34TH ST

RM-2 33RD ST

RU-5

SAN PABLO AV

LINDEN ST

FILBERT ST

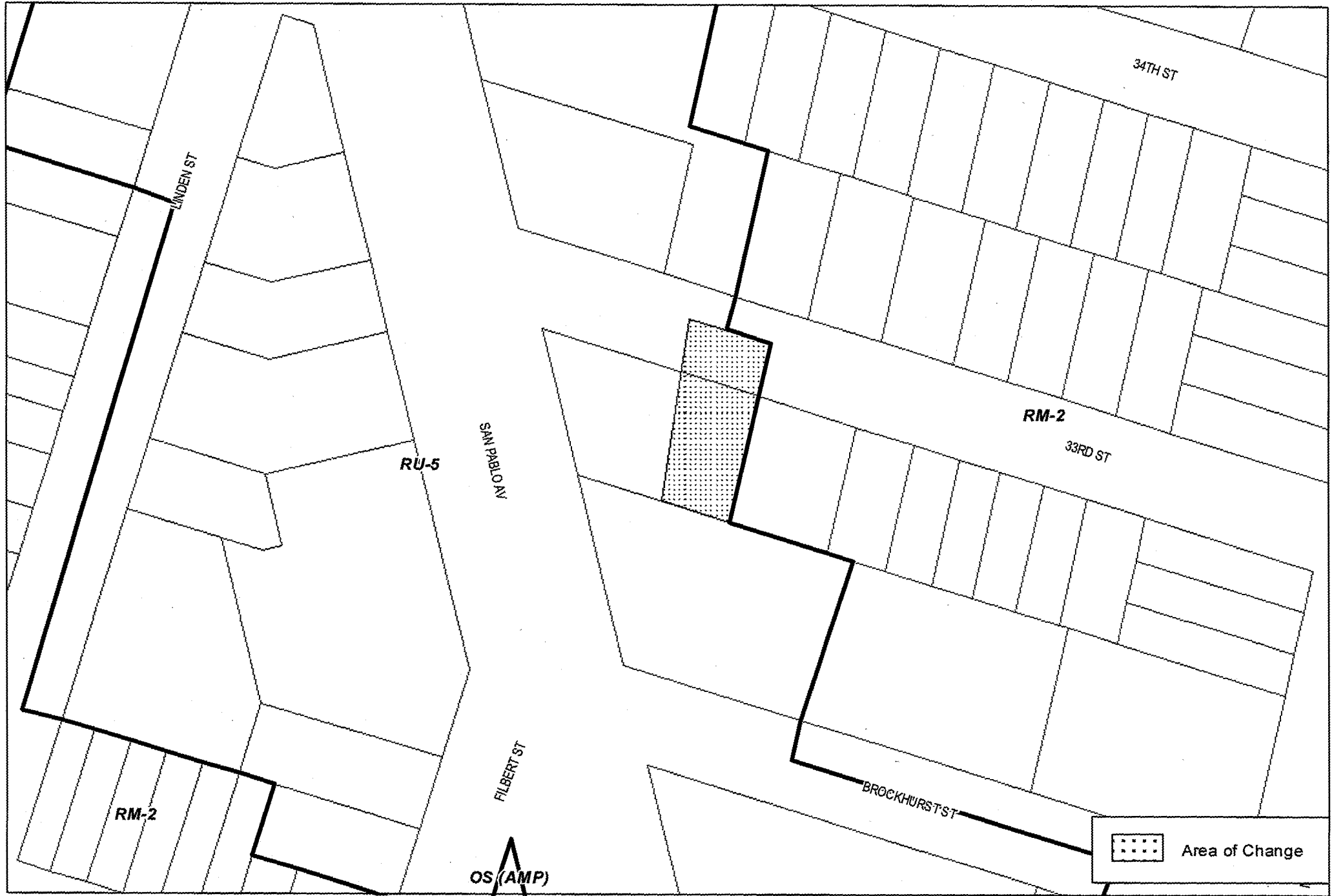
BROCKHURST ST

MARKET ST

OS (AMP)

RM-2





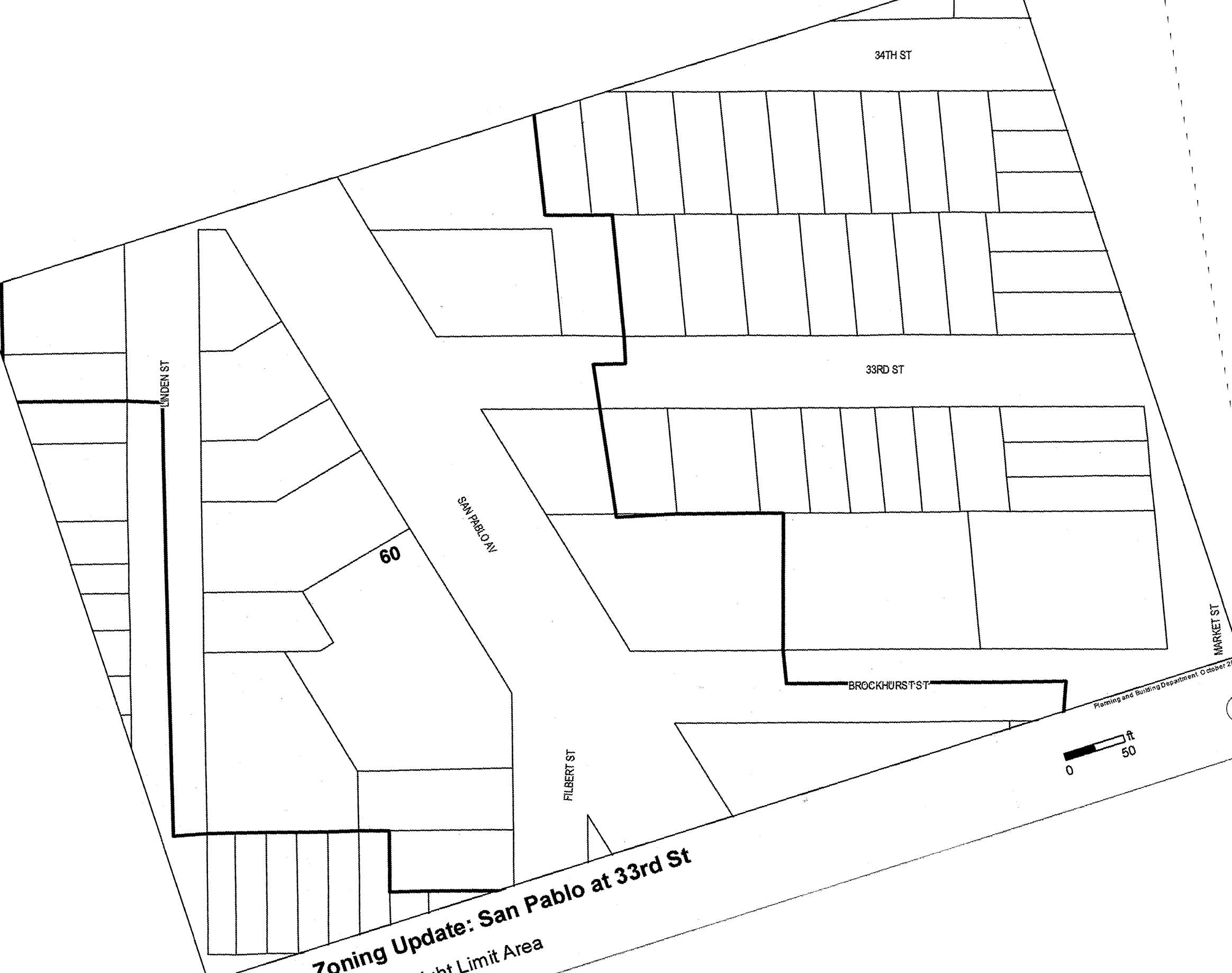
Planning and Building Department October 2016



# Zoning Update: San Pablo at 33rd St

Proposed Zoning





34TH ST

33RD ST

LINDEN ST

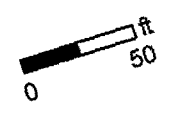
60

SAN PABLO AV

BROCKHURST ST

FILBERT ST

MARKET ST




Planning and Building Department October 2012

# Zoning Update: San Pablo at 33rd St

Existing Height Limit Area






 Area of Change

Planning and Building Department October 2016



# Zoning Update: San Pablo at 33rd St

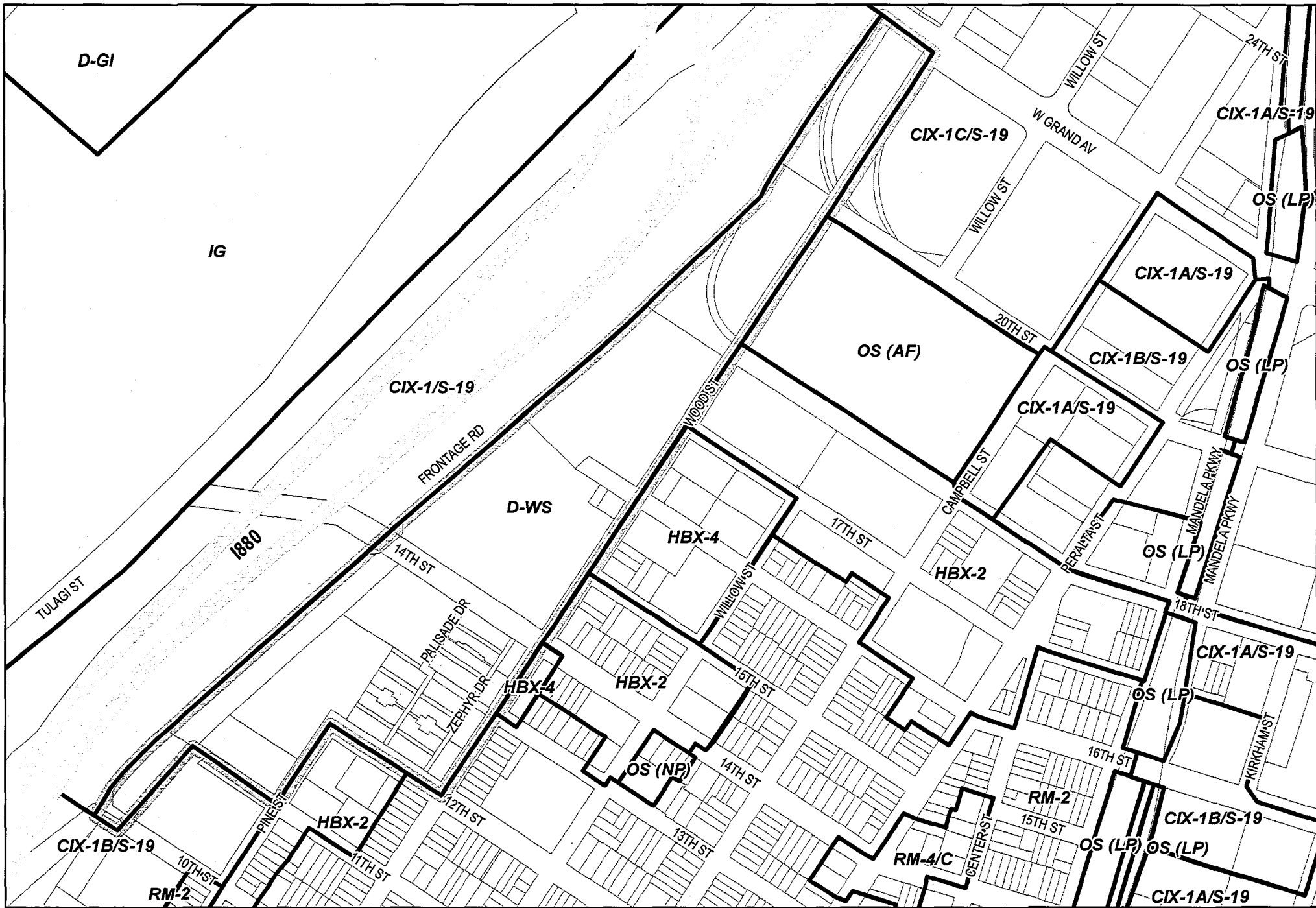
Proposed Height Limit Area



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:12

# ATTACHMENT G

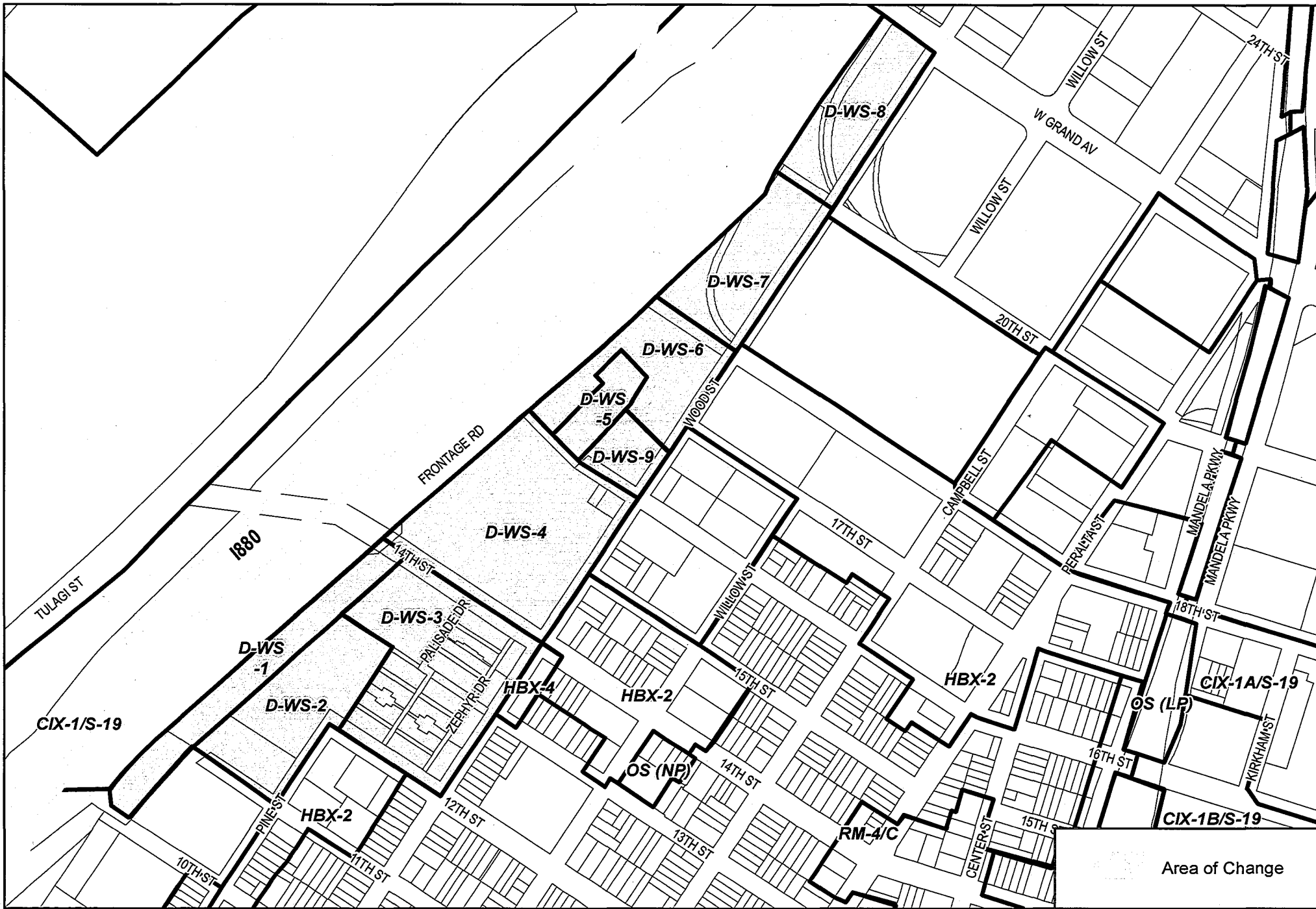


# Wood Street D-WS Zoning District

Existing Zoning

Planning and Building Department January 2017





Planning and Building Department January 2017



# Wood Street D-WS Zoning Districts

Proposed Zoning



2017 MAR 29 PM 1:13

DRAFT

OFFICE OF THE CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING: 1) THE OAKLAND ZONING AND HEIGHT AREA MAPS TO (A) MAKE MAP AND HEIGHT DESIGNATION CHANGES FOR THE 3RD TO 7TH STREET AREAS BETWEEN WEST OAKLAND BART AND DOWNTOWN; (B) MAKE MAP DESIGNATION CHANGES FOR THE WEST SIDE OF MANDELA PARKWAY FROM 17TH TO 8TH ST., FOR THE 8TH ST. CORRIDOR FROM MANDELA TO WOOD, AND FOR THE PERALTA/LEWIS/5TH ST. TRIANGLE; (C) MAKE A MAP DESIGNATION CHANGE FOR A PORTION OF ADELIN STREET BETWEEN 18TH AND 19TH; (D) BRING THE REAR PORTION OF THE LOT AT SAN PABLO AVENUE AND 33RD STREET INTO ADJACENT RU-5 ZONE AND 60 FT. HEIGHT AREA; AND (E) MAKE MAP DESIGNATION CHANGES FOR THE WOOD STREET ZONE TO CONVERT DEVELOPMENT AREAS 1-9 INTO NINE SEPARATE ZONING DISTRICTS; AND 2) THE OAKLAND PLANNING CODE TO MOVE THE DEVELOPMENT STANDARDS SUMMARY TABLE FOR WOOD STREET INTO THE D-WS WOOD STREET DISTRICT ZONE CHAPTER (17.101A) AND MAKE MINOR REVISIONS; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, in March of 1998, the City adopted the Land Use and Transportation Element (LUTE) of the Oakland General Plan, which contains policies calling for a more user-friendly and easier-to-interpret Planning Code. To comply with this directive, the Bureau of Planning undertakes a periodic update or "clean-up" of the Planning Code to improve consistency, reduce redundancies, and simplify language in key chapters of the Planning Code. In addition, Planning Staff occasionally take note of certain Code Sections, as well as of certain Zoning and Height Area map designations, that are in need of reconsideration, so these provisions are also brought forward for a potential change during a periodic update; and

WHEREAS, on January 18, 2017, the City Planning Commission conducted a public hearing to consider various proposed amendments to the Oakland Planning Code intended to facilitate the construction of needed housing units, especially what is sometimes called "missing middle" housing. In addition, several amendments were proposed to the Zoning and Height Area Maps in West Oakland to: a) encourage more retail and other neighborhood-serving ground floor uses along Mandela Parkway, 8th, and 5th Streets; b) support the further rejuvenation of 7th

Street; c) attract more industrial development to the 3rd Street corridor and away from residential neighborhoods; and d) facilitate the construction of much needed housing; and

**WHEREAS**, at the January 18, 2017 hearing, the Planning Commission recommended that the proposed Zoning and Height Area Map changes in West Oakland and amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A) be forwarded to the City Council for consideration. The Commission took no action on the other proposed Planning Code amendments at the January 18, 2017 hearing, and instead asked that they come back before the Commission at some future date after staff has completed additional public outreach; and

**WHEREAS**, the Planning Code Text, Zoning Map, and Height Area amendments included in this Ordinance are consistent with the Planning Commission recommendation, and only include (1) West Oakland-focused Zoning Map and Height Area Changes, and (2) D-WS Wood Street Zone Planning Code Text Changes (Chapter 17.101A); and

**WHEREAS**, the City of Oakland's Strategic Planning Division staff has prepared the following Planning Code Text, Zoning Map, and Height Area amendments to: (1) make Zoning Map and Height designation changes for the 3rd to 7th Street areas between West Oakland BART and Downtown; (2) make Zoning Map designation changes for the west side of Mandela Parkway from 17th to 8th Street, for the 8th Street Corridor from Mandela Parkway to Wood Street, and for the Peralta/Lewis/5th St. triangle; (3) make a Zoning Map designation change for a portion of Adeline Street between 18th and 19th; (4) bring the rear portion of the property at San Pablo Avenue and 33rd Street into the adjacent RU-5 Zone and 60 ft. Height Area; (5) make Zoning Map designation changes for the Wood Street Zone to convert Development Areas 1 - 9 into nine separate zoning districts; and (6) move the Development Standards Summary Table For Wood Street into the D-WS Wood Street District Zone Chapter 17.101A in the Oakland Planning Code and make minor revisions in order to further promote the public's health, safety and/or general welfare; and

**WHEREAS**, after a duly noticed public meeting on April 11, 2017, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on April 18, 2017 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

**WHEREAS**, the proposed amendments to the Planning Code Text, Zoning Map, and Height Areas rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs - West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163; and



**WHEREAS**, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments; and

**WHEREAS**, the proposed amendments to the Planning Code Text, Zoning Map, and Height Areas would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

**WHEREAS**, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

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

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

**Section 2.** The City Council finds and determines the adoption of this Ordinance complies with the California Environmental Quality Act ("CEQA"), and relies on the Previous CEQA Documents. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

**Section 3.** The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

**Section 4.** Title 17 of the Oakland Planning Code is hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strikethrough~~.

**Section 5.** The Oakland Zoning and Heights Maps are hereby amended pursuant to *Exhibit B* attached hereto and incorporated by reference herein.

**Section 6.** This Ordinance shall be effective 10 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

**Section 7.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

**Section 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

**Section 9.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution.

**Section 10.** The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning Code.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN,  
KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 MAR 29 PM 1:14

**EXHIBIT A**

**TO THE APRIL 18, 2017 CITY**

**COUNCIL**

**WEST OAKLAND-FOCUSED**

**PLANNING CODE**

**AMENDMENTS**

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

**Title 17 PLANNING**

**Chapters:**

Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS

---

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

**Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS**

**Sections:**

17.101A.010 Title, purpose, and applicability.

17.101A.030 Property development standards.

**17.101A.010 Title, purpose, and applicability.**

- A. The provisions of this Chapter (in combination with the separate Wood Street Zoning District document adopted by City Council as part of Ordinance 12673 C.M.S that prescribes the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District), shall be known as the D-WS Wood Street District Zones Regulations. The intent of the Wood Street District (D-WS) Zones is to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880. The D-WS-1 through D-WS-9 Zones are intended to reflect the same boundaries as the Wood Street Development Areas 1 through 9.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District shall be as prescribed in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, all subsequent amending Ordinances adopted by City Council, and as amended in ~~Section 17.101A.020~~ below. All such regulation shall apply to the area of the zoning maps with a D-WS designation.

**17.101A.020 Permitted and conditionally permitted activities.**

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the ~~Development Areas of the D-WS Zones~~. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding ~~Development Areas of the D-WS Zone~~.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding ~~Development Areas of the D-WS Zone~~ (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

**Table 17.101A.01: Permitted and Conditionally Permitted Activities**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Residential Activities</b>										

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Permanent	P	P	P	P	—	P	P	P	—	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	—	P(L1)	P(L1)	P(L1)	—	17.103.010
Supportive Housing	P	P	P	P	—	P	P	P	—	
Transitional Housing	P	P	P	P	—	P	P	P	—	
Emergency Shelter	—	—	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	—	—	
Bed and Breakfast										17.10.125
<b>Civic Activities</b>										
Essential Service	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Limited Child-Care	—	P	—	P	P	P	—	P	—	
Community Assembly	—	P(L2)	—	P(L2)	P(L2)	P(L2)	—	P(L2)	C(L12)	
Recreational Assembly	—	—	—	—	C	—	—	—	C(L12)	
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	—	P	—	P	P	P	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P(L3)	—	P	—	
Health Care	—	P(L3)	—	C	C	C	—	P	—	
Special Health Care	—	—	—	—	—	—	—	—	—	17.103.020
Utility and Vehicular	—	P(L4)	—	P(L4)	P(L4)	P(L3)	—	P(L4)	—	

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Extensive Impact	—	—	—	—	—	—	—	—	—	
<b>Commercial Activities</b>										
General Food Sales	—	P(L5)	—	P(L5)	P	P(L5)	—	P(L5)	—	
Full Service Restaurant	—	P	—	P	P	P	—	P	—	
Limited Service Restaurant and Cafe	—	P	—	P	P	P	—	P	—	
Fast Food Restaurant	—	—	—	C	C	C	—	C	—	17.103.030 and 8.09
Convenience Market	—	C(L6)	—	C(L6)	C(L6)	C(L6)	—	C(L6)	—	17.103.030
Alcoholic Beverage Sales	—	C(L7)	—	C(L7)	C(L7)	C(L7)	—	C(L7)	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	—	—	—	—	
Medical Service	—	P(L8)	—	P(L8)	P(L8)	P(L8)	—	P(L8)	—	
General Retail Sales	—	P(L3)	—	P(L3)	P	P	—	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	—	—	
Consumer Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consultative and Financial Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	17.103.040

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Consumer Cleaning and Repair Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consumer Dry Cleaning Plant	—	—	—	—	—	—	—	—	—	
Group Assembly	—	—	—	—	C	—	—	P	C(L12)	
Personal Instruction and Improvement Services	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P	—	P	—	
Business, Communication, and Media Service	—	C	—	C	C	C	—	P	—	
Broadcasting and Recording Service	—	C	—	C	C	C	—	P	—	
Research Service	—	C(L11)	—	—	—	—	—	P	—	
General Wholesale Sales	—	C(L11)	—	—	—	—	—	P	—	
Transient Habitation	—	—	—	—	—	—	—	P	—	17.103.050
Building Material Sales	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	—	—	—	—	
Automobile and Other	—	—	—	—	—	—	—	—	—	



**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Light Vehicle Gas Station and Servicing										
Automotive and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	—	—	17.103.055
Animal Care	—	—	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	—	—	
<b>Industrial Activities</b>										
Custom Manufacturing	—	P	—	C	C	C	—	P	—	
Light Manufacturing	—	C	—	—	C	—	—	C	—	
General Manufacturing	—	—	—	—	—	—	—	C	—	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	—	—	—	
Research and Development	—	C(L11)	—	—	C	—	—	—	—	
Construction Operations	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P(L10)	—	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing,	—	C(L11)	—	—	—	—	—	—	—	

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Storage and Distribution										
B. General Outdoor Storage	—	—	—	—	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	—	—	—	
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	—	—	—	
Regional Freight Transportation:	—	—	—	—	—	—	—	—	—	
Trucking and Truck-Related:	—	—	—	—	—	—	—	—	—	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
Hazardous Materials Production, Storage & and Waste Management-Related	—	—	—	—	—	—	—	—	—	
<b>Agricultural and Extractive Activities</b>										

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

Activities	Development Areas of the D-WS Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Plant Nursery	—	—	—	—	—	—	—	—	—	
Limited Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Mining and Quarrying Extractive	—	—	—	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	—	—	—	—	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	—	—	—	—	—	—	—	—	—	17.102.110

**Limitations on Table 17.101A.01:**

**L10.** Activities with a total floor area greater than five thousand (5,000) square feet require the granting of a conditional use permit (see Chapter 17.134) and activities with a floor area over ten thousand (10,000) square feet are prohibited except for the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B (the icehouse property). This activity is limited to neighborhood-serving construction product sales and services (Note: Hardware Stores are a General Retail Sales Commercial Activity, refer to L3)

**L11.** Only applies to the "Icehouse" building located in the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B.

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

**17.101A.030 Property development standards.**

**Zone Specific Standards.** Table 17.101A.02 below prescribes development standards specific to individual D-WS Zones in the Wood Street Zoning District. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified D-WS Zone.

**Table 17.101A.02 – Property Development Standards**

<b><u>Development Standards</u></b>	<b><u>Zones Development Areas</u></b>									<b><u>Additional Regulation<sup>s</sup></u></b>
	<b><u>D-WS-1</u></b>	<b><u>D-WS-2</u></b>	<b><u>D-WS-3</u></b>	<b><u>D-WS-4</u></b>	<b><u>D-WS-5</u></b>	<b><u>D-WS-6</u></b>	<b><u>D-WS-7</u></b>	<b><u>D-WS-8</u></b>	<b><u>D-WS-9</u></b>	
<b><u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u></b>										
<b><u>Maximum Permitted Density for Regular Land Area per Dwelling Units</u></b>	<u>1 unit per 1,535 sf.</u> <u>3-sf.of lot area</u>	<u>1 unit per 850 sf.</u> <u>848.85 sf.of lot area</u>	<u>1 unit per 1,218 sf.</u> <u>1217.5 sf.of lot area</u>	<u>1 unit per 614 sf.</u> <u>613.75 sf.of lot area</u>	<u>N/A</u>	<u>1 unit per 549 sf.</u> <u>549.06 sf.of lot area</u>	<u>1 unit per 679 sf.</u> <u>679.02 sf.of lot area</u>	<u>1 unit per 332 sf.</u> <u>331.6 sf.of lot area</u>	<u>N/A</u>	<u>1</u>
<b><u>Maximum Dwelling Units per Acre (DU/A)</u></b>	<u>28.4 DU/A</u>	<u>51.5 DU/A</u>	<u>35.8 DU/A</u>	<u>71.1 DU/A</u>	<u>N/A</u>	<u>79.33 DU/A</u>	<u>64.2 DU/A</u>	<u>131.3 DU/A</u>	<u>N/A</u>	<u>1</u>
<b><u>Maximum Number of Units</u></b>	<u>82</u>	<u>200</u>	<u>200</u>	<u>450</u>	<u>0</u>	<u>215</u>	<u>170</u>	<u>264</u>	<u>0</u>	<u>1</u>
<b><u>Minimum Residential Density (square feet of lot area required per dwelling unit)</u></b>										
<b><u>Minimum Permitted Density for Regular Land Area per Dwelling Units</u></b>	<u>1 unit per 2,000 sf. of lot area</u> <u>(22 DU/A)</u>	<u>1 unit per 2,000 sf. of lot area</u> <u>(22 DU/A)</u>	<u>1 unit per 2,000 sf. of lot area</u> <u>(22 DU/A)</u>	<u>1 unit per 2,000 sf. of lot area</u> <u>(22 DU/A)</u>	<u>N/A</u>	<u>N/A</u>	<u>1 unit per 1,000 sf. of lot area</u> <u>(44 DU/A)</u>	<u>1 unit per 1,000 sf. of lot area</u> <u>(44 DU/A)</u>	<u>N/A</u>	<u>1</u>
<b><u>Maximum Nonresidential Floor Area Ratio (FAR)</u></b>										
<b><u>Max. FAR for Nonresidential Uses</u></b>	<u>N/A</u>	<u>1.4</u> <u>1.38:1</u>	<u>N/A</u>	<u>2.0</u> <u>2.02:1</u>	<u>2.0</u> <u>2.00:1</u>	<u>2.0</u> <u>2.02:1</u>	<u>N/A</u>	<u>3.0</u> <u>2.947:1</u>	<u>N/A</u>	<u>3, 6, 7</u>
<b><u>Maximum Floor Area For Nonresidential Uses</u></b>										
<b><u>Max. Floor Area for Nonresidential Uses (sq. ft.)</u></b>	<u>0 sf.</u>	<u>221,000 sf.</u> <u>220,779 sf.</u>	<u>0 sf.</u>	<u>40,000 sf.</u>	<u>70,000 sf.</u>	<u>6,000 sf.</u>	<u>0 sf.</u>	<u>258,000 sf.</u>	<u>N/A</u>	<u>3, 6, 7</u>

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS**

<u>Development Standards</u>	<u>Zones Development Areas</u>									<u>Additional Regulation</u> <sup>s</sup>
	<u>D-WS-1</u>	<u>D-WS-2</u>	<u>D-WS-3</u>	<u>D-WS-4</u>	<u>D-WS-5</u>	<u>D-WS-6</u>	<u>D-WS-7</u>	<u>D-WS-8</u>	<u>D-WS-9</u>	
<b>Maximum Height</b>										
<u>Max. Height</u>	<u>65 ft.</u>	<u>65 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>		<u>65 ft.</u>	<u>90 ft.</u>	<u>90 ft.</u>	<u>N/A</u>	<u>2</u>
<b>Minimum Street Setbacks</b>										
<u>Wood Street</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>N/A</u>	<u>4</u>
<u>12th Street</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>Frontage Road</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>14th Street</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>Public Access Areas</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<b>Minimum Interior Setbacks</b>										
<u>Min. Interior Setbacks</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<b>Minimum Usable Open Space</b>										
<u>Group Usable Open Space per Dwelling Unit (DU)</u>	<u>100 sf.</u>	<u>75 sf.</u>	<u>100 sf.</u>	<u>100 sf.</u>	<u>N/A</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>N/A</u>	<u>5</u>
<b>Parking Requirements</b>										
<u>Required Parking for All Uses</u>	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>									
<u>Required Parking For Residential Uses</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>N/A</u>	
<u>Required Parking For Joint Living and Working Quarters (L/W Unit)</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>N/A</u>	
<u>Required Parking For Nonresidential Uses</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>See Reg.-8 below</u>	<u>8</u>

EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL  
WEST OAKLAND-FOCUSED PLANNING CODE AMENDMENTS

Additional Regulations for Table 17.101A.02:

1. Density based on Regular Dwelling Units. For Efficiency Dwelling Units, the minimum allowable lot area per unit shall be the same as for Regular Dwelling Units. One additional unit is allowed if after division of the total lot area by the minimum lot area the remainder is equal to 2/3 or greater of the minimum lot area. For Rooming Units, there is no minimum density standard.
2. See Section 5.23 and Figure 5.23-1 in the separate Wood Street Zoning District document adopted by City Council for additional height restrictions applicable to the Wood Street Zoning District Development Areas and Overlay Areas. Projections above height limits are allowed as set forth in Section 17.108.030 of the Oakland Planning Code.
3. See Section 5.80 in the separate Wood Street Zoning District document adopted by City Council for restrictions on additions to the 16<sup>th</sup> Street Train Station.
4. For Minimum Street Setbacks, see Figure 5.24-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
5. For additional Open Space Standards applicable to the Wood Street Zoning District, see Section 5.40 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
6. For Standards applicable to the D-WS-5 Zone (same area as Development Area 5), see Section 5.80 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
7. For Standards applicable to the D-WS-9 Zone (same area as Development Area 9), see Section 5.90 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
8. For Required Off-Street Parking for Nonresidential Uses, see Table 5.50-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

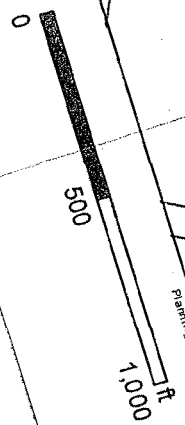
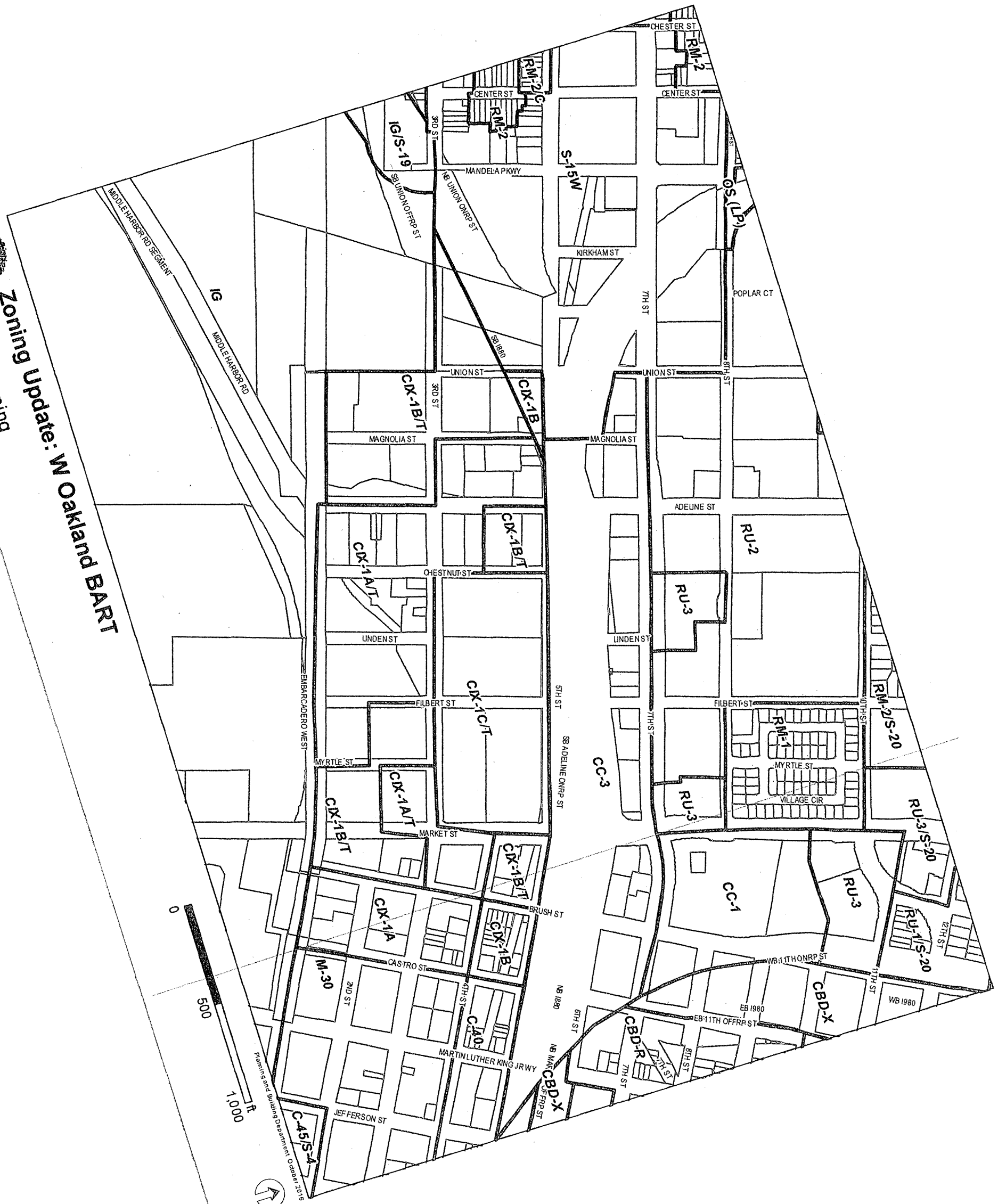
2017 MAR 29 PM 1:14

**EXHIBIT B**  
**TO THE APRIL 18, 2017 CITY**  
**COUNCIL**  
**WEST OAKLAND-FOCUSED**  
**PLANNING CODE**  
**AMENDMENTS**



# Zoning Update: W Oakland BART

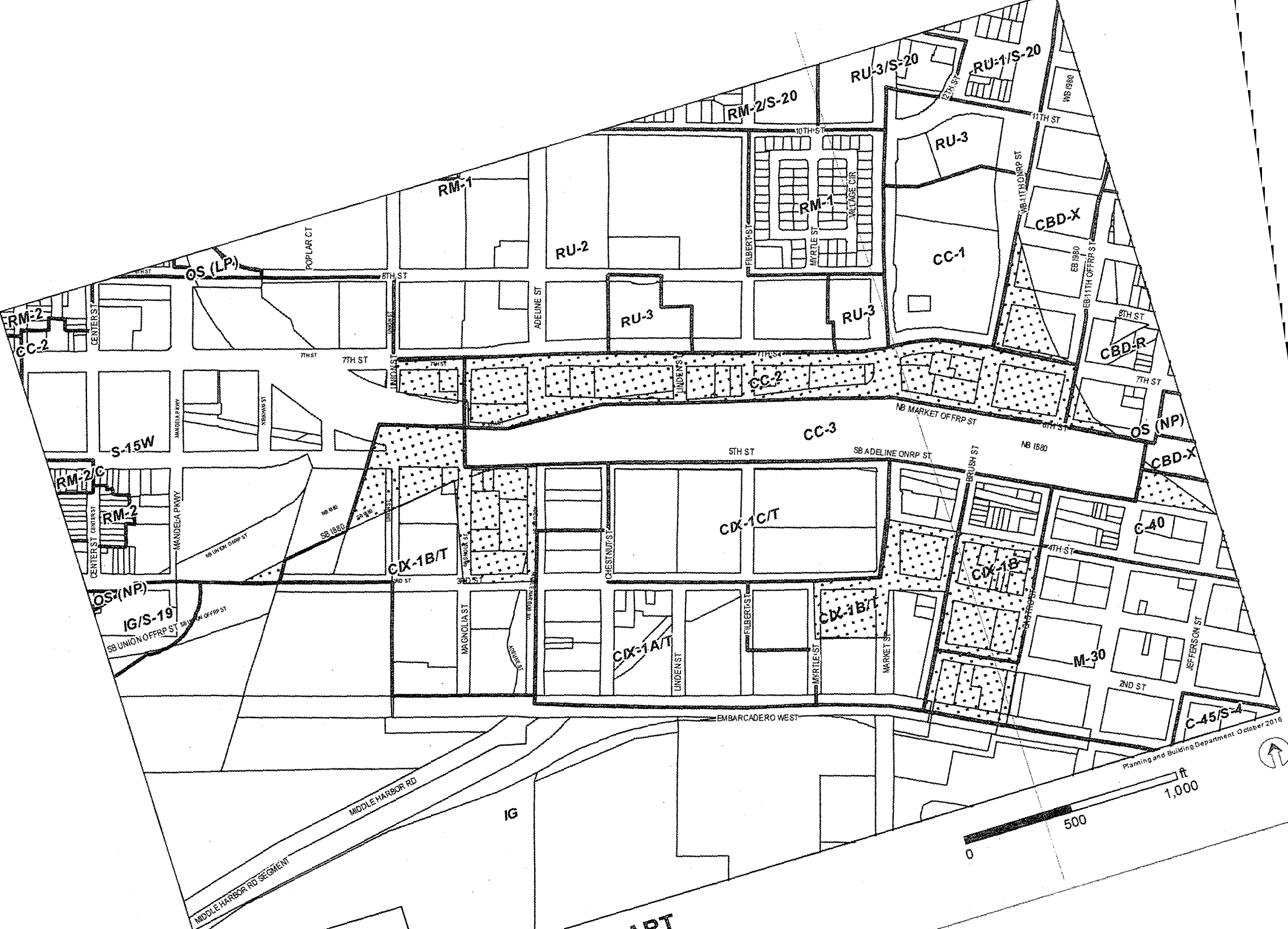
## Existing Zoning



Plan prepared by the Planning Department, City of Oakland, California, October 2016







Planning and Building Department, October 2016

# Zoning Update: W Oakland BART

## Proposed Zoning

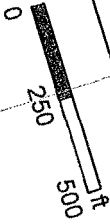


CITY OF OAKLAND

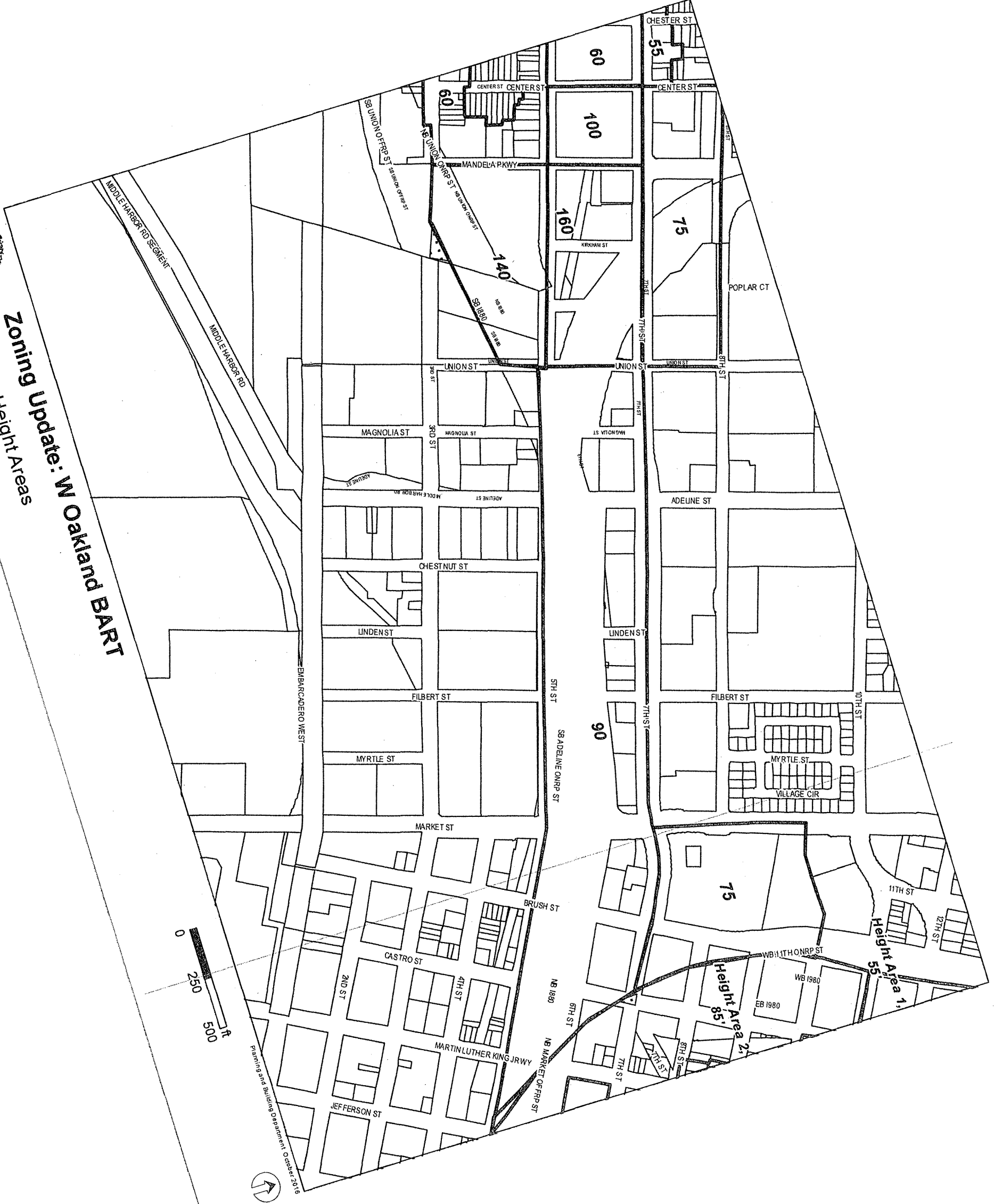


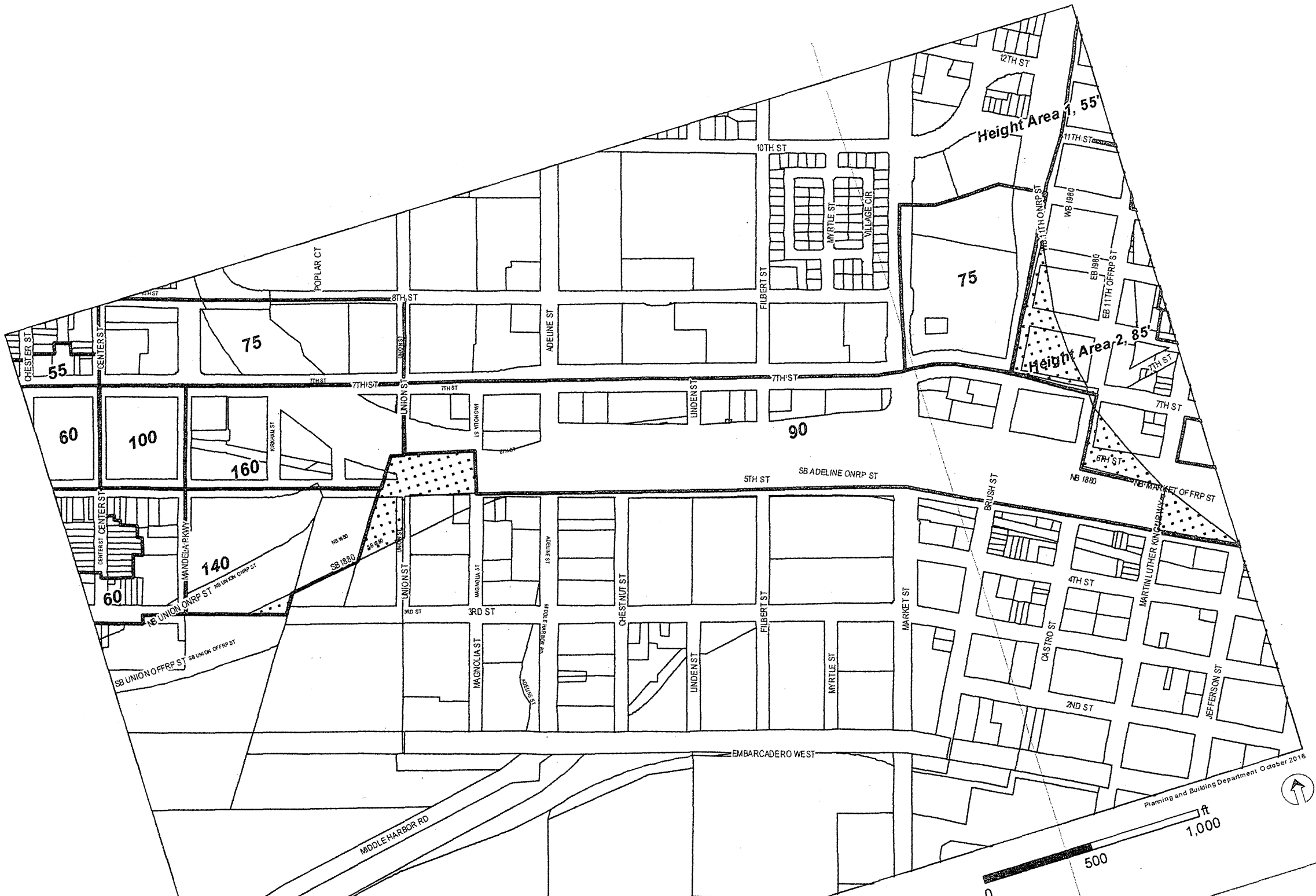
# Zoning Update: W Oakland BART

## Existing Height Areas



Planning and Building Department, October 2018

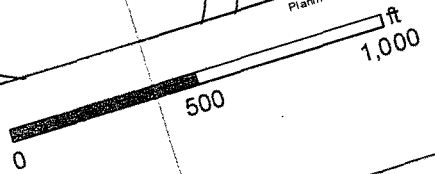


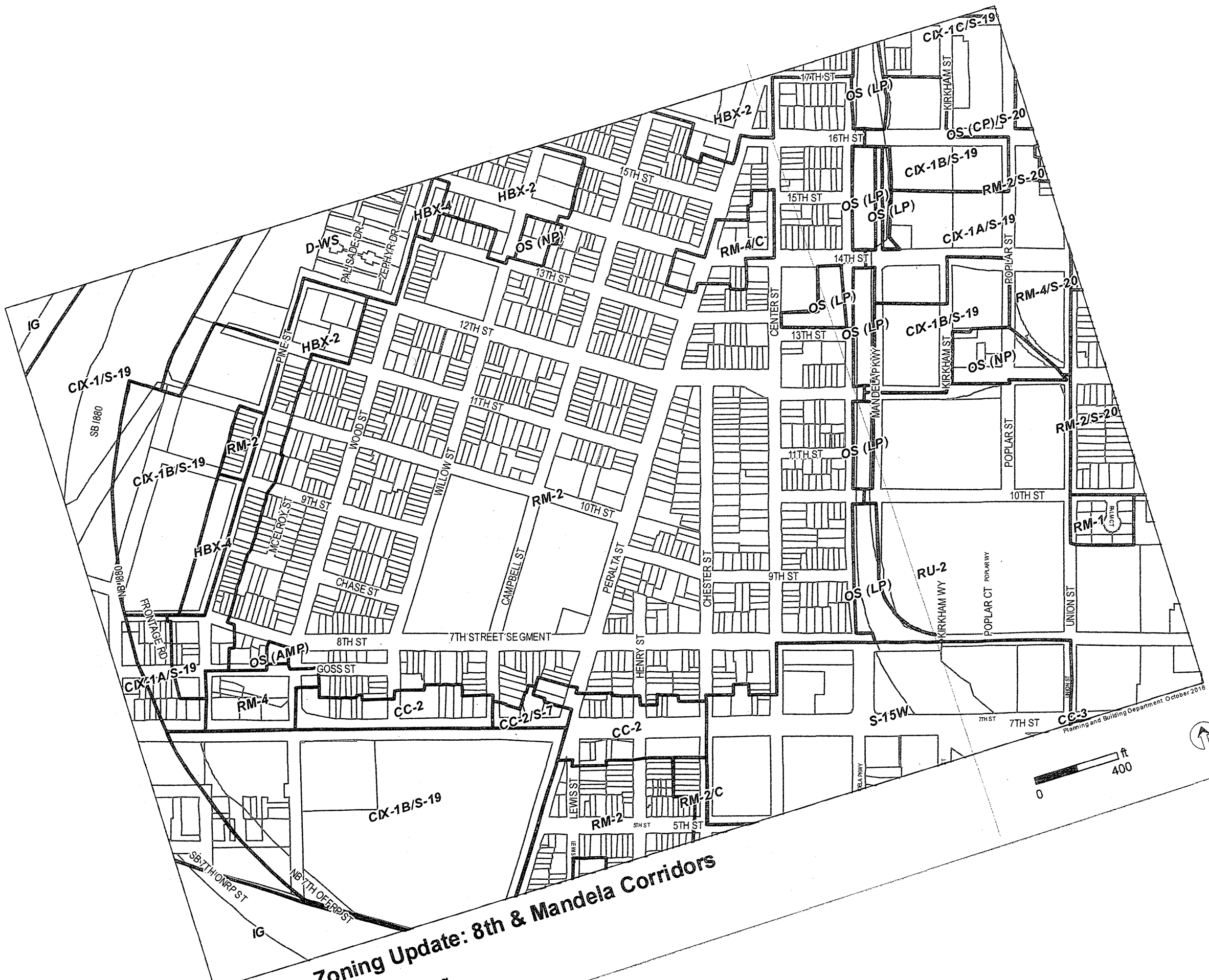


**Zoning Update: W Oakland BART**  
**Proposed Height Areas**

Area of Change

Planning and Building Department October 2016



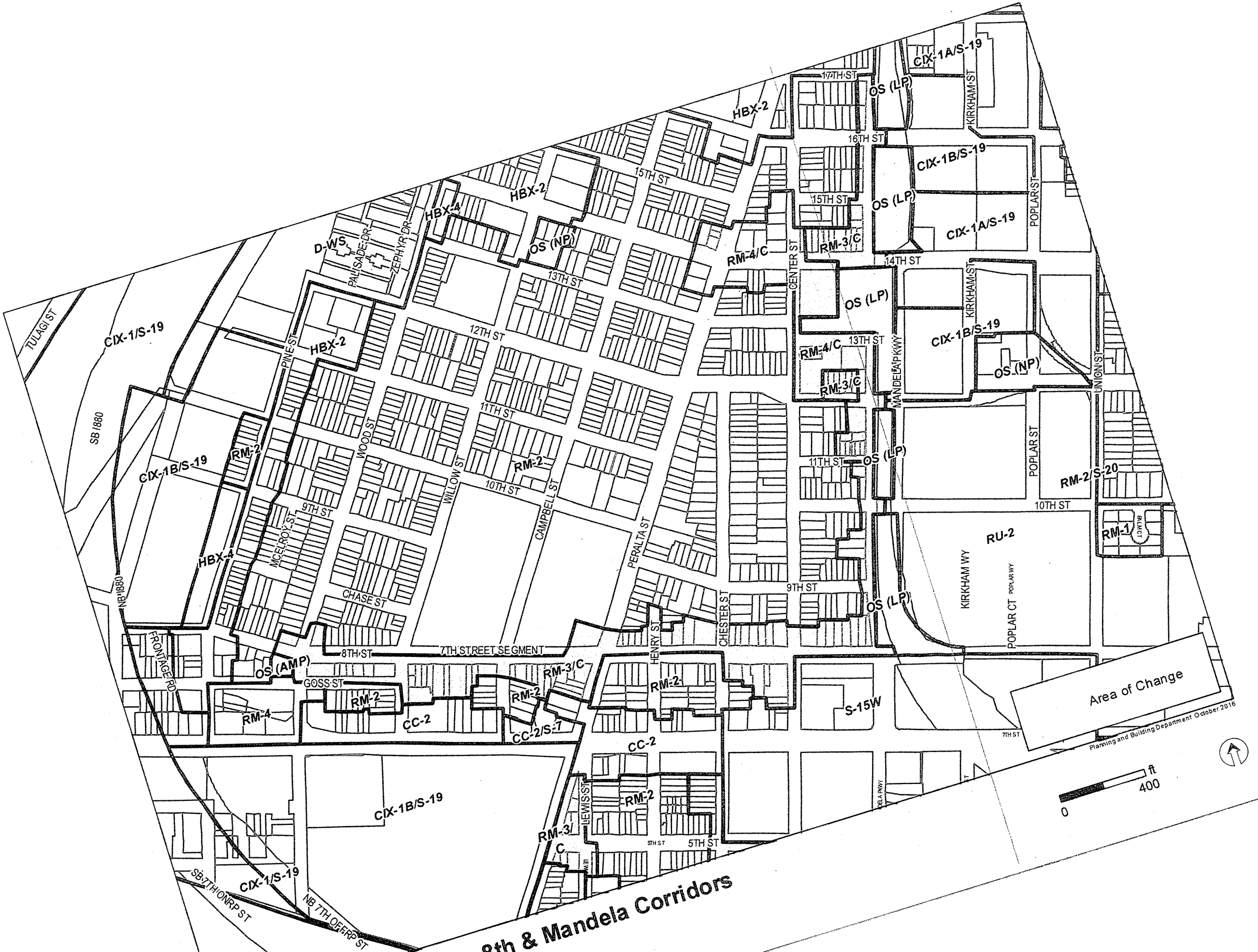


**Zoning Update: 8th & Mandela Corridors**

Existing Zoning



Planning and Building Department October 2016



**Zoning Update: 8th & Mandela Corridors**  
 Proposed Zoning



Area of Change  
 Planning and Building Department October 2018





**Zoning Update: Adeline Near 18th St**  
Existing Zoning

RM-2/S-20

OS (CP)/S-20

RM-2/S-20

RM-4/S-20

18TH ST

RM-4

ADELINE ST

19TH ST

UNION ST

CX-1A/S-19

CX-1B/S-19

CHESTNUT ST

RM-2

CX-1B/S-19

21ST ST

LINDEN ST

RM-3

CC-2

FILBERT ST



Planning and Building Department, October 2016





# Proposed Zoning

## Zoning Update: Adeline Near 18th St

RM-2/S-20

OS (CP)/S-20

18TH ST

RM-2/S-20

RM-4/S-20

18TH ST

RM-4

ADELINE ST

19TH ST

UNION ST

CX-1A/S-19

CX-1B/S-19

CHESTNUT ST

RM-2

21ST ST

CX-1B/S-19

LINDEN ST

RM-3

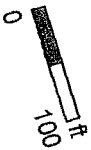
CC-2

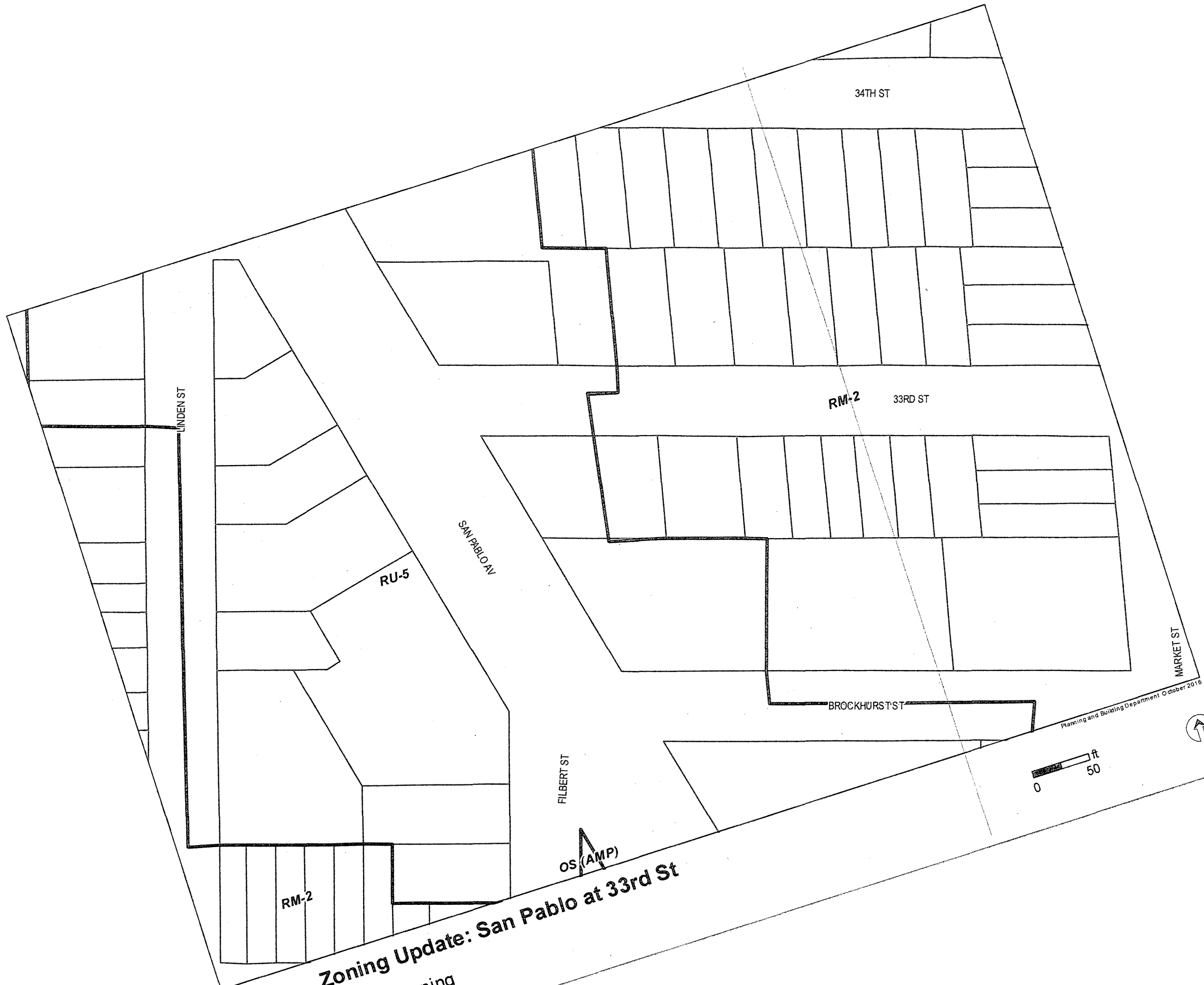
FILBERT ST



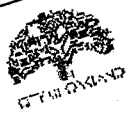
Area of Change

Planning and Building Department, October 2019





**Zoning Update: San Pablo at 33rd St**  
Existing Zoning



Planning and Building Department October 2016

MARKET ST

34TH ST

33RD ST

RM-2

RU-5

SAN PABLO AV

LINDEN ST

BROCKHURST ST

FILBERT ST

OS (AMP)


RM-2

0 50 ft







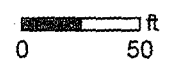

 Area of Change

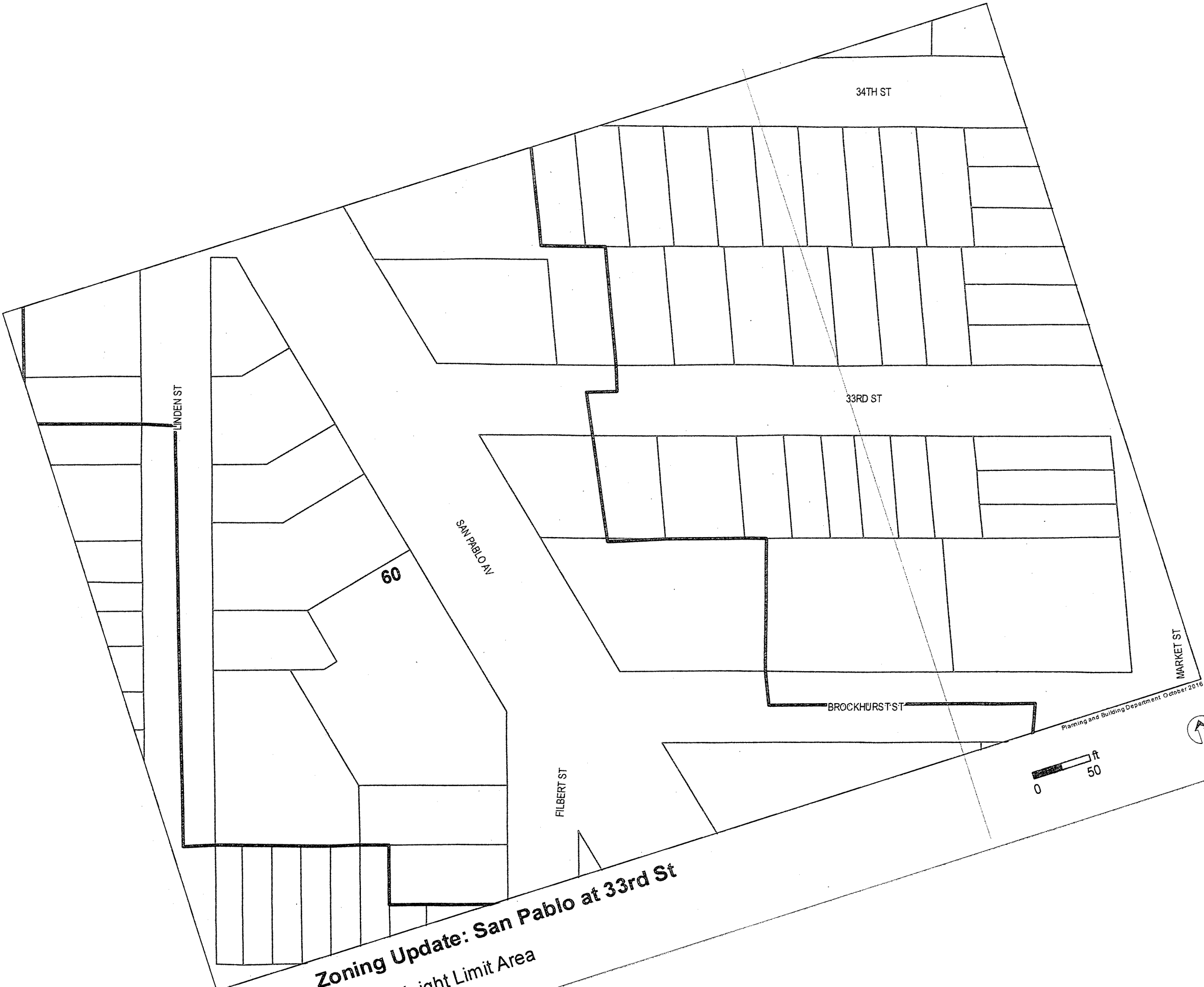
Planning and Building Department October 2016



# Zoning Update: San Pablo at 33rd St

Proposed Zoning





34TH ST

33RD ST

LINDEN ST

SAN PABLO AV

60

FILBERT ST

BROCKHURST ST

MARKET ST


Planning and Building Department October 2016



**Zoning Update: San Pablo at 33rd St**  
Existing Height Limit Area





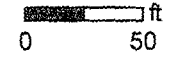

 Area of Change

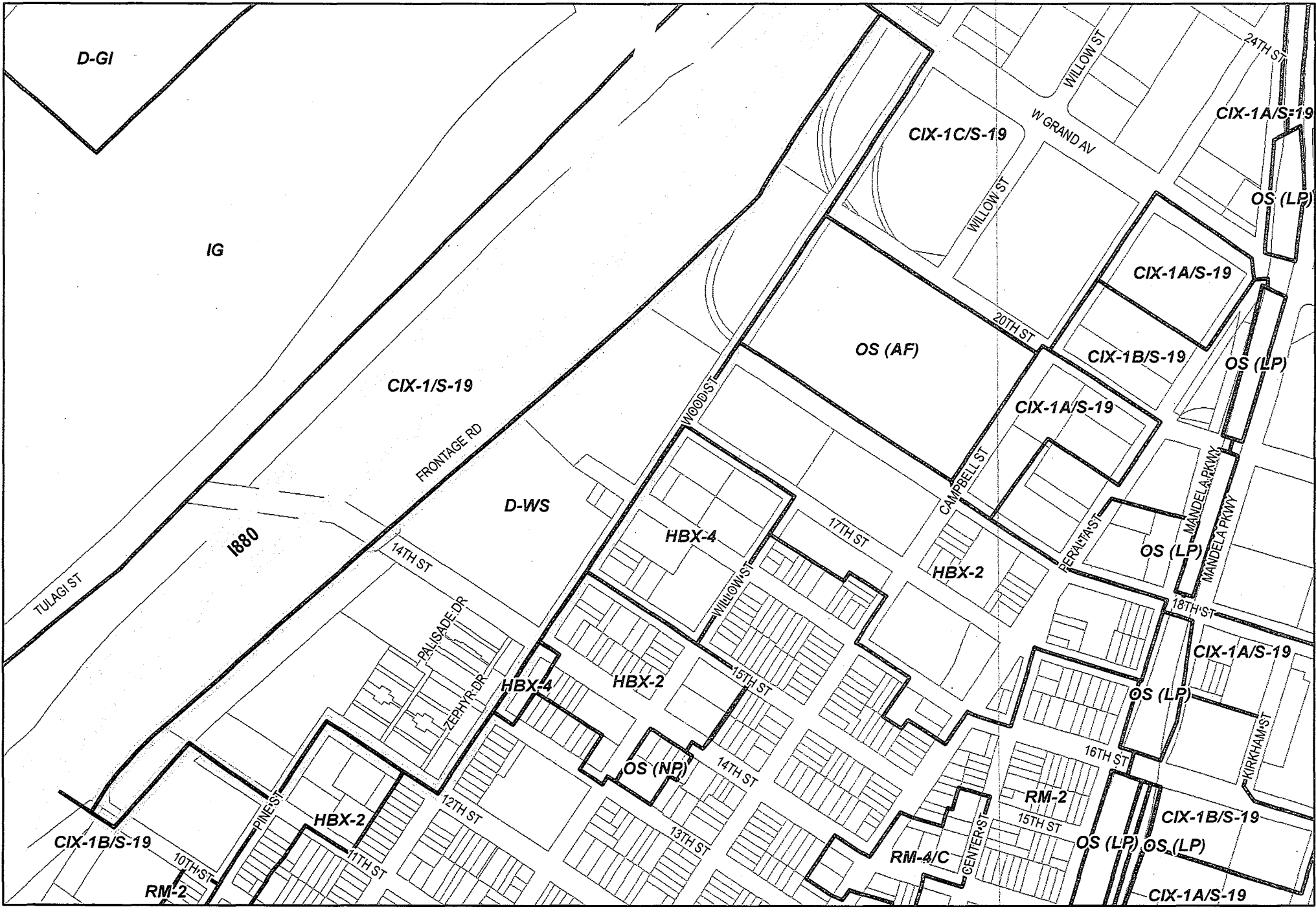
Planning and Building Department October 2016



## Zoning Update: San Pablo at 33rd St

Proposed Height Limit Area



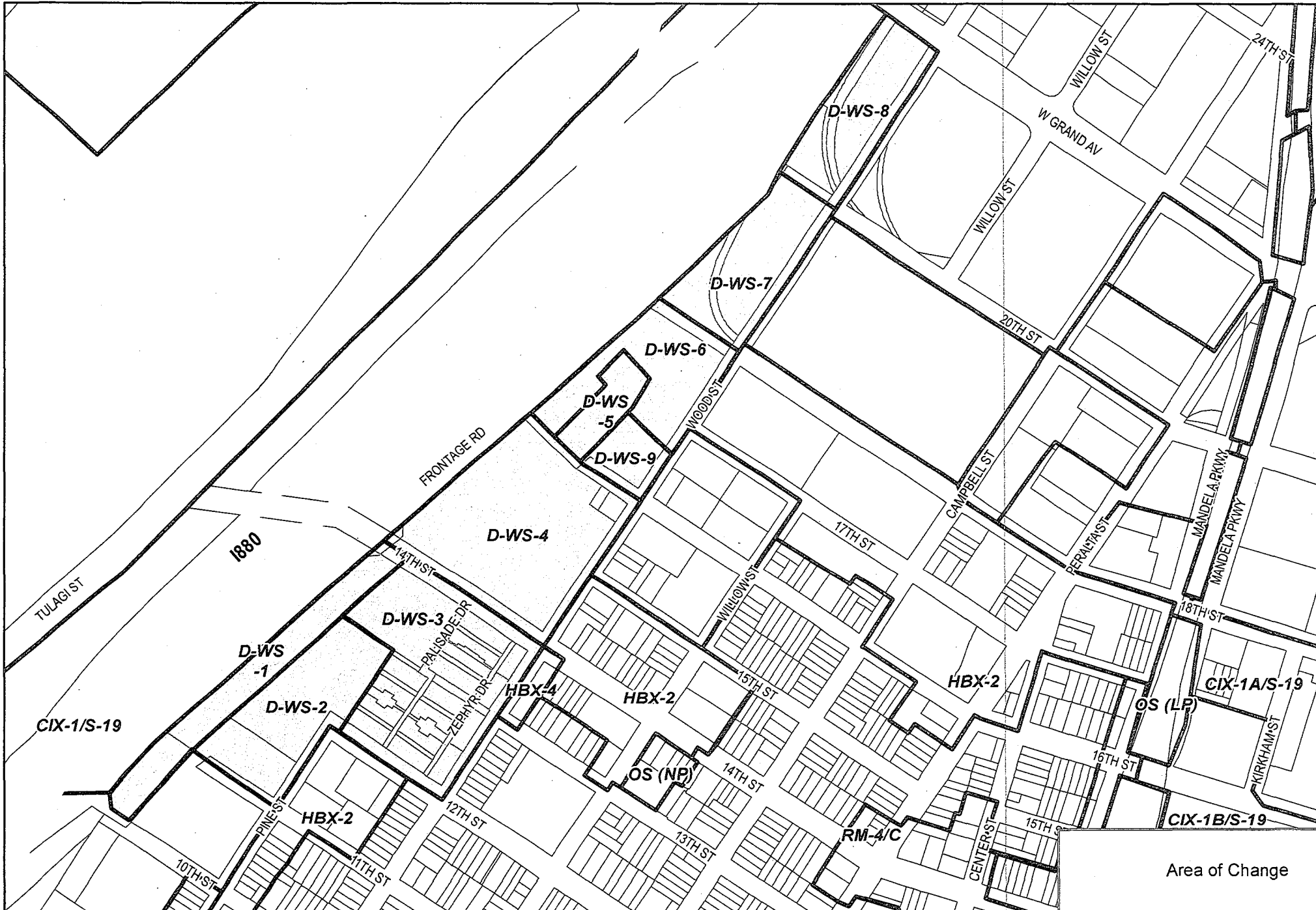


# Wood Street D-WS Zoning District

Existing Zoning

Planning and Building Department January 2017





Area of Change

Planning and Building Department January 2017



# Wood Street D-WS Zoning Districts

Proposed Zoning



## NOTICE AND DIGEST

**AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING: 1) THE OAKLAND ZONING AND HEIGHT AREA MAPS TO: A) MAKE MAP AND HEIGHT DESIGNATION CHANGES FOR THE 3RD TO 7TH STREET AREAS BETWEEN WEST OAKLAND BART AND DOWNTOWN; B) MAKE MAP DESIGNATION CHANGES FOR THE WEST SIDE OF MANDELA PARKWAY FROM 17TH TO 8TH ST., FOR THE 8TH ST. CORRIDOR FROM MANDELA TO WOOD, AND FOR THE PERALTA/LEWIS/5TH ST. TRIANGLE; C) MAKE A MAP DESIGNATION CHANGE FOR A PORTION OF ADELINE STREET BETWEEN 18TH AND 19TH; D) BRING THE REAR PORTION OF THE LOT AT SAN PABLO AVENUE AND 33RD STREET INTO ADJACENT RU-5 ZONE AND 60 FT. HEIGHT AREA; AND E) MAKE MAP DESIGNATION CHANGES FOR THE WOOD STREET ZONE TO CONVERT DEVELOPMENT AREAS 1-9 INTO NINE SEPARATE ZONING DISTRICTS; AND 2) THE OAKLAND PLANNING CODE TO MOVE THE DEVELOPMENT STANDARDS SUMMARY TABLE FOR WOOD STREET INTO THE D-WS WOOD STREET DISTRICT ZONE CHAPTER (17.101A) AND MAKE MINOR REVISIONS, AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS**

This Ordinance would amend the Oakland Planning Code to bring the Development Standards Summary Table that was adopted in 2006 for the Wood Street project into the D-WS Wood Street District Zone Chapter (17.101A), as well as revise the Development Standards up or down to a whole number.

The Ordinance would also amend various West Oakland Zoning Map and Height Area designations, including amendments to: a) consolidate the CIX-1A and -1B zoned areas along 3rd St. into larger districts; restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status; and split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880; b) change the current RM-2 zoning for the west side of Mandela Parkway from 17th to 8th St to RM-3 or RM-4, depending on existing context, and within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other commercial uses on the ground floor; c) bring a portion of the area along Adeline Street between 18th and 19th that is currently zoned RM-2 into the adjacent RM-4 Zone mapped along 18th Street; d) Re-align the RU-5 zone boundary at the corner of San Pablo Avenue and 33rd Street to be along the rear property line, resulting in a portion of the lot changing from RM-2 to RU-5 with a 60-foot height limit; and e) convert the Wood Street Development Areas 1-9 Into nine separate Wood Street Zoning Districts.