

**CITY OF OAKLAND**  
**COUNCIL AGENDA REPORT**

TO: Office of the City Manger  
ATTN: Robert C. Bobb  
FROM: Community and Economic Development Agency  
DATE: September 19, 2000

RE: A REPORT AND RECOMMENDATION OF AN ORDINANCE  
REGARDING INTERIM ZONING CONTROLS FOR THE JACK  
LONDON DISTRICT

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**SUMMARY**

At the July 12, 2000 meeting, the Planning Commission reconsidered the proposed Interim Controls for the Jack London District (JLD), reviewing all proposed revisions and community comments which had been developed since the Planning Commission acted on this item on April 26, 2000. The Council CED Committee had directed this item be referred to the Planning Commission for input prior to the public hearing and action by the full Council on July 18, 2000. The City Council heard testimony at the July 18, 2000 meeting but postponed the actual hearing due to a noticing issue.

The Planning Commission unanimously approved the July 12, 2000 staff report recommendations with the following revisions:

1. The Planning Commission voted against having height limits in the Waterfront Warehouse District (WWD). Instead, they approved a new guideline that would require any proposed building over 50' in height to be further evaluated with respect to the following criteria:

Lot size, type of construction, location in the district, impact on historic resources, context of the district, and economic development goals in the Estuary Plan for increased development and activity.

2. Staff recommended a further revision to the View corridor section that amended staff's original recommendation on the boundaries for the Water Street View corridor. The Planning Commission approved new language stating that view corridors shall be preserved along Water Street from Clay Street to Harrison Street (instead of from Clay Street to Alice Street). In addition, the Jack London Neighborhood Association (JLNA) proposed that the language from the Estuary Plan regarding view corridors be repeated in the W zone and the Commission agreed.

3. The Planning Commission added the S-4 Design Review Overlay to the M-20/W zone. This is the L1 (light Industry) sub-district bounded by Adeline Street , 5<sup>th</sup> Street, Martin Luther King Jr. Way and Embarcadero.
4. The Planning Commission agreed with JLNA's request to add drive-in facilities as a facility not permitted within the WWD sub-area.
5. Based upon discussion with citizens, staff proposed a further revision to address concerns about rebuilding in the event of damage. The Planning Commission further refined the language to state that within the C-40 district, existing one and two unit residential facilities or residential facilities converted to commercial uses may be rebuilt with the same size building, footprint, building envelope and location as currently exists if damaged or destroyed. The provision supersedes other regulations of the "W" district, and the provisions of Section 17.114.120.

The Planning Commission debated at some length the issue of whether to allow light industrial uses and general manufacturing uses by right as permitted uses in the ORD and L1 subdistricts, as had been requested by the Third Street Corridor Committee. The Commission decided to leave the regulations as proposed, such that light industrial uses are a conditionally permitted use in the ORD subdistrict; and general manufacturing uses are a conditionally permitted use in the L1 subdistrict. This applies both to new uses and expansions of legal nonconforming uses.

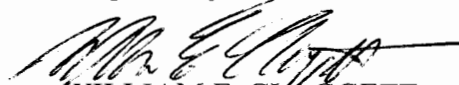
## RECOMMENDATION

Base upon the analysis provided within this report and the July 12, 2000 Planning Commission Staff Report and all attached materials, staff recommends that the City Council:

1. Confirm the environmental determination made by the Planning Commission that the Interim Zoning Regulations and Design Guidelines are, in essence, the implementation of the mitigation measure as set forth in the *Estuary Policy Plan* and that the Interim Zoning Regulations and Design Guidelines are substantially consistent with the previously adopted *Estuary Policy Plan*, the General Plan Land Use Framework, and the Zoning Regulations; and that the Interim Controls would result in more restrictive land use regulations for the area than those that currently exist; and thus, the Estuary Plan EIR may be applied to this action and no further environmental review is required;
2. Review and consider the supplemental changes recommended by the Planning Commission.

3. Adopt the attached Ordinance to map a "W" Waterfront Overlay, M-20 Light Industrial, C-45 Community Shopping Commercial, C-40 Community Thoroughfare Commercial, S-4 Design Review Combining, and S-8 Urban Street Combining Zones on the Jack London District of the Estuary Plan area, which contains all revisions recommended by the Planning Commission;
4. Adopt the Design Guidelines for the Jack London District of the Estuary Plan area as recommended by the Planning Commission.

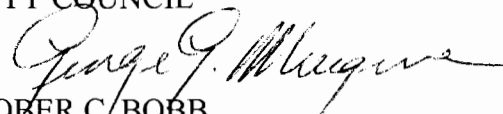
Respectfully submitted,

  
WILLIAM E. CLAGGETT  
Executive Director

Prepared by:  
Leslie Gould  
Director of Planning and Zoning

Claudia Cappio, Manager of Major Projects  
Renee Dowlin, AICP, Planner III

APPROVED AND FORWARDED TO THE  
CITY COUNCIL

  
for ROBER C BOBB  
Office of the City Manager

Enclosures

Ordinance and Exhibits A-C  
July 12, 2000 Planning Commission Staff Report & Attachments A-L

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*Mark P. Wall*  
CITY ATTORNEY

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

**AN ORDINANCE ESTABLISHING INTERIM CONTROLS ON THE ISSUANCE OF BUILDING, ZONING, AND OTHER PERMITS IN THE JACK LONDON DISTRICT OF THE ESTUARY POLICY PLAN; AND MAPPING OF A "W" WATERFRONT OVERLAY, M-20 LIGHT INDUSTRIAL, C-45 COMMUNITY SHOPPING COMMERCIAL, C-40 COMMUNITY THOROUGHFARE COMMERCIAL, S-4 DESIGN REVIEW COMBINING, AND S-8 URBAN STREET COMBINING ZONES ON THE JACK LONDON DISTRICT**

**WHEREAS**, on June 8, 1999, the City Council certified the Final Environmental Impact Report and adopted the *Estuary Policy Plan* as per Oakland City Council Resolution No. 75037 C.M.S.; and

**WHEREAS**, Additional Mitigation Measure #6 of the *Estuary Policy Plan* required that Interim Controls and permanent zoning regulations be presented to the City Council; and

**WHEREAS**, the Immediate Interim Controls for the Jack London District were adopted on September 28, 1999, per Oakland City Council Ordinance No. 12168 C.M.S., which established the S-4 Design Review Combining Zone on the Waterfront Warehouse District; and

**WHEREAS**, since the placement of the Immediate Interim Controls for the Waterfront Warehouse District, staff has been working on developing further Interim Control regulations with zoning and urban design experts from the firms of Moore Iacafano Goltsman, Inc. and Robert Odland Consulting who were retained for their professional services upon City Council authorization in October of 1999; and

**WHEREAS**, the scope of the Interim Control study was expanded to include the entire Jack London District, beyond the Waterfront Warehouse District, in order to prepare a more comprehensive framework of zoning regulations for a broader area; and

**WHEREAS**, on November 10, 1999 and on January 27, 2000, two publicly noticed community workshops were held to shape and discuss the proposed direction for the Interim Controls; and

**WHEREAS**, on February 16, 2000, the Ad Hoc Waterfront Committee of the Planning Commission considered the proposed approach and draft Interim Controls; and

**WHEREAS**, on April 26, 2000, the Planning Commission found and determined that the proposed Interim Controls (Zoning Regulations and Design Guidelines) and Zoning Map: (1) were consistent with the information, findings, and analysis contained in the previously certified Estuary Plan Final EIR and would not present the potential for new significant impacts which have not been previously identified; (2) are an implementation action under the adopted *Estuary Policy Plan*; and (3) are consistent with or more restrictive than the existing zoning requirements for the area. As a result, the previously certified Estuary Plan EIR can be relied upon and no further environmental review is therefore required.

**WHEREAS**, on April 26, 2000, the Planning Commission considered the proposed Interim Controls (Zoning Regulations and Design Guidelines) with the revisions and responses to comments received at the Committee meeting and unanimously approved and forwarded the proposed Interim Controls (Zoning Regulations and Design Guidelines) and Interim Zoning Map to the City Council; and

**WHEREAS**, the Zoning Regulations will be the new development standards which will be required for the Jack London District, and the Design Guidelines provide guidance and suggestions regarding building design, site design, exterior finishes and trim elements to advise applicants as to how individual buildings can best “fit in” with the surroundings; and

**WHEREAS**, the Planning Commissioners requested that staff meet with the JLNA to further review and discuss specific concerns that were raised during the April 26, 2000 meeting; and

**WHEREAS**, staff met with representatives of the JLNA to discuss their concerns, and as a result recommended further changes to the proposed Interim Zoning Regulations and Design Guidelines; and

**WHEREAS**, on June 27, 2000 the City Council’s CED Committee referred the Jack London District (JLD) Zoning Controls, Design Guidelines and Interim Zoning Map changes back to the Planning Commission for further consideration; and

**WHEREAS**, on July 12, 2000 the Planning Commission decided in response to the Estuary Plan EIR Mitigation Measure Number 6 that height limits in the WWD should be addressed with a design guideline; and the Planning Commission further decided that it was not advisable to revise parking requirements at this time but rather to wait for the results of the Jack London Parking and Transportation Study prior to considering any revised parking requirements for the district.

**WHEREAS**, on July 12, 2000 the Planning Commission considered the proposed Interim Control (Zoning Regulations and Design Guidelines) with revisions and responses to comments received and unanimously approved and forwarded the proposed Interim Controls (Zoning Regulations and Design Guidelines) and Interim Zoning Map to the City Council; and

**WHEREAS**, the City is currently undergoing a citywide zoning update effort which will undoubtedly result in the Interim Controls being reassessed at a later date and a new, permanent citywide zoning vocabulary and zoning districts will be created along with specific development regulations; and

**WHEREAS**, this matter came before the City Council in a duly noticed manner; and

**WHEREAS**, the Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed Interim Controls (Zoning Regulation and Design Guidelines) and Zoning Map, and that the existing zone or regulations are inadequate or otherwise contrary to the public interest; 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 hereby make them a part of this Ordinance.

**SECTION 2.** The City Council, as the final decision making body, confirms and adopts the environmental findings made by the Planning Commission, as set forth in the April 26, 2000 and July 12, 2000 Planning Commission Reports, and as further explained in the June 6, 2000 and July 18, 2000 Agenda Reports to the City Council, which are incorporated by reference into this Ordinance. As a result, the previously certified Estuary Plan EIR can be relied upon and no further environmental review is therefore required pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15162. The City Council finds and determines that this Ordinance complies with CEQA and directs the Environmental Review Officer to file a Notice of Determination with the appropriate agencies.

**SECTION 3. The City Council finds further that it has:**

- (a) reviewed and considered the final EIR that was certified for approval of the Estuary Policy Plan;
- (b) reviewed and considered the Estuary Policy Plan and is familiar with the goals, objectives and requirements of that Plan and all other provisions of the City’s general plan;
- (c) reviewed and considered the recommendations of the CED Committee, Planning Commission, City Planning staff and members of the Community;
- (d) reviewed and considered the entire record before it; and
- (e) determined upon the basis of its reviews and considerations, that, since the City’s certification of the Final EIR and approval of the Estuary Policy Plan, (1) no substantial changes in the project that was the subject of the final EIR for the Estuary Policy Plan have occurred; (2) no substantial changes have occurred with respect to the circumstances under which the project is being undertaken; and (3) no new information relating to the project has become available since the prior EIR was certified and approved by the City; and (4) the zoning approvals that are

the subject of this Ordinance will not result in any new or unanalyzed significant impacts or increase the severity of previously analyzed impacts.

**SECTION 4. The City Council further finds and determines that:**

- (a) the Interim Controls, Design Guidelines and Interim Zoning Map changes will have positive effects on the general welfare because they will facilitate Jack London District development in the manner that is dictated by the City's general plan;
- (b) the Interim Controls, Design Guidelines and Interim Zoning Map changes are within the public interest, necessary and appropriate for future development in the Jack London District, and will facilitate potential development that has been analyzed by the City;
- (c) there is no substantial evidence before this Council that the Interim Controls, Design Guidelines and Zoning Map changes, as adopted by this Ordinance, may have a significant effect on the environment that was not considered by the Final EIR that was prepared, reviewed, considered and certified for approval of the Estuary Policy Plan; and
- (d) the Zoning approvals made by this Ordinance will implement, on an interim basis, policies, objectives and requirements set forth in the Estuary Policy Plan for the Jack London District.

**SECTION 5.** The Zoning Map of the Oakland Planning Code is hereby amended to rezone the entire Jack London District to "W" Waterfront Overlay, M-20 Light Industrial, C-45 Community Shopping Commercial, C-40 Community Thoroughfare Commercial, S-4 Design Review Combining and S-8 Urban Street Combining Zones, as depicted on the Map attached as Exhibit A and incorporated herein by reference.

**SECTION 6.** For the term of this Ordinance, all Activities and Facilities governed by the Oakland Planning Code in the Jack London District (Exhibit A) shall be subject to Sections 17.101.010 through Sections 17.101.150 of the new "W" Jack London District Combining Zoning Regulations, attached as Exhibit B and as amended by the following, and hereby incorporated by reference. (Underline text indicates new proposed text and ~~strikeout~~ text indicates proposed deletions from the April 26, 2000 and July 12, 2000 Planning Commission actions).

"Chapter 17.101

"W" Jack London ~~Square~~ District Combining Zone Regulations"

**17.101.30 Permitted activities and facilities.**

- A. Permitted. The permitted activities and facilities are as set forth in the zones with which the W zone is combined, with the following exceptions:
  - 1. Within the LI-1 sub-area, Permanent Residential activities are allowed within a One-family Dwelling, Two-family Dwelling, or Multifamily Dwelling facility; and

2. Within the RDE-1 and WCR-1 sub-areas, no Residential activities are permitted.
  3. Within the WWD sub-area, no Automotive Servicing nor Automotive Repair and Cleaning activities are permitted, and no Drive-Through or drive-in facilities are permitted.
  4. Within the S-8 Overlay, the following activities are not permitted:
    - A. Consultative and financial service
    - B. General Personal Service
    - C. Medical Service
    - D. Consumer Laundry and Repair Services
- B. Modifications. Additional modifications of activities may be possible pursuant to the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations," provided the uses are consistent with the *Estuary Policy Plan*.
- C. Street-level Uses. The location of activities shall comply with the provisions of Section 17.101.000 100.
- D. In the C-40 zone, existing one and two unit residential facilities and residential buildings converted to commercial uses may be rebuilt with the same size building footprint, building envelope and location as currently exists if damaged or destroyed. This provision supersedes other regulations of the "W" district, and the provisions of Section 17.114.120.

**17.101.040 Intensity of development.**

A. The maximum intensity of development for the sub-areas is described in the Estuary Policy Plan and is shown on Table 17.101.040. Notwithstanding any provision applying in the zones with which the W zone is combined, these FAR limits may not be exceeded.

B. For projects containing at least 25,000 square feet of non-residential facilities and at least 25 residential units, the allowable intensity of development may be measured according to the maximum FAR shown on Table 17.101.040, without a separate residential density calculation, provided that the maximum number of units pursuant to the residential density for the sub-district is not exceeded. If there is a conflict between this standard and the provisions of the zones with which the W zone is combined, the provisions of this section shall apply. Notwithstanding any provision applying in the zones with which the W zone is combined, the maximum allowable FAR may not be exceeded.

**17.101.060 Maximum height.**

A. PM Sub-area. Within the PM Sub-area, the maximum facility façade height shall be twenty eight (28) feet. Other height provisions of the zones with which the W zone is combined shall apply. Façade shall be defined as: the main exterior of a building, particularly one of its main sides facing a public right of way or space, almost always containing one or more entrances and characterized by an elaboration of stylistic details

B. Other Sub-areas. Within all sub-areas not subject to subsection A of this section, the height provisions of the zones with which the W Zone is combined shall apply.



**17.101.130 Open space.**

C. Roof Space. The provisions of subsection B of Section 17.126.030 are modified to allow up to one hundred (100) percent of the open space to be provided on the roof. Any roof open space shall be designed and built to provide adequate buffering between the open space and adjacent properties.

D. Open space and public access projects identified in Estuary Policy Plan Policies JL 8.1-8.4 shall be accommodated in any development approvals.

**17.101.140 View corridor.**

E. View Corridors shall be preserved along (1.) Water Street from Clay Street to Harrison Street and (2.) Clay, Washington, Broadway, Franklin, Webster, Harrison, Alice, Jackson, Madison, and Oak streets, and these streets as extended, between the I-880 right of way and the edge of the Oakland Estuary. No buildings shall be built in the view corridors, which have a width equal to the public right of way.

Views to be preserved and/or established include the views of the Estuary, from along Water Street; views of the marina and Estuary from the intersection of Franklin and Water Streets, and from along the shoreline promenade; views of the Howard Terminal cranes and operations, from the intersections of Water and Washington streets, and Water and Clay Streets; and views of the Estuary from Water Street across the proposed Marina Green and from the foot of Webster Street to Harrison Street.

**17.101.150 Signs.**

A. General Requirements. Sign requirements equivalent to those required in the C-31 zone apply except as modified herein.

B. Modifications. The provisions of this section may be modified during the Design Review Procedure to allow for a variety of unique visual interests such as signs to that would serve the waterside of the waterfront, or signs to serve festivals, events, or other activities, or signs for any other purposes such that they are in keeping with the desired character of applicable subdistricts."

**SECTION 7.** The Design Guidelines, attached as Exhibit C and incorporated by reference, are hereby adopted, as amended by the following. (Underline text indicates new proposed text and ~~strikeout~~ text indicates proposed deletions from the April 26, 2000 and July 12, 2000 Planning Commission actions).

**DWD.3** New buildings should maintain the alignment of building cornices and rooflines of adjacent buildings on the same block. New buildings should reinforce the traditional building facades of the District. This requires identifying the most prominent and architecturally significant features of buildings in a block or sub-area. Not all buildings on a block are appropriate to complement with existing building elements. Specifically, new buildings/construction should further respect the context.

scale, and character of adjacent contributor buildings by providing appropriate visual relief treatments (i.e. varying the fenestration, utilizing alternative exterior materials, and/or stepping down towards the lower height building, etc.) in order to ease the transitions between the edges of these buildings.

WWD.4 Any new buildings proposed over 50' in height shall be evaluated with respect to the following criteria: lot size, type of construction, location in district, impact on historic resources, context of WWD district, and economic development goals of the Estuary Plan for increased development and activity to assure overall compliance with governing zoning regulations and the City's general plan, including the Estuary Policy Plan.

**SECTION 8.** This Ordinance shall be effective immediately upon its adoption.

**SECTION 9.** The Interim Controls imposed by this Ordinance shall remain in place until the date a decision is rendered by the City Council regarding Permanent Zoning Regulations for the Jack London District of the Estuary Plan area and shall apply to all applications for building, zoning, and other permits, unless, prior to the effective date of this Ordinance, the applicant has received final approval from the City for all required zoning permits for his/her projects.

**SECTION 10.** This Ordinance 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 of the California Constitution.

**SECTION 11.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 19\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, ~~RUSSELL~~, SPEES AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

CEDA FLOYD

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

8-8-11  
9-19-00