

Zoning Update Committee

December 7, 2005

Michael Lighty, Chair

Nicole Franklin

Anne E. Mudge

Location:	CITYWIDE (See attached maps)
Proposal:	Amend Table 2 of the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” to state that locating Transportation and Warehousing Activities in areas with a Housing and Business Mix General Plan land use designation does not conform to the General Plan.
Applicant:	Planning Commission
General Plan:	Housing and Business Mix
Zoning:	Various.
Environmental Determination:	Exempt, Section 15061b3 of the State CEQA Guidelines; no possibility that the activity in question may have a significant effect on the environment.
Historic Status:	Not applicable
Service Delivery Districts:	1-6
City Council Districts:	1-3, 5-7
Status:	Pending
Action to be Taken:	Input and recommendation to the Planning Commission
Staff Recommendation:	Recommend to the Planning Commission that the Transport and Warehousing use classification does not conform to the Housing and Business Mix General Plan Designation.
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Neil Gray at 510-238-3878 .

SUMMARY

Staff seeks input regarding amending the document “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (the Guidelines), originally adopted by the Planning Commission on May 6, 1998, to state that that locating Transportation and Warehousing Activities in areas with a Housing and Business Mix General Plan land use designation does not conform to the General Plan. Staff believes this is appropriate because the current regulations in the Guidelines could result in some impactful activities such as large warehousing, self-storage, shipping, and trucking operations next to residential activities without any discretionary review by the City.

PROJECT DESCRIPTION

Staff seeks input regarding a proposal to amend Table 2 of the document “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (the Guidelines), originally adopted by the Planning Commission on May 6, 1998 (and amended in 2003). The proposal would change the Guidelines to state that locating Transport and Warehousing Activities in a Housing and Business Mix General Plan (HBX) designated area does not conform to the General Plan. The guidelines are currently silent regarding locating this activity in the HBX designation.

The City adopted its General Plan Land Use and Transportation Element (LUTE) in 1998, but has yet to implement this General Plan through amendments to the Zoning Ordinance or changes to the zoning maps. Therefore, there are several sites where the LUTE and the Zoning Ordinance are inconsistent. For instance, several areas of the City have a Housing and Business Mix LUTE designation where housing is encouraged, but have a manufacturing zoning designation where housing is prohibited.

The Guidelines describe how the City should proceed when these types of inconsistencies occur. Table 2 of this document contains a list of all the land use activities contained in the Zoning Ordinance and whether these activities conform to the various LUTE land use designation. Cells in this table indicate either, a) an activity does not conform to the land use designation, b) an activity clearly conforms to the land use designation, or c) it is unclear whether the activity conforms to a land use designation.

When Table 2 states that the General Plan is unclear regarding whether an activity is consistent with the a LUTE land use designation, an activity reverts to the regulations contained in the Zoning Ordinance. Conversely, when an activity does not conform to the LUTE land use designation, the activity is not permitted regardless of the regulation contained in the Zoning Ordinance. When an activity conforms to the General Plan, the activity is either permitted or conditionally permitted depending on the zoning regulations for the site.

The proposal is to declare that the “Transport and Warehousing” use classification does not conform to the Housing and Business Mix LUTE designation. This change would not allow any new activities falling under the Transport and Warehousing land use classification to occur in the Housing and Business Mix LUTE land use designation. Typically, Transport and Warehousing includes activities taking place in warehouses, truck terminals, shipping facilities, outdoor storage yards, container storage facilities, and mini-storage buildings. For fuller descriptions of the Transport and Warehousing use classification and the HBX designation, see the General Plan and Zoning Analyses, below.

BACKGROUND

Last September, a developer inquired with the City regarding constructing a two story self storage facility at 1376 34th Street, a site with a Housing and Business Mix LUTE designation and an M-30, General Manufacturing zoning designation. Self storage falls under the Transport and Warehousing activity classification. Because this classification is permitted in the M-30

zone and Table 2 in the Guidelines state that the LUTE is unclear as to whether the classification conforms to the HBX designation, staff told the applicant that the self storage facility is permitted outright at the proposed location without any discretionary review by the City.

Subsequently, residents of the neighborhood and developers working in the area contacted the City because of concerns about possible noise, traffic, and visual impacts of the proposed facility. Staff was in agreement with these stakeholders regarding the inappropriateness of a self-storage facility and large scale warehousing in this designation (see Key Issues and Impacts, below), and brought the current proposal to the Planning Commission on October 19, 2005. After hearing input during the open forum item of the Agenda, the Planning Commission decided to hear the issue before the Zoning Update Committee prior to making a decision.

GENERAL PLAN ANALYSIS

The intent of the Housing and Business Mix LUTE designation is to "...guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development." Typically, HBX areas have a mix of residential and light industrial activities. HBX areas are located in the Clawson District of West Oakland, Lowell Street in North Oakland, and areas between industrial and residential areas in East Oakland (see Attached Maps). As mentioned previously, the Guidelines currently state that the LUTE is silent regarding whether Transport and Warehousing conforms to the Housing and Business Mix LUTE designation.

ZONING ANALYSIS

Section 17.10.500 of the Zoning Ordinance states that Transport and Warehousing Commercial Activities include the provision of warehousing and storage, freight handling, shipping, and trucking services. Examples of facilities where this activity takes place include warehouses, truck terminals, shipping facilities, outdoor storage yards, container storage facilities, and mini-storage buildings.

This activity is permitted in areas with a General or Heavy Industrial zone designation and conditionally permitted in the M-20, Light Industrial Zone, and in two heavy commercial zones. Several areas with an HBX General Plan designation are also in zones that allow Transportation and Warehousing Commercial Activities.

ENVIRONMENTAL DETERMINATION

Staff has determined that there is no possibility the proposal will have a significant effect on the environment. Therefore, under Section 15061b3 of the State CEQA Guidelines, the proposal is exempt from CEQA. Staff makes this determination because the activities typically associated with Transport and Warehousing can create noise and pollution impacts on residents. By limiting that activity in HBX areas (where residential activities are permitted), the proposal limits its impact on residents in those neighborhoods. The businesses that would have located in HBX neighborhoods would either not open or move to areas where they would have less impact on residential activities. Both of these options would result in a reduction of environmental impacts.

KEY ISSUES AND IMPACTS

Staff recommends that the ZUC support changing the guidelines to state that Transport and Warehousing does not conform to the Housing and Business Mix LUTE designation. Several areas of the City have an M-30 zoning designation and a Housing and Business Mix LUTE designation. Because Transport and Warehousing includes a broad type of uses, this could result in some impactful activities such as large warehousing, shipping, and trucking operations next to residential activities without any discretionary review by the City. Self-storage facilities also tend to create “dead” spaces on the streetscape that appear walled off from the surrounding community. These types of activities have the potential to create major noise and pollution impacts to neighboring residents and disturb the development potential of several burgeoning HBX neighborhoods.

Staff does believe that, with City review and neighborhood notice, some small scale warehouse operations may be appropriate in Housing and Business Mix areas. Any Transport and Warehousing facilities permitted in HBX neighborhoods should be designed to reduce impacts on neighboring residential properties. Currently, Strategic Planning staff is working closely with stakeholders in developing new HBX zoning regulations that will establish specific standards for this type of operation. Staff plans to submit a new draft of the HBX regulations to the Planning Commission by the end of November that will include provisions for smaller scale Transport and Warehousing activities and require a level of design review by the City for new construction.

- RECOMMENDATIONS:**
1. Take public testimony.
 2. Discuss whether transport and warehousing in areas with a Housing and Business Mix General Plan designation is inconsistent with the General Plan.
 3. Discuss whether a reduced impact Transport and Warehousing activities classification may be appropriate in the Housing and Business Mix zoning designation.

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Approved for forwarding to the
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ATTACHMENTS:

A. Maps of Areas with a Housing and Business Mix LUTE designation