

## ISSUES AND DECISION TABLE – 11/19/03- ATTACHMENT C

| COMMENT  | ISSUE or<br>PROPOSED ZONING TEXT/MAP CHANGES  | STAFF RECOMMENDATION   | ZUC RECOMMENDATION |
|--|---|--|--------------------|
| <b>Change Name</b>   | The original name of the District (BHX) was chosen several years ago as an inverse of the General Plan designation (HBX) in order to recognize the equal importance of business and residential activities in these districts. Nevertheless, the public and staff feel the uniformity of the HBX designation is preferable                                    | <i>Staff recommends name change to HBX in all references.</i>  |                    |
| <b>Addition of new BHX-3 Zone</b>  | Higher residential density standard through Estuary Policy Plan Density of 820 sf per unit<br>Lower Floor Area Ratio currently due to existing FAR set in Estuary Policy Plan for RMU area as 1.0<br>Same land use activity regulations as BHX-2<br>Same development standards as BHX-2   | <i>Staff recommends incorporation of HBX-3 as a distinct district.</i>   |                    |
| <b>Design Review for 3+ units (17.65.030)</b><br><b>Design Principles (New section since 9/16 draft)</b> | The 9/16 draft referred to the High Density Guidelines document (1991) which is used by staff as guidelines for high density apartments on the urban corridor. It does not represent adequate guidelines for eclectic conditions found in these neighborhoods, nor does it consider the innovative architectural style and use of materials which is desired. | <i>Add "Design Principles" as Sect 17.65.045 to address design review for Nonresidential, Mixed Use and in addition reference projects with any commercial floor area.</i>                             |                    |
| <b>Permitted &amp; Conditionally Permitted Activities (17.65.060)</b>                                    | Land Use Classification activity types and sub-classifications have been presented in draft form to the ZUC on October 15, 2003. Recommended revisions are found in the Attachment A Decision table from that meeting. Industrial Land Use Classification   | <i>Staff recommends the ZUC accept Land Use Classifications activity types shown in Attachment B in Section 17.65.050 and Facility Types in 17.65.060 per the HBX District Chapter, (Attachment B)</i> |                    |

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|   | definitions are presented in Attachment A of this report.  | <i>of this report.</i>   |                    |
| <b>Minimum Lot Size</b><br>9/16/03<br>Recommendation: 4,000 square feet minimum | The minimum lot size should be smaller than 4,000 s.f., to accommodate existing small lots in West Oakland and Kennedy Tract area. The 9/16/03 preliminary HBX draft allowed for exceptions to standard yard requirements and driveway coverage restrictions for these small lots within several development standard areas.   | <i>Recommend Minimum Lot Size of 2,500 sf for all HBX districts.</i>   |                    |
| <b>Minimum Yard Setbacks</b><br>9/16/03   | 9/16 draft included side yard requirements: five (5) feet in BHX-1, four (4) feet side yard in HBX 2 & 3, and three (3) feet for small lots under 4,000 sf. Also included a side yard exception in HBX- 2&3, allowing zero (0) feet up to the first ten feet/ground floor; and a CUP process for one to reduce the interior side yard on upper stories, providing that the project does not deprive the neighboring property of privacy sunlight or ventilation. (See proposed 17.65.170 (C)). | <i>Staff recommends allowing an upper story exception for projection into the required interior side yard of up to zero (0) feet through Design Review, with findings that, if there is an existing building neighboring the property that is within 3 feet of the neighboring property line:</i> <ol style="list-style-type: none"> <li><i>1) that neither the proposed building nor the neighboring building has no openings facing the property line; and</i></li> <li><i>2) that the proposed project would not deprive the adjacent residence of privacy light or ventilation.</i></li> </ol> |                    |
| <b>Garage-Parking-Driveway Restrictions</b><br>17.65.190                        | 9/16/03 Community comment that the emphasis be made on maximum percentage of lot covered by garage doors/parking/driveways.  | <i>Staff recommends amending the current text to clarify that the 50% restriction applies to garage</i>  |                    |

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|   | Small lots are allowed exceptions per 17.65.190, therefore am reference was added to driveway approaches so that remainder areas in small lots are landscaped.   | <i>doors, not to the garage structure, enabling maximum ground floor parking. Amendments to 17.65.210 (A).</i>  |                           |
| <b>Parking Standards for Work Live</b>  | 9/16/03 included zero parking required for conversions (current practice) and 1 per unit for new. (S-16 requires 1 per 1,000 sf). Staff received comments from the community (both Kennedy Tract and Moorpark artist communities) that the zero parking requirement for conversions, and the 1 per unit requirements not sufficient for larger commercial units.   | <i>Staff recommends a 1.2 per unit ratio for new construction Category II, but does not recommend a change of the existing regulations for conversions.</i>                             |                           |
| <b>Thresholds for Use Permit Requirements : Heavy Commercial and Light Industrial activities</b><br>9/16/03 | 9/16 draft recommended a 25,000 sf floor area as the threshold for requiring a Use Permit for various light industrial and heavy service commercial activities Industrial community commented (East Oakland) that the square footage reference be calculated only for the actual production area (eg food processing) and NOT include offices, lunchrooms and common areas. Resident commented that the total impact of a 25,000sf production area in addition to eg another 25,000 sf of building usage is too large for these neighborhoods. | <i>Staff recommends continuing to measure by the building floor area NOT just production space as this threshold does not limit the activity- only requires discretionary approval.</i> |                           |

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| <b>ZONING MAPS: Amendment Requests</b>   |   |  |  |
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| <p><u>#1 District 1</u><br/>                     Verbal Comment:<br/>                     983 and 987 42<sup>nd</sup> St. 2<br/>                     parcels under same<br/>                     ownership and consistent<br/>                     use.987 is HBX-2<br/>                     983 remains R-40/S-18</p> | <p>Adjustment of maps to apply HBX to two<br/>                     parcels under single ownership and consistent<br/>                     use.</p>  | <p><i>Staff recommends approval of adjustment to<br/>                     include 983 in HBX-2.</i></p>  |  |
| <p><u>#2 District 3</u><br/>                     PNC Bakery : 2923 2923<br/>                     Adeline Street</p>  | <p>The PNC bakery is considered a Light<br/>                     Manufacturing business currently and in the<br/>                     future definitions as a food processing business,<br/>                     They are currently designated HBX-2, and<br/>                     would be legal non conforming only due to<br/>                     having floor area over 25,000 without an<br/>                     approved use permit in the new district. Their<br/>                     request is made on the basis that their parcel<br/>                     configuration is not appropriate to HBX, which<br/>                     is more typically comprised of multiple small<br/>                     parcels with housings and business. The PNC is<br/>                     composed of several large parcels, and the<br/>                     remainder of their block is also large parcel<br/>                     industrial.</p> | <p><i>Staff recommends amending this block to<br/>                     Business Mix General Plan and Light Industrial<br/>                     zoning.</i></p> |  |

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| <p><u>#3 District 6</u><br/>Rago &amp; Sons: 1029 51<sup>st</sup> Avenue</p>   | <p>Comment from a general manufacturer (machine work die and stamping), which has been in this location in some capacity for fifty years, has expanded with legal permits granted in 1999 at a time when General Manufacturing was “Silent” on the General Plan Conformity Guidelines for HBX. The multiple structures of this business, encompass the middle of the HBX zoned area between 50th and 52<sup>nd</sup> Avenue, with residences on both sides of 51<sup>st</sup> and 52<sup>nd</sup> Avenue. They have their main office and accessory parking on 50<sup>th</sup> Avenue. The request has been made to rezone this business consistent with their existing industrial zoning, which is M-30.</p> | <p><i>Staff recommendation: Retain the HBX zoning of the neighborhood between San Leandro Street and E 12<sup>th</sup> Street ONLY from 53<sup>rd</sup> to 54<sup>th</sup> Avenue (north side); and to rezone the 50<sup>th</sup> to 52<sup>nd</sup> Avenue and 54<sup>th</sup> Avenue-south side to IBX/BX, (Light Industrial zoning and Business Mix General Plan) consistent with adjacent uses of those blocks. This would allow a general manufacturing business to expand with a conditional use permit, per the proposed IBX district regulations.</i></p> |   |
| <p><u>#4 District 6</u><br/>Chi Fung/ C&amp;B Tree Service<br/>54<sup>th</sup> Ave Between E 10<sup>th</sup> and E 12<sup>th</sup> Streets</p> | <p>Additional requests for zoning changes within this neighborhood came from two industrial users on 54<sup>th</sup> Avenue (south side), both which are directly adjacent a large unoccupied GE plant (brownfields site). Chi Fung Plastics and C&amp; B Tree Service. Both businesses would be considered General Manufacturing (the tree service receives raw material -stores and processes whole trees into firewood).</p>   | <p><i>Staff recommend the rezoning of this block (54<sup>th</sup> Street south side only) to IBX/BX. The proximity to the GE site and the percentage of land on that block in general industrial use (over 50%) argue for this change.</i></p>  |   |
| <p><u>#5 District 7</u><br/>AALTO Development<br/>948- 88<sup>th</sup> Avenue</p>  | <p>948-88<sup>th</sup> Avenue is part of an singular industrial business, composed of 8814-8818- G Street, 925-89<sup>th</sup> Avenue and 922-88<sup>th</sup> Avenue. This is not a single family parcel.</p>   | <p><i>Staff recommends rezone of 948-88<sup>th</sup> Avenue from HBX to Business Mix and from R-30 to IBX.</i></p>  |   |
| <p><u>#6 District 7</u><br/>Thayer Foods</p>   | <p>Correspondence submitted regarding substitution of another food processing activity over 25,000 sf without need for obtaining conditional use permit.</p>  | <p><i>Staff clarification that a substitution of another food processing activity in the same footprint would not require a CUP unless the floor area of production increased.</i></p>  | <p>No action needed- clarification only</p> |
| <p><u>#8 District 7</u></p>  | <p>Re-designate the south side of Moorpark to Light Industrial/Business Mix. These properties</p>   | <p><i>Staff recommends that these requested changes be made. Re-designate following properties as HBX,</i></p>  |   |

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| <p>Permain/Moorpark: East Oakland near 107<sup>t</sup> n</p>   | <p>are predominantly industrial and are backed by larger industrial parcels. They are currently in the Business Mix General Plan designation, but a proposal to amend them to HBX was made by the consultant. <i>The majority of Moorpark (south) is industrial and they back onto large industrial parcels at the San Leandro border. Those on the north side of Moorpark are multi-unit and have some artist studios- better for HBX than R-36. The single SFD on Permain should be the last parcel included in HBX, rather than being included in IBX.</i><br/>Re-designate 10633 (SFD) to HBX/HBX.</p> | <p><i>rather than MHTR and R-36 from Permain along north side of Moorpark to Russet Street, including street addresses: 10830 Permain, 10799 Pippin, 861 Moorpark.</i></p>  |  |
| <p>#9 District 7<br/>Address: Louisiana- between railroad and Walter- north side only<br/>(Phone request-no correspondence</p> | <p>This block between Railroad and Walter was in HBX, but the consultant recommended a change to a residential general plan. On further field research, staff observed that this block serves as a buffer from the large industrial parcels to the north towards the residential area.</p>   | <p><i>Staff did not receive a written request, but recommends considering earlier recommendation and retain the General Plan designation of HBX and rezone to HBX-1</i></p> |  |