

Zoning Update Committee

January 21, 2004

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#1.	<b>Location:</b>	All areas designated "Institutional" on the General Plan land use map
	<b>Proposal:</b>	Determining an appropriate zoning designation for these properties
	<b>Applicant:</b>	City Planning Commission
	<b>Case File Number:</b>	None
	<b>Environmental Determination:</b>	Pending
	<b>Action to be Taken:</b>	Review and Discuss Only
	<b>Finality of Decision:</b>	Review and Discuss Only
	<b>For Further Information:</b>	Contact Strategic Planner Margaret Stanzione at (510) 238-4932 or by email at <a href="mailto:mstanzione@oaklandnet.com">mstanzione@oaklandnet.com</a>

## SUMMARY

In 1998, when the *Land Use and Transportation Element* was adopted, the "Institutional" General Plan land use category was deleted from some sites and designated on others. This "Institutional" category was placed on major buildings in the City of Oakland, primarily medical facilities, schools, colleges, universities, libraries, government centers, a few prominent religious facilities, and some utilities on sites greater than one acre in size. At present, most of these sites are zoned Residential.

Staff is requesting guidance on an appropriate zoning designation for the "Institutional" General Plan land use category.

## POLICY FRAMEWORK

The intent of the Institutional General Plan designation is to "create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character." The General Plan recognizes the important of these land uses and facilities and has designated sites containing these uses and facilities as Institutional on the General Plan map.

*Institutions are a significant resource of jobs and services to Oakland residents, and many of our institutions are nationally recognized for their excellence. Hospitals, libraries, schools and colleges, and government centers are important underpinnings of Oakland's continued economic health and the well being of its citizens. These types of operations, however, can have significant local impacts on neighborhoods and must be planned carefully (LUTE, p. 154).*

The General Plan also states that appropriate development standards, edge conditions adjacent to residential areas, and the need for expansion space should be addressed by zoning. See Attachment A.

**EXISTING CONDITIONS**

The majority of the sites designated Institutional on the General Plan are public schools owned by the Oakland Unified School District. Others include private schools, hospitals, colleges, the Oakland Museum, Oak Center Cultural Center, a large post office facility, a county building, East Bay Regional Park District offices (EBRPD), East Bay Municipal Utilities District (EBMUD) research offices, reservoirs, fire stations, recreation centers, and the Mormon Temple and Greek Orthodox Church. These land uses also appear in other land use categories; it is only the larger sites (over one acre in size) that have been designated Institutional.

Existing zoning on most of these sites is Residential (R-1 through R-70). Many of the facilities are located within or near residential areas with the residential zoning generally consistent with the surrounding land uses and density standards.

Others sites are zoned S-1 (Medical Center Zone), S-2 (Civic Center Zone), and S-3 (Research Center Zone). These three zones are base zones for these specific uses and are not combined with any other zones. S-1 is assigned to Highland Hospital, Pill Hill, and Children’s Hospital. S-2 is placed on several civic buildings around the city including Oakland Museum, Laney College, the County Recorder’s Office, the Oakland School District office, and the large Post Office facility in West Oakland. S-3 is designated on the EBRPD headquarters and EBMUD research facility near the Dunsmuir House.

**PROPOSED OPTIONS**

1. New Zoning District

The draft Zoning Code prepared by Dyett and Bhatia, the zoning update consultants, proposed a new Public/Semi Public Zone for the Institutional General Plan category (see Attachments B and C). This district is presented as an example only. This district included the uses listed above plus some transportation facilities, utilities, eating and drinking establishments, public maintenance facilities and parks and recreation. Most uses were conditionally permitted with the exception of small-scale government offices, parks and recreation, public maintenance facilities, public service and administrative facilities. (These land use classifications would have to be “translated” to the City’s list of use classifications.) Development standards were to be determined through the Conditional Use Permit process or, if the use is permitted, by the standards of the abutting base district.

Attachment C is a copy of the Public and Semipublic zoning district adopted by San Leandro. The zoning district is similar to Attachment B, the draft prepared by Dyett and Bhatia.

2. Existing Zoning Districts

As mentioned previously, most of the zoning on these sites is Residential. With the exception of the hospitals, civic uses, and offices, all other uses listed in the Institutional inventory are permitted or conditionally permitted in the Residential zones. The hospitals, civic uses, and offices have their own S-1, S-2, and S-3 zones. Because most of the uses are conditionally

permitted, the specific development standards could be determined through the design review and conditional use permit process.

3. General Plan Amendment

Another option is to eliminate the Institutional General Plan classification and designate the areas Residential consistent with the existing zoning.

**ANALYSIS**

1. New Zoning District

A new zoning district similar to Attachments B and C would specifically spell out the permitted and conditionally permitted uses. Adopting a Public and Institutional zoning district would clearly delineate that the site was an institutional use and not a residential use (if one were to look only at the zoning). Utilities such as reservoirs and other sub-stations could be clearly identified and not be designated a zone that does not fit its likely long term use. A new zoning district consistent with the Institutional General Plan designation would show that the City was committed to long term institutional uses. Property owners who wanted to change from an Institutional use to another land use would need to apply for a General Plan and rezoning.

However, most of the sites have been identified as public schools. Although schools are conditionally permitted uses, the Oakland Municipal School District does not have to follow the City's zoning requirements when building classroom space if two-thirds of the school board votes to exempt classroom facilities from local zoning regulations. (The school district does, however, have to comply with zoning requirements for non-classroom uses and facilities.) It may not make sense to create an entirely new zoning district for areas where most of the uses are public schools.

2. Existing Zoning Districts

Keeping the existing zoning districts would not affect the existing uses very much. Most of the uses are conditionally permitted under the existing zoning already and could expand subject to design review. Residential zoning, however, is not the best zone to apply to utilities and other uses that are unlikely to transition to residential activities. The residential zoning does not clearly delineate the existing land use for some of the uses designated Institutional.

The one major issue with leaving the Residential zoning on Institutional property would be allowing future residential development by right. The Public and Semipublic zoning districts shown in Attachments B and C do not allow residential uses at all in this zoning district. The intent is to encourage the Institutional uses to continue and not be allowed to easily be sold off or subdivided for residential development. Keeping the residential zoning designation would allow, and almost encourages, residential uses if the Institutional uses were to close. Allowing future residential development does not show a strong commitment to retaining the Institutional uses.

In the General Plan discussion about Institutional land uses, however, it states the following about the desired character of the area:

*Future uses include educational and cultural facilities, institutions, health services, and medical facilities. Under certain conditions, mixed use housing and commercial development that supports these institutional areas may be allowed (LUTE, p. 154).*

Because mixed use housing development is permitted under certain circumstances (which are not stated) using a residential zone may be appropriate. Language may have to be added to the text to specify under what circumstances that would be appropriate.

### 3. General Plan Amendment

Showing the institutional and public facilities on the General Plan map highlights the diversity of the City of Oakland. The only confusing issue about this land use classification is that it does not include an exhaustive inventory of all uses, so it somewhat misleading. But by using a one acre size threshold, at least the major institutions are noted on the map.

#### What Other Cities Do

These land uses are regulated in a variety of ways throughout the Bay Area. Because most schools and colleges are located within or adjacent to residential areas they are generally designated Residential on the General Plan map. Other cities have Community Facility Zones or Civic Zones (similar to the Public and Semipublic zoning districts discussed in this report) for major education facilities, recreation centers, utilities, major recreational areas, etc. Some use Commercial zoning districts for some of the uses. But they all seem to have one thing in common: most of the institutional uses require Conditional Use Permits. And because discretionary review is required, it may not matter that much what zoning district covers the particular use.

### **RECOMMENDATION**

Staff recommends that the Committee review and discuss the staff report and provide guidance to staff regarding the appropriate zoning for areas designated Institutional on the General Plan map. If the Committee directs staff to prepare a new Public and Institutional zoning district, staff will return with a draft zoning text in the near future.

Prepared by:

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**ATTACHMENTS:**

- A. Various pages from the General Plan Land Use and Transportation Element
- B. Excerpt from Zoning Update Issue Paper dated July 5, 2000
- C. Draft Public and Semipublic Zoning District (prepared by Dyett and Bhatia)
- D. City of San Leandro Public and Semipublic Zoning District