

## Zoning Update Committee

Michael Lighty, Chair  
Nicole Franklin  
Suzie W. Lee

July 16, 2003

<b>Location:</b>	Citywide
<b>Proposal:</b>	Proposed Work Program for the Completion of the Zoning Code Update Project
<b>Applicant:</b>	City Planning Commission
<b>Finality of Decision:</b>	Information Report Only
<b>Staff recommendation:</b>	Review and comment on proposed work program
<b>For further information:</b>	Contact Strategic Planner, <b>Margaret Stanzone</b> , at 510-238-4932 or email <a href="mailto:mstanzone@oaklandnet.com">mstanzone@oaklandnet.com</a>

## BACKGROUND

On May 21, 2003 the Zoning Update Committee considered alternative strategies for completing the Zoning Code Update project. The Committee recommended to the Planning Commission that (1) staff not complete a comprehensive revision of the Zoning Code text; (2) the existing zoning text and districts be used where they are consistent with the General Plan designations; (3) the zoning map be amended only where there is a conflict between the General Plan and the zoning and that priorities be set for the areas that need to be changed; (4) new zoning districts be adopted for Housing and Business Mix, Business Mix, and Industrial General Plan designations; (5) any amendments to the zoning text and zoning maps be adopted together; (6) the interim controls be extended to December 31, 2005; (7) the *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* be amended as proposed by staff; (8) the Zoning Update Committee schedule be maintained; (9) a work program be prepared detailing the update process, and (10) the entire project take no longer than 24 months. Staff agreed to return on July 16, 2003 with the work program.

On May 21, 2003 the Planning Commission agreed with the Committee's recommendation and passed on its endorsement of the process to the City Council. On June 17, 2003 the City Council adopted Resolution No. 77884 agreeing with the recommended revisions to the Zoning Code Update project. This report outlines the proposed work program for completing the Zoning Code Update project.

## PROJECT DESCRIPTION

The following sections outline the components of the work program for the zoning update:

### Changes to the Existing Zoning Text

Attachment A is a table listing the chapters of the existing Zoning Code. In the column labeled “Proposed Text Amendments” on Attachment A there are notes indicating whether the section should be amended (although we are not re-writing the zoning text, there are sections that need to, or should be, amended). Where the chapter refers to a zoning district, staff has included the corresponding General Plan designation that would be consistent with that district, and also shows the range of zoning districts that will be mapped within that General Plan category. The last column includes policy questions related to the mapping that staff would like to discuss with the ZUC.

### New Zoning Districts

Over the past 18 months, staff has been working with landowners, business owners, and industry representatives of property in West Oakland, Central, and East Oakland to prepare land use and development regulations for new zoning districts for the Industrial, Business Mix, and Housing and Business Mix General Plan categories. These are new categories that were adopted in the 1998 Land Use and Transportation Element of the General Plan.

Because there are no corresponding zoning districts for the Housing and Business Mix and the Business Mix designations, staff will need to prepare new ones. Two categories have been created for Housing and Business Mix and have been discussed with the Committee: BHX-1 (Central and East Oakland) and BHX-2 (West Oakland). After hearing testimony from property owners in the “Kennedy Tract,” land identified in the Estuary Policy Plan, staff is recommending the addition of BHX-3 zone (some development standards are different).

Industrial areas have been separated into two General Plan categories: Business Mix and General Industrial. Staff has been working with interested parties to prepared land use and development regulations for these categories as well. Although there are corresponding Manufacturing zones in the existing zoning code, staff has been working with the major stakeholders to modify these regulations to comply with the new General Plan. The new regulations are very different than the existing Manufacturing zones, so it was requested that the new zoning districts be adopted rather than revert to the existing M-10, M-20, M-30 and M-40 zones in Central and East Oakland industrial areas. The Zoning Update Committee agreed with the request and directed staff to finalize the proposed IBX, IO, IG, zoning districts and map the proposed districts as part of the update project. This “substitution” of Industrial zones could result in the elimination of the existing M- zones (staff will research whether there are any properties still zoned M- where the proposed new industrial districts are not appropriate).

### Changes to the General Plan Land Use Diagram

As a result of detailed parcel-by-parcel fieldwork, the mapping consultant is recommending changes to the General Plan designations in some locations. For example, there are areas where the built structures do not correspond to the General Plan density and are not likely to change in the 2015 time frame of the General Plan. During the mapping process, staff will present proposed General Plan Amendments, with the corresponding zoning, and the rationale for recommending the changes.

### Changes to the Existing Zoning Map

Attachment A shows the General Plan designation and the zoning districts that are consistent with that designation. Where the General Plan and zoning maps agree, no changes will need to be made to the zoning map. Where they do not agree, changes will need to be made either to the General Plan Land Use Diagram, as described above, or to the zoning district to make the General Plan and zoning consistent.

### Estuary Policy Plan

Land use designations in the Estuary Policy Plan (EPP) are their own categories separate from those used in the rest of the City. Uses and development standards for the twenty categories are discussed in the EPP, but they are not as detailed as zoning regulations. For some of the categories, existing or some of the new zoning districts can be assigned. For other categories, new districts will have to be drafted. Staff has not completed a zoning analysis of the EPP, but it will be scheduled as part of this work program.

### Oakland Army Base

The Oakland Army Base is designated Business Mix and General Industrial/Transportation in the General Plan. The zoning designation is M-40, which is currently consistent with the Industrial General Plan category, but is not consistent with Business Mix. Zoning for the Army Base will need to be considered in light of the Re-Use Plan, the Redevelopment Plan, and the Bay Conservation Development Commission (BCDC) Seaport Plan.

### Port of Oakland Property

No zoning will be placed on any property owned by the Port of Oakland. By law, the City assigns General Plan land use designations to Port land, but does not zone the property. Projects constructed on Port land must conform to the General Plan land use category. Language is included in the *Land Use and Transportation Element* which specifies how land use decisions are made:

“The Port shall make a written determination on General Plan conformity for each project, plan, and/or land use guideline it approves in the Port area. Prior to making such determination the Port will forward its proposed determination to the Director of City Planning, who may provide the Port with written comments within a specified period of time. Any comments so provided shall be considered and responded to in writing by the Port in its conformity determination.”

## **PREPARING THE MAPS**

The mapping consultant has divided the Citywide map into 32 rectangular areas. Three maps for each grid are being presented to the City (we do not have a complete set of the maps yet). The first map is the existing General Plan and Zoning. The second map shows recommended General Plan Amendments. And the third map shows the proposed new zoning consistent with the proposed amendments to the General Plan. The map also shades areas where the land uses are proposing to change, or the intensity or density is proposed to be changed.

The maps have been prepared with the new zoning districts as assigned by the consultant. Staff will need to review the maps and change the zoning back to its prior zoning district designation (i.e., C-10 rather than the proposed CN) and will also need to make field checks on the areas that are proposed for General Plan Amendments.

The four Strategic Planners will each work with two geographic areas generally corresponding to Council district boundaries. When an entire district is mapped, the proposed zoning map may be scheduled for discussion with the Zoning Update Committee to review any policy decisions that will need to be made to complete the mapping. Staff will schedule community meetings with the assistance of the City Councilmember's office. One meeting will be held in each council district at a convenient venue. Staff will review and summarize the public comments and present the issues to the Zoning Update Committee. A recommendation from the ZUC will be sent to the Planning Commission. The Planning Commission will hold a public hearing and recommend to the City Council adoption of the General Plan Amendments and zoning map. The City Council will hold a public hearing and will adopt the maps by geographic area generally following City Council district boundaries.

## **PUBLIC NOTIFICATION**

Each property owner whose property will be affected by a General Plan Amendment or rezoning must be notified. This is a huge, time-consuming task because it is very important to be accurate. Staff is planning to notify each property owner about the community meetings, the Zoning Update Committee meetings, and the public hearings before the Planning Commission and City Council.

## **ADOPTION**

As the mapping and notification process for each geographic area is completed, the proposed maps will be scheduled for public hearings with the Planning Commission and City Council. Maps for one portion of the City can be adopted while community meetings and Zoning Update Committee meetings are occurring for other areas. Staff anticipates that the entire process will take 18 to 24 months from the time the draft maps are received from the consultant (expected July 2003).

## **ADOPTION PRIORITIES**

Staff is proposing to update the zoning maps by geographic area, as described above, with the exception of the adoption of new zoning districts where there are no corresponding districts.

### *Housing and Business Mix*

Zoning text and maps for the HBX, Housing and Business Mix General Plan category will be adopted first. Although staff has drafted the zoning district land uses and development standards for the three corresponding zoning districts, BHX-1, BHX-2, and BHX-3, and the consultant has

recommended where they should be assigned on the zoning map, staff has not yet discussed the final text and maps with the ZUC or conducted the community meetings. There are approximately 9 different areas designated HBX throughout the City. For the purposes of community meetings, staff is proposing to combine some of the areas and hold up to five meetings. The community meetings will be scheduled in August and September. Staff will return to the ZUC on November 19 with the final draft text and maps and begin the adoption process.

*Business Mix and General Industrial/Transportation*

Similar to the process described above for Housing and Business Mix, staff has prepared draft zoning text and maps for these two General Plan categories. Staff will begin to prepare the mailing lists for affected property owners and will schedule community meetings for October. The ZUC meeting is scheduled for December 17. It may be necessary to hold two meetings because of the complexity of the issues and the number of zoning districts, but that will not be determined until after the December 17<sup>th</sup> meeting. Because the three General Plan categories discussed above are located within close proximity to each other on the maps, the community meetings may be held for all three categories at the same time.

*City Council District Priorities*

For the remainder of the mapping, staff is recommending that the land use maps be adopted by Council district in the following order: District 3 (Nancy Nadel - West Oakland), District 7 (Larry Reid), District 6, (Desley Brooks), District 5 (Ignacio de la Fuente), District 2 (Danny Wan), District 4 (Jean Quan), District 1 (Jane Brunner) and District 3 (Nancy Nadel – Downtown). This order is based on the number of zoning changes that need to be made in each district. East and West Oakland have significantly more General Plan and zoning inconsistencies than North and Central Oakland or the hill areas. The areas along the major corridors are designated “growth and change” areas in the General Plan and have the most changes.

*Estuary Policy Plan*

Properties that can be zoned using existing zoning districts will be zoned along with the corresponding Council district. Areas that need new zoning districts will be assigned to one of the strategic planners to work on during the two year period.

*Oakland Army Base*

If any land use changes are proposed to the Army Base, they will be processed by the Oakland Base Reuse Authority (OBRA).

**GENERAL PLAN AND ZONING ANALYSIS**

The purpose of updating the zoning maps is to make them consistent with the General Plan. Until the zoning maps are adopted, staff will continue to use the “*Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations*” which have been extended to December 2005.

### **ENVIRONMENTAL DETERMINATION**

Staff is anticipating having to prepare a Supplemental Environmental Impact Report, or an entirely new Environmental Impact Report for the zoning update.

### **KEY ISSUES AND IMPACTS**

Staff does not believe that there are major issues associated with the update process itself; however, there are several policy issues that will need to be discussed along the way. While the General Plan and Zoning may be consistent on the map, there may be other issues associated with the zoning district regulations that need to be discussed. For example, when staff was reviewing the commercial zones with the ZUC it was decided that all commercial zones would be subject to design review. The ZUC will have to decide whether it still wants to make this recommendation and analyze the workload implications.

Also, although we are using the same zoning districts, we may not want to apply them to the same properties where they currently exist. We may want to rezone properties from the heavier, higher impact commercial uses to other commercial zones. For example, the C-40 zone that exists on International Boulevard allows heavier commercial uses and has very minimal development standards. The ZUC may want to consider one of the more recently developed commercial zones, such as C-28, for these areas.

There is a new General Plan category called “Institutional” that has been designated throughout the City on properties such as hospitals, schools, major landmarks, etc. The consultant recommended a new zoning district for this category. Staff will need guidance on how to proceed with this General Plan category and will offer several suggestions for consideration.

These are just a few examples of some of the issues that staff will be bringing up for consideration by the ZUC. Others are noted in the “Comment” column of Attachment A.

### **RECOMMENDATION**

Staff recommends that the Zoning Update Committee review the proposed work program, the proposed time line, comment on the tasks and priorities, and direct staff accordingly.

Prepared by:

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Margaret Stanzione, Planner IV

Strategic Planning Coordinator

Approved for forwarding to the  
Zoning Update Committee:

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LESLIE GOULD  
Director of Planning and Zoning

**ATTACHMENTS**

- A. Proposed Zoning Code Update Work Program
- B. Proposed Zoning Code Update Timeline (July 2003 – July 2005)