ATTACHMENT D

Oakland City Planning Commission STAFF REPORT

Case File Numbers ZT10-111, RZ10-112 **November 17, 2010**

Location:	Citywide
Proposal:	Zoning Text amendments and Zoning Map revisions to update the City's commercial and residential zoning districts. This project also includes establishing height maps along the City's corridors and revising the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new zoning designations.
Applicant:	Planning Commission
Planning Permits Required:	**Text Amendment and Rezoning**
General Plan:	Various
Zoning:	Various
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (scheduled for a certification hearing in November 2010), and various Redevelopment Plan Final EIRs. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning". Thus, no further environmental review is required.
Service Delivery District:	All
City Council District:	All
Status:	Referred to the Planning Commission by the Zoning Update Committee.
Action to be Taken:	Recommendation to the City Council
Staff Recommendation:	Recommend adoption of the proposal to the City Council
For Further Information:	Contact case planner **Neil Gray** at **510-238-3878** or **ngray@oaklandnet.com**

INTRODUCTION

This staff report is the first written for the full Planning Commission regarding the proposed rezoning of the City's commercial and residential areas. This effort consists of the comprehensive zoning update of residential and commercial zones to be consistent with the Land Use and Transportation Element of the Oakland General Plan ("LUTE") and mapping these zones in accordance with the LUTE land use map. The project does not include any rezoning in the Estuary Plan Area. Moreover, the City's Industrial, Housing and Business Mix, Central Business District, and Open Space areas have already been rezoned to be consistent with the LUTE, and were covered by staff reports in previous years.

This report discusses the history of the zoning update effort, the community outreach process and staff's policy recommendations and proposed findings. The remainder of the staff report focuses on the proposed residential zones and the mapping of those zones. Staff intends to discuss the details of the commercial rezoning at the December 15, 2010 meeting of the Planning Commission.

BACKGROUND

In 1998, Oakland adopted a new Land Use and Transportation Element of the General Plan (LUTE) to guide development in the City. The LUTE specifically recommended that the Planning Code be updated in order to implement its land use vision through development standards such as allowed uses, maximum heights, minimum setbacks and residential densities.

This proposal implements the LUTE recommendations. Without this update, the zoning ordinance and the LUTE will be inconsistent in two main respects. First, the LUTE land use map will be inconsistent with the zoning maps. The LUTE land use map designates each part of the City with one of several land use classifications.[1] Each of these classifications describes the intended character for the areas where they are designated. Inconsistencies occur when the regulations of a zoning designation for an area are contrary to the intent of the area's LUTE classification. Second, the regulations in the existing zoning designations do not reflect the vision of the LUTE in terms of land use, height, density, design, and similar regulations.

In May 1998, the City Council adopted Ordinance Number 12504 C.M.S. to temporarily bridge this gap. Ordinance 12504 C.M.S. created Interim Controls in the Planning Code (Chapter 17.01) that provides a process for evaluating projects where the LUTE and the Planning Code are inconsistent. The specific procedures required for a development to gain approval when this conflict occurs are contained in a document called "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations." This process has produced uncertainly amongst the public, developers, and the City as to what rules apply to a particular project. Without this clear establishment of ground rules for development through updated zoning regulations, developers are less likely to invest, proposed projects are more contentious, and the development review process is more lengthy and complex.

An update of the current zoning also is needed. Most of the zoning regulations were written 45 years ago in 1965. Although the Code has been amended since then, the City has not comprehensively updated the zoning rules in over four decades. As a result, much of Oakland's zoning regulations remain outdated and often difficult to apply or interpret under current conditions. Generally they are not consistent with national best practices in zoning, include many obsolete terms, and are cumbersome for many users.

An initial effort to comprehensively update the Code began in 1999, following adoption of the LUTE. A consultant team was retained, stakeholder meetings were conducted, an ordinance was drafted, and maps were prepared. This comprehensive update was ended due to a shift in City priorities. That year, however, the City did adopt a new zoning district for its parks and open spaces, protecting more than 3,000 acres of City and regional parkland. In 2005, the City created three new zoning districts for areas with a "Housing and Business Mix" LUTE classification, a designation for areas containing a mix of residential and industrial uses. In 2008, the City adopted new zones for the industrial areas; and new zoning districts were adopted for Downtown Oakland in 2009.

[1] In 1998, this Land Use Diagram was drawn in a very "broad brush" manner. It was designed to be printed and interpreted at a scale of 1" = one mile, allowing the entire city to fit on an 11" x 17" sheet which could be folded and inserted in the back of the Plan document. On November 3, 2010, the Planning Commission reviewed a more precise LUTE Land Use Diagram to accommodate the updating of the Zoning Ordinance.

The current effort, initiated in September 2008, consists of 1) developing new commercial and residential zoning text; and 2) mapping these new zones in the residential and commercial areas of the City. Base zones have been created to implement the seven residential and commercial LUTE land use classifications. One or more new zoning districts have been developed to implement each of the LUTE classifications, and each new zone has been mapped to several areas of the City. The text of each of the proposed zones is contained in Attachment A and the proposed mapping is contained in Attachments B and C.

Community Involvement

The current residential and commercial rezoning proposal is a culmination of an extensive community involvement process. Staff attended over 50 meetings of neighborhood associations, business groups, business improvement districts, merchant associations, Neighborhood Crime Prevention Councils and Redevelopment Project Area Committees (PACs). Over 30 of these meetings have taken place since January 2010 in an effort to inform the community and gain input and support for the zoning proposals. Additionally, staff held four rounds of large community workshops (for a total of nine workshops) in north, west, central, and east Oakland to introduce residents to the zoning process, issues, concepts and proposals. Staff also has been involved in numerous smaller meetings with neighborhood representatives, stakeholders, and concerned citizens. In general, the zoning proposals have been well received by the community and staff has received a great deal of valuable community feedback on the zoning proposals.

Staff also formed two Technical Advisory Groups (TAGs) comprised of volunteers representing balanced and varied interests (i.e., developers, advocates, property owners and renters) and different geographic areas. One TAG focused on the residential zones off the major corridors and met six times; the other TAG focused on the corridors and commercial neighborhoods and met seven times. These TAGs acted as sounding boards for staff proposals at various stages of the zone development and mapping process.

Staff has also made efforts to reach citizens that do not typically come to community meetings by producing videos describing the rezoning proposal and process. These videos have been posted on YouTube and the City's website for several months. Staff has also produced several handouts and summaries describing the proposal with translations into Spanish, Chinese, and Vietnamese.

Zoning Update Committee Meetings

The Zoning Update Committee (ZUC) of the Planning Commission recommended that the proposal be brought to the full Planning Commission after holding six public hearings of their own. The review consisted of an initial meeting to review the zoning regulations and framework, four meetings to review the zoning maps, and a final wrap-up meeting. The meetings resulted in several changes to the zoning maps and regulations, particularly in West and North Oakland. For instance, map changes were made in the Clawson neighborhood, on Telegraph Avenue in the Temescal District, at the Harrison Street and Oakland Avenue corridor, and on San Pablo Avenue between 30th and 34th Streets. Public testimony resulted in changes to proposed residential setback regulations, minimum height requirements in the corridor zones, auto fee parking in the Community Commercial zones, height limits in the Laurel Commercial District and regulations regarding community gardens and urban farms.

Several issues were raised at the last ZUC meeting on October 13, 2010, including:

1. Zoning from RU-1 to RM-3 in the West Clinton Neighborhood;
2. Zoning in the Fairfax Avenue and High Street area;
3. Whether Auto Fee parking should be permitted in the Community Commercial zones;
4. Maximum heights on:
   - Telegraph Avenue in Temescal;
   - San Pablo Avenue between Athens Avenue and Isabella Street; and
   - International Boulevard between 11th and 12th Avenues and 15th and 20th Avenues;
5. Height regulations and FAR for steep slope lots in the Piedmont Pines area.

Regarding issue (1), Staff has adjusted the zoning and LUTE maps to accommodate the requested changes (see Attachment G). Staff is currently in discussion with neighborhood stakeholders regarding issues (2). Issues (3) and (4) will be discussed at the December 15, 2010 meeting that reviews the commercial/corridor zoning proposal.

Regarding Issue 5, the Piedmont Pines Neighborhood Association expressed concerns regarding floor area ratio (FAR) level, height limits, and setback requirements on steep lots. Staff evaluated the current hillside height limits for 1-2 residential units adopted in December 2001 and determined that they have proven to not be practical or feasible in certain situations. The Oakland General Plan Policy N11.3 states that: *"…In those cases where large numbers of variances are being requested, the City should review its policies and determine whether revisions are necessary."* Reducing the number of routinely approved Variances and Conditional Use Permits (CUPs) will create more consistency and predictability in the planning review process. The residential zoning update also includes new types of hillside regulations, such as lot coverage and FAR standards, which many members of the public have requested for years. However, Staff has received letters of opposition to some of the numeric values of these new zoning elements, as well as to the changes to the hillside height limits, from both the 'Shepherd Canyon Neighborhood Association' and 'Piedmont Pines Neighborhood Association'. Staff is working with these neighborhood groups to address their concerns. After receiving public testimony on these and other concerns that may be expressed at the hearing, Staff can make further adjustments to the proposed new zoning standards if directed by the Planning Commission.

All changes to the proposed zoning text made since the October 13, 2010 meeting are shown in Attachment J.

REGULATORY AND POLICY FRAMEWORK

Land Use and Transportation Element of the General Plan

The LUTE provides the main policy direction for new zoning districts. The LUTE recommends that the Planning Code be updated to implement the LUTE's vision. A major strategy of the LUTE includes providing stability to Oakland's lower density residential neighborhoods while strategically directing development to Downtown, major transit corridors like San Pablo Avenue and International Boulevard, the Estuary area, the city's BART stations and AC Transit hubs. The goal behind this strategy is to increase transit use, revitalize the City's commercial districts, concentrate development where there is available land, and reduce suburban sprawl. Another theme of the LUTE is to concentrate retail activity in nodes on the corridors and to connect these

nodes by longer stretches of high density residential development. This pattern is intended to create compact, pedestrian oriented districts and avoid the dilution of commercial activity along the City's long corridors.

The LUTE also includes a land use map that designates each area of the City with a certain land use classification. Each land use classification, mapped in various parts of the City, describes the type and intensity of allowable future development. The following is the list of the residential and commercial land use classifications:

- Hillside Residential
- Detached Unit Residential
- Mixed Housing Type Residential
- Urban Residential
- Neighborhood Center Mixed Use
- Community Commercial
- Regional Commercial

Detailed descriptions of these classifications from the LUTE, including density and floor area ratio (FAR) ranges, are contained in Attachment D; summaries of the classifications are also contained in the Framework section, below.

Other City of Oakland General Plan Elements

Three other General Plan elements include policies relevant to the commercial and residential rezoning update:

- *Historic Preservation Element (HPE, adopted in 1994, amended in 1998).* This HPE includes goals, policies and actions that govern how the City will treat historic properties and neighborhoods.
- *Open Space, Conservation, and Recreation Element (OSCAR, adopted in 1996).* The OSCAR includes policies addressing hillside development; protection of creeks, wetlands, and other natural areas; parkland dedication; open space in private development; and other topics with zoning implications.
- *Housing Element (currently being updated)* The Housing Element provides an assessment housing stock and needs; a statement of housing goals; and a program for providing the needed amount of housing throughout the City. Oakland's housing need is derived from the Association of Bay Area Governments' (ABAG) Regional Housing Needs Allocation (RHNA), the projected total number of new housing units that need to be built in the Bay Area to meet expected population demand for a specified seven-year period. The State requires each region to produce an RHNA based on state policies to promote infill development, environmental and agricultural protection, and efficient development patterns. The RHNA requires Oakland to create capacity for approximately 15,000 units between 2007 and 2014.
- *Safety Element.* The Safety Element, adopted in 2004, establishes policies to reduce the potential risk of death, injury, property damage, and economic and social dislocation resulting from large scale hazards. The Element contains a policy regarding reducing the public's exposure to toxic air contaminants through appropriate land use and transportation strategies.

- *Scenic Highway Element.* The Scenic Highway Element (adopted in 1974) establishes policies to preserve and enhance "those distinctively attractive roadways that traverse the City and the visual corridors which surround them" (page 1). Policies in this document regulate the appearance of signs, and address design review and zoning issues.

Senate Bill 375

An important recently-adopted State law that impacts planning and development in Oakland is SB375, which requires that ABAG and the Metropolitan Transportation Commission (MTC) adopt, as part of their regional transportation plan, a "sustainable community strategy" that will meet the region's target for reducing Greenhouse Gas emissions (GHG). These strategies would help reduce automobile travel, a major contributor to GHG in Oakland, by promoting smart growth principles such as:

- Development near public transit;
- Construction of mixed use projects; and
- Creation of housing that is affordable in the inner Bay Area to help reduce new housing developments in outlying areas with cheaper land.

The specific requirements of SB375 are currently being determined by the State. However, by focusing dense, mixed use development along the corridors, the LUTE and the proposed zoning reflect its principals.

APPROACH

Method of Developing Proposed Zones

The basic approach was to create new zones to implement each LUTE category. In other words, wherever a particular LUTE category is mapped, one or more specified consistent zones are proposed to be designated. For instance, the Detached Unit Residential LUTE classification has two corresponding new zones: the RD-1 zone and the RD-2 zone. Wherever the Detached Unit Residential classification is mapped, one of these two zones must be applied.

Two distinct methods were utilized for creating residential zones for areas off the City's major corridors (residential zones) versus commercial zones and urban residential zones along the major corridors (commercial/corridor zones). The Framework section, below, describes each of the proposed zones that resulted from the approach described in this section.

Residential Zones

Oakland's existing zoning designations provided the framework for the proposed new residential zones. Staff analyzed existing zones and determined their consistency with each of the LUTE residential classifications. Adjustments to these zones were based on several analyses:

- Staff developed new zones and adjusted density ranges to correspond to the maximum densities defined in the LUTE land use classifications.
- Existing zones were combined if they had similar regulations.

- Staff reviewed variance applications (or exceptions to development standards) granted for development projects for the period 2004 through 2009 to indicate where existing regulations might require amendment. For example, based on the large number of variances granted for hillside development, staff determined that development standards in the Oakland hills needed to be revisited. As stated in the General Plan (Policy N11.3), an excessive number of variances may signal a need to update specific zoning regulations to be relaxed.
- Geographic Information Systems (GIS) was used to quantitatively analyze citywide parcel data. Staff executed complex GIS queries to determine the number of parcels, the total number of acres and the median lot size in each General Plan classification. The findings from these queries provided appropriate lot size requirements.
- Existing regulations were discussed with current planning staff, developers, the public, and TAG members to assess which were most problematic and needed adjustment.

Commercial/Corridor Zones

Staff analyzed the locations of the different General Plan commercial/corridor classifications and grouped areas into different neighborhood typologies. For instance, the Community Commercial LUTE classification is mapped in three basic types of areas: on the corridors such as Broadway and International Boulevard, at large shopping centers such as Eastmont Mall, and in light industrial areas such as the west side of 7th Street in West Oakland. Therefore, staff developed three zones to be designated wherever the Community Commercial LUTE classification is mapped so that each of these typologies can be assigned an appropriate zone. Activity and design regulations for each area were based on the intent of the corresponding LUTE classification and the context of the neighborhood in which they are located.

Like the residential zones, staff also surveyed best practices from of cities of similar character and discussed the proposal with current planning staff, developers, the public, and TAG members.

Base Zone Revision

This current phase of the zoning update focuses on replacing and mapping the commercial and residential "base zones" for the City. Major changes to other parts of the Planning Code will not be made at this time. A future phase of the zoning update involves revising our parking standards, developing design guidelines, looking at other aspects of the zoning regulations, and creating new zoning districts for institutional uses, like hospitals and schools. The proposed base zones do not have specific regulations relating to particular neighborhoods; rather, they contain general regulations that appropriately guide development throughout the City. Once base zones are implemented, area plans, specific plans, and district-specific zoning overlays can be used to address the issues and goals of specific neighborhoods.

Approach to Mapping the Zones

A consistent citywide methodology was used to develop the maps, taking into consideration the following criteria:

- General Plan Designation. The primary guiding criterion for how a property is proposed to be zoned is its designation on the General Plan Land Use Diagram. The overarching

goal of the zoning update is to achieve a zoning map that is fully consistent with the Land Use Diagram.

- Strategy Diagram Designation. As noted earlier, the LUTE Strategy Diagram designates some areas of Oakland as "Maintain and Enhance" and others as "Grow and Change." For areas with the former designation, an effort was made to assign a zoning district which reflected *existing* densities. In the residential zones, this most often resulted in areas receiving a zone comparable or less dense that their existing zone or a zone. This reflects LUTE policies to stabilize residential neighborhoods and focusing new development on the corridors, downtown, and near transit.
- Existing Zoning. Within a given General Plan category, existing zoning was a major factor in determining future zoning, particularly in areas that were rezoned during the 1990s and 2000s, and in commercial areas (such as C-31).
- Existing Land Uses. Extensive field work was conducted as part of the mapping process, especially in areas where the existing zoning does not align with the General Plan Map. In residential areas, existing densities were calculated in order to assign the correct zoning designations. In commercial areas, the existing use mix was evaluated to determine the "best fit" zone for a given General Plan category. The result is a much finer-grained zoning map than the current map.
- Parcelization. Patterns, such as lot sizes, were used to determine the appropriate zone in many areas, particularly in residential zones.
- General Plan policies. The maps reflect the interpretation of General Plan policies as well as the Land Use Diagram. For instance, height limits on any given commercial parcel reflect Historic Preservation policies to promote context-sensitive design; hillside densities reflect OSCAR Element policies to conserve steep slopes; and densities near the BART stations reflect LUTE policies to promote transit-oriented development; and so on.
- Community Input. As noted above, more than 50 public meetings and five ZUC meetings have been held to date. The maps and have been continually edited to reflect input from these meetings, as well as written correspondence from residents.

A proposed set of parcel-specific zoning maps covering the entire city of Oakland is contained in Attachments B and C. The maps are organized using a 32-sheet grid (1"=400') and include previously zoned industrial, open space, and HBX areas as well as the commercial and residential areas. Attachment C distinguishes those areas where substantive changes to the zoning are proposed, and those areas where the new zone essentially matches the existing zone (in terms of density or intensity of use). Areas where the allowable development intensity is increasing or decreasing are shown with a light-shaded tone. Areas where the base use is changing (e.g., a commercial zone is being redesignated as a residential zone, etc.) are shown with a dark-shaded tone.

ZONING FRAMEWORK AND MAPS

The following section describes the proposed residential and commercial/corridor zones and residential maps. A less detailed description of the commercial/corridor zones follows the residential discussion. There is no description of the proposed commercial mapping because the commercial/corridor zones will be discussed in detail at the December 15, 2010 Planning Commission meeting. A summary of the proposed zones is in Attachments E and F and the full text of the zones is contained in Attachment A. The proposed maps are contained in Attachments B and C.

As mentioned, each General Plan Classification proposed for the zoning update – Hillside Residential, Detached Unit Residential, Mixed Housing Type Residential, Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Regional Commercial – has one or more associated zones to achieve the character described in the General Plan. A complete description of each of these classifications is contained in Attachment D.

Residential Zones

This section contains a description of the LUTE classifications and the corresponding proposed residential zones. For reference, the following table summarizes this information.

LUTE Classification	Corresponding Zoning Designation
Hillside Residential	RH-1, RH-2, RH-3, and RH-4
Detached Unit Residential	RD-1 and RD-2
Mixed Housing Type Residential	RM-1, RM-2, RM-3, and RM-4
Urban Residential	RU-1, RU-2, RU-3, RU-4*, and RU-5*

**RU-4 and RU-5 are commercial/corridor designations and are not described in this section.*

Hillside Residential General Plan Classification Zones

This LUTE classification is mapped in the single family residential neighborhoods of the Oakland Hills. Lots in this classification are often affected by slope, environmental, transportation, and fire safety constraints.

Staff proposes four zones to implement the Hillside Residential General Plan Classification. . Each of these zones allows one unit per lot. A secondary (in-law) unit is also permitted if a proposal meets regulations regarding unit size, parking, and street width. State law requires this accommodation of secondary units. The following is a summary of the zones that implement the Hillside Residential LUTE classification. New regulations such as maximum floor area ratio (FAR) and lot coverage are being proposed to control building bulk.

Zone	Minimum Lot Size	Similar existing zone
RH-1	43,560 sf (1 acre)	R-1
RM-2	25,000 sf	R-10
RH-3	12,000 sf	R-20
RH-4	6,500/8,000 sf (see below)	R-30

RH-4 has the highest density of the Hillside General Plan categories. In areas without significant slope, the minimum lot size is 8,000 square feet for a subdivision of five or more lots and 6,500

square feet for subdivisions of 4 lots or fewer. The minimum lot size increases to 8,000 square feet if any of the newly created lots have a slope of 20 percent or greater. The RH-4 zone is similar to the existing R-30 zone.

Detached Unit Residential General Plan Classification Zones

The Detached Unit Residential General Plan Classification is characterized by detached, single family structures outside the hillside area. The two zones designated for this classification, RD-1 and RD-2, are similar to each other except the RD-2 zones allow two units on lots greater than 6,000 square feet while the RD-1 only allows one principal unit. The zones also include the following regulations:

- Accommodation of secondary units;
- FAR requirement for steep lots;
- Maximum lot coverage requirements;
- Reduced side and rear yard setbacks for narrow lots; and
- Small offices are permitted and other low impact commercial activities may be conditionally permitted in existing non-residential facilities.

Mixed Housing Type Residential General Plan Classification Zones

This classification envisions a mix of single family homes, townhomes, small multi-unit buildings, and some neighborhood businesses. Staff proposes four zones for the Mixed Housing Type Residential General Plan category: RM-1 through RM-4. The following table summarizes the proposed density for these zones:

Zone	Density	Similar existing zone
RM-1	One unit permitted per lot with a secondary unit and two units conditionally permitted on lots larger than 4,000 square feet.	R-35
RM-2	One unit permitted per lot with a secondary unit and two units permitted on lots larger than 4,000 square feet. For three or more units, one unit per 2,500 square feet of lot area conditionally permitted.	R-36 and R-40
RM-3	One unit permitted per lot with a secondary unit and two units permitted for lots over 4,000 square feet. For three or more units, one unit per 1,500 sf of lot area is conditionally permitted.	R-50
RM-4	One unit permitted per lot with a secondary unit. For 1-4 units on lots 4,000 sf or greater, one unit per 1,100 sf of lot area is permitted. For 5 or more units, one unit per 1,100 sf of lot area is conditionally permitted.	NA

The new zones also include reduced side yard setbacks for narrow lots. In addition, a greater range of commercial activities in existing non-residential facilities are allowed compared to the existing residential zones. The RM-4 zone was created to accommodate development at the maximum density allowed under the LUTE for the Mixed Housing Type Residential classification. Finally, the C-Residential Commercial Combining Zone is an overlay zone that, when combined with any of the four RM base zones, allows a greater range of new commercial activities and facilities. This zone is mapped in a small number of areas that have historically

been zoned "Commercial" but that are designated on the General Plan as "Mixed Housing Type Residential."

Urban Residential General Plan Classification Zones

The Urban Residential General Plan designation envisions high density residential neighborhoods with some ground floor commercial activity in appropriate locations. Staff proposes RU-1 through RU-5 to implement the Urban Residential General Plan Classification. Three of the zones, RU-1, RU-2, and RU-3, are generally mapped in areas of established residential neighborhoods not directly on the corridors. The other two zones, RU-4 and RU-5, are mapped along the City's major transportation corridors. The following table describes the proposed density for the RU-1 through RU-3 zones. The RU-4 and RU-5 zones will be described at the December 15, 2010 Planning Commission meeting.

Zone	Density	Maximum Height	Similar existing zone
RU-1	One unit per 1,100 square feet of lot area	40 feet	NA
RU-2	One unit per 800 square feet of lot area	50 feet	R-60
RU-3	One unit per 450 square feet of lot area	60 feet	R-70

Residential Mapping

The following is an overview of the proposed mapping of the residential zones. The maps themselves are contained in Attachment B and C. Due to the number and extent of the changes, the narrative below is not intended to be comprehensive and only provides highlights. Because the maps implement a new zoning framework for the entire city, virtually every residential property in the city will have a new zoning designation. *This summary focuses on large contiguous areas where substantive changes will occur.* The overview is organized by neighborhoods and regions of the City. Also, all changes since the October 13, 2010 Zoning Update Committee contained in Attachment G. These changes are a result of ZUC, public, and staff input. The most significant of these changes is the lowering of the height maximums on Macarthur Boulevard in the Laurel District.

The maps themselves indicate the existing zoning and proposed zoning for all parcels. Shading has been used to distinguish those areas where substantive changes will occur. Light gray shading indicates an increase or decrease in the allowable intensity/ density. Dark gray shading indicates a change in the basic use category (i.e., from industrial to residential, from residential to commercial, etc.). Areas that are unshaded are proposed for no substantive change, and will essentially be rezoned with the zone that most closely matches the existing zone.

North Hills (see Attachments C-1 to C-2)

The North Hills area is generally located above Highway 13 between Berkeley on the north and and Redwood Road on the south. It includes Claremont Hills, Hiller Highlands, parts of Upper Rockridge, Piedmont Pines, Montclair, and the Joaquin Miller/ Butters Canyon area. The prevailing General Plan designations are Hillside Residential and Resource Conservation Area, with a few "nodes" of Neighborhood Center Mixed Use. Existing residential zoning is generally R-30, with some areas of R-10 and R-20 and a few small areas of medium density (R-40 and R-50) zoning. Existing commercial zones include the C-27 district (Montclair) and pockets of C-10 and C-20 zoning corresponding to small shopping centers. The entire area is designated as "Maintain and Enhance" on the General Plan Strategy Diagram.

General Plan policies for the North Hills support low to very low density infill development, consistent with prevailing land use patterns. Policies generally do not support increases in the currently allowed density, and in some cases imply that decreases are desired. For instance, the Open Space, Conservation and Recreation (OSCAR) Element discourages subdivision of steeply sloping lots and the Safety Element calls for continued low densities in fire-prone and landslide prone hillside neighborhoods. The Land Use and Transportation Element (LUTE) itself calls for a minimum lot size of 8,000 square feet, which is substantially less dense than the 5,000 square-foot minimum lot size in the existing R-30 zone.

The "default" designation for areas with a General Plan designation of "Hillside Residential" and an existing zoning designation of R-30 is RH-4. Most of the North Hills have been zoned this way. Consistent with the LUTE, an 8,000 square foot minimum lot size applies in these areas, with 6,500 square foot lots permitted under some circumstances (see Attachment A). A number of R-30 areas have been further reduced to RH-1, RH-2, or RH-3, based on prevailing lot sizes that exceed 12,000 square feet. The reduction is justified by the General Plan directive to "maintain and enhance" these areas, as well as OSCAR and Safety Element policies to limit future subdivision. Examples include the Castle Canyon area in Piedmont Pines, the top of Fairlane Drive/ Gwin Canyon, and the Elverton Drive area. There are very few lots in these areas less than 12,000 square feet; an RH-3 designation would reduce subdivision potential relative to existing zoning, while maintaining the buildability of previously subdivided lots.

Parts of the North Hills are currently included in special zoning overlay districts. Specifically, the S-10 (scenic route overlay) zone includes supplemental standards for driveway access, height on downslope lots, and design review. The S-11 zone is linked to the North Oakland Hills Specific Plan Area (NOHASP) and includes special provisions for site planning and density along Skyline and in Shepherd Canyon. Both of these overlays have been retained and no changes to their boundaries have been proposed.

North Oakland (see Attachments C-3 to C-4)

North Oakland includes the Golden Gate, Temescal, Rockridge, and Piedmont Avenue neighborhoods, as well as other areas roughly located "above" Highway 580, and "below" Highway 13 in the area between Piedmont, Emeryville, and Berkeley. The area includes a variety of General Plan designations, corresponding to a diverse land use pattern and mixed densities.

West of Broadway, the prevailing residential zones in North Oakland are R-35 and R-40. There are a few pockets of medium to high density zoning corresponding to existing multi-family development, especially along corridor streets and near Mosswood Park. East of Broadway (e.g., in the Piedmont Avenue neighborhood), the current zoning allows for medium to high density residential uses, with large areas zoned R-50 or R-70. Some of these areas are developed with apartments but others have historically been "overzoned" and primarily contain single family homes or 2-4 unit buildings.

The new zoning maps propose downzoning in the Piedmont Avenue neighborhood to implement General Plan "maintain and enhance" policies as well as the "Mixed Housing Type" Residential designation. In areas designated "Mixed Housing Type" currently developed with mostly 1-3 unit buildings, RM-2 has typically been used. In areas with a mix of single family homes and 2-8 unit buildings, the designation is typically RM-3. "Mixed Housing Type" areas with existing concentrations of large apartment buildings have typically been designated RM-4. An effort was made to apply designations that would limit the number of structures that would become non-conforming, while still respecting General Plan directives. Areas in the Piedmont Avenue neighborhood designated "Urban Residential" are proposed to be zoned with a combination of RU-1, RU-2, and RU-3, with the locations of highest allowed densities corresponding to the locations of existing concentrations of higher density apartments.

Similar reductions in allowable density are proposed in the Mosswood area west of Broadway near 40th Street. Existing R-70 zoning will be replaced by a combination of RM-3 and RM-4 zoning, reflecting the General Plan designation of Mixed Housing Type Residential as well as existing land use patterns.

In the Rockridge and Temescal districts, proposed residential zoning generally mirrors existing designations. Most R-35 areas (currently the "default" zone for Rockridge) have been zoned RM-1. Most R-40 areas (currently the "default" zone for Temescal, the Santa Fe/ Longfellow, and Golden Gate neighborhoods) have been zoned RM-2. In the western part of North Oakland (near San Pablo Avenue), several blocks have been designated RM-3 to recognize existing concentrations of medium density housing.

A few of the commercial corridors in North Oakland are proposed for rezoning as Urban Residential. For example, the Martin Luther King Junior corridor (below 51st Street) will be rezoned from C-30 to a combination of RU-4 and RU-5. The RU-4 designation has been proposed in areas where the existing land use is predominantly residential. The RU-5 designation has been proposed in areas where the existing land use is predominantly commercial.

Land around the MacArthur BART station is generally proposed for S-15 (Transit Oriented Development) zoning. This is the same district that applies in West Oakland and Fruitvale, and

it is intended to accommodate high density mixed use development, consistent with the General Plan. Height limits in this area reflect prior planning studies for the BART station, as well as the factors listed earlier in this staff report. The adjacent stretch of MacArthur Boulevard between the BART Station and Emeryville will be rezoned from commercial (C-25 and C-30) to a mix of RU-4 and RU-5, responding both to the General Plan and existing land use patterns.

New zoning on the Market Street corridor in North Oakland reflects the General Plan designation of this area as Mixed Housing Type Residential. Historically this corridor has included a mix of housing and neighborhood-serving retail/ office uses, but the General Plan designation indicates it should trend residential. Thus, the existing commercial zoning on the corridor will be replaced with residential zoning. A proposed "RC" (Residential-Commercial) overlay district will be used in a few locations (such as 45th/Market) to reflect concentrations of existing businesses.

West Oakland/ Pill Hill (see Attachments C-5 to C-6)

For the purposes of this staff report, the West Oakland/ Pill Hill area includes those areas bounded by I-580 on the north, I-880 on the west and south, and Harrison Street or Downtown Oakland on the east. The most substantial zoning changes are on San Pablo Avenue, in the Oak Center area (roughly between 12th and Grand, between I-980 and Mandela Parkway), and along Market Street and Martin Luther King Junior Way.

Most of the Oak Center neighborhood has been downzoned from R-60 and R-70 to RM-2 and RM-4. This is consistent with the General Plan designation of this area as "Mixed Housing Type Residential" and its Strategy Diagram designation of "Maintain and Enhance." The proposed zones on any given block reflect existing land use patterns and housing types as well as the historic character of the area. The S-20 (Historic Preservation) overlay district that presently applies in this area will be retained. RM-4 zoning is applied on the higher-volume streets (14th 18th, Adeline Streets, etc.). The local streets in this area are generally proposed for RM-2, and the new single family subdivisions on the former Housing Authority sites are proposed as RM-1.

Significant changes are also proposed along Market Street (between 18th and 26th Streets). Although the predominant existing zoning is commercial (C-10, etc.), the General Plan designates the area as Mixed Housing Type Residential and does not acknowledge the existing business district. Accordingly, the extent of commercial zoning has been reduced, with a commercial (R/C) overlay used in areas where active small businesses in this area are presently clustered. The balance of the corridor in this area is proposed for RM-4, which will encourage residential infill development.

Several remnant "pockets" of industrial zoning in residential areas will be eliminated in West Oakland. This is the case in the Clawson (Dogtown) neighborhood, where about a half-dozen scattered "islands" had retained M-30 (or C-10) zoning despite the previous rezoning of all properties around them as HBX-2. Such pockets would be rezoned HBX-2. Similarly, a number of M-20 parcels near McClymonds High School and along Adeline Street will be rezoned for residential uses (RM-2 or RM-4) to reflect their General Plan designations for housing. In some cases, these parcels have already been converted from industrial to residential use. In other cases, new non-conforming uses may result.

Elsewhere in West Oakland, the predominant existing residential zoning is R-36 and R-50. The "default" proposed zone for areas now zoned R-36 is RM-2, while the "default" proposed zone for areas now zoned R-50 is RM-3. In a few cases (for instance, the area around McClymonds High School and along Athens Avenue), a reduction from R-50 to RM-2 is proposed to reflect existing single family land uses. Other changes include the rezoning of the 14th/ Peralta commercial district from C-10 to RM-4/C, and a slight expansion of the S-15 (Transit-Oriented Development) zone around the West Oakland BART station.

East of I-980 and north of Grand Avenue, zoning in the Pill Hill, Northgate, and Harrison/ Oakland neighborhoods will be changed to match General Plan designations and better reflect General Plan policy directives. This will mean a reduction in allowable densities in areas between Telegraph and I-980 now zoned R-70 and R-80 (proposed for RU-1 and RU-2), and some conversion of C-45 zoning to RU-3 zoning (between Grand and 27th Street).

Adams Point – Grand Lake (see Attachments C-9 to C-10)

The Adams Point – Grand Lake area includes two adjoining geographic areas on either side of Interstate 580. Adams Point roughly corresponds to the triangle formed by Interstate 580, Lake Merritt, and the Harrison/Oakland corridor. The Grand Lake area is located between I-580, Oakland Avenue, Park Boulevard, and the City of Piedmont and includes the Rose Garden neighborhood, the Grand Lake shopping and residential districts, and the Trestle Glen/Crocker Highlands neighborhood.

The Adams Point – Grand Lake neighborhoods contain some of the highest-density housing in Oakland as well as large areas of single family housing. Existing residential zoning ranges from R-30 (single family) in Trestle Glen to R-80 (high-density multi-family) near Lake Merritt.

Although Adams Point, Rose Garden, and Grand Lake were initially developed as single family neighborhoods a century ago, they were zoned for high density housing for much of the 20th Century. In the 1950s, 60s, and 70s, mid-rise apartments replaced many of the older homes. Today, these areas include numerous three to five story apartment buildings, 2-8 plexes, a few high-rise buildings, and single family homes, some of which have been divided into flats. Much of the Rose Garden and upper part of Adams Point were downzoned to R-35 during the 1990s in response to resident concerns about the loss of the older housing stock. The R-35 designation curbed the development of new apartments but also resulted in a large number of non-conforming buildings and structures. On some blocks in Adams Point and Rose Garden, more than 90 percent of the housing units are now in non-conforming structures.

The new maps apply finer-grain zoning boundaries, reflecting the City's policy to "maintain and enhance" these neighborhoods. Zoning districts correspond to existing land uses to a greater extent then they did previously. In some cases, this has resulted in "upzoning" of R-35 (apartment) parcels to RM-4. In other cases this has resulted in "downzoning" of R-50, R-60, and R-70 (single family) parcels to RM-1 or RM-2.

The General Plan designated about half of Adams Point as Mixed Housing Type Residential and about half as Urban Residential. The proposed zoning maintains the equivalent of R-35 (RM-1) on most of the single family parcels in the Mixed Housing Type areas. However, where the prevailing pattern consists of large apartment buildings, the RM-4 zone has been applied. RM-4

is consistent with the "Mixed Housing Type" designation and the "Maintain and Enhance" designation, but it as not as dense as the actual structures on these sites (which exceed 100 units per acre in some cases). The RM-4 designation provides some incentive for continued investment as the existing apartment buildings reach the end of their economic lives. It would not permit the expansion of existing large apartment buildings, since most would continue to be non-conforming structures under RM-4. To the extent possible, the RM-4 boundaries have been drawn to avoid "upzoning" of single family homes.

In the "Urban Residential" portion of Adams Point, proposed zoning is generally RU-2 and RU-3. In most instances this is not a substantive change, since these designations are equivalent to the existing R-60 and R-70 zones. Much of Adams Point is subject to the S-12 overlay zone, which affects parking requirements. The overlay zone remains in place on the updated maps.

The Rose Garden neighborhood includes a mix of R-35 and R-70 zoning at present. The proposed zoning reflects the General Plan designation of this area as Mixed Housing Type Residential. Most of the R-70 areas have been downzoned to RM-1 or RM-4 to be consistent with the LUTE. In a few areas, contiguous R-35 parcels have been upzoned to RM-4 based on the fact that they contain large apartment buildings (see earlier comment on Adams Point). RU-3 zoning (equivalent to R-70) has been retained in the area between Santa Clara Street and I-580 where the General Plan erroneously designated a three-block area of contiguous multi-family uses as "Mixed Housing Type."

The hill between Grand and Lakeshore is a mostly multi-family residential neighborhood designated as "Urban Residential" on the General Plan. The current zoning designation of R-70 does not reflect the fine-grained development pattern in this neighborhood, which includes a mix of single family homes, flats, and larger apartment buildings. Staff conducted extensive field surveys of existing land use patterns, densities, and structure types and has redesignated this area with a combination of RU-1, RU-2, and RU-3 zoning. Some downzoning also has occurred on the perimeter of this area—for example, along Prince Street and on Walker, Warfield, and Erie above Mandana. This reflects not only General Plan designations but also existing uses and neighborhood input.

Adjacent to Grand Lake, lower density residential neighborhoods extend north and east. These areas currently include a mix of R-30 and R-40 zoning. For the most part, proposed zoning reflects the General Plan designation, which is Mixed Housing Type west of Warfield and Detached Residential across all of Trestle Glen and Crocker Highlands. The Mixed Housing Type areas are designated RM-2 (equivalent to the existing R-40 zoning) and the Detached Housing Type areas are designated RD-1 (equivalent to the existing R-30 zoning). Several blocks in the transition area between Grand Lake and the single family neighborhoods have the RD-2 designation.

Lower Hills (see Attachments C-7 to C-8)

The Lower Hills area includes the triangular area bound by Highway 13 on the east, I-580 on the west, and the City of Piedmont on the north. It includes Glenview, Dimond, Upper Dimond, Laurel, Redwood Heights, Lincoln Heights, and Oakmore. The entire area is designated as "Maintain and Enhance" on the General Plan Strategy diagram, indicating that the basic land use pattern is set. The predominant General Plan designations are Detached Residential and Mixed

Housing Type Residential. Other residential designations include Hillside Residential in Oakmore and near the Mormon Temple and Urban Residential along the MacArthur corridor. The major commercial areas are Glenview (Park Blvd), and Dimond/ Laurel (MacArthur Blvd), both of which are designated Neighborhood Center Mixed Use.

Consistent with the LUTE, substantial downzoning is proposed in the Glenview neighborhood. The existing zoning in most of the neighborhood is R-50, while the General Plan designation is "Detached Residential." A roughly 25-block area between Park Boulevard and Dimond Park will be redesignated as RD-2. Parts of Glenview currently zoned R-70 (high density housing) will be redesignated as RM-3 and RM-4, consistent with the General Plan. This includes the area near Park Boulevard and I-580, as well as the area immediately below the Glenview commercial district along Park.

Elsewhere in the Lower Hills, most of the zoning is already consistent with the General Plan and will not substantively change. R-30 areas have generally been designated as RD-1. R-50 areas have generally been designated as RM-3, with a few exceptions. These exceptions include: (a) areas where the zoning is R-50 but the General Plan designation is Detached Residential, and (b) areas where zoning is R-50 but the the existing uses are mostly single family homes. An example of the former case is along Lincoln Avenue between Delmer and Potomac. An example of the latter case is along Kansas Street between Laurel Avenue and Midvale Avenue. There are also a few R-40 pockets that have been designated RM-2.

Lake Merritt to 23rd Avenue--San Antonio (see Attachments C-11 to C-12)

This geographic area includes neighborhoods below Interstate 580, east of Lake Merritt extending as far as 23rd Avenue. Most of this area is designated as Mixed Housing Type Residential on the General Plan, with substantial areas of Urban Residential just east of Lake Merritt and along the International Boulevard corridor. Residential zoning ranges from R-30 to R-80, although most of the area is in the R-36 to R-50 range. Neighborhood shopping areas include Eastlake (East 18th Street and Park) and the International Boulevard corridor.

Consistent with the LUTE, downzoning is proposed in much of the Cleveland Heights area, bounded by Lake Merritt, I-580, and Park Boulevard. Parts of this neighborhood have been zoned for high-density apartments for many years, leading to a patchwork pattern of apartment buildings, flats, and single family homes. While high density zoning is appropriate in some parts of this area, other parts are designated as "Detached Residential" on the General Plan and are presently overzoned. At the same time, the General Plan itself was drawn very loosely in this area, leading to designations that do not represent actual or desired conditions in some locations.

Major zoning changes in Cleveland Heights/ Haddon Hill include:

- Redesignation of the MacArthur corridor (between Wesley and Park) from R-70 to a combination of RM-3 and RD-2
- Reduction of the R-80 areas on the east shore of Lake Merritt to RU-1, RU-2, and RU-3 (effectively establishing height limits for new construction where none exist today)
- Reduction of an approximately 10-block area south of Cleveland Avenue from R-50 to RD-2 to reflect the General Plan designation of Detached Residential

- Modification of Urban Residential zone boundaries in the vicinity of Wayne Avenue, lower Athol Avenue, Hanover Avenue, and Lester Avenue to more closely match existing conditions

In addition, a correction to the General Plan Map will be required to clarify that portions of Lester Avenue, Athol Avenue, and Newton should be designated as "Mixed Housing Type Residential" rather than "Urban Residential." The need for this correction, and the general zoning direction for this area, was discussed at a community meeting in this neighborhood on April 22, 2010.

Rezoning is also proposed for the Park Boulevard corridor, with RU-2 (equivalent to R-60) replacing the existing R-70 designation on most blocks, and an existing C-28 zone between 7th and 8th Avenues also replaced with RU-2 zoning.

The Brooklyn /Clinton Square neighborhood includes a mix of areas designated as Urban Residential and Mixed Housing Type on the General Plan. Portions of the area "below" Foothill Boulevard are designated as "Grow and Change" on the General Plan Strategy Diagram. Areas have been mapped using the "best fit" zone, with only a few substantive changes in allowable density. Like the Adams Point and Rose Garden areas, this area was downzoned to R-40 and R-50 about two decades ago in response to concerns about overdevelopment. Where large apartment buildings predominate, these areas have been zoned RM-4, which is an increase in allowable density (though not as dense as what is on the ground). Where single family homes predominate, these areas have been designated RM-2. Where there is a mix of single family homes, flats, and 2-8 plexes, the RM-3 designation has been used. A few areas zoned R-50 have been reduced to RM-2, for example along 13th Avenue between E. 21st and E. 24th Streets, and in the area immediately north of Highland Hospital along Bayview Avenue and E. 33rd Street.

East of 14th Avenue and above East 21st Street, the San Antonio Hills/ Highland Terrace area is being redesignated from R-50 to a combination of RM-1, RM-2, and RM-3. The proposed designations more closely reflect actual densities in the neighborhood and will help protect the predominantly single family character of many blocks. An area of several blocks just west of the Central Reservoir is being redesignated from R-30 to RM-1, reflecting the General Plan designation of Mixed Housing Type.

The San Antonio District also includes roughly a dozen small pockets of commercial zoning, each comprised of just a few parcels. These generally contain residential uses, along with small businesses and corner stores, sometimes with housing above. Most of these pockets are being rezoned to residential use, reflecting their General Plan designations. The RM zoning district has been drafted in a way that recognizes many existing commercial uses as conforming activities, enabling this change without impacting low-impact businesses.

Fruitvale (see Attachments C-13 to C-14)

The Fruitvale area is located between Interstate 580 and Interstate 880, from 23rd Avenue eastward. The eastern boundary of this area is based on the City Council district (5 and 6) boundary, and is generally located ¼ to ½ mile east of High Street. The proposed Zoning Map not only reflects the General Plan Map, but also the designation of most of this area as "Maintain

and Enhance" on the General Plan Strategy Diagram. Many neighborhoods comprised primarily of 1-3 unit structures are currently zoned R-50, when a designation of R-40 (equivalent to RM-2) would be more appropriate. Fruitvale also includes "Grow and Change" areas, including the International and Foothill corridors, and parts of Lower Fruitvale Avenue.

In the northwest part of this area, the small 1920s/1930s-era subdivisions west of Fruitvale Avenue along Sausal Creek (zoned R-50 today) have been designated RM-2, recognizing the existing development pattern. A similar reduction has been made along 24th and 25th Avenues (between E.21st and E. 26th) and in the vicinity of the historic Peralta Hacienda. Zoning boundaries have been drawn to reflect the prevailing housing type and unit count on each block. The result is a much more fine-grained zoning map than the current map, which simply designated most of Fruitvale as R-50. Moving east, parcel-specific reductions from R-50 to RM-2 have also been proposed in the Fruitvale School, Bartlett, Allendale, and Harrington neighborhoods. Some blocks will retain the R-50 equivalent zone (RM-3), and a slight increase to RM-4 is proposed for residential parcels fronting Fruitvale Avenue, 35th Avenue, and High Street.

Consistent with the LUTE, downzoning is proposed in the area around Jefferson School. Because the General Plan designation in this area is Detached Residential, the best fit zone is RD-2, which is less than the existing R-50. A reduction from R-50 to RD-2 has also been proposed east of High Street in the Fairfax neighborhood, again to match the General Plan. A similar reduction is proposed in the Wentworth-Holland area (between 53rd and 55th Avenues) below Bancroft.

Density increases are proposed in a few areas where the existing development pattern is denser than what the current zoning would allow, and in areas where the existing zoning is below a level consistent with the General Plan. An example of the former situation is along 26th Avenue near E. 17th Street, where the existing zoning is R-36 but all existing structures are apartment buildings. The latter situation occurs just east of Central Reservoir, near 31st Avenue and E. 10th Street, and near 40th Avenue and E. 12th Street. These three areas are zoned R-30 but have a General Plan designation of Mixed Housing Type Residential. RM-1 zoning has been applied here.

South Hills (see Attachments C-15 to C-16)

The South Hills encompass the land above Highway 580 (and a short portion of Highway 13) from Redwood Road south to the San Leandro border. This area includes the Ridgemont, Hillcrest Estates, Balmoral, Parkridge, Leona Heights, Surrey/Hansom, Sequoyah, Oak Knoll, Chabot Park, and Sheffield Village neighborhoods among others. Most of the area is designated "Hillside Residential" on the General Plan Map, with large intervening areas of "Resource Conservation" open space. The area includes some of Oakland's largest parks, including Knowland Park and the Lake Chabot and Leona Regional Open Spaces. Most of the area is zoned R-30, although all of Oakland's single family zones appear in this area (including R-1, R-10, R-20, and R-30).

The General Plan policy for most of the South Hills is to "maintain and enhance" the existing land use pattern. Areas designated for "growth and change" include the Merritt College lower parking lot, Leona Quarry (which has already been developed) and Oak Knoll Naval Hospital,

which is still undergoing reuse planning. The Open Space, Conservation, and Recreation (OSCAR) Element and the Safety Element of the General Plan also provide policy direction for the South Hills. These Elements indicate that development potential is limited due to steep slopes, wildfire hazards, limited access, and other environmental constraints. The existing zoning pattern in the South Hills neighborhoods does not always reflect these constraints; thus, downzoning is recommended in some areas.

Moving from north to south, the zoning map for the South Hills retains a one-acre minimum lot designation (formerly called R-1, now called RH-1) in the Hillcrest Estates neighborhood. The geographic extent of RH-1 has been expanded, and it now applies more uniformly to other parts of the South Hills where the prevailing lot size is greater than one acre.

The RH-1 designation also has been applied to the west-facing slopes below the Ridgemont development (Campus Drive). These hillsides are designated as Resource Conservation on the General Plan Map. Because they are still in private ownership and because the open space (OS) zone is intended for public property or lands governed by formal Conservation Agreements, a very low density residential designation has been applied. Open Space (OS) zoning has been used on the common open space at the Leona Quarry development, since it is covered by such an Agreement.

In Ridgemont, the proposed zoning designations correspond to prevailing lot sizes. Presently, the entire neighborhood is zoned R-30. However, the community includes areas where actual lot sizes are more in line with R-10 or R-20 densities. Consequently, portions of the neighborhood along Campus Drive have been designated RH-2 and RH-3, while the smaller lot areas such as Ridgemont Drive and Crystal Ridge Court are RH-4.

The neighborhoods at the base of the hills along Mountain Boulevard are currently zoned R-30, with R-50 on the former Leona Quarry / Monte Vista site. Most of the R-30 properties have been rezoned RH-4, which is equivalent. However, where the prevailing lot size is greater than 12,000 square feet (further away from I-580, often along narrow winding streets), reductions to RH-3 have been proposed. The Balmoral neighborhood near Skyline High School is also proposed for RH-3 (equivalent to R-20), since the prevailing lot sizes there are more than 12,000 square feet.

Along the Keller Avenue corridor, several R-50 zoned areas near the I-580 interchange have been reduced to RD-2, reflecting their General Plan designation as “Detached Residential.” Further north, a portion of the Canyon Oaks condominiums have been designated RM-3, in lieu of their current C-20 zoning.

Continuing south, Oak Knoll Naval Hospital is proposed for RH-4 zoning as an interim measure until development plans for the site are confirmed. The property has a variety of General Plan designations, reflecting reuse planning activities prior to the adoption of the Land Use and Transportation Element in 1998. Rather than zoning the site to match the General Plan (which would result in large areas being rezoned to CC-2), RH-4 is being used as a “holding zone.” This is equivalent to the existing R-30 zoning. It is likely that portions of the site will be rezoned (including the zoning of some areas as open space) in the future.

In the Sequoyah area, the golf course has been zoned RH-1, reflecting its designation on the General Plan as open space. Adjacent neighborhoods include a combination of RH-3 and RH-4, depending on prevailing lot sizes. This is a reduction in allowable density for those areas zoned R-30 today. Closer to Skyline, the Sequoyah Heights Townhomes are proposed for rezoning to RM-1 (from R-20). This reflects their General Plan designation as "Mixed Housing Type residential."

The Grass Valley and Chabot Park Estates neighborhood are also proposed for zoning modifications that better match existing lot patterns. Areas where the prevailing lot sizes are between 25,000 square feet and one acre (adjacent to the Chabot Golf Course) are to be zoned RH-2 (from R-30). Areas where the prevailing lot sizes are between 12,000 and 25,000 square feet are proposed for RH-3 zoning (from R-30). Areas where the prevailing lot sizes are less than 12,000 square feet are proposed for RH-4 zoning (equivalent to the current R-30).

Greater reductions are proposed along the ends of Kerrigan Drive and Lochard Street, where there are about 20 parcels over an acre size. This area is proposed for RH-1 zoning, which is somewhat less than the current R-10. Nearby, 64 acres above Dunsmuir House recently acquired by the East Bay Regional Park District are proposed for OS(RCA) zoning. Most of Sheffield Village is proposed to be zoned RD-1, with a few RD-2 parcels along the I-580 freeway.

Melrose/Seminary/Coliseum (see Attachments C-17 to C-18)

This area extends eastward from the boundary between Council Districts 5 and 6 below Interstate 580. Its northern boundary varies but is roughly ½ to ¼ mile east of High Street, approximately aligned with the Maxwell Park neighborhood and 51st Avenue in the Melrose District. The southern boundary is 73rd Avenue. This planning area includes Mills College and Millsmont, the Seminary and Havenscourt areas, Eastmont Mall and environs, Melrose, Fairfax, and the area around the Oakland Coliseum. This is a mostly single family area, with scattered garden apartments, medium density housing, and small neighborhood shopping districts. Most of the area is designated as "Detached Residential" or "Mixed Housing Type" on the General Plan.

The most substantial changes in this area involve the downzoning of many areas zoned R-50 to RD-2 (equivalent to R-35) and the rezoning of segments of the major corridors from commercial to urban residential categories. Both of these changes are necessary to bring the Zoning Map into conformance with the General Plan Map.

In the area near Mills College and Maxwell Park (55th Ave, El Camile Ave, Brookdale, Walnut Street, etc.), the existing zoning is R-50 but the General Plan designation is "Detached Residential." Rezoning to RD-2 (equivalent to R-35) is proposed. Similar downzoning (from R-50 to RD-2) is proposed along Seminary between Bancroft and Macrthur, on adjacent blocks near Frick Middle School, and in the Millsmont area along Monandock, Mauritania, Laird, Majestic, and Outlook.

Nearby areas presently zoned "R-50" and designated as "Mixed Housing Type" on the General Plan Map are to be rezoned with the equivalent zone (RM-3). However, a few areas such as Brann Street (adjacent to Evergreen Cemetery) are being downzoned to RM-1 or RM-2. This

will help preserve the mostly single family character of such neighborhoods in the future, and will ensure that these lots only have the capacity for a one- or two-unit dwelling.

In between the Foothill/Bancroft corridor and the International Boulevard corridor, extensive downzoning from R-50 to RD-2 is proposed to reflect "Detached Residential" General Plan designations. This includes the Holland-Wentworth area (53rd to 57th Avenue) and the area between 64th and 69th, below Flora Street. Another substantial downzoning is proposed along Seminary Avenue betweem Foothill and International. The existing zoning is R-70 but the General Plan designation is "Mixed Housing Type" Residential. A reduction to RM-4 is proposed. Adjacent areas are also proposed for RM-4 zoning, which is comparable to the existing development pattern in this area. Further east along 63rd Avenue and adjoining side streets (Hayes, Harmon, Bromley, etc.) a reduction from R-50 to RM-2 (equivalent to R-40) is proposed.

Below International Boulevard, most of the residential neighborhoods are presently zoned R-50 but are shown on the General Plan as Detached Residential. The exception is the Melrose neighborhood, which is zoned R-30 but shown on the General Plan as "Mixed Housing Type." The proposed zoning map brings the zoning into alignment with the General Plan by redesignating the R-30 area around 52nd , 53rd, and 54th Avenues from R-30 to RM-1 (a slight increase), and by redesignating the R-50 areas between 58th and Hegenberger Road to RD-2. Exceptions are the Lockwood Gardens area, which is Urban Residential (to be zoned RU-2), and Lucille/Eastlawn Streets (to be zoned RD-1).

Elmhurst/ Far East Oakland (see Attachments C-19 to C-20)

The Elmhurst/ Far East Oakland area extends from 73rd Avenue eastward to the San Leandro border. Its upper boundary is Interstate 580 and its lower boundary is Oakland Airport. This area includes Sobrante Park, Tassaforonga, Brookfield Village, Columbia Gardens, Las Palmas, Toler Heights, Foothill Square, Stonehurst, Elmhurst Park, Webster Tract, Castlemont, Woodland, Fitchburg, Highland, Iveywood, Golf Links, Cox, Arroyo-Viejo, and Durant Square.

Most of Far East Oakland is designated for "Detached Residential" on the General Plan Map, with a few areas designated as "Mixed Housing Type Residential." Areas that are presently zoned R-30 and designated "Detached Residential" will be rezoned RD-1—such areas make up more than half of the residential properties in this subarea, including all of Eastmont Hills, Toler Heights, Sobrante Park, and Brookfield Village.

Zoning changes are proposed in a number of Far East Oakland neighborhoods to align the Zoning Map with the General Plan Map. Presently, some of the "Detached Residential" areas are zoned R-50, while some of the "Mixed Housing Type" areas are zoned R-30. The proposed zoning map corrects this inconsistency, downzoning appropriate blocks of R-50 to RD-2 (equivalent to R-35). At the same time, an even larger number of blocks are proposed to be redesignated from R-30 to RM-1 (also equivalent to R-35).

An area of about 25 to 30 blocks generally bounded by Bancroft, MacArthur, 74th and 82nd Avenues is proposed for rezoning from R-50 to RD-2 in order to achieve General Plan consistency. This is a mostly single family neighborhood and the rezone will help maintain

existing density patterns and reduce encroachment by small multi-family buildings. A similar change is proposed below International, in the area between 73rd and 79th Avenues.

A slight increase in allowable density (from R-30 to RM-1) is proposed in five areas:

- 81st to 85th Avenues from MacArthur to Holly Street
- 91st to 96th Avenues from Olive to Walnut Street
- 83rd to 86th Avenues from A Street to E Street
- 93rd to 98th Avenues from A Street to E Street
- Clara to Nevada Streets from Railroad to Edes

The effective impact of this change will be to allow two unit homes on many lots that may only be used for one-family homes today. RM-1 is the lowest density designation consistent with the Mixed Housing Type Residential designation, and it would conditionally permit two-unit homes on lots larger than 4,000 square feet. In addition, the Alvingroom Apartments (in the Castlemont area) would be rezoned from R-30 to RM-4, consistent with their General Plan designation and closer to their actual density.

Commercial Zones

This section is a short introduction to the zones to be designated on the City's commercial/corridor areas such as San Pablo Avenue, International Boulevard, and Macarthur Boulevard. A fuller description of these zones and the commercial/corridor zone mapping will be contained in the staff report for the December 15, 2010 Planning Commission meeting, when the commercial/corridor rezoning will be the main subject of discussion.

There are four LUTE classifications for the commercial/corridors: Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Regional Commercial. The following is a short description of each of these classifications. A complete description of the classifications from the LUTE is contained in Attachment D.

- Urban Residential (corridor) is a high density residential classification that allows for some low impact commercial activities.
- Neighborhood Center Mixed Use is a pedestrian oriented retail designation that encourages continuous store frontage and comparison shopping.
- Community Commercial is a larger scale, auto-oriented commercial classification.
- Regional Commercial is intended to create regional centers of activity. Regional Commercial is concentrated in the Hegenberger Road/Coliseum area and near the Emeryville border.

For reference, the following table contains a list of these LUTE classifications and the zones developed to implement their policies:

LUTE Classification	Corresponding Zoning Designation
Urban Residential	RU-1, RU-2, RU-3, RU-4*, and RU-5*
Neighborhood Center Mixed Use	CN-1, CN-2, CN-3, and CN-4
Community Commercial	CC-1, CC-2, and CC-3
Regional Commercial	CR-1

**RU-4 and RU-5 are only designated on the City's major corridors.*

A full text and summary of the zones are contained in Attachments A, E, and F.

In the commercial/corridor areas, development intensity (height, density, and floor area ratio) is proposed to be regulated in a separate "height map" that is based on location and context. Particularly in the City's commercial areas and along its transportation corridors, the appropriate size and scale of a building (regardless of use) is more closely related to the surrounding context (e.g. street width, proximity to Downtown, proximity to transit) and General Plan policies (e.g. the area may be designated as "grow and change" or maintain and enhance"). For instance, zoning districts that encourage pedestrian-oriented commercial activities are appropriate for both the Laurel and Fruitvale commercial districts, even though the appropriate building height in these areas varies due to factors such as street width and proximity to a BART station.

ENVIRONMENTAL DETERMINATION

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). These documents include: the Environmental Impact Report (EIR) for the LUTE, the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (scheduled for a certification hearing in November 2010), the Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update, certified in 2004, and various Redevelopment Plan Final EIRs. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Thus, no further environmental review is required.

PLANNING CODE MODIFICATIONS

Attachment H contains all the changes required to be made to the Planning Code as a result of the rezoning. There are ramifications throughout the Planning Code whenever a new zone is created or removed. For instance, the parking requirements (Chapter 17.116) and sign regulations (Chapter 104) refer to specific zones, so those chapters require substantial changes to remove references to zones no longer in the code. There are also nonsubstantive changes that clean up redundancies, format, and wording. Staff is proposing a few substantial changes to the Planning Code, mostly in the parking chapter, that came as a result of TAG and staff input. Staff will detail these changes at the December 15, 2010 Planning Commission Meeting.

MINOR MODIFICATIONS

Staff requests that the Planning Commission authorize staff to make minor changes, clarifications and refinements to the proposal prior to submittal to the City Council. This may be required to clean up language, correct typing errors, or make other minor changes consistent with the intent of the Commission's recommendations. Although not anticipated, Staff proposes to bring any staff initiated significant or controversial changes back to the Planning Commission for further recommendation prior to submittal to the City Council.

GENERAL PLAN GUIDELINES

On May 12, 1998, the City Council adopted interim controls that implement the General Plan prior to the adoption of revisions to the Oakland Planning Code. These interim controls are in

the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (General Plan Guidelines). However, the new residential and commercial zones will now implement the Hillside Residential, Detached Unit Residential, Mixed Housing Type Residential, Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Regional Commercial LUTE classifications. Therefore, staff proposes to replace the text related to these classifications in the General Plan Guidelines that implement the designations with text that refers to the Planning Code (see Attachment I). Staff also proposes to replace existing "best fit zones" in the Estuary Plan Area with the new zones proposed by staff. The existing best fit zones must be removed because they will no longer exist in the Zoning Ordinance.

KEY ISSUES AND IMPACTS

As mentioned, Staff conducted six public hearings with the Zoning Update Committee of the Planning Commission between May and October 2010 in order to identify and proactively resolve issues relating to the proposed new zoning regulations and zoning maps. Among the issues that were raised were historic preservation, the use of open space zoning on private property, the proposed use permit requirements for various activities, residential building standards, and specific map designations for various parcels and corridors, including proposed height limits. Most of these issues were resolved through the ZUC process but a few remain unresolved. For example, the proposed height limits on Telegraph Avenue (between 41st Street and Berkeley) continue to be a neighborhood concern. Because this is a commercial corridor, the Planning Commission will discuss recommendations and options for this area at the December 15 meeting. Staff will also continue to meet with the Hill area neighborhood groups to address concerns regarding bulk and height standards, and will meet with Oakland Heritage Alliance and other community groups as appropriate to address any outstanding map and text issues.

RECOMMENDATIONS:

Affirm staff's environmental determination and recommend approval to the City Council the proposed amendments to Planning Code, General Plan Guidelines, and Zoning Maps related to the adoption of the proposed RH, RD, RM, RU-1, RU-2, and RU-3 zones. Staff also recommends that the Planning Commission finds that the existing residential zones and regulations are inadequate and otherwise contrary to the public interest due to the reasons stated in this report.

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Deputy Director

Attachments:

A. Text of proposed residential and commercial zones.
B. Proposed zoning and height maps.
C. Proposed zoning maps showing the existing and proposed zoning maps (shows changes from existing zoning).
D. Excerpts from the LUTE describing land use classifications.
E. Summary of the proposed zones.
F. Summary of residential zones regulations.
G. Mapping changes since the October 13, 2010 Zoning Update Committee meeting.
H. Proposed changes throughout the Planning Code.
I. Proposed changes to the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations."
J. Changes to the proposed zoning text made since the October 13, 2010 meeting.