

Location:	Chapter 17.101B D-OTN Oak-To-Ninth District (D-OTN) - Brooklyn Basin (including 845 Embarcadero, 1- 9th Ave).
Assessor’s Parcel Number(s):	018-0430-001-14, 018-0460-004-06, 08, and 11, and 018-0465-002-06, 12, 15, 27, 29, and 30.
Proposal:	Amend Oakland Municipal Code (O.M.C.) Title 17 (the Planning Code) Chapter 17.101B D-OTN Oak-To-Ninth District Zone Regulations (Ordinance No.13738, adopted 5/16/23) to update the Chapter name from Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone and correct clerical errors.
Applicant:	City of Oakland
Contact Person/ Phone Number:	N/A
Owner:	N/A
Case File Number:	ZA24011
Planning Permits Required:	Planning Code Amendment
General Plan:	EPP Planned Waterfront Development 4
Zoning:	Oak-To-Ninth District Zone (D-OTN) and Open Space - Region Serving Park (OS-RSP)
Proposed Environmental Determination:	The proposed amendments to the Planning Code rely on the certified Supplemental Environmental Impact Report (SEIR) for the Brooklyn Basin Marina Expansion Project (2023) and previous Oak-To-Ninth EIR (2009), since it implements, and is consistent with, the adopted Planning Code regulations that were studied in the previous EIR and updated through the SEIR. This proposal is also categorically exempt from CEQA pursuant to Section 15183 (projects consistent with General Plan and Zoning) of the CEQA Guidelines.
Historic Status:	9th Avenue Terminal Building OCHS Rating “A”
City Council District:	District 2
Finality of Decision:	Receive public testimony and forward Commission’s recommendation to City Council.
For Further Information:	Contact Case Planner Lakshmi Rajagopalan at 510-238-6751 or by email at lrajagopalan@oaklandca.gov.

SUMMARY

The Land Use and Transportation Element (LUTE) of the General Plan states that the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE and create a 'user friendly' Planning Code document that minimizes the complexity of regulations.

Staff found internal inconsistencies, typographical errors and omissions in the Planning Code text adopted on May 16, 2023, and Chapter 17.101B D-OTN Oak To Ninth District Regulations updated on January 12, 2016. The proposed amendments to Chapter 17.101B will correct internal inconsistencies, and omissions and improve the interpretability and clarity of the Planning Code.

This agenda report describes the Code clean-up items as well as miscellaneous changes to bring Chapter 17.101B in conformance with the rest of the Planning Code

BACKGROUND

On February 10, 2010, the City Council adopted Chapter 17.101B D-OTN, Oak To Ninth District Regulations ([Ordinance No. 12999 C.M.S](#)) to establish D-OTN Oak to Ninth Zone and zoning regulations and standards for development . The zoning regulations and standards were meant to guide development within the Planned Waterfront Zoning District (PWD-4) area, which was originally established in July 2006 ([Ordinance No. 12578 C.M.S](#), July 18, 2006 and [Ordinance No. 12579 C.M.S](#), July 18, 2006).

Subsequently, on January 12, 2016, the City amended Chapter 17.101B ([Ordinance No. 13357 C.M.S](#)) to add Section 17.101B.020 – Permitted and Conditionally Permitted Activities and listed the permitted, conditionally permitted, and prohibited activities in the D-OTN and OS-RSP Zones within the Oak to Ninth Mixed Use Development.

On May 16, 2023, the City Council adopted [Ordinance No.13738 C.M.S](#) approving a zoning text amendment increasing the maximum average density and modifying parking requirements in the D-OTN Oak To Ninth District.

These updates resulted in inconsistencies, typographical errors and omissions that staff is proposing to correct to implement the intent of the Chapter to guide development in the development area covered by the Chapter.

PROPOSED CLERICAL AMENDMENTS TO CHAPTER 17.101B

The proposed clerical updates to Chapter 17.101B will supersede the Planning Code amendments that were made on May 16, 2023 ([Ordinance No.13738 C.M.S](#)), and January 12, 2016 ([Ordinance No. 13357 C.M.S](#)) respectively. The proposed updates will alleviate inconsistencies and bring Chapter 17.101B in conformance with the General Plan and Planning Code.

The content of the changes are summarized below. Please see **Attachment A** with the complete Planning Code amendment text (proposed clerical text additions are shown as underline and proposed deletions are shown as ~~strike through~~):

1. Staff is proposing updating the Chapter title as follows: 17.101B D-OTN Oak-To-Ninth District Zone. As such, any Chapter text referencing Planned Waterfront Zoning District (PWD-4) is updated t to D-OTN Oak-To-Ninth District Zone.

Explanation: Planned Waterfront Zoning District (PWD-4) is not an existing zoning district designation. Updating that Chapter text referencing Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone will make the Chapter consistent with the Zoning Map and the rest of the Planning Code.

2. Staff is proposing adding a Limitation L4 to correct an oversight in Table 17.101B.01: Permitted and Conditionally Permitted Activities related to Residential Activities in the OS-RSP Zone.

Explanation: The proposed amendment would clarify that "Caretaker's Quarters", as defined in Section 17.09.050.E of the Planning Code, is the only conditionally permitted Residential Activity in the OS-RSP Zone.

3. Staff is proposing updating parking requirements for residential and commercial uses in Table 17.101B.04 to eliminate minimum parking requirements for residential facility and commercial activity types within ½ mile of a major transit stop.

Explanation: The proposed amendment will bring Section 17.101B.180 Parking Requirements into consistency with recently adopted State law (AB 2097) and Chapter 17.116 of the Planning Code.

GENERAL PLAN ANALYSIS

As stated previously, the Land Use and Transportation Element (LUTE) of the General Plan states that the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE and create a 'user friendly' Planning Code document that minimizes the complexity of regulations.

ZONING ANALYSIS

The proposed clerical amendments will correct internal inconsistencies and improve the clarity of the Planning Code.

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code rely on the certified Supplemental Environmental Impact Report (SEIR) for the Brooklyn Basin Marina Expansion Project (2023) and previous Oak-To-Ninth EIR (2009), since it implements, and is consistent with, the adopted Planning Code regulations that were studied in the previous Environmental Impact Report (EIR) and updated through the SEIR. This proposal is also categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183 (projects consistent with General Plan and Zoning) of the CEQA Guidelines.

KEY ISSUES AND IMPACTS

The proposed amendments to the Planning Code are merely clerical updates, and no substantial changes are being proposed. This is a routine component of Planning Code review administered by the Planning and Building Department.

RECOMMENDATIONS:

Staff requests that the Planning Commission receive public testimony and recommend that the City Council:

1. Amend Oakland Municipal Code (O.M.C.) Title 17 (the Planning Code) Chapter 17.101B D-OTN Oak-To-Ninth District Zone Regulations (Ordinance No.13738, adopted 5/16/23) to update the Chapter name from Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone and correct clerical errors.

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ATTACHMENTS:

- A. Proposed Clerical Amendments to the Oakland Planning Code Chapter 17.101B