

**Attachment D: Project Consistency with Community Plans or Zoning, Per CEQA Guidelines Section 15183**

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Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that “. . . projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

**Proposed Project:** Located in the West Mac Arthur/Hoover Subarea of the West Oakland Redevelopment Plan (WORP), the proposed project would involve demolition of an existing vacant brake and tire repair shop and construction of 92 residential units. Upon completion, the project would provide approximately 72,750 square-foot residential building containing a total of 92 residential dwelling units. In total the project would have 69 two-bedroom units and 23 studio units, with a total of 161 bedrooms. The project would be 5-stories in height (maximum height of approximately 60 feet).

**Project Consistency:** The General Plan land use designation applicable to the proposed project site is Urban Residential and the site is zoned Urban Residential (RU-5) and Urban Residential (RU-4).

Zoning:	Urban Residential (RU-5) Urban Residential (RU-4)
General Plan:	Urban Residential
APNs:	012-0959-009-03
Lot Size:	0.52 acre

As outlined below, the proposed project is consistent with the City of Oakland General Plan, Land Use and Transportation Element, and the applicable standards from RU-4 and RU-5 zoning districts Oakland General Plan: The General Plan land use designation applicable to the proposed project site is Urban Residential. This designation allows for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services, and is intended to create, maintain and enhance areas of the City appropriate for these types of multi-unit residential structures. The proposed project would involve construction of 92 residential units on the site of an existing vacant tire sales and auto service station in the MacArthur Transit Village PDA. As such, the project would enhance the urban character of the area and be consistent with the

applicable land use designation. The project would bring up to 209 new residents and potential patrons of shops and restaurants to the area, thereby contributing to the vitality that the WORP and MacArthur Transit Village PDA seeks to create.

Permitted uses, Height, Density and Open Space: Based on RU-4 and RU-5 zoning districts, permanent residential uses are a permitted activity in the RU-4 and RU-5 zones. Therefore, the project would be consistent with the existing zoning established for the site.

The project's proposed 60-foot maximum height would be consistent with the 60 foot maximum height allowed in the RU-4 and RU-5 zones. The project's 92 units on the 22,655 gross square feet site represents a density 1 unit per 246 square feet, which would be consistent with the allowed density of 1 unit per 375 square feet, with approval of a 50 percent density bonus allowed pursuant to State law. By providing 27 price-restricted units for moderate income households, this represents 44% of the base development density of 61 units and per Section 27.107.090 of the Planning Code, qualifies the project for three incentives and concessions. Accordingly, the applicant is requesting the following:

- An exemption from all parking requirements of the RU-4 and RU-5 zones.
- A waiver from open space requirements of the RU-4 and RU-5 zones (i.e., 13,800 square feet). The project would provide 2,990 square feet of common open space.
- A waiver from the 1 foot to 1 foot stepping setback at the 30-foot height adjacent to the RM zone (located at the rear property line). Instead the building would be stepped down to 3 stories adjacent to the RM zone and the project design would maintain an equal setback distance on all sides of the building.

The Oakland density bonus regulations, Planning Code Chapter 17.107 are a component of Oakland's zoning regulations; therefore, a project that receives a density bonus and otherwise complies with the applicable zoning requirements is consistent with the density provided in the applicable zoning designation. The density bonus regulations State that the granting of a density bonus shall not be interpreted in and of itself to require a General Plan amendment, zoning change, or other discretionary approval. (Planning Code Section 17.107.040.F.) This is consistent with the State density bonus law, which states that the granting of a density bonus "shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval." (Gov. Code Sec 65915(f)(5).)

Similarly, a project that provides affordable housing and receives a density bonus is consistent with the goals of the General Plan. The City's Housing Element, a component of the Oakland General Plan, acknowledges that the city will implement the density bonus program to permit projects to exceed the maximum allowable density set by zoning if the project includes units set aside for occupancy by very low-, low-, and moderate-income households. (See Housing Element, Policy 2.3.) This program serves as a means for the City to achieve its below market rate affordable housing construction goals.