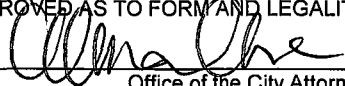


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 SEP 29 PM 3:3

REVISED AT COUNCIL 9/20/16

APPROVED AS TO FORM AND LEGALITY


Office of the City Attorney

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO COMPREHENSIVELY UPDATE CITYWIDE OFF-STREET PARKING AND LOADING REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS, AND ADOPTING ENVIRONMENTAL FINDINGS

WHEREAS, most of the City's off-street parking and loading regulations were adopted with the original version of the Planning Code in 1965 and have not been comprehensively updated since 1965; and

WHEREAS, the City's off-street parking and loading regulations are not consistent with nationwide best practices; and

WHEREAS, many of the current off-street parking requirements are inconsistent with regional policies established by the Metropolitan Transportation Commission and City policies related to transit use, housing supply, air quality, and climate change contained in the Land Use and Transportation Element of the General Plan, Housing Element of the General Plan, City's "Transit First" policy, Climate Action Plan, and/or the Mayor's Housing Cabinet Report; and

WHEREAS, many of the current off-street parking regulations create impediments to the rehabilitation of historic structures and the flexible reuse of commercial facilities; and

WHEREAS, some of the current off-street parking regulations discourage the efficient use of land; and

WHEREAS, the City seeks to update its off-street parking and loading regulations to make them more consistent with local, state and regional policies and with nationwide best practices; and

WHEREAS, this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in the accompanying Agenda Report dated August 18, 2016, and incorporates such reasons herein by reference; and

WHEREAS, this Ordinance is in conformity with adopted City policies related to transit use, housing supply, air quality, and climate change contained in the Land Use and Transportation Element of the General Plan, Housing Element of the General Plan, City's "Transit First" policy, Climate Action Plan, and/or the Mayor's Housing Cabinet Report; and

WHEREAS, adoption of this Ordinance is in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.); and

WHEREAS, staff presented the proposed updates to the off-street parking and loading requirements at several community meetings throughout the City; and

WHEREAS, the proposed updates were considered at a regular, duly noticed meeting of the Zoning Update Committee on March 9, 2016, and the Zoning Update Committee recommended that the proposal be presented to the full Planning Commission; and

WHEREAS, the proposed updates were considered, after a duly noticed public hearing, at a regular meeting of the Planning Commission on June 22, 2016, and the Planning Commission recommended that that the City Council adopt the proposed updates; and

WHEREAS, this Ordinance was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council (“Committee”) on September 13, 2016, and the Committee recommended adoption of this Ordinance; and

WHEREAS, this Ordinance was considered, after a duly noticed public hearing, at a regular meeting of the City Council on September 20, 2016, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. Amendment of the Oakland Planning Code. Title 17 of the Oakland Municipal Code is hereby amended as detailed in *Exhibits A* and *B*, attached hereto and incorporated as set forth fully herein.

Section 3. Progress Report. City staff shall maintain current information about implementation of the updated parking regulations, and shall return to the City Planning Commission and Community and Economic Development Committee within two years to present a report analyzing the outcomes of the updated parking regulations.

Section 4. Enforcement Mechanism. City staff shall develop methods of enforcing the parking demand management requirements contained in the updated parking regulations.

Section 5. Severability. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Ordinance that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular

portion of this Ordinance.

Section 6. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. all final staff reports, and other final documentation and information produced by or on behalf of the City, including without limitation supporting technical studies and all related/supporting final materials, and all final notices relating to the parking regulations and attendant hearings;
2. all oral and written evidence received by the CED Committee and City Council during the public hearings on the parking regulations; and all written evidence received by the relevant City Staff before and during the public hearings on the parking regulations;
3. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) other applicable City policies and regulations; and (d) all applicable state and federal laws, rules and regulations.

Section 7. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department –Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland, California.

Section 8. California Environmental Quality Act. The proposed amendments to the Planning Code rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs – West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163.

The proposed amendments are also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment), and Section 21099(d) of the Public Resources Code states that parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are not to be considered significant environmental impacts, each as a separate and independent basis.

Section 9. Conforming Changes. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Amendments in the Oakland

Municipal Code.

Section 10. Effective Date. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) zoning applications approved by the City and not yet expired; or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 11. Authority. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 SEP 29 PM 3:30

REVISED AT COUNCIL 9/20/16

APPROVED AS TO FORM AND LEGALITY

Alena Oher
Office of the City Attorney

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

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WHEREAS, many of the current off-street parking requirements are inconsistent with regional policies established by the Metropolitan Transportation Commission and City policies related to transit use, housing supply, air quality, and climate change contained in the Land Use and Transportation Element of the General Plan, Housing Element of the General Plan, City’s “Transit First” policy, Climate Action Plan, and/or the Mayor’s Housing Cabinet Report; and

WHEREAS, many of the current off-street parking regulations create impediments to the rehabilitation of historic structures and the flexible reuse of commercial facilities; and

WHEREAS, some of the current off-street parking regulations discourage the efficient use of land; and

WHEREAS, the City seeks to update its off-street parking and loading regulations to make them more consistent with local, state and regional policies and with nationwide best practices; and

WHEREAS, this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in the accompanying Agenda Report dated August 18, 2016, and incorporates such reasons herein by reference; and

WHEREAS, this Ordinance is in conformity with adopted City policies related to transit use, housing supply, air quality, and climate change contained in the Land Use and Transportation Element of the General Plan, Housing Element of the General Plan, City’s “Transit First” policy, Climate Action Plan, and/or the Mayor’s Housing Cabinet Report; and

WHEREAS, adoption of this Ordinance is in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.); and

WHEREAS, staff presented the proposed updates to the off-street parking and loading requirements at several community meetings throughout the City; and

WHEREAS, the proposed updates were considered at a regular, duly noticed meeting of the Zoning Update Committee on March 9, 2016, and the Zoning Update Committee recommended that the proposal be presented to the full Planning Commission; and

WHEREAS, the proposed updates were considered, after a duly noticed public hearing, at a regular meeting of the Planning Commission on June 22, 2016, and the Planning Commission recommended that that the City Council adopt the proposed updates; and

WHEREAS, this Ordinance was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council (“Committee”) on September 13, 2016, and the Committee recommended adoption of this Ordinance; and

WHEREAS, this Ordinance was considered, after a duly noticed public hearing, at a regular meeting of the City Council on September 20, 2016, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. Amendment of the Oakland Planning Code. Title 17 of the Oakland Municipal Code is hereby amended as detailed in *Exhibits A* and *B*, attached hereto and incorporated as set forth fully herein.

Section 3. Progress Report. City staff shall maintain current information about implementation of the updated parking regulations, and shall return to the City Planning Commission and Community and Economic Development Committee within two years to present a report regarding analyzing the outcomes of the updated parking regulations.

Section 4. Enforcement Mechanism. City staff shall develop methods of enforcing the parking demand management requirements contained in the updated parking regulations.

Section 35. Severability. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Ordinance that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any

particular portion of this Ordinance.

Section 46. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. all final staff reports, and other final documentation and information produced by or on behalf of the City, including without limitation supporting technical studies and all related/supporting final materials, and all final notices relating to the parking regulations and attendant hearings;
2. all oral and written evidence received by the CED Committee and City Council during the public hearings on the parking regulations; and all written evidence received by the relevant City Staff before and during the public hearings on the parking regulations;
3. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) other applicable City policies and regulations; and (d) all applicable state and federal laws, rules and regulations.

Section 57. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department –Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland, California.

Section 68. California Environmental Quality Act. The proposed amendments to the Planning Code rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs – West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163.

The proposed amendments are also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment), and Section 21099(d) of the Public Resources Code states that parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are not to be considered significant environmental impacts, each as a separate and independent basis.

Section 79. Conforming Changes. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Amendments in the Oakland

Municipal Code.

Section 810. Effective Date. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) zoning applications approved by the City and not yet expired; or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 911. Authority. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____