

CITY OF OAKLAND
AGENDA REPORT

2010 JUL 15 PM 3:45

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: July 27, 2010

RE: **Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:**

- 1) **An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats. In Addition, As A Clean-Up Item From Other Zoning Amendments, Sections 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions;" Or**
- 2) **An Ordinance Adopting Various Planning Code Text Amendments As A Clean-Up Item From Other Zoning Amendments, Sections 17.58, 17.73, 17.86, And 17.98 Are Hereby Revised To Add "Other Zoning Provisions"**

SUMMARY

On July 7, 2010, the Planning Commission reviewed draft Planning Code amendments to impose regulations on laundromats and, as a separate and unrelated set of amendments, to improve consistency among Chapters 17.58, 17.73, 17.86, and 17.98. The Planning Commission, after extensive discussion, recommended the City Council not adopt Planning Code amendments to regulate laundromats, but adopt the recommended non-substantive Planning Code amendments to improve consistency.

FISCAL IMPACT

The draft ordinances would have no direct fiscal impact on the City. Existing staffing will be sufficient to process development applications regulated by the draft zoning code amendments which are the subject of this report. No additional costs are expected to be incurred by the Development Service Fund.

BACKGROUND

On September 22, 2009 the City Council adopted an Emergency Ordinance requiring a Major Conditional Use Permit for new laundromats for a period of one year while staff studied potential regulations for this business type (Ordinance No. 12972 C.M.S.). It is the goal that

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Community and Economic Development Committee
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these new laundromat regulations be considered before the Emergency Ordinance expires in September 2010.

The item was reviewed at the May 26, 2010 Zoning Update Committee, and at the June 16, 2010 and July 7, 2010 meetings of the Planning Commission. At the July 7, 2010 meeting, the Planning Commission held a public hearing on the proposed regulations and, after extensive discussion, recommended the City Council not adopt Planning Code amendments to regulate laundromats due to the Commission's finding that there was no evidence that such establishments are over-concentrated, causing retail displacement, or other nuisances. The Planning Commission staff report is included with this report as *Attachment A*. As a separate and independent motion, the Planning Commission recommended that the City Council adopt the proposed non-substantive revisions to Chapters 17.58, 17.73, 17.86 and 17.98 that would improve consistency among provisions of the Planning Code. These provisions are independent of, and do not directly affect, the proposed laundromat regulations.

KEY ISSUES AND IMPACTS

Based on the September 22, 2009 Resolution, the City Council's basic concern was an over-concentration of laundromats with a potential for negative impacts to retail establishments along commercial corridors, such as use of prime retail locations and nuisances. Following are excerpts from the Resolution:

"these uses can displace retail activities and compromise the economic diversity of retail corridors"

"the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors"

"interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes"

"the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors"

"requiring a major conditional use permit from the City for establishing or expanding nail salons and self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed"

"requiring a major conditional use permit from the City for establishing or expanding a self-serve Laundromat provides the City a tool to enhance the appearance of these corridors and

better promote the public's health, safety and welfare, while permanent controls are being developed"

Based on these issues raised by the City Council, staff drafted proposed regulations consistent with Zoning practice. The Planning Commission considered the proposed regulations but found no basis for their adoption and recommended the Council not adopt the regulations. The Planning Commission did recommend the adoption of the proposed clean up language.

POLICY DESCRIPTION

As mentioned above, the first alternative draft Planning Code amendments contained in this report reflect the previous direction from the City Council. Proposed regulations include: a three-hundred foot distance separation requirement between new and existing establishments, and standards intended to ensure satisfactory appearance and curtail potential nuisances on-site such as window clarity and loitering by non-customers. The draft changes to the Planning Code are summarized below, and are discussed in full in the Planning Commission Staff Report of July 7, 2010 (*Attachment A*).

As summarized above, the Planning Commission recommended that the City Council not adopt regulations specific to laundromats, finding no evidence of over-concentration, and displacement of retail establishments, or direct correlation between laundromats and nuisance or crime activity. The second alternative ordinance provided for Council consideration reflects the Planning Commission's recommendation of July 7, 2010. Specifically, this alternative would adopt the non-substantive Planning Code amendments only, without establishing permanent controls on laundromats. If the Council were to pursue the second alternative, the provisions of the Emergency Ordinance would be allowed to expire, and there would be no conditional use permit or other special requirements governing laundromats under the Planning Code.

SUSTAINABLE OPPORTUNITIES

No economic, environmental or social equity opportunities have been identified.

DISABILITY AND SENIOR CITIZEN ACCESS

Staff does not anticipate any particular barriers resulting from the zoning text amendments, regarding access issues for the disabled or for senior citizens.

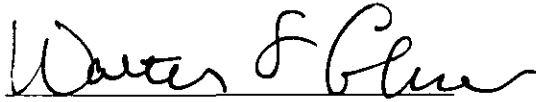
RECOMMENDATION(S) AND RATIONALE

Staff recommends that the Council adopt the non-substantive changes to Chapters 17.58, 17.73, 17.86 and 17.98 to improve consistency in the Planning Code. Adoption of either of the proposed Ordinances would accomplish this. Staff neither recommends nor opposes the proposed new regulations of laundromats; should the Council wish to adopt those regulations, they are contained in the first Ordinance included with this staff report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council adopt either the Ordinance to amend the Planning Code to impose regulations on laundromats and to improve consistency among Chapters 17.58, 17.73, 17.86, and 17.98, or that the Council adopt the alternative Ordinance making non-substantive amendments to the Planning Code to improve consistency among Chapters 17.58, 17.73, 17.86, and 17.98 only, without establishing permanent controls for Laundromats.

Respectfully submitted,

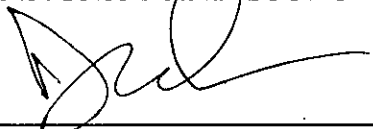


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed By: Eric Angstadt, Deputy Director
Community and Economic Development Agency

Prepared by:
Aubrey Rose, Planner II
Planning and Zoning Division

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator

Attachments

A. July 7, 2010 Planning Commission report (without Attachments)

Item: _____
Community and Economic Development Committee
July 27, 2010

Oakland City Planning Commission

STAFF REPORT

Case File Number ZT10110

July 7, 2010

Location: Citywide – unless otherwise stated
Proposal: Discussion of proposed Zoning Text Amendments to regulate laundromats. In addition, as a clean-up item from other zoning amendments, Sections 17.58, 17.73, 17.86, and 17.98 are being revised to add the applicable “Other zoning provisions.” These amendments also contain regulations not related to laundromats.
Applicant: City Planning Commission
Case File Number: ZT10110
Planning Permits Required: Zoning Text Amendment pursuant to OMC 17.144
General Plan: Various Citywide
Zoning: Various Citywide
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 Environmental Impact Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As 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” and/or 16061(b)(3) “General Rule – no possibility of significant environmental impact”
Service District: All Service Districts
Council District: All Council Districts
Action to be taken: Direct staff to revise draft as necessary and forward to City Council
For further information: Contact case planner Aubrey Rose, Planner II at (510)238-2071 or arose@oaklandnet.com

SUMMARY

The City Council has directed staff to draft an Ordinance to regulate laundromats. Pursuant to this direction, staff drafted regulations (zoning text amendments) and presented them at the May 26, 2010 Zoning Update Committee meeting and most recently at the June 16, 2010 Planning Commission meeting as an informational item (Staff report - **Attachment A**). The Planning Commission reviewed the proposal, heard public testimony, and directed staff to return with specific research findings.

Staff requests the Planning Commission review research findings and forward the item to the City Council with a recommendation. (Draft proposal - **Attachment B**).

BACKGROUND

The City Council directed staff to draft an Ordinance regulating laundromats and adopted one-year Emergency Ordinance requiring a Major Conditional Use Permit by 7-0 Vote (1 - Absent) that expires in September 2010.

Following are excerpts from the City Council staff report dated September 15, 2009:

"...requested that staff research and make recommendations on establishing an over concentration ordinance or other appropriate actions regarding...self-serve Laundromats in the City of Oakland"

"The proliferation of...self-serve Laundromats along major retail corridors has become an increasing concern to Councilmembers, retail store owners and merchant associations. These groups are worried that an over concentration of these uses could drive away retail businesses in commercial nodes and along commercial corridors. Staff has been tasked with researching and proposing an ordinance to establish appropriate levels of these uses and propose discretionary controls to regulate locations for these types of activities."

Following are excerpts from the Resolution adopted as Ordinance 12972 on September 22, 2009:

"these uses can displace retail activities and compromise the economic diversity of retail corridors"

"the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors"

"interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes"

"the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors"

"requiring a major conditional use permit from the City for establishing or expanding nail salons and self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed"

"requiring a major conditional use permit from the City for establishing or expanding a self-serve Laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed"

Pursuant to City Council direction to draft an Ordinance, and based on these issues raised by the City Council in its Resolution, staff drafted proposed regulations. Consistent with Zoning practice, these included: a distance separation requirement, standards intended to ensure satisfactory appearance and curtail potential nuisances on-site, and an alternative to also require a Conditional Use Permit for new establishments. (Please see **Attachment A** - June 16, 2010 Planning Commission staff report for a detailed discussion of the proposed regulations)

PLANNING COMMISSION

Zoning Update Committee

Pursuant to City Council direction, staff presented the item with draft regulations at the May 26, 2010 Zoning Update Committee (ZUC). The ZUC directed staff to provide data indicating the locations of laundromats in Oakland to illustrate the extent of this type of establishment and consider whether an over-concentration exists.

Planning Commission

At the June 16, 2010 Planning Commission meeting, the Commission considered the data (map and table) with staff, received public testimony, and discussed whether or not an over-concentration and/or nuisances exist to provide a basis to recommend approval of the Ordinance desired by the City Council. Staff explained that proposed regulations were drafted to respond to City Council concerns as best as possible and were drafted with intent to relate to pedestrian-oriented commercial corridors. The City Council did not specifically claim over-concentration or nuisance but did imply over-concentration. Staff has followed City Council direction by drafting regulations and ZUC directions by providing laundromat locations but cannot confirm whether or not an over-concentration exists. Additionally, staff is not implying laundromats are or are not locations of nuisances. Staff is not implying that laundromat patrons generate nuisances. The Planning Commission directed staff to provide data correlating areas of Oakland with most laundromats to those areas' housing density, dwelling unit owner-occupancy rates, income, and reported crimes at laundromat locations resulting from the establishment, and to return to the Planning Commission.

Over-concentration

At this time, staff is providing United State Census Bureau data (maps) from the 2000 Census to indicate population density, dwelling unit owner-occupancy rates, and income by Census Tract. Staff was not able to locate a Census map depicting housing unit density by Census Tract. However, Census Tracts generally contain approximately 10,000 persons each; therefore, Census Tracts that are comparatively smaller in area can be used to indicate higher density. As the Planning Commission suggested, the data indicates that laundromats tend to cluster along commercial corridors in areas with higher housing density. Data does seem to indicate a strong correlation between areas with larger household size (number of persons per dwelling unit) and lower per capita incomes with a greater presence of laundromat locations. The correlation is not as strong for owner-occupancy, which may be due in part to areas north and east of Lake Merritt (Adams Point and Brooklyn neighborhoods) that have condominium conversion protections and are heavily renter-occupied but may have a higher percentage of on-site laundry facilities.

The Planning Code does not contain a definition of "over-concentration" and so there is a degree of subjectivity in determining whether such term is appropriate for any given area.

Nuisances

Staff has provided OPD data for crimes at laundromat addresses (reported for one year ending June 25, 2010). The data (Table – **Attachment D**) was provided as a spreadsheet and not in actual reports. It indicated address, crime type, and location (indoor versus outdoor, on-site versus off-site). Data indicates eighty-eight (88) crimes at twenty-four (24) of the eighty-six (86) laundromat locations. Fifty (50) of these reported crimes were associated with four (4) of the addresses. It is not clear from data whether those occurring indoors (twenty crimes) occurred in the laundromat or another unit on the property. The majority of these crimes occurred outdoors (sixty-six crimes), mainly off-site/in the public right-of-way (forty-seven crimes). It is not possible to discern which crimes if any were the results of the laundromat; that is, there is no way to directly link laundromats with crime from the spreadsheet provided by OPD (the alternative is to request and review eighty-eight OPD reports that average five-to-eight pages which may or may not clarify a link exists between laundromats and nuisances). Staff has also generated a map indicating Police Beats exceeding Citywide average reported crimes by twenty percent or more (that is, 1,085) in 2009 (Map – **Attachment I**). Staff finds

that properties with laundromats that are located in Police Beats with higher levels of reported crime tend to exhibit higher levels of reported crime.

OPD officers from the ABAT (Alcoholic Beverage Action Team) unit provided to staff report summaries for twenty-three (23) crimes occurring at laundromats occurring since 2008 (**Attachment J**). These crimes were not caused by patrons or occurring outside of the laundromats as a result of the establishments' presence, but generally consisted of crimes committed against the laundromats themselves (for example, burglaries) or their patrons (for example, muggings). The officers also indicated anecdotal examples of criminals loitering in front of open laundromats so that they can enter the premises under the pretense that they are Patrons for the purpose of avoiding the Police.

Staff has not suggested laundromats are or are not locations of nuisances or that their patrons generate nuisances. Data indicates laundromats may be located in high crime areas but no data specifically attributes crime to laundromats.

Proposal

Staff has provided data related to the proposal. Staff has not been directed to revise the original draft proposal and therefore has not done so. Staff suggests the Planning Commission can exercise one of the following options:

- Forward staff's original proposal as a draft Ordinance to the City Council with a recommendation of approval (**Attachment K**)
- Direct staff to make specific revisions to the draft Ordinance and forward to City Council with a recommendation of approval. (Examples of revisions could be proposed distances separation increase, decrease or elimination of and/or revisions to proposed standards and/or addition of alternative Conditional Use Permit requirement)
- Direct staff to return to the City Council with a recommendation to not adopt an Ordinance regulating laundromats

PUBLIC COMMENTS

At the May 26, 2010 ZUC a member of the public questioned the proposed methodology of measurement along pedestrian travel path along the public right-of-way as opposed to a radius measurement. At the June 16, 2010 Planning Commission meeting staff presented various methodologies of measurement for distance separations contained in the Planning Code. At that time, a member of the public reiterated their opinion that a radius measurement is more appropriate.

ENVIRONMENTAL ANALYSIS

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 Environmental Impact Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As 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" and/or 16061(b)(3) "General Rule – no possibility of significant environmental impact." The proposal is therefore exempt from further review under CEQA.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests that the Planning Commission:

1. Approve staff's environmental determination, and
2. Approve draft regulations and forward with a recommendation to the City Council.

Prepared by:

AUBREY ROSE
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
Zoning Update Committee:

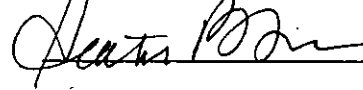
ERIC ANGSTADT
Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

- A. Planning Commission staff report dated June 16, 2010
- B. Planning Commission Attachment B dated June 16, 2010: Proposed Zoning Text Amendments
- C. Emergency City Council staff report dated September Ordinance No. 12972 C.M.S
- D. Table: Reported crimes at laundromat address locations
- E. Map: Census Tracts (2010)
- F. Map: Owner-occupied housing unit by Census Tract
- G. Map: Average household size by Census Tract
- H. Map: Per capita income by Census Tract
- I. Map: Police Beats with higher than average reported crime (2009)
- J. OPD crime report summaries
- K. Draft City Council Ordinance

FILED
OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY



City Attorney

2010 JUL 15 PM 3:45

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS. IN ADDITION, AS A CLEAN-UP ITEM FROM OTHER ZONING AMENDMENTS, SECTIONS 17.58, 17.73, 17.86, AND 17.98 ARE HEREBY REVISED TO ADD "OTHER ZONING PROVISIONS"

WHEREAS, on September 22, 2009, the City Council adopted Emergency Ordinance, C.M.S. 12972, to establish interim controls for laundromats, finding a Major Conditional Use Permit be required to establish a new laundromat for a period of one year while staff researches and drafts regulations to recommend, (the "Interim Controls"); and

WHEREAS, laundromats uses can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors that may be disrupted by laundromats; and

WHEREAS, interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes; and

WHEREAS, except as provided in the Interim Controls, these uses do not require discretionary approval under City zoning laws; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, this Ordinance complies the California Environmental Quality Act (CEQA) for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, on May 26, 2010, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code Amendments be heard by the Planning Commission; and

WHEREAS, on June 16, 2010 and July 7, 2010, at a regularly scheduled Planning Commission meetings, the Planning Commission heard public comment on the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on July 27, 2010, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 7, 2010 and September 21, 2010 to consider the proposal; now therefore

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

Section 1. The City Council finds and determines that the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. 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, or (b) to zoning applications approved by the City and not yet expired, or to (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 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 7. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;

3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;

4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 8. 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) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Chapter 17.10 USE CLASSIFICATIONS

17.10.350 Consumer Service Commercial Activities. Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include but are not limited to the following:

- barber shops
- beauty salons
- laundromats, subject to the requirements in Section 17.102.440
- nail salons
- full service laundry service and dry cleaners (not including dry cleaning plants)
- shoe shine stands
- tailors
- tanning salons
- tattoo parlors
- a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical related products

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Chapter 17.58
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

17.58.010	Title, Purpose, and Applicability
17.58.020	Required Design Review Process
17.58.030	Conditional Use Permit for Large Projects
17.58.040	Permitted and Conditionally Permitted Activities
17.58.050	Permitted and Conditionally Permitted Facilities
17.58.060	Property Development Standards
17.58.070	Usable Open space standards
17.58.080	<u>Other zoning provisions.</u>

17.56.080 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations: Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

17.73.030 Property Development Standards

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

17.73.050 Parking and Loading Dock Restrictions

17.73.060 Referral to Other Applicable Regulations

17.73.070 Other zoning provisions

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A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX-1, CIX-2, IG, and IO zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX-1, CIX-2, IG, and IO zones.

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.

17.86.020 Zones with which the S-8 zone may be combined.

17.86.030 Duplicated regulation.

17.86.040 Required design review process.

17.86.050 Permitted activities in front twenty feet of ground floor.

17.86.060 Conditionally permitted activities in front twenty feet of ground floor.

17.86.070 Restrictions on parking and loading at ground level.

17.86.080 Prohibition of advertising signs.

17.86.090 Use permit criteria.

17.86.100 Design review criteria.

17.86.110 Other zoning provisions.

17.86.110 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-8 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-8 zone.

Chapter 17.98

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

- 17.98.010 Title, purpose, and applicability.
- 17.98.020 Zones with which the S-16 may be combined.
- 17.98.030 Required design review process.
- 17.98.040 Permitted activities.
- 17.98.050 Conditionally permitted activities.
- 17.98.060 Prohibited activities.
- 17.98.070 Conditionally permitted facilities.
- 17.98.080 Maximum floor area ratio.
- 17.98.090 Special regulations for activities and facilities.
- 17.98.100 Applicable performance standards.
- 17.98.110 Nonconforming uses.
- 17.98.120 Other zoning provisions.

17.98.120 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-16 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-16 zone.

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

- 17.102.010 Title, purpose, and applicability.**
- 17.102.020 Supplemental zoning provisions.**
- 17.102.040 Effect of prior permits.**
- 17.102.070 Application of zoning regulations to lots divided by zone boundaries.**
- 17.102.080 Permitted and conditionally permitted uses.**
- 17.102.090 Conditional use permit for shared access facilities.**
- 17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.**
- 17.102.110 Conditions for expansion of use into adjacent zones.**
- 17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.**
- 17.102.130 Time limit on operation of subdivision sales offices--Residential zones.**
- 17.102.140 Special regulations applying to private stables and corrals.**
- 17.102.160 Special regulations applying to adult entertainment activities.**
- 17.102.170 Special regulations applying to massage activities.**
- 17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities- -Commercial zones.**
- 17.102.190 Joint Living and Work Quarters.**
- 17.102.195 Residentially-oriented joint living and working quarters.**
- 17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.**
- 17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.**
- 17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.**
- 17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.**
- 17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.**
- 17.102.240 Special regulations applying to microwave dishes in or near residential zones.**
- 17.102.250 Maximum density and floor-area ratio during construction.**
- 17.102.260 Occupancy of a dwelling unit.**
- 17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.**
- 17.102.270 An additional kitchen for a single dwelling unit.**
- 17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.**
- 17.102.290 Special regulations for Drive-Through Nonresidential Facilities.**
- 17.102.300 Conditional use permit for dwelling units with five or more bedrooms.**
- 17.102.310 Special regulations for certain projects with development agreements.**
- 17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.**
- 17.102.330 Conditional use permit for waiver of certain requirements with parcel division**

between existing buildings.

17.102.335 Standards for Sidewalk Cafes.

17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.

17.102.350 Regulations applying to tobacco-oriented activities.

17.102.360 Secondary Units.

17.102.370 Conditional use permit for hotels and motels.

17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.

17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.

17.102.410 Regulations Applying to Special Health Care Civic Activities.

17.102.420 Special design requirements for lots located in a residential and commercial zones

and the OS, S-1, S-2, S-3, and S-15 zones.

17.102.430 Regulations applying to check cashier and/or check cashing activity.

17.102.440 Special regulations applying to laundromats.

17.102.440 Special regulations applying to laundromats.

The following regulations shall apply in all zones to the Consumer Service Commercial Activity of laundromats:

A. Restriction on Over-concentration of Laundromats

No Laundromat shall be located closer than five hundred (500) feet from any existing laundromat as measured along the public right-of-way from building entrance-to-building entrance along the closest route of legal pedestrian travel on the public right-of-way.

B. Standards

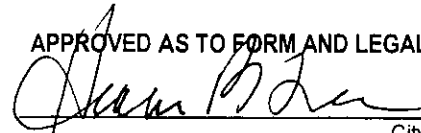
The following standards shall apply to all laundromats:

1. on-site attendant: an employee shall be on the premises during all business hours.
2. security cameras: security cameras shall be operated on the premises during all business hours and recordings shall be maintained for a minimum of seven (7) days.
3. when located adjacent to or below a dwelling unit the following shall be minimized:
 - a) Noise shall not exceed the limits set forth in Chapter 17.120, Performance Standards
 - b) Vibrations shall not exceed the limits set forth in Chapter 17.120, Performance Standards
 - c) venting shall be direct away from residential dwelling units
4. Transparency:
 - a) a minimum of sixty (60) percent of the building façade along a street or streets shall be glass (windows and/or doors).
 - b) window clarity: ninety (90) percent of area of windows shall remain clear to allow views into the commercial space.
5. Off-site impacts
 - a) Litter and debris shall be cleared from the premises and the adjacent right-of-way and sidewalks of the property at least once daily or as needed to maintain a litter free environment.
 - b) Graffiti shall be removed from the exterior of the building within 72 hours of application
 - c) At least two "No Loitering" signs shall be posted on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove

loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

FILED
INTRODUCED BY THE CITY CLERK
AND
APPROVED BY COUNCIL MEMBER _____
2010 JUL 15 PM 3:45

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS AS A CLEAN-UP ITEM FROM OTHER ZONING AMENDMENTS, SECTIONS 17.58, 17.73, 17.86, AND 17.98 ARE HEREBY REVISED TO ADD "OTHER ZONING PROVISIONS."

WHEREAS, as a clean-up item from other Zoning amendments, Sections 17.58, 17.73, 17.86, and 17.98 are being revised to add "Other Zoning Provisions;" and

WHEREAS, this Ordinance complies the California Environmental Quality Act (CEQA) for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, on May 26, 2010, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code Amendments be heard by the Planning Commission; and

WHEREAS, on June 16, 2010, at a regularly scheduled Planning Commission meeting, the Planning Commission heard public comment on the proposed Planning Code amendments; and

WHEREAS, on July 7, 2010, at a duly noticed public hearing, the Planning Commission voted to recommend the City Council adopt proposed findings and approval of the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on July 27, 2010, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 7, 2010 and September 21, 2010 to consider the proposal; now therefore

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

Section 1. The City Council finds and determines that the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and

Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. 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, or (b) to zoning applications approved by the City and not yet expired, or to (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 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 7. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 8. 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) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Chapter 17.58

CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

- 17.58.010 Title, Purpose, and Applicability**
- 17.58.020 Required Design Review Process**
- 17.58.030 Conditional Use Permit for Large Projects**
- 17.58.040 Permitted and Conditionally Permitted Activities**
- 17.58.050 Permitted and Conditionally Permitted Facilities**
- 17.58.060 Property Development Standards**
- 17.58.070 Usable Open space standards**
- 17.58.080 Other zoning provisions.**

17.56.080 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD-R, CBD-P, CBD-C, and CBC-X zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

17.73.030 Property Development Standards

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones.

17.73.050 Parking and Loading Dock Restrictions

17.73.060 Referral to Other Applicable Regulations

17.73.070 Other zoning provisions

17.73.070 Other zoning provisions

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX-1, CIX-2, IG, and IO zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX-1, CIX-2, IG, and IO zones.

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.

17.86.020 Zones with which the S-8 zone may be combined.

17.86.030 Duplicated regulation.

17.86.040 Required design review process.

17.86.050 Permitted activities in front twenty feet of ground floor.

17.86.060 Conditionally permitted activities in front twenty feet of ground floor.

17.86.070 Restrictions on parking and loading at ground level.

17.86.080 Prohibition of advertising signs.

17.86.090 Use permit criteria.

17.86.100 Design review criteria.

17.86.110 Other zoning provisions.

17.86.110 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-8 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-8 zone.

Chapter 17.98

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

- 17.98.010 Title, purpose, and applicability.
- 17.98.020 Zones with which the S-16 may be combined.
- 17.98.030 Required design review process.
- 17.98.040 Permitted activities.
- 17.98.050 Conditionally permitted activities.
- 17.98.060 Prohibited activities.
- 17.98.070 Conditionally permitted facilities.
- 17.98.080 Maximum floor area ratio.
- 17.98.090 Special regulations for activities and facilities.
- 17.98.100 Applicable performance standards.
- 17.98.110 Nonconforming uses.
- 17.98.120 Other zoning provisions.

17.98.120 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-16 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-16 zone.

NOTICE AND DIGEST

Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:

- 1) An Ordinance Amending the Planning Code (Title 17) to Impose regulations on Laundromats. In Addition, to Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, and 17.98 Are Being Revised to Include the Standard "Other Zoning Provisions" Section.;
Or**
- 2) An Ordinance Amending the Planning Code (Title 17) to Improve Consistency Among Chapters by Revising Chapters 17.58, 17.73, 17.86, and 17.98 to Include the Standard "Other Zoning Provisions" Section.**