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Revised at City Council
APPROVED AS TO FORM AND LEGALITY

Mark P. Wald

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13042 C.M.S.

REVISED

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS INCLUDING A MINOR CONDITIONAL USE PERMIT REQUIREMENT. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

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 conditional use permit from the City, distance separation, and performance standards 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; 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 forward a recommendation to the City Council on the adoption of the proposed findings and 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 with the inclusion of a radial measurement methodology for the five hundred foot required distance separation between new and existing laundromat establishments; and

WHEREAS, the City Council held a duly noticed public hearing on September 21, 2010, took public testimony and ~~voted to introduce this Ordinance~~ continued the item to October 5, 2010; now therefore

WHEREAS, the City Council held a duly noticed public hearing on October 5, 2010, took public testimony and voted to introduce this Ordinance including a Minor Conditional Use Permit requirement; 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 are 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, OCT 19 2010

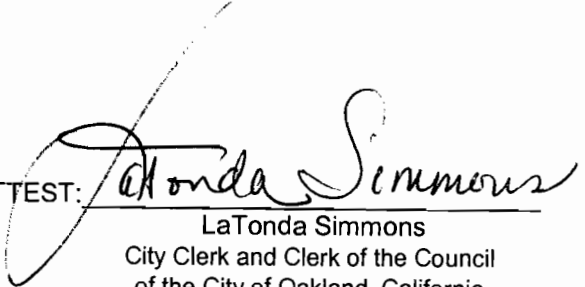
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- Reid- 1

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

Introduction Date **OCT 5 2010**

DATE OF ATTESTATION: October 26, 2010

mew

EXHIBIT A (Revised at City Council)

PROPOSED ZONING TEXT AMENDMENTS

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

Language underlined is proposed to be new.

Language revised by City Council shown as shaded

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	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 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

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.

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. Conditional Use Permit required

All new or expanded uses —laundromats shall be required to obtain a Conditional Use Permit as specified in Chapter 17.134.

B. Restriction on Over-concentration of Laundromats

No new or expanded laundromat use shall be located closer than five hundred (500) feet from any existing laundromat as measured by closest radial distance between buildings.

C. Standards

The following standards shall apply to all new or expanded Laundromat uses:

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 directed 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. Exterior illumination

Outdoor lighting shall be attached to the exterior of the facility containing the laundromat establishment and operated after dusk so that the exterior of the premises are discernible.
6. 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" shall be used.

Chapter 17.134

CONDITIONAL USE PERMIT PROCEDURE

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:

a. Activities:

xiii. Consumer Service Commercial Activities involving laundromats

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NOTICE AND DIGEST

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS INCLUDING A MINOR CONDITIONAL USE PERMIT REQUIREMENT. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD “OTHER ZONING PROVISIONS.” THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

This Ordinance establishes regulations for self serve laundromats by requiring a Major Conditional Use Permit for self-serve laundromats, restricting over-concentration of laundromats establishing a five hundred (500) foot separation distance for new establishments from existing laundromats measured by radial distance between buildings walls and establishes performance standards to apply to new/expanded laundromat facilities. The Ordinance also makes nonsubstantive changes to the Planning Code to improve consistency among Chapters.