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OAKLAND

2018 NOV -1 PM 12: 51

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director of Planning and
Zoning

SUBJECT: Planning Code Amendments

DATE: October 22, 2018

City Administrator Approval

Date: 11/1/18

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending Oakland Planning Code Regulations Related To Parking, Loading, Emergency Shelters, Extensive Impact Civic Activities, Permitted Activities In The D-GI Zone, Conditional Use Permits, Hotel Conversions In The CIX-2 Zone, And Joint Living And Working Quarters; And Make Appropriate California Environmental Quality Act Determinations

EXECUTIVE SUMMARY

On February 20, 2018, the City Council adopted Resolutions No. 87059 and 87060 C.M.S., and on September 20, 2016, the City Council Adopted Resolution No. 86362 C.M.S. (**Attachment A**), which in summary directed staff to revise the Planning Code to: 1) eliminate the requirement for additional off-street parking when a building is changing use; 2) remove the four-person limitation on the number of residents in a Joint Living and Working Quarter (JLWQ); and 3) deem a Conditional Use Permit (CUP) to be abandoned if the use has been discontinued, or replaced by a different activity, respectively. The proposed amendments are in response to this City Council direction; and makes further revisions to requirements relating to parking, loading, JLWQs, emergency shelters, Extensive Impact Civic Activities, the conversion of a limited number of existing hotels in the CIX-2 Zone to residential use for underserved populations, and other changes.

The changes to the parking requirements are a result of an analysis performed by staff of the updated parking regulations adopted by the City Council on October 4, 2016 (Resolution No. 13393 C.M.S.). This analysis is a response to part of the motion adopting the parking changes that directed staff to return to the City Council in two years with an update regarding the implementation of the new parking requirements. Staff has also included an analysis of which major projects have taken advantage of the parking reductions adopted on 2016.

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BACKGROUND / LEGISLATIVE HISTORY

Most of the elements in this item were heard at the Zoning Update Committee (ZUC) on August 1, 2018. At that meeting, Commissioners Monchamp and Myres reviewed the proposal and had the following comments:

- The current proposal requires one car share space per 200 units for developments in the Central Business District (CBD). The Commissioners requested this number be reduced to 99 units and require two car share spaces for projects between 100 and 199 units (***Attachment B***).
- The current proposal removes the four residents cap that is currently applied to each JLWQ. The ZUC requested that staff analyze the possibility of placing a cap that is more than four persons.

The ZUC also asked for clarification regarding the number of parking spaces required for micro living quarters. The proposal that was presented at the ZUC associated the parking spaces required for micro living units in the D-BV-1 and D-BV-2 Zones with the parking spaces required for rooming units. The current proposal adds a new row in the residential parking table for micro living units.

These and the other elements in this item were also heard by the Planning Commission on September 5, 2018 and October 17, 2018. After presentations and public hearings, the Planning Commission decided to recommend approval to the City Council with the following changes:

- That a Conditional Use Permit (CUP) is required for JLWQs that have more than 15 bedrooms or sleeping spaces. JLWQs are work/live units within facilities originally constructed for commercial or industrial activities and are permitted in any zone that permits or conditionally permits residential activities. These conversions do not require the usual open space and parking required for residential facilities, because JLWQs are considered nonresidential facilities. The Planning Commission recommended this change to assure that JLWQs with many bedrooms do not become dormitory-style housing for residents intending to work outside the home; and
- That any residential conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone may only be granted upon determination that the proposal conforms to the following *amended* CUP criteria (*Planning Commission-suggested revision shown underlined*):
 - That the proposal involves housing that is only for one or more underserved populations, including but not limited to, low income households, seniors, or veterans.

ANALYSIS AND POLICY ALTERNATIVES

Evaluation of the 2016 Parking Update

The 2016 update adopted by the City Council of the regulations in the Planning Code regarding parking and loading requirements for new development included several changes, including:

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1. In the Central Business District (CBD), eliminating residential parking requirements and capping parking at a maximum of 1.25 parking spaces per unit;
2. Implementation of Parking Demand Management for every project over ten units in the CBD and to reduce parking in multi-family housing elsewhere in the City;
3. Standardizing commercial parking requirements outside the CBD;
4. Reducing parking requirements for affordable housing, mixed density zones, development on small commercial lots, senior housing, the rehabilitation of historic structures, and in transit-oriented zones;
5. Requiring "unbundling" of parking for multi-family development;
6. Providing flexibility in the changing of use from one activity to another in a building;
7. Sharing parking between businesses within the same commercial district;
8. Allowing greater flexibility for off-site parking;
9. Modifying parking and driveway design; and
10. Reducing commercial loading requirements.

Attachment C contains a table of all the major projects approved in Downtown Oakland since adoption of the 2016 comprehensive parking requirements update. The 2016 update changed the parking requirement in the Central Business District (CBD) from one-parking-space-per-dwelling unit (one-half a parking space upon the granting of a CUP) to no-parking spaces required. No parking spaces were required for commercial construction prior to or after the update.

The table demonstrates that 20 of the 33 major projects approved since the adoption of the 2016 update have fewer than one parking space per dwelling unit, and ten major projects have fewer than one-half-a-parking-space-per-unit. Staff believes that this parking reduction is a positive result of the update. As mentioned in the October 4, 2016 agenda report, each parking space can cost as much as \$80,000 to construct, depending on whether the parking is underground or in a structure. Therefore, the reduction in required parking has significantly reduced construction costs and, thus, made housing units more affordable. Furthermore, the reduction in parking has freed up space that can now be occupied by additional dwelling units or commercial floor area. Finally, the reduction in parking has encouraged transit use in a downtown hub that is served by three BART Stations and AC Transit, which will be the terminus of the Bus Rapid Transit system.

Proposed Planning Code Amendments

Staff analysis also identified several parking and loading regulations that need further refinement. This includes consolidating parking regulations in the parking chapter of the Planning Code (Chapter 17.116); consistent application of parking requirements; removing employee parking requirements for live/work units; capping the number of loading berths required for live/work units and residential and commercial development; removing parking requirements for micro-living quarters and rooming units in the CBD; and other changes. Staff also proposes changes to regulations relating to emergency shelters, JLWQs, and CUPs.

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Attachment B contains the currently proposed citywide text amendments to the Planning Code. The text changes are labeled as 39 numbered items. The change numbers in **Attachment B** correspond to the description and reason for the changes described in the following table:

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#1	Updates the list of institutions that are considered "Extensive Impact Civic Activities," including removing of trade schools and the inclusion of transfer stations and curbside recycling collection centers.	<p>The City is currently in negotiations with California Waste Solutions (CWS) to move their curbside recycling collection center operation out of West Oakland to the Gateway Development at the former Oakland Army Base. The Planning Code does not clearly define activities such as the type that CWS operates. The proposed revision would clarify that the Extensive Impact land use category includes "Curbside Recycling Collection Centers," the activity that CWS operates.</p> <p>Garbage transfer stations are included in the list because they can create widespread impacts similar to a garbage dump.</p> <p>The exclusion of trade schools from the extensive impact list memorializes city policy that small, for-profit trade schools are not considered an "Extensive Impact Civic Activity" because they do not have the same impact as traditional colleges and universities.</p>	17.10.240
#2, #3, #4, #5	Cleanup items from the parking requirements update, adopted October 4, 2016. The changes remove the parking requirements from the Chapters containing the RD, RM, and RH Zones, so that all the parking requirements for the City's zones are contained in Chapter 17.116, Off Street Parking and Loading Requirements.	This change reduces confusion and is consistent with other zones in the City.	17.13.050 17.15.050 17.17.050 17.19.050

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#6, #8, #15, #18, #20	Caps the required number of loading berths at three for work/live and live/work developments.	Live/work units tend to contain small enterprises that do not require large truck deliveries.	17.65.150(D) 17.65.160(E) 17.73.040(D) 17.101E.070(D) 17.101E.080(E)
#7, #9, #16, #19, #21, #22	Clarifies that the parking and loading requirements for work/live and live/work units apply to both new construction and additions.	Clarification of existing regulation.	17.65.150(D) 17.65.160(D) 17.73.040(E) 17.101E.070(D) 17.101E.080(E)
#10, #11	Provides references to additional regulations in Chapter 17.103.015 regarding Emergency Shelters.	Improves the readability of the Planning Code.	17.72.040 17.103.015
#12	Clarifies that all residential facilities are prohibited in the M Industrial Zones, except for those that include Emergency Shelters and provides a reference to the nonconforming use chapter of the Planning Code.	Improves the readability of the Planning Code and removes inconsistencies between the Emergency Shelter regulations in Chapter 17.72 (M Industrial Zones) and those in Section 17.103.015.	17.72.040 17.103.015
#13	<p>Amendments are proposed to the Permitted and Conditionally Permitted Activities and Facilities regulations in Section 17.73.020 to ensure that all the individual zoning designations within the areas identified in Section 17.103.015 permit Emergency Shelters without a discretionary permit.</p> <p>This change also amends Section 17.73.020 to conditionally permit a limited number of existing hotels, such as "The Rodeway Inn" at 4801 Coliseum Way to be converted to a residential facility devoted to underserved populations such as low-income households, seniors or veterans. This change only applies in the CIX-2 Zone.</p>	<p>Removes inconsistencies between the Emergency Shelter regulations in Chapter 17.73 (CIX, IG and IO Industrial Zones Regulations) and those in Section 17.103.015.</p> <p>Allowing the conversion of a limited number of existing hotels in the CIX-2 Zone will benefit underserved populations. This change will conditionally permit the proposed conversion of the "Rodeway Inn" at 4801 Coliseum Way to dwelling units for homeless veterans.</p>	17.73.020 17.103.015

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#14, #17	Removes the employee parking requirement for work/live units in the CIX and HBX Zones.	Generally, these units and businesses are small and do not have employees that visit the units. Further, industrial areas typically have ample on-street parking.	17.73.040(E) 17.101E.070(D)
#23	The existing D-GI zoning for the Oakland Army Base under consideration by CWS limits the types of permitted Extensive Impact Civic Activities to only those "establishments that support or are associated with trucking, warehousing, or maritime-related activities". The proposed revision would allow for consideration of other types of Extensive Impact Civic Activities with a CUP (including the proposed new addition of "Curbside Recycling Collection Centers").	Allows consideration of a wider variety of impactful activities to be moved from West Oakland to the Oakland Army Base.	17.101F.030
#24	Replaces the current cap of four persons who can live in JLWQs with a new cap of 15. More than 15 residents would require the granting of a CUP, with special findings.	The current regulation disallows a popular model for JLWQs where many small living quarters within one unit share kitchen and working space. This change was directed by the City Council in Resolution No. 87060 C.M.S. (see Attachment A and "Key Issues" section, below).	17.102.190

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#25	<p>The intent of these sections is to put older, underused, often blighted commercial buildings in residential areas to use for people who desire to live where they work. These sections allow the conversion of facilities originally constructed for commercial or industrial activities to JLWQs in any zone that permits or conditionally permits residential activities. This conversion does not require the usual open space and parking required for residential facilities because JLWQs are considered nonresidential facilities.</p> <p>The proposed change requires that the nonresidential building be at least ten years old before it can be converted to JLWQs.</p>	<p>This change closes a loophole that allows the construction of a nonresidential building with the intent to immediately convert it to JLWQs to avoid the parking and open space requirements of Residential Facilities.</p>	<p>17.102.190 17.102.195</p>
#27	<p>The Planning Code parking chapter currently requires new parking for the conversion of an industrial building to commercial uses. This change allows the use of industrial buildings for commercial uses, and vice versa, without activating new parking requirements. However, existing parking would be required to be preserved for the new use.</p>	<p>The current requirement creates significant inflexibility in the use of older industrial buildings for active and viable businesses. For instance, outside of Downtown, the conversion of an industrial building to a yoga or fitness studio currently requires one new parking space per 100 square feet of floor area, which is infeasible in most proposals. This change was directed by the City Council in Resolution No. 87059 C.M.S. (Attachment A).</p>	<p>17.116.020(B)</p>
#28	<p>Reduces the number of parking spaces required for a single-family home in the RD (Single-Family Residential) Zone from 1.5 parking spaces to one parking space.</p>	<p>This change is consistent with the parking requirement in other middle- and low-density zones in the areas outside the hills. The change will make development of small lots more feasible and preserve more land for recreational instead of parking purposes.</p>	<p>17.116.060(A)</p>

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#29	<p>This subsection currently requires one parking space for each four rooming units in the D-BV-1 and D-BV-2 zones. Section 17.101C.055(B)(1) also applies this requirement to micro living quarters, which are very small dwelling units (average of 175 square feet) in a multi-tenant building. These types of units are only allowed in the D-BV-1 and D-BV-2 zones.</p> <p>The proposal would add a new row in the parking table stating that micro living quarters would not require parking spaces. In addition, no parking would be required for rooming units in the CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones to be consistent with the change for micro living quarters; and with the elimination in 2016 of the parking requirement for any other type of dwelling unit downtown.</p>	<p>Staff recommends this change because rooming units and micro living quarters are intended to be for tenants who depend on transportation alternatives such as public transit, biking, and pedestrian travel. The downtown and the D-BV-1 and D-BV-2 Zones are transit- and retail-rich areas conducive to this development model. Further, the surrounding streets are parking metered, so the spillover effect of new rooming units and micro living quarters will be limited.</p>	<p>17.116.060(A) 17.101C.055</p>
#30	<p>This change decreases the parking requirement for new industrial development from one parking space per 1,500 square feet of floor area to one space per 3,500 square feet of floor area.</p>	<p>The current regulation makes some types of industrial development infeasible, and industrial businesses tend to have fewer employees than commercial activities. The new requirement is consistent with the requirements of other municipalities.</p>	<p>17.116.090</p>

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#31	This subsection contains methods to reduce parking requirements through car sharing, providing transit subsidies, and locating a development near transit. The opportunity to reduce parking is currently limited to developments of ten units or more. This change would allow these reductions for developments of five units or more instead of the current ten units or more.	This change will make middle density projects on smaller lots more feasible and reduce automobile use.	17.116.110(C)
#32	This change specifies more precisely how many car-sharing spaces are required to receive a reduction in the parking requirements.	Fixes an oversight from the parking revisions adopted in October of 2016.	17.116.090(C)(2)
#33, #34, #35	This change caps the number of required loading berths for civic, residential and commercial buildings at three.	Commercial enterprises and residential developments rarely require more than three loading berths.	17.116.130 17.116.140 17.116.150
#36	The current regulation requires a loading berth in an industrial building that is 10,000 square feet or more. Staff recommends increasing this number to 25,000 square feet or more.	A loading berth is rarely required for industrial buildings less than 25,000 square feet in floor area. 25,000 square feet is the size of a small grocery store.	17.116.150
#37	This section describes the parking space dimension requirements. Currently, intermediate and compact space dimensions are only available for lots containing a total of three or more required parking spaces. This change allows these dimensional reductions for lots containing a total of two or more parking spaces.	Allows parking space reductions for a wider number of development projects. The smaller parking space dimensions are appropriate for modern-sized cars.	17.116.200

Change Number(s) in Attachment B	Description of Change	Reason for Change	Relevant Code Section(s)
#38	The current regulation specifies that the time period for initial implementation of a CUP is one year, which means that within that period, all necessary permits for construction or alteration must be issued, or the authorized activities must commence, in the case of a CUP not involving construction or alteration. This period can be extended after approval by staff. Subsequent extensions may be made by staff or the Planning Commission, depending on the scope of the project.	Brings consistency between the CUP requirements and those for Variances and Design Review. The two years would also bring consistency with Change #39, below.	17.134.130 (new section)
#39	Adds a Section in the CUP Procedure Chapter that a CUP is extinguished if one of the following are true: 1) The activity has ceased for more than two years for any reason other than for closures required to repair damage or destruction; 2) A different activity subsequently moves into the facility.	See "Key Issues" Section, below.	17.134.080

Key Issues

Removal of Four-Person Cap on Residents in Joint Living and Working Quarters

Staff supports the removal of the four-person cap on residents in JLWQs, considering the housing and commercial rent affordability challenges facing City residents. Live/Work and Work/Live Units with several residents and shared kitchen and work spaces have become a model for artists and others seeking affordable spaces to live and work.

However, given the potential for this model to also be used as dormitory-style housing for people not working in their home and possible impacts on surrounding neighborhoods, staff supports the recommendation from the Planning Commission to require a CUP for individual units with more than 15 bedrooms. Special findings are proposed to accompany the CUP requiring that the floor plans of the JLWQ's be conducive to work activities.

Conditional Use Permit Expiration

A significant amendment would be Change #39, the extinguishing of a CUP if the property owner has applied for and received a right to use the property in another manner, or if the use has ceased operation for two or more years. Currently, any past CUP can apply to a new development. In Resolution No. 86362 C.M.S. (**Attachment A**), the City Council indicated that the standard be one or more years; however, staff is recommending two or more years, because this is a more reasonable amount of time to account for renovations and for property owners to find new tenants. This two-year standard is also consistent with standard conditions of approval attached to planning permits. In that same resolution, the City Council indicated that the regulation only applies to the Neighborhood Center Commercial Zone-1 (CN – 1) Zone; however staff recommends applying this change to all zones because the rationale for changing the requirement applies throughout the City.

Staff and the Planning Commission support the amendment, because there are several parcels scattered within older, successful commercial districts, particularly Rockridge, Montclair, and Piedmont Avenue, that were granted CUPs decades ago for activities that have not been in operation for many years. As a result, many new businesses have been given “by right” approval to locate on a parcel depending on CUPs that were approved in the 1960s, 1970s and 1980s. Allowing property owners to depend on CUPs granted long ago, and neither exercised nor relied upon for at least two years, denies the City an opportunity to evaluate a newly proposed activity based on current policies, receive public input, and apply current conditions of approval. Similarly, when there is a change of use on a property, a prior CUP would extinguish to establish certainty as to the use permitted on a property, and the applicable conditions of approval.

FISCAL IMPACT

Implementation of the proposed Planning Code text changes will be a routine component of project review administered by the Department of Planning and Building, which collects fees for such review as established in the Master Fee Schedule. The fees in the Master Fee Schedule are established to cover the cost of project review. Therefore, if adopted by the City Council, there will be no impact on costs to the City.

More broadly, the amendments relating to parking and loading should lower the cost of construction, which will lead to additional development and property taxes.

PUBLIC OUTREACH / INTEREST

Staff sent a notice of the proposal to over 3,000 interested parties and met with proponents of JLWQs. The main concern was placing a cap of 25 on the number of people allowed to live in a JLWQ. The Planning Commission responded by allowing JLWQs that contain 18 or more residents upon the granting of Conditional Use Permit.

COORDINATION

Staff has coordinated with the Office of the City Attorney on this project.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed reductions in parking requirements will encourage development by lowering construction costs. This will result in an increase in construction jobs, residents spending money in Oakland, and space for new businesses.

Environmental: The proposed changes to the parking requirements will encourage the use of public transit and biking alternatives. The extinguishing of CUPs will allow the most recent conditions of approval be applied to new development, which will provide greater protection for the environment.

Social Equity: Proposed changes to the parking and loading requirements and JLWQs will provide more affordable housing options for residents. Regulations allowing Emergency Shelters will provide overnight housing for homeless residents of Oakland. Regulations related to the conversion of existing hotels in the CIX-2 Zone will benefit underserved populations such as the homeless, veterans, and low-income seniors.

CEQA

The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is 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).

The proposed amendments to the Planning Code would not result in any significant effect that has not already been analyzed in the above EIRs, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIRs. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as

defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending Oakland Planning Code Regulations Related To Parking, Loading, Emergency Shelters, Extensive Impact Civic Activities, Permitted Activities In The D-GI Zone, Conditional Use Permits, Hotel Conversions In The CIX-2 Zone, And Joint Living And Working Quarters; And Make Appropriate California Environmental Quality Act Determinations.

For questions regarding this report, please contact Neil Gray, Planner IV, at (510)238-3878 or ngray@oaklandca.gov.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Department of Planning and Building

Reviewed by: Ed Manasse, Interim Deputy
Director/City Planner of Planning and Building

Prepared by:
Neil Gray, Planner IV
Bureau of Planning

Attachments (3):

- A. City Council Resolutions Numbers 87059, 87060, and 86362 C.M.S.
- B. Proposed Code Amendments
- C. Parking provided for major projects in the Central Business District

Item: _____
CED Committee
November 13, 2018

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OAKLAND CITY COUNCIL

RESOLUTION NO. 87060 = C.M.S.

Introduced by Councilmember KAPLAN

Approved as to Form and Legality


City Attorney

**Resolution Requesting the Oakland Planning Commission To Review
Removing The 4-Person Limit In Oakland Planning Code Section 17.102.190
- Joint Living And Work Quarters And To Forward Recommendations for
Action to the City Council**

WHEREAS, Oakland's low-income communities, including creative communities, have been heavily impacted by the current housing affordability crisis; and

WHEREAS, Oakland's economic development efforts rely in no small part on its worldwide renown as a vibrant and diverse cultural hub; and

WHEREAS, retention of Oakland's low-income creative community relies on availability of affordable rental units and below market rate property; and

WHEREAS, regulations which make it difficult and expensive to legally use many properties in the City of Oakland effectively for live-work purposes discourage legalization of such units and can perpetuate risk, including, specifically, the 4-person limit on Joint Living and Work Quarters, which renders many such potential projects not financially viable for most people; and

WHEREAS, the Building Code also contains numeric limits, such that the additional, lower limit in the Planning Code is not needed, and is impeding safe legalization of live-work units; and

WHEREAS, allowing for effective use of appropriate properties for Joint Living and Work Quarters can help ensure availability of affordable housing and creative space, reduce commutes and traffic congestion, reduce displacement of lower-income members, and help protect the vibrancy of the City's communities while bringing properties into safe and legal use; and

WHEREAS, alternative affordable housing, including live-work, is necessary to address the immediate need to house Oakland's exploding unsheltered population and people facing displacement; now, therefore

ATTACHMENT A

BE IT RESOLVED, that the City Council requests the Planning Commission to review the issue of the 4-person limit in Oakland Planning Code Section 17.102.190 - Joint Living And Work Quarters, and to forward recommendations for action to the City Council, including removal of the numerical limit set forth under Section 17.102.190.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 20 2018

PASSED BY THE FOLLOWING VOTE:

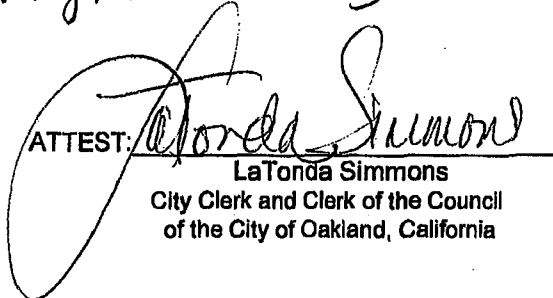
AYES - ~~_____~~ GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
and ~~_____~~ - 5

Excused - Brooks, Campbell Washington + Reid - 3

NOES - 0

ABSENT - 0


ABSTENTION - 0

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

18 FEB -1 AM 11:52

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION NO. 87059 = C.M.S.

Introduced by Councilmember KAPLAN

Resolution Requesting the Oakland Planning Commission to Review the Potential Elimination of Required Additional Off-Street Parking to Authorize Changed Uses And to Return To Council With Options For Action, To Reduce Or Eliminate The Requirement To Add Additional Off-Street Parking When Changing The Use Of A Pre-Existing Building

WHEREAS, the City of Oakland has adopted policies to reduce parking requirements for a wide range of new projects and developments; and

WHEREAS, the City of Oakland has adopted a Transit-First policy and a Climate Action Plan which prioritize supporting sustainable transportation options, rather than focusing primarily on serving individual-use cars; and

WHEREAS, the dedication of large amounts of space within the city for use as parking for individual cars deprives residents of economic opportunities and vibrancy which can be provided by higher and better use of such spaces; and

WHEREAS, demand for space in Oakland is rising, making it harder to find affordable locations to live, work, and for non-profits; and

WHEREAS, requiring large amounts of parking be provided when changing the use of a preexisting building makes development projects more expensive and reduces the ability of people and groups with less money to have access to viable residential and commercial options; and

WHEREAS, in the case of a pre-existing building, adding increased parking requirements complicates a number of otherwise viable projects, as in many cases, cutting away part of an older building from a lot to provide more off-street parking can be prohibitively expensive, can conflict with city policies to preserve historical buildings, and can undermine the functionality of a building; and

WHEREAS, Oakland has a variety of pre-existing buildings which could be available for new uses, adding to the economic opportunity in the community, but which would be impeded from such effective re-use when required to add additional off-street parking; and

OFFICE OF THE CITY ATTORNEY
OAKLAND

16 AUG 31 PM 2:06

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86862 C.M.S.

INTRODUCED BY VICE MAYOR ANNIE CAMPBELL WASHINGTON

RESOLUTION REQUESTING THE CITY PLANNING COMMISSION TO CONSIDER ZONING REGULATION CHANGES TO THE CN-1 NEIGHBORHOOD COMMERCIAL CN - 1 ZONE TO ALLOW THE CITY TO DEEM A USE PERMIT TO BE ABANDONED IF THE USE HAS BEEN DISCONTINUED OR IF THE BUSINESS LICENSE LAPSES FOR MORE THAN ONE YEAR.

WHEREAS, the City of Oakland's business districts strive to create the most diverse set of businesses, providing opportunities for residents to get all of their shopping needs met in single areas, helping to make neighborhoods more walkable; and

WHEREAS, several of Oakland's business districts include properties that are located in the CN-1 Neighborhood Commercial - 1 Zone, a label which establishes which set of regulations apply to that specific business district; and

WHEREAS, the intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping; and

WHEREAS, CN-1 zoning regulations currently allow properties that obtain conditional use permits to continue to hold onto the use for which the permit was granted, even when the use has been abandoned or discontinued for long periods of time, preventing new types of businesses to begin using that space for an alternate use; and

WHEREAS, the City seeks to stimulate the economic viability of, encourage new business types in, and advance the pedestrian access throughout the City's business districts; and

WHEREAS, the City Council requests that the City Planning Commission initiate action to change the text of the zoning regulations for the CN-1 Neighborhood Commercial - 1 Zone to allow the City to deem a conditional use permit to be

abandoned if the use has been discontinued or if the business license lapses for more than one year; and

WHEREAS, the purpose of the proposed amendments to the CN-1 zoning regulations is to revitalize Oakland's business districts and enhance mixed use neighborhood commercial centers by enabling new types of businesses to replace uses that have been abandoned or discontinued; and

WHEREAS, Chapter 17.144 of the Oakland Planning Code sets forth the Rezoning and Law Change Procedure, and describes the procedure by which changes may be made in the text of the citywide zoning regulations; and

WHEREAS, Oakland Planning Code section 17.144.030 provides that, upon request of the City Council, the City Planning Commission shall initiate action to change the text of the zoning regulations; now, therefore, be it

RESOLVED: That, in accordance with Oakland Planning Code section 17.144.030, the City Council requests the City Planning Commission to initiate action to change the text of the CN-1 Neighborhood Commercial – 1 zoning regulations to allow the City to deem that a conditional use permit has been abandoned if the use has been discontinued or if the business license lapses for more than one year; and be it

FURTHER RESOLVED: That the City Planning Commission shall consider adopting the following addition to Chapter 17.33 of the Planning Code:

In the CN-1 Zone, in addition to the conditional use permit procedures set forth in Chapter 17.134, the following special provisions shall apply to use permits granted subject to note L4 of table 17.33.01. These provisions shall take precedence over any conflicting provision of Chapter 17.134.

1. Any use permit granted pursuant to this provision shall run with the land and remain valid regardless of a change in the ownership of the property or the use.
2. A use for which a use permit has been granted pursuant to this provision shall be deemed abandoned if either of the following occurs:
 - a. The business license for the use has expired for a period of at least one year; or
 - b. Either:
 - (1) The use for which the use permit was granted has ceased operation; or
 - (2) Other evidence is provided to the City that is found sufficient to show the intent of the permit holder to abandon the use;

- c. And the discontinuance of use has lasted for a continuous period of at least one year.
- 3. The City shall serve written notice of the apparent abandonment of the holder of the use permit and the property owner at their address of record, along with a copy of this subsection. The one-year period for being deemed abandoned shall not commence until the date notice is served to both individuals (if the two are not the same individual).
- 4. At any time during the one year period, the use permit holder and/or property owner may, by renewal of the business license and/or submission to the City of other evidence, submit a request that the City find the use has not been abandoned, or may request an extension of the one-year period for a maximum of one additional year based on a showing of good cause.
- 5. Upon receipt of such request from the permit holder, the City shall establish an administrative process with public notice provided upon each administrative decision. This decision is appealable by residents who disagree. The fee for this appeal shall be the same as the current appeal fee in the Master Fee Schedule. The use permit shall continue in effect until the request has been administratively processed and a final decision has been made.
- 6. If a use has been deemed abandoned, it may not be resumed without following the procedures of Chapter 17.134 for issuance of a new use permit; and be it

FURTHER RESOLVED: That the City Council wishes to consider legislation within calendar year 2016 that either adds the above described recommended language to the Planning Code or achieves this Resolution's stated goals by similar means.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: SEP 20 2015

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 7

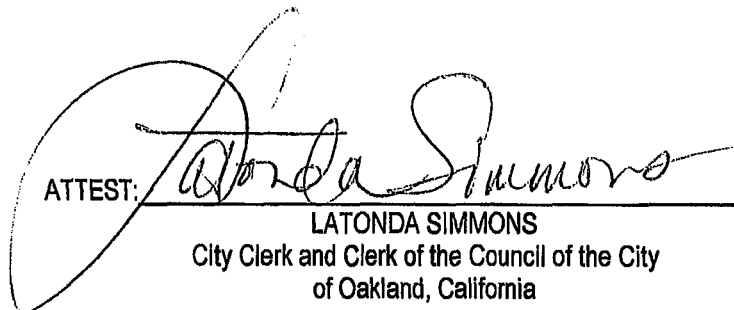
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reed

ATTEST:


 LATONDA SIMMONS
 City Clerk and Clerk of the Council of the City
 of Oakland, California

ATTACHMENT B – PROPOSED CHANGES TO THE PLANNING CODE.

The following are the proposed changes to Planning Code. Deletions are in ~~strikeout~~ and additions are underlined. Each change number in the right margin corresponds to the first column of the table in the staff report:

Article II Activity Types

Part 2 Civic Activity Types

17.10.240 Extensive Impact Civic Activities.

17.10.240 Extensive Impact Civic Activities.

Extensive Impact Civic Activities include the activities typically performed by, or the maintenance and operation of, the following institutions and installations:

Change #1

- A. Airports, heliports, and helistops;
- B. Cemeteries, mausoleums, columbariums, and crematories;
- C. Colleges, junior colleges, and universities, but excluding business schools or other similar types of trade schools operated as profit-making enterprises;
- D. Detention and correction institutions;
- E. Docks and wharves operated by a public agency;
- F. Electric transmission lines;
- G. Garbage dumps and transfer stations;
- H. Curbside recycling collection centers;
- IH. Golf courses and driving ranges;
- JI. Major mail-processing centers;
- KJ. Military installations;
- LK. Public and public utility corporation or truck yards;
- ML. Radio and television transmission stations;
- NM. Railroad and bus terminals;
- ON. Railroad rights-of-way and yards and bus storage areas;
- PQ. Reservoirs and water tanks;
- QP. Sewage disposal tanks;
- RQ. Stadiums, sports arenas, auditoriums, and bandstands;
- SR. Truck terminals operated by a public agency;
- TS. Zoological gardens and wildlife preserves;

UT. Campgrounds;

VU. Stormwater detention ponds and facilities;

WV. Facilities supervised by or under contract with the State Department of Corrections, including alternative sentencing and community work release programs.

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

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.050 Property development standards.

17.13.050 Property development standards.

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
—Minimum parking spaces required per Primary Unit	2	2	2	2	16
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 17

Change #2

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.050 Property development standards.

17.15.050 Property development standards.

A. Zone Specific Standards.

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Parking	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>		<u>18, 19</u>
—Minimum parking spaces required per Primary Unit	2	1.5	18
—Additional parking spaces required for Secondary Unit	1	1	18, 19

Change #3

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.050 Property development standards.

17.17.050 Property development standards.

A. Zone Specific Standards.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
—Minimum parking spaces required per regular unit	1.5	1 / 1.5	1	1	16, 17
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 18
—Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				

Change #4

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.050 Property development standards.

17.19.050 Property development standards.

A. Zone Specific Standards.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Parking Requirements	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements					<u>16, 17</u>
— Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	16
— Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
— Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					

Change #5

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

17.65.150 Special regulations for HBX Work/Live units.

17.65.160 Special regulations for HBX Live/Work units.

17.65.150 Special regulations for HBX Work/Live units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Work/Live unit; the minimum size of an HBX Work/Live unit; and the parking, loading, and open space required for each HBX Work/Live unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling-units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	43
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One (1) berth	
	70,000— 129,999 130,000-square feet	Two (2) berths	
	Each additional 200,000 130,000 square feet or more	One (1)-additional- Three (3) berths	

Change #6

Notes:

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

Change #7

17.65.160 Special regulations for HBX Live/Work units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling-units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000—299,999 square feet	Two (2) berths	
	Each additional 300,000 square feet or more	One (1) additional <u>Three (3) berths</u>	

Change #8

Notes:

3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of Regular Design Review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Conditional Use Permit stated in Section 17.116.220.

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

Change #9

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

Sections:

17.72.040 Permitted and conditionally permitted facilities.

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Emergency Shelter	—	P(L1)	—	<u>17.103.015</u>

Change #10

Limitations on Table 17.72.01:

L1. Emergency Shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
Multifamily Dwelling	—	—(L4)	—	<u>17.103.015</u>
Rooming House	—	—(L4)	—	<u>17.103.015</u>
Mobile Home	—	—(L4)	—	<u>17.103.015</u>

Change #11

Limitations on Table 17.72.02:

L4. All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with serving a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

Change #12

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

17.73.020 Permitted and conditionally permitted activities and facilities.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities										
Permanent	=	=	=	=	=	C(L1)	=	=	=	
Residential Care	=	=	=	=	=	C(L1)	=	=	=	
Supportive Housing	=	=	=	=	=	C(L1)	=	=	=	
Transitional Housing	=	=	=	=	=	C(L1)	=	=	=	
Emergency Shelter	P(L1)—	P(L1)—	P(L1)—	P(L1)—	P(L1)	P(L1)	P(L1) —	P(L1) —	P(L1) 1)	17.103.015
All Other Residential Activities	All other Residential Activities prohibited in each zone									

Change #13

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D base Zone also has the T Combining Zone, the T regulations shall supersede the base zone. Wherever the T regulations are silent, the base zone regulations shall supersede.

Facility Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		

Residential Facilities	All Residential Facilities prohibited in the each CIX, IG and IO Zones, except for those approved in conjunction with servi ng a permitted Emergency Shelter Activity; or a conditionally permitted conversion of an existing Transient Habitation Commercial Activity in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road, as indicated in Limitation L1 below.	17.103.015
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Limitations:

L1. All new Residential Activities are prohibited in the CIX, IG, and IO Zones, except that Emergency Shelters are permitted by-right within those portions of the 3rd Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B); and conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone into a Permanent Residential, Residential Care, Supportive Housing, or Transitional Housing Residential Activity may be permitted through a Conditional Use Permit in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road. A Conditional Use Permit for such residential conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional criteria:

1. That the proposal involves housing that is only for one or more underserved populations, including but not limited to, low income households, seniors, or veterans.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

E. Activity, parking, loading, open space, and unit size standards for Work/Live units.

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Work/Live units.

Standard	Requirement		Note
Required parking	One (1) parking space per unit, plus one (1) additional unassigned visitor or employee parking space per five (5) Work/Live units See Chapter 17.116 for other off-street parking standards.		1, 3
Required loading	Square feet of facility	Requirement	3
	Less than 25,000 10,000 square feet	No berth required	
	25,000 10,000 —69,999 square feet	One (1) berth	
	70,000— 129,999 130,000 square feet	Two (2) berths	
	130,000 Each additional 200,000 square feet or more	Three (3) One (1) additional berths	

Change #14

Change #15

Notes:

3. Parking, loading, and open space standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking, loading, and open space is required to at least these minimum standards.

Change #16

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

17.101E.050 Property development standards.

17.101E.070 Special regulations for Work/Live Units.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

17.101E.070 Special regulations for Work/Live Units.

D. Table 17.101E.06 below prescribes special regulations for Work/Live Units.

Table 17.101E.06 Special Regulations for Work/Live Units

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Parking and Loading Requirements - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live Unit	N/A	N/A	1	1	N/A	N/A	5
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Required Loading - See also "Design Guidelines for the Central Estuary" Section 3.6							
Less than <25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	5, 7
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	5, 7
70,000 - 129,999 sf. 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	5, 7
130,000 sf. or more Each	N/A	N/A	3 berths 1 more berth	3 berths 1 more berth	N/A	N/A	5, 7

Change #17

Change #18

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
additional 200,000 sf.							

Additional Regulations for Table 17.101E.06:

5. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

Change #19

7. See Chapter 17.116 for other loading standards.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

E. Table 17.101E.08 below prescribes special regulations for Live/Work Units.

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
Required Loading See also "Design Guidelines for the Central Estuary" Section 3.6			
>Less than 50,000 sf.	No berth	No berth	4
50,000 - 149,999 sf.	1 berth	1 berth	4
150,000 - 299,000 sf.	2 berths	2 berths	4
Each additional 300,000 sf. or more	1 more 3 berths	1 more 3 berths	4

Change #20

Additional Regulations for Table 17.101E.08:

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.

2. Off-street parking standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

Change #21

3. See Chapter 17.117 for other bicycle parking requirements.

4. Loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing loading is required to at least these minimum standards. See Chapter 17.116 for other loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Conditional Use Permit stated in Section 17.116.220.

Change #22

Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

Sections:

17.101F.030 Permitted and conditionally permitted activities.

17.101F.030 Permitted and conditionally permitted activities.

Table 17.101F.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	D-GI	
Civic Activities		
Extensive Impact	P(L2)	

Change #23

Limitations on Table 17.101F.01:

L2. Permitted outright if tThese activities are limited to establishments that support or are associated with trucking, warehousing, or maritime-related activities; all other types of these activities may only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

17.102.190 Joint Living and Working Quarters.

~~A. A. General Provisions. Joint Living and Working Quarters with fifteen (15) or fewer bedrooms or sleeping spaces are permitted in all zones where Residential Activities are permitted or conditionally permitted. Except as may otherwise be indicated by the applicable individual zone regulations, Joint Living and Working Quarters that either have more than fifteen (15) bedrooms or sleeping spaces, or are in a zone may also be permitted in zones where Residential Activities are not otherwise allowed are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

Change #24

~~A. upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

B. Definition. Joint Living and Working Quarters means residential occupancy maintaining a common household of one or more rooms or floors in an existing building that is at least ten (10) years old and originally designed for industrial or commercial occupancy. Each Joint Living and Working Quarter which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

Change #25

C. Conditional Use Permit Criteria. A Conditional Use Permit for Joint Living and Working Quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure and to both of the following use permit criteria:

1. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
2. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions.

A Conditional Use Permit for Joint Living and Working Quarters designed to contain more than fifteen (15) bedrooms or sleeping spaces shall only be granted upon determination that the proposal conforms to each of the following additional Conditional Use Permit criteria:

1. The nonresidential floor area is concentrated in a central area within the unit and provides a functional open area for working activities;
2. The working area(s) are clearly separated and differentiated from residential areas, including kitchen and eating areas.
3. The nonresidential floor area is conveniently accessible from bedrooms or sleeping spaces;
4. The project includes provisions for the delivery of commercial items. This may include, but is not necessarily limited to, the following:

- a. Service elevators designed to carry and move oversized items;
- b. Stairwells wide and/or straight enough to deliver large items;
- c. Loading areas located near stairs and/or elevators; and
- d. Wide corridors for the movement of oversized items; and
5. Facilities, such as a commercial sink or other equipment, are provided in the work area to accommodate work activities.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

- B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more rooms in an existing building that is at least ten (10) years old and originally designed for non-residential occupancy, which ~~Each Residentially-Oriented Joint Living and Working Quarter~~ includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S. that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

Change #26

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III – Reductions in Required Parking

Article IV - Off-Street Loading Requirements

Article I General Provisions

17.116.020 Effect on new and existing uses.

17.116.020 Effect on new and existing uses.

- A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** The off-street parking and loading requirements of this Chapter shall only be provided for activities occupying any portion of new facilities and new additions to existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement, and any minimum size for which parking or loading is required in Articles II and IV of this Chapter.
- B. **Changes in Use Activity within an Existing Facility.** Except as otherwise provided for conversions in historic facilities as described in Subsection 17.116.110(F), new dwelling units described in Subsection C, and for Residentially Oriented Joint Living and Working Quarters described in Section 17.102.195, a change of use within an existing facility to a different major class shall meet the parking and loading requirements of the new use. no additional parking and loading spaces are is not required for a change of use activity within an existing facility, from one classification to another that is within the same major class. However, if the number of existing parking spaces on the lot equals or is less than required, then these parking spaces must be preserved with the change of activity. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required.

Change #27

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.060 Off-street parking—Residential Activities.

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

1. **Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling.	RH and RD-Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Two-Family Dwelling.	RD-2 Zone, except when combined with the S-12 Zone.	One and one-half (1½) spaces for each dwelling unit.
Multifamily Dwelling.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit.
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (¾) space for each dwelling unit.

Change #28

ATTACHMENT B: Proposed Planning Code Amendments

Residential Facility Type	Zone	Total Required Parking
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Rooming House.	CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units. One (1) space for each four (4) rooming units.
	All other zones	One (1) space for each two (2) Rooming Units.
<u>Micro-Living Quarters</u>	<u>D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)</u>	<u>No spaces required.</u>

Change #29

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in this Title, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-P, CBD-C, CBD-X, D-CO, S-2, and S-15 Zones.	—	No spaces required.
All other zones.	25,000 10,000 -square feet of floor area.	One (1) space for each three thousand five hundred (3,500) one thousand five hundred (1,500) -square feet of floor area.

Change #30

Article III - Exemptions and Reductions in Required Parking

17.116.110 Special parking exemptions and reductions.

17.116.110 Special parking exemptions and reductions.

The provisions of this Section apply to all facilities and zones in all or specified zones, except One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

C. **Parking Reduction through Demand Management Measures.** The following are the percentages that parking requirements are reduced for Residential Facilities of ~~five (5) ten (10)~~ or more dwelling units through implementation of the listed parking demand management measures. The parking reduction percentages for the demand management measures described below can be added together to create a greater parking reduction, but cannot create more than a fifty percent (50%) reduction. These reductions cannot be combined with the parking reductions described in other Subsections of Article III, except for the reduction described in Subsection B, above. A notice describing the demand management measure(s) required shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.

Change #31

1. **Transit Accessible Areas.** A project that is within a Transit Accessible Area receives a ~~thirty 30~~-percent (30%) reduction in the parking requirement. This reduction cannot be applied to the parking ratio for affordable housing that already receives a reduction under B(1), above.

2. **On-site public or private car share spaces.**

a. The provision of on-site car-share spaces at the level and standards described in the table below reduces the parking requirement by twenty percent (20%).

Change #32

<u>Number of Dwelling Units</u>	<u>Number of Required Car Share Parking Spaces</u>	<u>Notes</u>
<u>5—100 units.</u>	<u>One (1) space.</u>	<u>1, 2, 3</u>
<u>101—300 units.</u>	<u>Two (2) spaces.</u>	<u>1, 2, 3</u>
<u>Each additional 200 units.</u>	<u>One (1) additional space.</u>	<u>1, 2, 3</u>

Notes:

1. Required car-share space(s) shall be made available through one of the following two methods:

- a. A private car-share, operated by the property owner or homeowner's association, provided within the development. In this case, each private car-share space shall be assigned to a vehicle owned and maintained by the property owner or homeowner's association for the use of residents within the development; or
- b. At no cost, providing a parking space to a public car-share organization for purposes of providing car-share services for its car-share service subscribers. The car-share spaces may be provided on the building site or on another site within six hundred (600) feet of the building site. All car-share vehicles shall be accessible to both non-resident and resident subscribers.

2. A notice describing the requirement for car-sharing spaces shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.
3. All car-share parking spaces shall be counted toward the minimum and maximum required parking spaces.

~~**On-site public or private car share spaces.** The provision of on-site car-share spaces at the level and standards described in 17.116.105(B) reduces the parking requirement by twenty percent (20%).~~

3. **Off-site public or private car share spaces.** The provision of off-site car-share spaces at the minimum level and standards described in Subsections 17.116.105(A) reduces the parking requirement by ten percent (10%).
4. **Transit passes.** The provision of transit passes at the level and standards described in Subsection 17.116.105(B) reduces the parking requirement by ten percent (10%).

Article IV Off-Street Loading Requirements

17.116.130 Off-street loading—Civic Activities.

17.116.140 Off-street loading—Commercial Activities.

17.116.150 Off-street loading—Industrial Activities.

17.116.200 Parking space dimensions.

17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.

17.116.130 Off-street loading—Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*

Change #33

ATTACHMENT B: Proposed Planning Code Amendments

300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Commercial Activity and Floor Area of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Large-Scale Combined Retail and Grocery Sales, Consumer Cleaning and Repair Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive Fee Parking, or Undertaking Service - occupying facilities with the following floor area:	
Less than 25,000 square feet.	No berths required.*
25,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 120,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B.	

Change #34

ATTACHMENT B: Proposed Planning Code Amendments

Commercial Activity and Floor Area of Facilities Occupied	Requirement
Mechanical or Electronic Games, Medical Service, Consultative and Financial Service, Administrative, Transient Habitation, Check Cashier and Check Cashing, Consumer Dry Cleaning Plant, Group Assembly, Personal Instruction and Improvement Services, Business, Communication, and Media Service, Broadcasting and Recording Service, Automobile and Other Light Vehicle Sales and Rental, Automotive and Other Light Vehicle Repair and Cleaning, Taxi and Light Fleet-Based Service, Animal Care, or Animal Boarding - occupying facilities with the following floor area:	
Less than 40,000 square feet.	No berths required.*
40,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 160,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*

Change #35

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.150 Off-street loading—Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Industrial Activity and Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 25,000 square feet.	No berths required.*
10,000 25,000—49,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	One (1) berth.* Two (2) berths.*
50,000—99,999 square feet.	Two (2) berths.* Three (3) berths.*

Change #36

Each additional 150,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
--	----------------------------

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.200 Parking space dimensions.

(See illustration I-21.) The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210.

A. Compact and intermediate parking spaces shall count toward the off-street parking requirements ~~only~~ if located on a lot containing a total of two (2) ~~three or more~~ required spaces in the following cases:

Change #37

1. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces; or:

2. Alternatively, ~~when five or more parking spaces are required~~, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

BA. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.

CB. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.

CG. Compact Parking Spaces. A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

ED. Posts and Other Obstructions. For required parking spaces that are at an angle of between sixty (60) degrees and ninety (90) degrees, the required parking space widths specified above shall be increased by one (1) foot for each long side of a parking space that abuts a wall or other similar obstruction. However, this additional width is not required for posts and other similar structural members, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present for, an intermediate or compact space; and

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.080 Adherence to approved plans.

17.134.130 Termination of a Conditional Use Permit

17.134.080 Adherence to approved plans.

A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate two (2) years ~~one (1) year~~ from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the Conditional Use Permit approval if such extension period has also expired.

Change #38

17.134.130 Termination of a Conditional Use Permit

A Conditional Use Permit granted pursuant to the provisions of this Chapter that permit an activity shall not be of any force or effect if one of the following are true:

Change #39

- A. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity has ceased, or has been suspended, for a consecutive period of two (2) years or more; or
- B. The subject activity has ceased operating or has been suspended, and a different activity subsequently moved into the same facility.

ATTACHMENT C: MAJOR PROJECTS APPROVED SINCE ADOPTION OF PARKING UPDATE

Address of Major Projects Approved Since Update of Parking Requirements	Case File	Number of Dwelling Units	Number of Parking Spaces Approved	Parking Spaces Required Prior to Parking Update*
1640 Broadway	PLN14248	255	128	255
1750 Webster St	ZP150130	158	90	158
1640 Jefferson St	PLN17033	0	88	0
1750 Broadway	ZP170064	307	210	307
250 5th St	PUD06010-PUDF03	241	241	241
2134-2148 Broadway	DR13227	0	0	0
1100 Broadway	CMD07390-R01	0	0	0
1700 Webster Street 330 17th St	PLN15138-R01	206	148	206
301 19th Street 1889 Harrison St	PLN16071	224	219	224
459 8th St	PLN14308	50	50	50
459 23rd Street	PLN15119-R01	65	56	65
1518 ML King Jr Way 625 16th St	PLN16137	140	71	140
1721 Webster St	PLN16445	250	250	250
522 20th St	PLN14182	24	23	24
1550 Jackson St	PLN15061	20	20	20
420 13th St	PLN16162	0	0	0
1940 Webster St	PLN17227	173	131	173
2015 Telegraph Ave	PLN16456	114	40	114
2016 Telegraph Ave	PLN16455	230	83	230
2100 Telegraph Ave	PLN16440 PUDF-01	395	1750	395
2100 Telegraph Ave	PLN16440 PUDF-02	0	1820	0
1433 Webster St	PLN16117	176	1	176
412 Madison St	PLN18084	157	89	157
2201 Valley St	ZP180004	0	350	0
605 9th Street	PLN16092	25	23	25
585 22nd Street	PLN16046	78	81	78
2126 Martin Luther King Jr Way	PLN15351	60	8	60
2425 Valdez	CD13157	71	0	71
1414 Martin Luther King Jr Way	PLN17389	45	0	45
2044 Franklin	PLN17050	184	0	184
325 7th Street	CMDV06573 ER07002	380	265	380
2225 Telegraph Avenue	PLN17378	0	0	0
1601 San Pablo Avenue	PLN17063	76	0*	76
0 19th Street	PLN18082	93	0	93

* This required minimum parking requirement can be cut in half upon the granting of a Conditional Use Permit.

**This project was approved to contain 16 parking spaces but has applied for a revision to contain no parking spaces.

2018 NOV -1 PM 12:01 OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE REGULATIONS RELATED TO PARKING, LOADING, EMERGENCY SHELTERS, EXTENSIVE IMPACT CIVIC ACTIVITIES, PERMITTED ACTIVITIES IN THE D-GI ZONE, CONDITIONAL USE PERMITS, HOTEL CONVERSIONS IN THE CIX-2 ZONE, AND JOINT LIVING AND WORKING QUARTERS; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS.

WHEREAS, the City Council adopted a comprehensive update to the parking and loading regulations in the Planning Code; and

WHEREAS, a staff analysis of the updated parking and loading regulations identified additional changes and adjustments were required; 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, there is a crisis of homelessness in the region, and the conversion of hotels to housing for the homeless provides an opportunity to alleviate this crisis; and

WHEREAS, there is a discrepancy between where emergency shelters are allowed by right between Sections 17.103.015 and 17.73.020 of the Planning Code; and

WHEREAS, the conversion of nonresidential buildings to a joint living and working quarter(s) with several bedrooms and a shared working space is an affordable housing option for artists and other Oakland residents who desire to work and live in the same building;

WHEREAS, projects on several properties in Oakland have been granted Conditional Use Permits that do not include the most up to date Conditions of Approval and are not consistent with the intent of the current Planning Code and zoning map; and

WHEREAS, it is City policy to locate recycling facilities at the former Oakland Army Base;
and

WHEREAS, this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in the accompanying Agenda Report dated October 22, 2018, and incorporates such reasons herein by reference; and

WHEREAS, on September 5, 2018, the City Planning Commission conducted a public hearing to consider the proposed changes as follows: 1) Consolidating parking regulation in Chapter 17.116 of the Planning Code; 2) Capping the number of loading berths required for work/live and live/work units; 3) Change the permitting of emergency shelters in parts of the CIX, IG, and IO Industrial Zones to be consistent with Section 17.103.015, which identifies all areas citywide that permit Emergency Shelters by-right; 4) Removing employee parking requirements for live/work and work/live units in the CIX and HBX Zones; 5) Removing the cap of four persons who can live in a joint living and working quarter; 6) Requiring that nonresidential buildings be at least ten years old before they can be converted to joint living and working quarters; 7) Allowing the use of industrial buildings for commercial uses, and vice versa, without activating new parking requirements; 8) Reducing the number of parking spaces required for a single-family home in the RD-1 zone from 1.5 to 1; 8) Removing parking requirements for micro-living quarters in the D-BV-1 and D-BV-2 Zones; 9) Removing parking requirements for rooming units in the CBD, S-2, D-LM, D-BV-1 and D-BV-2 Zones; 10) Decreasing the parking requirement for new industrial developments; 11) Allowing parking reduction measures to be applied to developments of five dwelling units or fewer; 12) Capping the number of required loading berths for civic, residential, and commercial buildings at three; 13) Increasing the minimum floor area that requires a loading berth in industrial buildings; 14) Allowing the use of intermediate and compact parking spaces on lots containing a total of two or more parking spaces; 15) Adding a regulation that extinguishes a Conditional Use Permit if the activity that received the Conditional Use Permit has either ceased for two or more years, or a different activity has subsequently replaced the activity in the same facility or property; and 16) Increase the time allowed from one year to two years for issuance of all necessary permits for construction or alteration associated with a Conditional Use Permit; and

WHEREAS, on October 17, 2018, the City Planning Commission conducted a public hearing to consider the proposed changes as follows: 1) amending the definition of Extensive Impact Civic Activities in Section 17.10.240 to include Garbage Transfer Stations and Curbside Recycling Collection Centers; 2) amending Sections 17.72.030 and 17.72.040 to make applicable reference to the Emergency Shelter regulations in Section 17.103.015; 3) amending Section 17.73.020 in the CIX, IG and IO Industrial Zones Chapter to allow for conversion of an existing Transient Habitation Commercial Activity to a Residential Activity in the CIX-2 Zone through a Conditional Use Permit; and 4) amending Section 17.101F in the D-GI Gateway District Zone Chapter to specify that only certain specified types of Extensive Impact Civic Activities are permitted outright, and that all other Extensive Impact Civic Activities in the D-GI Zone are only permitted upon the granting of a Conditional Use Permit; and

WHEREAS, after a duly noticed public meeting on November 13, 2018, 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 November 27, 2018 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (CEQA) documents including previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area

Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163; and

WHEREAS, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments; and

WHEREAS, the proposed amendments to the Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

Section 2. The City Council finds and determines the adoption of this Ordinance complies with CEQA, and relies on the Previous CEQA Documents. No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 3. The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

Section 4. Titles 17 of the Oakland Municipal Code are hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Titles 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strike through~~.

Section 5. 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 6. Nothing in this Ordinance shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law.

Section 7. 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 8. This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and 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, Sections 5 and 7 of the California Constitution.

Section 9. 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 Planning Code.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

DATE OF ATTESTATION: _____

EXHIBIT A – AMENDMENTS TO THE PLANNING CODE.

The following are the changes to Planning Code Adopted by the City Council on December 11, 2018. Deletions are in ~~strikeout~~ and additions are underlined.

Article II Activity Types

Part 2 Civic Activity Types

17.10.240 Extensive Impact Civic Activities.

17.10.240 Extensive Impact Civic Activities.

Extensive Impact Civic Activities include the activities typically performed by, or the maintenance and operation of, the following institutions and installations:

- A. Airports, heliports, and helistops;
- B. Cemeteries, mausoleums, columbariums, and crematories;
- C. Colleges, junior colleges, and universities, but excluding business schools or other similar types of trade schools operated as profit-making enterprises;
- D. Detention and correction institutions;
- E. Docks and wharves operated by a public agency;
- F. Electric transmission lines;
- G. Garbage dumps and transfer stations;
- H. Curbside recycling collection centers;
- ~~H~~. Golf courses and driving ranges;
- ~~J~~. Major mail-processing centers;
- ~~K~~. Military installations;
- ~~L~~. Public and public utility corporation or truck yards;
- ~~M~~. Radio and television transmission stations;
- ~~N~~. Railroad and bus terminals;
- ~~O~~. Railroad rights-of-way and yards and bus storage areas;
- ~~P~~. Reservoirs and water tanks;
- ~~Q~~. Sewage disposal tanks;
- ~~R~~. Stadiums, sports arenas, auditoriums, and bandstands;
- ~~S~~. Truck terminals operated by a public agency;
- ~~T~~. Zoological gardens and wildlife preserves;
- ~~U~~. Campgrounds;

VU. Stormwater detention ponds and facilities;

WV. Facilities supervised by or under contract with the State Department of Corrections, including alternative sentencing and community work release programs.

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

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.050 Property development standards.

17.13.050 Property development standards.

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
—Minimum parking spaces required per Primary Unit	2	2	2	2	16
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 17

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.050 Property development standards.

17.15.050 Property development standards.

A. Zone Specific Standards.

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Parking	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>		<u>18, 19</u>
Minimum parking spaces required per Primary Unit	2	1.5	18
Additional parking spaces required for Secondary Unit	1	1	18, 19

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS
Sections:

17.17.050 Property development standards.

17.17.050 Property development standards.

A. Zone Specific Standards.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>16, 17</u>
Minimum parking spaces required per regular unit	1.5	1/1.5	1	1	16, 17
Additional parking spaces required for Secondary Unit	1	1	1	1	16, 18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.050 Property development standards.

17.19.050 Property development standards.

A. Zone Specific Standards.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Parking Requirements	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements					16, 17
—Minimum Parking Spaces Required per Regular Residential Unit	±	±	±	±	±	±6
—Additional Parking Spaces Required for Secondary Unit	±	±	±	±	±	16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
—Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

17.65.150 Special regulations for HBX Work/Live units.

17.65.160 Special regulations for HBX Live/Work units.

17.65.150 Special regulations for HBX Work/Live units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Work/Live unit; the minimum size of an HBX Work/Live unit; and the parking, loading, and open space required for each HBX Work/Live unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	43
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One (1) berth	
	70,000— <u>129,999</u> 130,000 -square feet	Two (2) berths	
	Each additional 200,000 <u>130,000</u> square feet or more	One (1) additional <u>Three (3)</u> berths	

Notes:

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

17.65.160 Special regulations for HBX Live/Work units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling-units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000—299,999 square feet	Two (2) berths	
	Each additional 300,000 square feet or more	One (1) additional Three (3) berths	

Notes:

3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of Regular Design Review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Conditional Use Permit stated in Section 17.116.220.

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

Sections:

17.72.040 Permitted and conditionally permitted facilities.

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Emergency Shelter	—	P(L1)	—	<u>17.103.015</u>

Limitations on Table 17.72.01:

L1. Emergency Shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
Multifamily Dwelling	—	—(L4)	—	<u>17.103.015</u>
Rooming House	—	—(L4)	—	<u>17.103.015</u>
Mobile Home	—	—(L4)	—	<u>17.103.015</u>

Limitations on Table 17.72.02:

L4. All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with serving a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

17.73.020 Permitted and conditionally permitted activities and facilities.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities										
Permanent	=	=	=	=	=	C(L1)	=	=	=	
Residential Care	=	=	=	=	=	C(L1)	=	=	=	
Supportive Housing	=	=	=	=	=	C(L1)	=	=	=	
Transitional Housing	=	=	=	=	=	C(L1)	=	=	=	
Emergency Shelter	P(L1)–	P(L1)–	P(L1)–	P(L1)–	P(L1)	P(L1)	P(L1)–	P(L1)–	P(L1)	17.103.015
All Other Residential Activities	All other Residential Activities prohibited in each zone									

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D base Zone also has the T Combining Zone, the T regulations shall supersede the base zone. Wherever the T regulations are silent, the base zone regulations shall supersede.

Facility Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		

Residential Facilities	All Residential Facilities prohibited in the each CIX, IG and IO Zones, except for those approved in conjunction with servicing a permitted Emergency Shelter Activity; or a conditionally permitted conversion of an existing Transient Habitation Commercial Activity in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road, as indicated in Limitation L1 below.	17.103.015
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Limitations:

L1. All new Residential Activities are prohibited in the CIX, IG, and IO Zones, except that Emergency Shelters are permitted by-right within those portions of the 3rd Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B); and conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone into a Permanent Residential, Residential Care, Supportive Housing, or Transitional Housing Residential Activity may be permitted through a Conditional Use Permit in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road. A Conditional Use Permit for such residential conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional criteria:

1. That the proposal involves housing that is only for one or more underserved populations, including but not limited to, low income households, seniors, or veterans.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

E. Activity, parking, loading, open space, and unit size standards for Work/Live units.

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Work/Live units.

Standard	Requirement		Note
Required parking	One (1) parking space per unit, plus one (1) additional unassigned visitor or employee parking space per five (5) Work/Live units See Chapter 17.116 for other off-street parking standards.		1, 3
Required loading	Square feet of facility	Requirement	3
	Less than 25,000 10,000 square feet	No berth required	
	25,000 10,000 —69,999 square feet	One (1) berth	
	70,000— 129,999 130,000 square feet	Two (2) berths	
	130,000 Each additional 200,000 square feet or more	Three (3) One (1) additional berths	

Notes:

3. Parking, loading, and open space standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking, loading, and open space is required to at least these minimum standards.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS
Sections:

17.101E.050 Property development standards.

17.101E.070 Special regulations for Work/Live Units.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

17.101E.070 Special regulations for Work/Live Units.

D. Table 17.101E.06 below prescribes special regulations for Work/Live Units.

Table 17.101E.06 Special Regulations for Work/Live Units

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Parking and Loading Requirements - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live <u>U</u> nit	N/A	N/A	1	1	N/A	N/A	5
—Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Required Loading - See also "Design Guidelines for the Central Estuary" Section 3.6							
<u>Less than</u> <25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	<u>5, 7</u>
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	<u>5, 7</u>
70,000 — <u>129,999 sf.</u> 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	<u>5, 7</u>
<u>130,000 sf.</u> or more Each	N/A	N/A	<u>3 berths</u> 1 more berth	<u>3 berths</u> 1 more berth	N/A	N/A	<u>5, 7</u>

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
additional 200,000 sf.							

Additional Regulations for Table 17.101E.06:

5. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

7. See Chapter 17.116 for other loading standards.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

E. Table 17.101E.08 below prescribes special regulations for Live/Work Units.

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
Required Loading See also "Design Guidelines for the Central Estuary" Section 3.6			
>Less than 50,000 sf.	No berth	No berth	4
50,000 - 149,999 sf.	1 berth	1 berth	4
150,000 - 299,000 sf.	2 berths	2 berths	4
Each additional 300,000 sf. or more	1 more 3 berths	1 more 3 berths	4

Additional Regulations for Table 17.101E.08:

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.

2. Off-street parking standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

3. See Chapter 17.117 for other bicycle parking requirements.

4. Loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing loading is required to at least these minimum standards. See Chapter 17.116 for other loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Ceonditional Uuse Ppermit stated in Section 17.116.220.

Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

Sections:

17.101F.030 Permitted and conditionally permitted activities.

17.101F.030 Permitted and conditionally permitted activities.

Table 17.101F.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	D-GI	
Civic Activities		
Extensive Impact	P(L2)	

Limitations on Table 17.101F.01:

L2. Permitted outright if tThese activities are limited to establishments that support or are associated with trucking, warehousing, or maritime-related activities; all other types of these activities may only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

17.102.190 Joint Living and Working Quarters.

~~A. A-General Provisions. Joint Living and Working Quarters with fifteen (15) or fewer bedrooms or sleeping spaces are permitted in all zones where Residential Activities are permitted or conditionally permitted. Except as may otherwise be indicated by the applicable individual zone regulations, Joint Living and Working Quarters that either have more than fifteen (15) bedrooms or sleeping spaces, or are in a zone may also be permitted in zones where Residential Activities are not otherwise allowed are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

~~A. upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. B-Definition. Joint Living and Working Quarters means residential occupancy maintaining a common household of one or more rooms or floors in an existing building that is at least ten (10) years old and originally designed for industrial or commercial occupancy. Each Joint Living and Working Quarter which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.~~

~~C. Conditional Use Permit Criteria. A Conditional Use Permit for Joint Living and Working Quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure and to both of the following use permit criteria:~~

- ~~1. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and~~
- ~~2. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions.~~

~~A Conditional Use Permit for Joint Living and Working Quarters designed to contain more than fifteen (15) bedrooms or sleeping spaces shall only be granted upon determination that the proposal conforms to each of the following additional Conditional Use Permit criteria:~~

- ~~1. The nonresidential floor area is concentrated in a central area within the unit and provides a functional open area for working activities;~~
- ~~2. The working area(s) are clearly separated and differentiated from residential areas, including kitchen and eating areas.~~
- ~~3. The nonresidential floor area is conveniently accessible from bedrooms or sleeping spaces;~~
- ~~4. The project includes provisions for the delivery of commercial items. This may include, but is not necessarily limited to, the following:~~

- a. Service elevators designed to carry and move oversized items;
 - b. Stairwells wide and/or straight enough to deliver large items;
 - c. Loading areas located near stairs and/or elevators; and
 - d. Wide corridors for the movement of oversized items; and
5. Facilities, such as a commercial sink or other equipment, are provided in the work area to accommodate work activities.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

- B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more rooms in an existing building that is at least ten (10) years old and originally designed for non-residential occupancy, which—Each Residentially-Oriented Joint Living and Working Quarter includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S. that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III – Reductions in Required Parking

Article IV - Off-Street Loading Requirements

Article I General Provisions

17.116.020 Effect on new and existing uses.

17.116.020 Effect on new and existing uses.

- A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** The off-street parking and loading requirements of this Chapter shall only be provided for activities occupying any portion of new facilities and new additions to existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement, and any minimum size for which parking or loading is required in Articles II and IV of this Chapter.
- B. **Changes in Use Activity within an Existing Facility.** Except as otherwise provided for conversions in historic facilities as described in Subsection 17.116.110(F), new dwelling units described in Subsection C, and for Residentially Oriented Joint Living and Working Quarters described in Section 17.102.195, a change of use within an existing facility to a different major class shall meet the parking and loading requirements of the new use. no additional parking and loading spaces are is not required for a change of use activity within an existing facility, from one classification to another that is within the same major class. However, if the number of existing parking spaces on the lot equals or is less than required, then these parking spaces must be preserved with the change of activity. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required.

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.060 Off-street parking—Residential Activities.

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

1. **Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling.	RH and RD-Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Two-Family Dwelling.	RD-2 Zone, except when combined with the S-12 Zone.	One and one-half (1½) spaces for each dwelling unit.
Multifamily Dwelling.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit.
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (¾) space for each dwelling unit.

Exhibit A: Planning Code Amendments

Residential Facility Type	Zone	Total Required Parking
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Rooming House.	CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units. One (1) space for each four (4) rooming units.
	All other zones	One (1) space for each two (2) Rooming Units.
Micro-Living Quarters	<u>D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)</u>	<u>No spaces required.</u>

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in this Title, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-P, CBD-C, CBD-X, D-CO, S-2, and S-15 Zones.	—	No spaces required.
All other zones.	25,000 10,000-square feet of floor area.	One (1) space for each three-thousand five-hundred (3,500) one thousand five hundred (1,500)-square feet of floor area.

Article III - Exemptions and Reductions in Required Parking

17.116.110 Special parking exemptions and reductions.

17.116.110 Special parking exemptions and reductions.

The provisions of this Section apply to all facilities and zones in all or specified zones, except One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

C. **Parking Reduction through Demand Management Measures.** The following are the percentages that parking requirements are reduced for Residential Facilities of five (5) ~~ten (10)~~ or more dwelling units through implementation of the listed parking demand management measures. The parking reduction percentages for the demand management measures described below can be added together to create a greater parking reduction, but cannot create more than a fifty percent (50%) reduction. These reductions cannot be combined with the parking reductions described in other Subsections of Article III, except for the reduction described in Subsection B, above. A notice describing the demand management measure(s) required shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.

1. **Transit Accessible Areas.** A project that is within a Transit Accessible Area receives a thirty ~~30~~-percent (30%) reduction in the parking requirement. This reduction cannot be applied to the parking ratio for affordable housing that already receives a reduction under B(1), above.

2. **On-site public or private car share spaces.**

a. The provision of on-site car-share spaces at the level and standards described in the table below reduces the parking requirement by twenty percent (20%).

<u>Number of Dwelling Units</u>	<u>Number of Required Car Share Parking Spaces</u>	<u>Notes</u>
<u>5—100 units.</u>	<u>One (1) space.</u>	<u>1, 2, 3</u>
<u>101—300 units.</u>	<u>Two (2) spaces.</u>	<u>1, 2, 3</u>
<u>Each additional 200 units.</u>	<u>One (1) additional space.</u>	<u>1, 2, 3</u>

Notes:

1. Required car-share space(s) shall be made available through one of the following two methods:

- a. A private car-share, operated by the property owner or homeowner's association, provided within the development. In this case, each private car-share space shall be assigned to a vehicle owned and maintained by the property owner or homeowner's association for the use of residents within the development; or
- b. At no cost, providing a parking space to a public car-share organization for purposes of providing car-share services for its car-share service subscribers. The car-share spaces may be provided on the building site or on another site within six hundred (600) feet of the building site. All car-share vehicles shall be accessible to both non-resident and resident subscribers.

- 2. A notice describing the requirement for car-sharing spaces shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.
- 3. All car-share parking spaces shall be counted toward the minimum and maximum required parking spaces.

~~On-site public or private car share spaces. The provision of on-site car-share spaces at the level and standards described in 17.116.105(B) reduces the parking requirement by twenty percent (20%).~~

- 3. **Off-site public or private car share spaces.** The provision of off-site car-share spaces at the minimum level and standards described in Subsections 17.116.105(A) reduces the parking requirement by ten percent (10%).
- 4. **Transit passes.** The provision of transit passes at the level and standards described in Subsection 17.116.105(B) reduces the parking requirement by ten percent (10%).

Article IV Off-Street Loading Requirements

17.116.130 Off-street loading—Civic Activities.

17.116.140 Off-street loading—Commercial Activities.

17.116.150 Off-street loading—Industrial Activities.

17.116.200 Parking space dimensions.

17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.

17.116.130 Off-street loading—Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*

Exhibit A: Planning Code Amendments

300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Commercial Activity and Floor Area of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Large-Scale Combined Retail and Grocery Sales, Consumer Cleaning and Repair Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive Fee Parking, or Undertaking Service - occupying facilities with the following floor area:	
Less than 25,000 square feet.	No berths required.*
25,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 120,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B.	

Commercial Activity and Floor Area of Facilities Occupied	Requirement
Mechanical or Electronic Games, Medical Service, Consultative and Financial Service, Administrative, Transient Habitation, Check Cashier and Check Cashing, Consumer Dry Cleaning Plant, Group Assembly, Personal Instruction and Improvement Services, Business, Communication, and Media Service, Broadcasting and Recording Service, Automobile and Other Light Vehicle Sales and Rental, Automotive and Other Light Vehicle Repair and Cleaning, Taxi and Light Fleet-Based Service, Animal Care, or Animal Boarding - occupying facilities with the following floor area:	
Less than 40,000 square feet.	No berths required.*
40,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 160,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.150 Off-street loading—Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Industrial Activity and Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 25,000 square feet.	No berths required.*
10,000—24,999 25,000—49,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	One (1) berth.* Two (2) berths.*
50,000—99,999 square feet.	Two (2) berths.* Three (3) berths.*

Each additional 150,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
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*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.200 Parking space dimensions.

~~(See illustration I-21.)~~ The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210.

A. Compact and intermediate parking spaces shall count toward the off-street parking requirements ~~only~~ if located on a lot containing a total of two (2) ~~three~~ or more required spaces in the following cases:

1. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces; or
2. Alternatively, ~~when five or more parking spaces are required,~~ up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

BA. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.

CB. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.

DC. Compact Parking Spaces. A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

ED. Posts and Other Obstructions. For required parking spaces that are at an angle of between sixty (60) degrees and ninety (90) degrees, the required parking space widths specified above shall be increased by one (1) foot for each long side of a parking space that abuts a wall or other similar obstruction. However, this additional width is not required for posts and other similar structural members, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present for, an intermediate or compact space; and

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.080 Adherence to approved plans.

17.134.130 Termination of a Conditional Use Permit

17.134.080 Adherence to approved plans.

A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate two (2) years ~~one (1) year~~ from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the Conditional Use Permit approval if such extension period has also expired.

17.134.130 Termination of a Conditional Use Permit

A Conditional Use Permit granted pursuant to the provisions of this Chapter that permit an activity shall not be of any force or effect if one of the following are true:

- A. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity has ceased, or has been suspended, for a consecutive period of two (2) years or more; or
- B. The subject activity has ceased operating or has been suspended, and a different activity subsequently moved into the same facility.

NOTICE AND DIGEST

ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE REGULATIONS RELATED TO PARKING, LOADING, EMERGENCY SHELTERS, EXTENSIVE IMPACT CIVIC ACTIVITIES, PERMITTED ACTIVITIES IN THE D-GI ZONE, CONDITIONAL USE PERMITS, HOTEL CONVERSIONS IN THE CIX-2 ZONE, AND JOINT LIVING AND WORKING QUARTERS AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS.

This Ordinance amends the Oakland Planning Code related to: 1) parking regulations; 2) loading berths; 3) emergency shelters; 4) Extensive Impact Civic Activities; 5) permitted activities in the D-GI Zone; 6) Hotel Conversions in the CIX-2 Zone; 7) live/work and work/live units; 8) joint living and working quarters; 9) Conditional Use Permits; and 10) Extensive Impact Civic Activities; and make appropriate California Environmental Quality Act determinations;

Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening **November 13, 2018**, and passed to print **X Ayes, X noes, X Excused**. Final adoption has been scheduled for the City Council meeting Tuesday evening, **November 27, 2018, 5:30 p.m.**, at One Frank H. Ogawa Plaza, Council Chamber, 3rd floor, Oakland, California. Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

LATONDA SIMMONS, City Clerk

Publication Date:

(One Time)