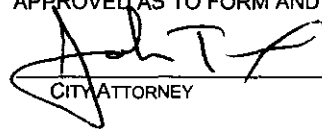


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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY

ORDINANCE NO. 12561 C.M.S.

Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

WHEREAS, the City's General Plan contains numerous policies and objectives supporting the establishment of Transit Oriented Districts, areas that concentrate housing units and pedestrian oriented retail opportunities within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile; and

WHEREAS, the City Council has reviewed and accepted the "West Oakland Transit Village Study", a document written in collaboration between the Community and Economic Development Agency, Bay Area Rapid Transit, and the Oakland Housing Authority that promotes transit oriented development as envisioned by the General Plan; and

WHEREAS, the "West Oakland Transit Village Study" designated sites appropriate for structured parking to accommodate the inevitable need for parking with increased development and pedestrian character that constitute the key attributes of a transit village; and

WHEREAS, an auto fee parking activity may be consistent with the appropriate development of Transit Oriented Districts at a particular site in a transit oriented district if it will concentrate existing surface parking, freeing land for the mixed use developments envisioned by the General Plan for transit oriented districts; is obscured from the street by commercial and/or residential facilities; is at a site designated for parking in an overall study written to promote transit oriented development to balance the need to preserve transit use through the park and ride opportunities that parking structures provide with the compact, mixed use development pattern consistent with transit oriented development.

WHEREAS, pursuant to City Ordinance and the California Environmental Quality Act, the City Planning Commission approved a negative declaration for this Zoning Text Amendment, and the City Council has considered the Negative Declaration and all comments received on it prior to the adoption of this ordinance. The City Council finds on the basis of the entire record before it, including the initial study and all comments received, that there is no substantial

evidence that the project will have a significant effect on the environment and that the negative declaration reflects the City Council's independent judgment and analysis;

NOW, THEREFORE, THE CITY 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 hereby makes them a part of this ordinance.

SECTION 2. The requirements of the California Environmental Quality Act (CEQA), as amended, the guidelines, as prescribed by the Secretary of Resources, and the provisions of the City of Oakland, have been met through approval of a negative declaration.

SECTION 3. Sections 17.100.050 and 17.100.100 of the Oakland Planning Code are hereby amended to add, delete, or modify sections as set forth below. Section numbers and titles are indicated in **bold type**, additions are indicated by underlining, and deletions are indicated by ~~strike-out type~~. Portions of the code not cited, or not shown in underlining or strike-out type, are not changed:

17.100.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care
Service-Enriched Permanent Housing
Transitional Housing

B. Civic Activities:

Utility and Vehicular
Extensive Impact

C. Commercial Activities:

Fast Food Restaurant
Convenience Market
Consumer Laundry and Repair Service
Transient Habitation and Commercial Activities
Alcoholic Beverage Sales
Mechanic or Electronic Games
Animal Care

Automotive Fee Parking subject to the additional criteria contained in Section 17.100.100F.

D. Manufacturing Activities:

Custom

E. Off-street parking serving nonresidential activities listed in Sections 17.100.040 and 17.100.050.

F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; Ord. 11892 § 4 (part), 1996: prior planning code § 6854)

17.100.100 Use permit criteria.

A conditional use permit for any use or facility listed in Sections 17.100.030, 17.100.050, 17.100.070 and 17.100.200, may be granted only 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 use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way,

2. That every reasonable effort has been made to share means of vehicular access with abutting properties,

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B;

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement. (Ord. 11892 § 4 (part), 1996: prior planning code § 6860)

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;

2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;

3) The new parking structure shall represent no more than a 75 percent increase of existing parking at the site;

4) Auto fee parking at the site shall be specifically designated by a City sponsored plan or study designed to promote a transit oriented district as defined by the General Plan;

5) The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and

6) The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.100.100F "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the General Plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three or more streets, at least two streets shall be designated as principal streets.

DEC 2 2003

In Council, Oakland, California, _____, 2003, Passed By The Following
Vote:

AYES-

**BROOKS, BRUNNER, CHANG,
NADEL, REID, GUAN, WAN
AND PRESIDENT DE LA FUENTE - 7**

NOTES- \emptyset

Excused
ABSENT-


De La Fuente - 1

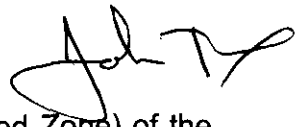
ABSTENTION- \emptyset

Introduction Date:

NOV 18 2003

ATTEST:


CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California



Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

NOTICE AND DIGEST

This ordinance amends the Oakland Planning Code to add provisions for the issuance of a conditional use permit for fee parking in the S-15 Transit Oriented Zone

Notice and Digest

An Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking

Notice of Publication

This ordinance amends the Oakland Planning Code to add provisions for the issuance of a conditional use permit for fee parking in the S-15 Transit Oriented Zone

This Ordinance was introduced at the City Council meeting, Tuesday evening November 18, 2003, and passed to print 6 Ayes, 0 Noes. Hearing on final adoption has been scheduled for the City Council meeting Tuesday evening December 2, 2003, 8:00 p.m., at One Frank H. Ogawa Plaza, Council Chambers, on the third floor in 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.

CEDA FLOYD, City Clerk

The Oakland Tribune, #308814
November 28, 2003

Oakland Tribune

c/o ANG Newspapers
401 13th Street
Oakland, CA 94612
Legal Advertising
(800) 595-9595 opt.4

CITY OF OAKLAND
OFFICE OF THE CITY CLERK, 1 FRANK OGAWA
PLAZA, 2ND FL (CITY HALL)
OAKLAND CA 94612

PROOF OF PUBLICATION

FILE NO.

In the matter of

NOTICE AND DIGEST

The Oakland Tribune

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.], of the Government Code of the State of California." Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/29/03

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamer Seble

Public Notice Advertising Clerk

Legal No. 0000308814

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CEDA FLOYD, City Clerk

The Oakland Tribune, #308814
November 29, 2003

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