



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning and
Building Department

SUBJECT: SUPPLEMENTAL – Planning Code
Amendments to Streamline
Conditional Use Permit Regulations

DATE: November 24, 2025

City Administrator Approval


[Jestin Johnson \(Nov 25, 2025 12:26:53 PST\)](#)

Date: 11/25/2025

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt An Ordinance, As Recommended By The Planning Commission:

- 1) Amending Title 17 Of The Oakland Municipal Code (The Planning Code) To:**
 - A. Adjust Regulations For Permitted And Conditionally Permitted Activities And Facilities For Purposes Of Providing Greater Opportunities For Ground Floor Activities And Ease The Permitting Burden For Commercial, Civic, And Low Impact Industrial Activities; And**
 - B. Make Related Miscellaneous Clean-Up And Administrative Changes;**
- 2) Making Appropriate California Environmental Quality Act Findings.**

REASON FOR SUPPLEMENTAL

Staff presented the proposed Planning Code amendments to the Community and Economic Development Committee on November 18, 2025. Public and Councilmember comments expressed concern and confusion over the process for permitting vending in parks and how this package would impact that process. This report describes the jurisdictional responsibilities over vending by the Planning Bureau; Parks, Recreation, and Youth Development Department; and Special Activities Office.

1. PLANNING AND BUILDING DEPARTMENT

The Planning Bureau under the Planning and Building Department administers Title 17 of the Oakland Municipal Code (The Planning Code), which regulates the physical development of property by property owners. Chapter 17.11 OS Open Space Zoning Regulations (OS Zone) is unique in the Planning Code in that it strictly regulates publicly owned land under the jurisdiction of the City. Therefore, when the Planning Bureau reviews a development application for a property in the OS Zone the applicant is always the City and never a private entity. Within this scope, the Planning Bureau's review of a concessions project is strictly limited to the development of a physical structure. Any programmatic element, including procurement of a concessionaire, is the responsibility of the Parks, Recreation, and Youth Development Department (OPRYD) or other City department.

City Council
December 2, 2025

The current proposal submitted by the Planning Bureau includes an amendment to the Planning Code to shift Food Service and Other Concessions from a Minor Conditional Use Permit (CUP) to Permitted in Region-Serving, Community, Neighborhood, Special Use, and Athletic Field Parks. It would additionally shift Food Service and Other Concessions from Prohibited to Permitted in Active Mini-Parks and Linear Parks. Food Service and Other Concessions would remain Prohibited in Passive Mini-Parks and Resource Conservation Areas.

In the context of the Planning Code, Food Service and Other Concessions is an activity type that relates to a small, fixed-foundation concessions booth. Existing examples include booths in Frank Ogawa Plaza and Lakeside Park. This category does not include any vending from temporary structures or movable carts or trucks, which are not regulated under the Planning Code nor under the Planning and Building Department. These types of vending are regulated by Chapters 12.64 and 5.51 of the OMC, as described hereafter.

As specified in OMC Chapter 12.64: “it is unlawful for any person to sell or offer for sale any goods, wares, merchandise, foods, confections, refreshments or other article within any public park, public building or public grounds in the city, without the order or permission therefor of the commission, department or board which has jurisdiction therein” - which in this case is the Parks, Recreation, and Youth Development Department (OPRYD). OMC Chapter 12.64 further stipulates that no use of any park for the sale of any item, or for a private or special event may be made without issuance of a permit issued by OPRYD, as described below.

2. PARKS, RECREATION, AND YOUTH DEVELOPMENT DEPARTMENT

The Parks, Recreation, and Youth Development Department (OPRYD) is responsible for permitting and management of any economic activities that occur in city parks (See [Chapter 12.64 – PARK AND RECREATION AREA USE REGULATIONS](#)). The primary method for permitting temporary vending in parks is managed through the [facilities rental process](#), which is regulated by Chapter 12.64. Individuals or businesses interested in pursuing vending opportunities in city parks must submit the standard facility rental application that is reviewed by both OPRYD and the Fire Department. Applications that propose onsite collection of funds within parks require review and approval by the Parks and Recreation Advisory Commission (PRAC) at least 60 days prior to commencement of the activity. For a detailed outline of the application process see **Attachment A**.

OPRYD is also responsible for soliciting and/or reviewing proposals by private concessionaires to operate in park facilities. Any such proposal would require approval by PRAC and compliance with the requirements of the [Contract Administration Unit](#). Existing examples include the Lake Chalet and Children’s Fairyland. This process would be the same for any park facility, including both new and existing buildings. This policy ensures consistency and accountability in managing private operations within Oakland's parks while preserving public access and community benefit.

3. SPECIAL ACTIVITIES OFFICE

The Special Activities Office oversees vending of food or merchandise from the public right of way; private property; or city-owned property, excluding parks (See [Chapter 5.51 – FOOD](#)

[VENDING PROGRAM](#)). As this discussion is related to parks, the Special Activities Office is not involved in the permitting process.

ACTION REQUESTED OF THE CITY COUNCIL

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- 2) Making Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact TIMOTHY GREEN, PLANNER III, at (510) 238-6436.

Respectfully submitted,



William Gilchrist (Nov 25, 2025 12:01:47 PST)

WILLIAM GILCHRIST

Director, Planning and Building Department

Reviewed by:

Edward Manasse, Deputy Director

Bureau of Planning

Prepared by:

Timothy Green, Planner III

Bureau of Planning

Attachment (1):

A: OPRYD Rental Application Process

RENTAL APPLICATION PROCESS



RENTER

- Renter completes rental application and submits via email <https://www.oaklandca.gov/services/rentals-and-reservations>
- Email: cru@oaklandca.gov
- Renter submits Parks Recreation Advisory Commission (PRAC) proposal, if collecting funds onsite.

STAFF

- Staff receives and reviews rental application.
- Contact renter via email within 48 hours with availability, cost and additional permits/documents required.

RENTER

- Renter pays rental fees to secure reservation date(s).

REQUIRED PERMITS 30 Days PRIOR TO EVENT

- Walkthrough/Logistics Meeting
- Event Insurance
- Oakland Business License
- Fire Special Events Permit Application & Site Map
- Waste Reduction Plan
- Alameda County Health Permit (if needed)
- Alcohol Beverage Control (ABC) Permit (if needed)
- Security Contract (if needed)
- Marketing Materials
- Venue Floorplan

Ready

- Renter to Read, Initial, Sign and Return Reservation Contract
- Reservation Contract Approved



Site Representative

Works with Renter to answer questions.

Facility Attendant

Meet/Greet Renter On Event Date
Walkthrough with Renter Before Event/Class (Facility Checklist)
Monitor Event/Class
Walkthrough with Renter After Event/Class (Facility Checklist)
Renter & Attendant Sign Facility Checklist