

CITY OF OAKLAND 2018 JUN 14 PM 5:26

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OFFICE OF THE CITY CLERK  
OAKLAND

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** William Gilchrist  
Director, PBD

**SUBJECT:** Planning Code Amendments for  
Transient Habitation Activities

**DATE:** May 21, 2018

City Administrator Approval

Date:

## RECOMMENDATION

**Staff Recommends That The City Council Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code Regulating Transient Habitation Commercial Activities (Hotels) To: 1) Require A Major Conditional Use Permit For Transient Habitation Commercial Activities, 2) Change The Central Business District – Commercial Zone (CBD-C) And Wood Street District Zone – 8 (D-WS-8) To Require A Conditional Use Permit For Transient Habitation Commercial Activities; And 3) Require The Additional Findings In Planning Code Section 17.103.050 For Several Zoning Districts Where This Was Omitted For Transient Habitation Commercial Activities.**

## EXECUTIVE SUMMARY

Adoption of the proposed Ordinance would amend the Planning Code to require the following for Transient Habitation Commercial Activities (Hotels):

- A Conditional Use Permit (CUP) for the two remaining Zones where Transient Habitation Commercial Activities are currently outright permitted;
- Application of a Major CUP to these activities; and
- Application of the additional Section 17.103.050 Findings for six Zones that previously only needed to meet the general CUP Findings.

Staff is recommending the Planning Code amendments to ensure that the regulations applying to hotels are consistent, and that the same decision-making criteria and process is applied across the City when considering the possible traffic, design, access, loading and queuing impacts of hotel uses on the City and in neighborhoods.

## BACKGROUND / LEGISLATIVE HISTORY

The proposed amendments are the result of direction by the City Council to the Bureau of Planning. Specifically, on May 3, 2016, in response to an application for the construction of a hotel, the City Council passed Resolution No. 86163 C.M.S. This Resolution noted that while hotels and other economic activities have the potential to create jobs with good wages,

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CED Committee  
June 26, 2018

Oaklanders are facing widening income inequality, and hotels can have a substantial effect on neighborhoods as well as the entire City. Therefore, the City Council asked the Bureau of Planning to initiate the following actions:

- 1) Amend the Planning Code to require that Transient Habitation Commercial Activities be processed as a Major CUP.
- 2) Draft additional Findings related to consideration of wages and benefits in a business plan, or legally binding document; commitment from the employer to comply with labor laws, the City's minimum wage and sick leave law; and submit a signed letter by the legal representative of the employer noting compliance with these laws before approving new hotel projects.

On May 16, 2018 at a properly noticed public hearing, the Planning Commission took public comment and voted 4-0 to recommend that the City Council adopt the proposed Planning Code amendments (**Attachment A**). The Planning Commission also considered whether the Ordinance should only apply to projects deemed complete but not yet approved as discussed below.

### **ANALYSIS AND POLICY ALTERNATIVES**

The proposed Ordinance addresses the City Council's first request to amend the Planning Code to require that Hotels be processed as a Major CUP. Further analysis is required for the second action to draft additional Findings related to the consideration of wages and benefits and compliance with the City's labor, minimum wage and sick leave laws. This additional analysis would likely include consideration of not just hotels but other low wage commercial sectors, as well as the possible legal ramifications of the City Council's proposal.

The following section summarizes the proposed substantive changes to the Planning Code (**Attachment B**). No changes are proposed to the Zoning Map.

1. Amend the definition of a Major CUP in Planning Code Section 17.134.020(A)(2)(a) to include Transient Habitation Commercial Activities.
2. Amend Table 17.58.01 in Planning Code Section 17.58.040 for the Central Business District – Commercial Zone (CBD-C) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.
3. Amend Table 17.101A.01 in Planning Code Section 17.101A.020 for the Wood Street District Zone – 8 (D-WS-8) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.
4. Amend the Planning Code to require the additional Findings in Planning Code Section 17.103.050 for Transient Habitation Commercial Activities in the following Zones:
  - C-40 Community Thoroughfare Commercial Zone
  - C-45 Community Shopping Commercial Zone
  - CIX-1A through CIX-1D Industrial Zones

Only two Zoning Districts in the City (CBD-C and D-WS-8) allow Transient Habitation Commercial Activities as a permitted use (**Attachment C**). The original purpose of allowing hotels to be outright permitted in the CBD-C Zone was to support the Convention Center and Downtown as a visitor and entertainment area. The City has approved two hotels since 2016 (a Marriott on Jefferson Street and a Hampton Inn on 11<sup>th</sup> Street).

It is unclear from the staff reports and the Draft and Final Environmental Impact Reports for the Wood Street Project, why hotels were outright permitted in Development Area Eight. The 2.01-acre site is currently vacant but was approved in October of 2014 for 235 residential units with ground floor commercial space. City staff have discussed the proposal with the owners of this parcel, and they have indicated the intention to move forward with the approved project. As such, the proposal to amend the D-WS-8 Zone is a formality.

The proposed Planning Code changes recognize the need for hotels and would not prohibit them in these areas. Instead, staff is proposing these changes to ensure that the regulations are consistent, and that the same criteria is applied across the City when considering the possible impacts of hotel uses on the City and in neighborhoods. Furthermore, the proposal recognizes that the most appropriate forum for a discussion of the potential benefits and impacts of Transient Habitation Commercial Activities is a public hearing before the Planning Commission as opposed to a staff-level decision.

Finally, as of the publication of this report, the Planning Commission has continued discussions of a hotel project along Mandela Parkway near Emeryville. The proposed changes would not affect this project as a Major CUP and the hotel Findings are already required. Staff is currently reviewing one other hotel project near Telegraph Avenue and West Grand. Staff is proposing, consistent with other previously zoning changes approved by the City Council, that the amendments 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. Therefore, these changes would not affect the two known hotel projects currently under consideration. However, a member of the Hotel Union asked the Planning Commission to recommend to City Council that the Ordinance apply to projects deemed complete but not yet approved. The Planning Commission made a motion to follow this recommendation but the motion failed in a vote of 2-2. Ultimately, the Planning Commission voted 4-0 to recommend approval of the proposed hotel regulations, and report the deadlocked vote on the issue of applicability and competing reasons for it to the City Council.

### ***Policy Alternatives***

While staff recommends that the City Council adopt the Planning Code amendments, other alternatives are discussed in the following tables:

**Alternative # 1a & 1b**

<p><b>#1a – Take No Action due to a desire not to proceed with implementation of the Resolution.</b></p>	<p>This alternative would result in no action by the City Council and no change to the Planning Code regarding the decision-making criteria and process to evaluate hotel projects.</p>
<p><b>#1b – Take no action as a result of wanting the additional Findings with the text amendments.</b></p>	<p>a) This action could result from a desire not to proceed with the direction given to staff in May of 2016 through Resolution No. 86163 C.M.S., or,</p> <p>b) Alternatively, a desire to adopt the requested additional Findings in Resolution No. 86163 C.M.S. at the same time as the Planning Code changes.</p>
<p><b>Pros</b></p>	<p>a) and b) Hotels would continue to be outright permitted downtown and in Development Area Eight of the Wood Street Project. Projects in these areas could be processed at staff level with an appeal to the Planning Commission. In addition, projects in these areas, as well as the C-40, C-45, and CIX1A-1D Zones, would not need to make the additional hotel Findings. This could result in more hotel projects in these areas, and as discussed in the <i>Fiscal Impact</i> section below, potentially more hotel tax revenue for the City as the Planning process would be less cumbersome.</p>
<p><b>Cons/Reasons for rejecting</b></p>	<p>a) and b) The regulations permitting hotels in these Zones have been in place since 2011 for the CBC-C Zone and 2005 for the Wood Street Zone. In this timeframe, only two hotels have been approved. As such, staff does not believe that more liberal Zoning in and of itself has encouraged the two hotels that have been approved.</p> <p>The purpose of the proposed hotel regulation changes is to ensure that the regulations are consistent and that the same decision criteria is applied across the City for these activities. It is unreasonable for potential hotels near the airport or the Jack London area to be processed in a different manner and with different criteria than hotels in downtown or in the Wood Street Project. Furthermore, given the potential impacts to neighborhoods, a public hearing before the Planning Commission is the appropriate forum for such discussions.</p> <p>b) Staff is unsure of the timeframe needed to complete both the requested process and draft finding changes at the same time. Therefore, staff is proposing to address only the Major CUP process portion to at the very least make the process and criteria for review consistent.</p>

**Alternative # 2**

<b><i>Amend the Planning Code to make Transient Habitation permitted in all zones where currently this activity requires a CUP</i></b>	This alternative would result in amendments to the Planning Code in approximately 30 Zones throughout the City including but not limited to the CBD, Regional Commercial (CR) Lake Merritt (D-LM) and Broadway Valdez (D-BVD). Zones where hotels are conditionally permitted to outright permitted uses.
<b><i>Pros</i></b>	Hotel projects throughout the City would be reviewed at the staff level and only require Regular Design Review. This could result in more hotel projects in these areas, and as discussed in the <i>Fiscal Impact</i> section below, potentially more hotel tax revenue for the City as the Planning process would be less cumbersome.
<b><i>Cons/Reasons for rejecting</i></b>	<p>This was not the direction given to City staff per Resolution No. 86163 C.M.S.</p> <p>In addition, these projects would not need to meet specific Findings related to hotels or consider impacts of employees on the demand for housing, public transit and social services.</p> <p>Furthermore, City staff could not add, or could be limited in adding, Conditions of Approval related to hotel operations or potential impacts unless a nexus was found pursuant to the Design Review Findings or the City's California Environmental Quality Act (CEQA) Thresholds of Significance.</p>

**Alternative # 3**

<p><b><i>Apply the Ordinance to Projects deemed complete but not yet approved</i></b></p>	<p>There is only one hotel project that is currently in process through the Bureau of Planning. The project is located at 2225 Telegraph at the corner of West Grand and Telegraph on the site of the Valero gas station. The project was submitted in September of 2017 and has been under review for approximately eight months. The project was deemed complete on May 15, 2018. Due to the contamination on the project site and the need to complete additional CEQA review, it is likely that a decision on the project will not occur for several months, well after a decision on the Ordinance.</p> <p>This alternative would result in the project being subject to the Major CUP process, a hearing before the Planning Commission and approximately \$2,000 in additional fees.</p>
<p><b><i>Pros</i></b></p>	<p>There is only one hotel project currently under review. As the City Council adopted the Resolution in 2016. Requiring this project to follow the Major CUP process would be implementing the Resolution that has been delayed for two years.</p>
<p><b><i>Cons/Reasons for rejecting</i></b></p>	<p>This is not the typical practice of either the Bureau of Planning or the City Council to apply new regulations to a project that is currently under review by the City. For over eight months, staff has been working with the Applicant on the design, CEQA compliance and other potential issues. It is unequitable to revise the entitlement process at this junction.</p>

**FISCAL IMPACT**

City hotel revenues are affected by several factors including economic stability, ease of tourism, high average daily hotel room rates, and increased occupancy rates. Per the 4th Quarter 2017 City of Oakland Economic Dashboard Report, hotel revenues declined between 2008-2010 due to the Recession. Hotel revenue rebounded between 2011-2012 and by the 2018-2019 fiscal year these activities generated approximately \$21.55 million in City revenue. The 1<sup>st</sup> Quarter Economic Dashboard Report, published on June 5, 2018, noted that the City hotels generated approximately \$6 million in revenue. The proposed changes will not reduce this existing revenue stream.

While there is no direct cost associated with the proposed Planning Amendments, the Planning process will become more complicated, and as such, could result in less Transient Habitation Facilities being built. This could result in less future hotel taxes for the City.

However, per staff's review of the Major Project List (2004), six hotels have been constructed in the City since 2000. It is unlikely that the proposed changes, which only amend the process and apply consistent Findings, will have any real effect on the City's overall fiscal outlook based on this data.

## **PUBLIC OUTREACH / INTEREST**

City staff conducted public outreach on the proposal to staff from Visit Oakland, hoteliers, legal consultants for hoteliers, developers and real estate consultants based on contact information from the Economic and Workforce Development Department. In addition, City staff contacted staff from the hotel labor union, the applicant of a hotel project currently being reviewed by the Planning and Building Department, and the owner of Development Parcel Eight (D-WS-8 Zone) located within the Wood Street Project near the Central Train Station.

## **COORDINATION**

This agenda report and legislation was reviewed by the Office of the City Attorney, Controller's Bureau, Bureau of Planning, and the Economic and Workforce Development Department.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed changes will ensure that the same process and criteria is applied to all Transient Habitation Activities. The proposal will not result in a real fiscal impact related to hotel taxes.

**Environmental:** As the proposed Ordinance is solely for Planning Code Amendments and not a development project, the proposal will not have an advantageous or detrimental environmental effect. Each development project would need to comply with CEQA as well as the City's and State's Green Building Ordinance.

**Social Equity:** The proposed changes ensure that all hotels follow the same process and criteria for approval resulting in a transparent process for all applicants. Further, the criteria include consideration of impacts of employees on the demand for housing, public transit and social services and other potential impacts on neighborhoods and the overall City.

## **CEQA**

The proposed amendments to the Planning Code rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street EIR (2005), Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); The Redevelopment Area EIRs, West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163.

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. 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 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).

Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning). The proposed Planning Code changes are consistent with and balance many policies in the Land Use and Transportation Element (LUTE) of the Oakland General Plan as described in the Planning Commission staff report (**Attachment C**). The proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (general rule, no significant effect on the environment).

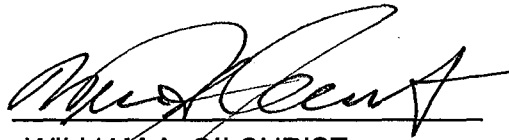


**ACTION REQUESTED OF THE CITY COUNCIL**

City Staff Recommends That The City Council Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code Regulating Transient Habitation-Commercial Activities (Hotels) To: 1) Require A Major Conditional Use Permit For Transient Habitation Commercial Activities, 2) Change The Central Business District – Commercial Zone (CBD-C) And Wood Street District Zone – 8 (D-WS-8) To Require A Conditional Use Permit For Transient Habitation Commercial Activities; And 3) Require The Additional Findings In Planning Code Section 17.103.050 For Several Zoning Districts Where This Was Omitted For Transient Habitation Commercial Activities.

For questions regarding this report, please contact Heather Klein, Planner IV, at (510) 238-3659 or [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com).

Respectfully submitted,



WILLIAM A. GILCHRIST

Director, Planning and Building Department

Reviewed by:

Edward Manasse, Interim Deputy Director  
Bureau of Planning

Prepared by:

Heather Klein, Planner IV  
Bureau of Planning

*Attachments (3):*

- A. *May 16, 2018 Planning Commission Staff Report*
- B. *Full text of the proposed Planning Code changes (redline)*
- C. *Existing D-WS-8 and CBD-C Zoning areas*

Item: \_\_\_\_\_  
CED Committee  
June 26, 2018

<b>Location:</b>	Citywide
<b>Proposal:</b>	Review proposed Planning Code amendments regulating Transient Habitation Commercial Activities (Hotels). The major substantive changes include: 1) amending Planning Code Section 17.134.020(A)(2)(a) to include Transient Habitation Commercial Activities; 2) amending the Central Business District-Commercial Zone (CBD-C) and Wood Street District Zone – 8 (D-WS-8) to require a Conditional Use Permit for Transient Habitation Commercial Activities; and 3) requiring the additional Findings in Planning Code Section 17.103.050 for several Zoning Districts where this was omitted for Transient Habitation Commercial Activities.
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	ZA18009
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	<p>The proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street EIR (2005), Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents").</p> <p>No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each 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).</p>
<b>Actions to be Taken:</b>	To receive public comments; review and discuss the proposal.
<b>Staff Recommendation</b>	Recommendation of approval to the Oakland City Council
<b>For Further Information:</b>	Contact case planner <b>Heather Klein</b> at (510) 238-3659 or <a href="mailto:hklein@oaklandnet.com">hklein@oaklandnet.com</a>

**SUMMARY**

The purpose of this report is to review with the Planning Commission proposed amendments to the Oakland Planning Code related to Transient Habitation Commercial Activities. The proposed amendments are the result of direction by the City Council to the Bureau of Planning. Specifically, on May 3, 2016, in response to an application for the construction of a hotel, the Oakland City Council passed Resolution 86163 C.M.S. noting the following:

- Oaklanders are facing widening income inequality;
- Hotels and other economic development activities have the potential to provide a large number of jobs with good wages and benefits;

- Oakland Municipal Code § 5.92 .050(F) authorizes the City to consider an employer's record of noncompliance with the Oakland Minimum Wage;
- Hotels can have a substantial effect on neighborhoods as well as the entire City and should require Planning Commission review; and
- The Findings in Planning Code Section 17.103.050 for approval of a hotel require demonstration that the proposal consider impacts of employees on the demand for housing, public transit and social services.

In the Resolution, the City Council asked the Bureau of Planning to initiate actions amending the Planning Code to require that Transient Habitation Commercial Activities require a Major Conditional Use Permit (CUP) and draft additional Findings related to consideration of wages and benefits in a business plan; or legally binding document; commitment from the employer to comply with labor laws, the City's minimum wage and sick leave law; and submit a signed letter by the legal representative of the employer noting compliance with these laws before approving new hotel projects.

Due to the Bureau's ongoing staff shortage, the need to thoroughly consider not just hotels but other low wage commercial sectors, and the possible legal ramifications of the Council's proposal, staff is proposing an interim measure which would require:

- A CUP for the two remaining Zones where Transient Habitation Commercial Activities are currently outright permitted,
- Application of a Major CUP to these activities, and
- Application of the additional Section 17.103.050 Findings for seven Zones which previously only needed to meet the general CUP Findings.

#### PROPOSED CITYWIDE PLANNING CODE AMENDMENTS

The following section summarizes the proposed substantive changes to the Planning Code (*Attachment A*). No changes are proposed to the Zoning Map.

1. Amend the definition of a Major Conditional Use Permit in Planning Code Section 17.134.020(A)(2)(a) to include Transient Habitation Commercial Activities.
2. Amend Table 17.58.01 in Planning Code Section 17.58.040 for the Central Business District-Commercial Zone (CBD-C) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.
3. Amend Table 17.101A.01 in Planning Code Section 17.101A.020 for the Wood Street District Zone – 8 (D-WS-8) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.
4. Amend the Planning Code to require the additional Findings in Planning Code Section 17.103.050 for Transient Habitation Commercial Activities in the following Zones.
  - C-40 Community Thoroughfare Commercial Zone
  - C-45 Community Shopping Commercial Zone
  - CIX-1A through CIX-1D Industrial Zones

## ANALYSIS

### General Plan Analysis

The proposed Planning Code changes are consistent with and balance the following policies described in the Land Use and Transportation Element (LUTE) of the Oakland General Plan.

*Objective I/C1: Expand and retain Oakland's job base and economic strength.*

*Policy I/C1.8: Providing support amenities near employment centers. Adequate cultural, social, and support amenities designed to serve the needs of workers in Oakland should be provided within close proximity of employment centers.*

*Objective D4: Increase the economic vitality of downtown.*

*Objective D12: Make downtown Oakland a regional destination for innovative learning programs, cultural resources, art, and entertainment.*

*Objective D9: Emphasize the establishment, promotion, and retention of commercial businesses that serve the needs of downtown workers and residents.*

*Policy D13: Providing parking. An adequate quantity of car bicycle and truck parking, which has been designed to enhance the pedestrian environment, should be provided to encourage housing development and the economic vitality of commercial, office, entertainment and mixed use areas.*

Specifically, the proposed Planning Code changes recognize the need for hotels and would not prohibit them in these areas. Instead, staff is proposing these changes to ensure that the regulations are consistent, and that the same criteria is applied across the City when considering the possible traffic, design, access, loading and queuing impacts of hotel uses on the City and in neighborhoods.

### Zoning Analysis

Only two Zoning Districts in the City (CBD-C and D-WS-8) allow Transient Habitation Commercial Activities as a permitted use. The CBD-C Zone is mapped in several Downtown pockets, including Old Oakland, City Center up to San Pablo and 18<sup>th</sup> Street, and West Grand down to 15<sup>th</sup> Street (*Attachment B*). The original purpose was to encourage hotels in support of the Convention Center and Downtown as a visitor and entertainment area. The D-WS-8 Zone is bounded by West Grand, 20<sup>th</sup> Street, Wood Street and Frontage Road. Per the Draft and Final Environmental Impact Reports for the Wood Street Project, Development Area Eight was intended for 264 residential units and 13,200 square feet of private open space. However, many other Civic and Commercial Activities were also permitted including Transient Habitation Commercial Activities. The 2.01 acre site is currently vacant but was approved in October of 2014 for 235 residential units with ground floor commercial space. City staff have discussed the hotel regulation proposal with the owners of this parcel, and they have indicated the intention to move forward with the approved project. As such, the proposal to amend the D-WS-8 Zone is a formality.

Again, the purpose of the proposed hotel regulation changes is to ensure that the regulations are consistent and that the same decision criteria is applied across the City for these activities. Furthermore, the proposal recognizes that the most appropriate forum for a discussion of the potential benefits and impacts of Transient Habitation Commercial Activities is a public hearing before the Planning Commission as opposed to a staff-level decision.

Finally, the City has approved two hotels since 2016 (a Marriott on Jefferson and a Hampton Inn on 11<sup>th</sup> Street). As of the publication of this report, the Planning Commission has continued discussions of a hotel project along Mandela Parkway near Emeryville. Staff is currently reviewing one other hotel project near Telegraph Avenue and West Grand.

Staff is proposing, consistent with other zoning changes, that the amendments shall not apply to: (a) building/construction related permits already issued and not yet expired, or (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.

### **ENVIRONMENTAL REVIEW**

The proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (CEQA) documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street EIR (2005), Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); The Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), and Coliseum (1995); the 199 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163.

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. 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 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).

Moreover, each 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).

### **STAFF RECOMMENDATIONS**

City Council, the Planning Commission and staff acknowledge the benefits that hotels bring to the City. However, these uses also require a thorough and thoughtful review of the potential impacts to Oakland's workers, citizens, and urban aesthetic quality as well as other impacts. Requiring a Major CUP for these uses and ensuring that all Zones that require a CUP reference the appropriate additional findings will ensure that hotels are being evaluated consistently.

Therefore, staff recommends that the Planning Commission:

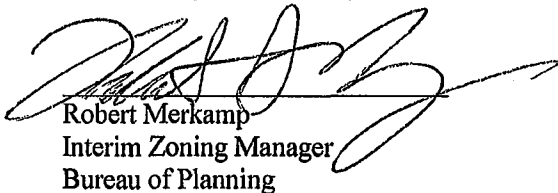
1. Affirm staff's environmental determination;
2. Find that the existing regulations being amended are inadequate, inconsistent or otherwise contrary to the public interest; and
3. Recommend that the City Council approve the proposed Planning Code amendments related to Transient Habitation Commercial Activities.

Prepared by:




Heather Klein  
Planner IV  
Bureau of Planning

Approved by:



Robert Merkamp  
Interim Zoning Manager  
Bureau of Planning

Approved for forwarding to the  
Oakland Planning Commission:



Edward Manasse  
Interim Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Full text of the proposed Planning Code changes (redline)
- B. Existing D-WS-8 and CBD-C Zoning areas

**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS  
Sections:**

**17.54.060 Conditionally permitted activities.**

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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 the Conditional Use Permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility  
Emergency Shelter

B. Civic Activities:

Extensive Impact  
Utility and Vehicular (communications equipment installations and exchanges, only)  
Special Health Care Civic Activities

C. Commercial Activities:

Check Cashier and Check Cashing  
Fast-Food Restaurant  
Convenience Market  
Alcoholic Beverage Sales  
Mechanical or Electronic Games  
Group Assembly  
Personal Instruction and Improvement Services  
Transient Habitation (See Section 17.103.050)  
Animal Care  
Animal Boarding  
Undertaking Service

D. Industrial Activities:

Light

E. Agricultural and Extractive Activities:

Plant Nursery

Extensive Agriculture (see Section 17.54.090)

**Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS**

**Sections:**

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**17.56.060 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 the Conditional Use Permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

Emergency Shelter

B. Civic Activities:

Utility and Vehicular

Special Health Care Civic

Extensive Impact Civic

C. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Group Assembly

Personal Instruction and Improvement Services

General Wholesale Sales

Transient Habitation (See Section 17.103.050)

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking



Animal Care

Animal Boarding

Undertaking Service

**Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS**

**Sections:**

17.58.040 Permitted and conditionally permitted activities.

**17.58.040 Permitted and conditionally permitted activities.**

**Table 17.58.01: Permitted and Conditionally Permitted Activities**

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
<b>Commercial Activities</b>					
Transient Habitation	C	C(L6)	C <sub>P</sub>	C	17.103.050

**Limitations:**

**L6.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L5, above.

**Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS**

**Sections:**

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'	
<b>Commercial Activities</b>										

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Activity Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Transient Habitation	C	C	C	C	—	—	—	—		17.103.050

**Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS**

**Sections:**

**17.101A.020 Permitted and conditionally permitted activities.**

**Table 17.101A.01: Permitted and Conditionally Permitted Activities**

Activities	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Commercial Activities</b>										
Transient Habitation	—	—	—	—	—	—	—	CP	—	17.103.050

**Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE**

**Sections:**

17.134.020 Definition of major and minor conditional use permits.

**17.134.020 Definition of major and minor conditional use permits.**

A. **Major Conditional Use Permit.** A Conditional Use Permit (CUP) is considered a Major Conditional Use Permit if it involves any of the following:

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

a. Activities:

vii. Transient Habitation Commercial;

viii. Heavy/High Impact Industrial;

~~ix.~~ Small Scale Transfer and Storage Hazardous Waste Management;

ix. Industrial Transfer/Storage Hazardous Waste Management;

x. Mining and Qarrying Extractive;

xii. Special Health Care Civic Activities.

3. **Special Situations.** Any project requiring a Conditional Use Permit that involves any of the following situations:

~~d.~~ Transient Habitation Commercial Activities in the C-40 and C-45 Zones;

~~de.~~ Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any Residential or HBX Zone;

~~ef.~~ A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;

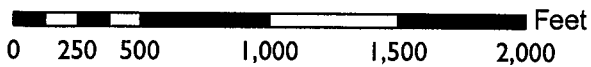
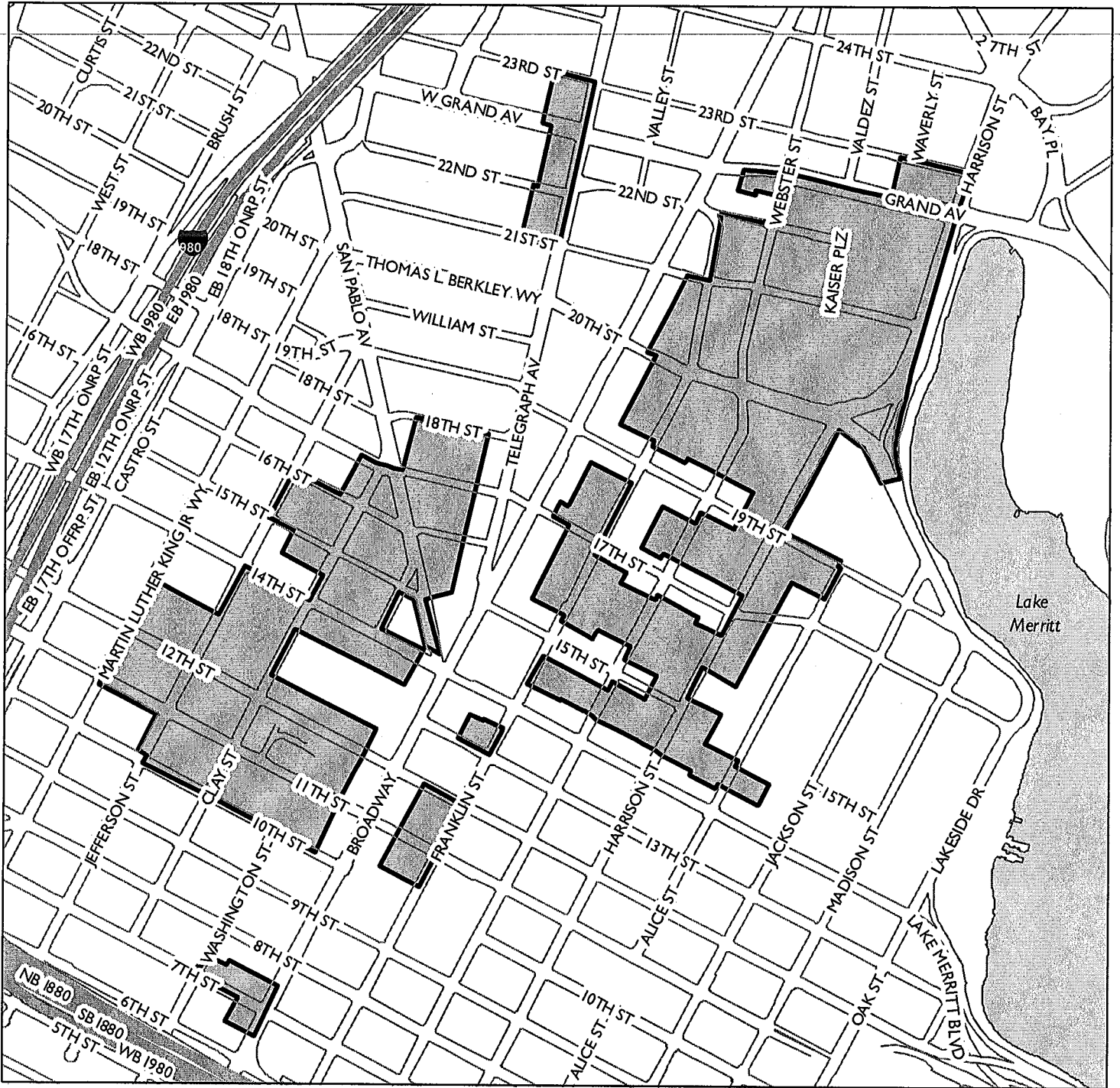
~~fg.~~ An Electroplating Activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;

~~gh.~~ A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential Zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;

~~hi.~~ A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, or the D-CE-3 or D-CE-4 Zone.

B. **Minor Conditional Use Permit.** A Minor Conditional Use Permit is a Conditional Use Permit which does not involve any of the purposes listed in Subsection A. of this Section.

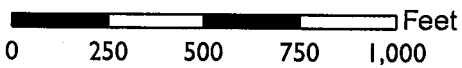
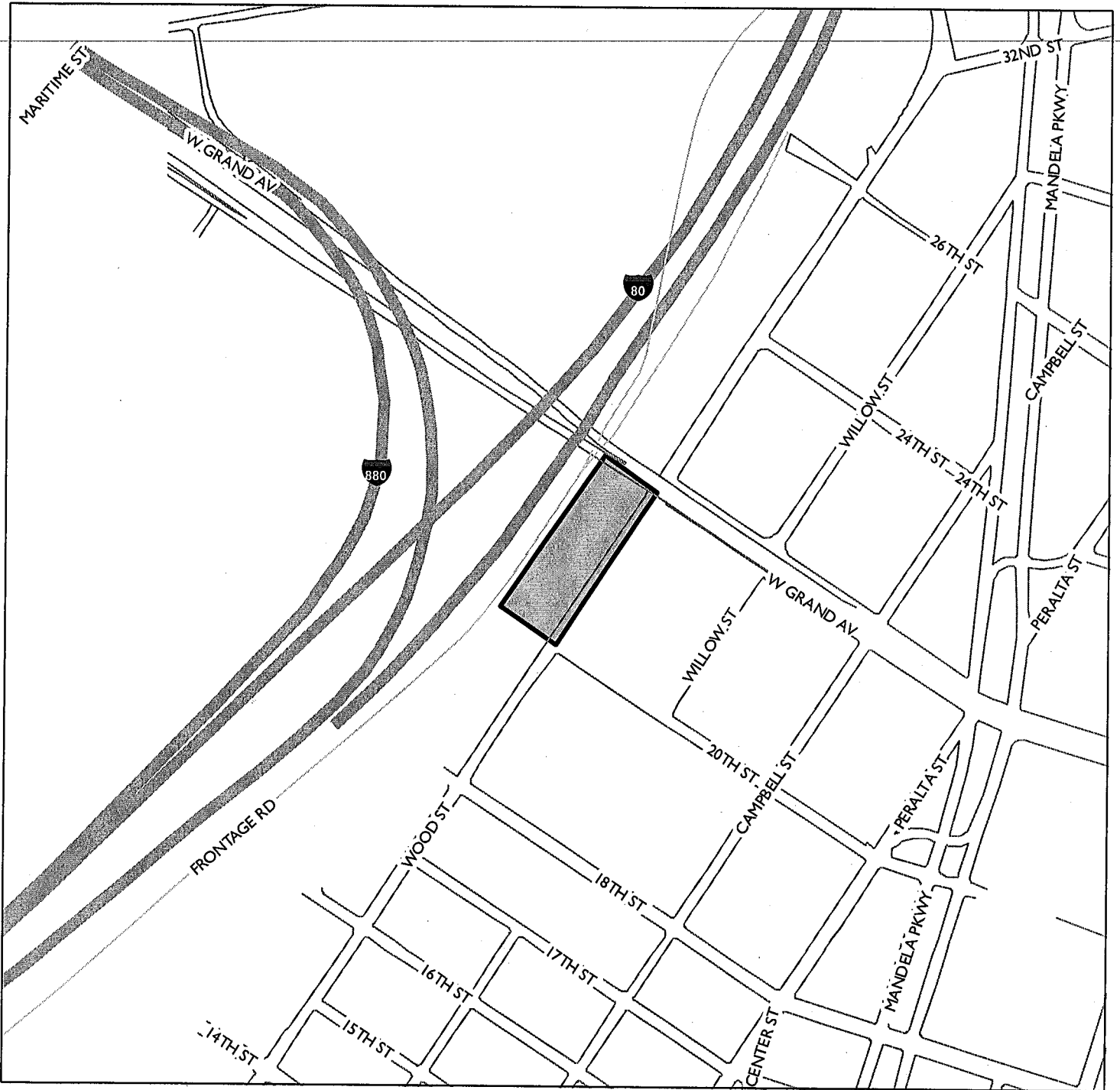
# CITY OF OAKLAND PLANNING COMMISSION



**CBD-C Zones**

**ATTACHMENT C**

# CITY OF OAKLAND PLANNING COMMISSION



**D-WS-8 Zone**

*Ann P. Maly*  
City Attorney

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
OFFICE OF THE CLERK OF THE CITY OF OAKLAND

2018 JUN 14 PM 5:28 OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE REGULATING TRANSIENT HABITATION COMMERCIAL ACTIVITIES (HOTELS) TO: 1) REQUIRE A MAJOR CONDITIONAL USE PERMIT FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES, 2) CHANGE THE CENTRAL BUSINESS DISTRICT - COMMERCIAL ZONE (CBD-C) AND WOOD STREET DISTRICT ZONE - 8 (D-WS-8) TO REQUIRE A CONDITIONAL USE PERMIT FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES; AND 3) REQUIRE THE ADDITIONAL FINDINGS IN PLANNING CODE SECTION 17.103.050 FOR SEVERAL ZONING DISTRICTS WHERE THIS WAS OMITTED FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES.

WHEREAS, while hotels and other economic development activities have the potential to provide a large number of jobs with good wages and benefits, Oaklanders are facing widening income inequality; and

WHEREAS, on May 3, 2016, in response to an application for the construction of a hotel, the Oakland City Council passed Resolution 86163 C.M.S., which directed the Bureau of Planning to initiate actions amending the Planning Code to require that Transient Habitation Commercial Activities require a Major Conditional Use Permit (CUP), and draft additional Findings related to consideration of wages and benefits as well as compliance with labor laws, and the City's minimum wage and sick leave law; and

WHEREAS, the proposed Planning Code amendments will ensure that the regulations for Transient Habitation Commercial Activities are consistent and that the same Findings are applied across the City to these activities; and

WHEREAS, a public hearing before the Planning Commission, as opposed to a staff level decision, is the most appropriate forum for a discussion of the potential benefits and impacts of Transient Habitation Commercial Activities; and

WHEREAS, the City desires to further the public health, safety and/or welfare by temporarily changing the land use approval process for Transient Habitation Commercial Activities; and

WHEREAS, on May 16, 2018, the City Planning Commission conducted a public hearing to consider the proposed changes as follows: 1) Amending the definition of a Major CUP in Planning Code Section 17.134.020(A)(2)(a) to include Transient Habitation Commercial Activities, 2) Amend Table 17.58.01 in Planning Code Section 17.58.040 for Central Business District – Commercial Zone (CBD-C) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities, 3). Amending Table 17.101A.01 in Planning Code Section 17.101A.020 for Wood Street District Zone – 8 (D-WS-8) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities, and 4) Amend the Planning Code to require the additional Findings in Planning Code Section 17.103.050 for Transient Habitation Commercial Activities in the C-40 Community Thoroughfare Commercial Zone, C-45 Community Shopping Commercial Zone, and CIX-1A through CIX-1D Industrial Zones; and

WHEREAS, after a duly noticed public meeting on June 26, 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 July 3, 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: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street EIR (2005), Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); The Redevelopment Area EIRs – West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each 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); 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:**

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**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 ~~striketrough~~.

**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 –

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NOES –

ABSENT –

ABSTENTION –

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

DATE OF ATTESTATION: \_\_\_\_\_

**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS**  
**Sections:**

**17.54.060 Conditionally permitted activities.**

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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 the Conditional Use Permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility  
Emergency Shelter

B. Civic Activities:

Extensive Impact  
Utility and Vehicular (communications equipment installations and exchanges, only)  
Special Health Care Civic Activities

C. Commercial Activities:

Check Cashier and Check Cashing  
Fast-Food Restaurant  
Convenience Market  
Alcoholic Beverage Sales  
Mechanical or Electronic Games  
Group Assembly  
Personal Instruction and Improvement Services  
Transient Habitation (See Section 17.103.050)  
Animal Care  
Animal Boarding  
Undertaking Service

D. Industrial Activities:

Light

E. Agricultural and Extractive Activities:

Plant Nursery

Extensive Agriculture (see Section 17.54.090)

**Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS**

**Sections:**

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**17.56.060 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 the Conditional Use Permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

Emergency Shelter

B. Civic Activities:

Utility and Vehicular

Special Health Care Civic

Extensive Impact Civic

C. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Group Assembly

Personal Instruction and Improvement Services

General Wholesale Sales

Transient Habitation (See Section 17.103.050)

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking

Animal Care

Animal Boarding

Undertaking Service

**Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS**

**Sections:**

17.58.040 Permitted and conditionally permitted activities.

**17.58.040 Permitted and conditionally permitted activities.**

**Table 17.58.01: Permitted and Conditionally Permitted Activities**

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
<b>Commercial Activities</b>					
Transient Habitation	C	C(L6)	CP	C	17.103.050

**Limitations:**

**L6.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L5, above.

**Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS**

**Sections:**

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*		
<b>Commercial Activities</b>											

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Activity Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T	
Transient Habitation	C	C	C	C	—	—	—	—		17.103.050

Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS

Sections:

17.101A.020 Permitted and conditionally permitted activities.

Table 17.101A.01: Permitted and Conditionally Permitted Activities

Activities	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Commercial Activities</b>										
Transient Habitation	—	—	—	—	—	—	—	CP	—	17.103.050

**Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE**

**Sections:**

17.134.020 Definition of major and minor conditional use permits.

**17.134.020 Definition of major and minor conditional use permits.**

A. **Major Conditional Use Permit.** A Conditional Use Permit (CUP) is considered a Major Conditional Use Permit if it involves any of the following:

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

a. Activities:

vii. Transient Habitation Commercial;

viii. Heavy/High Impact Industrial;

~~ix.~~ viii. Small Scale Transfer and Storage Hazardous Waste Management;

ix. Industrial Transfer/Storage Hazardous Waste Management;

xj. Mining and Quarrying Extractive;

xij. Special Health Care Civic Activities.

3. **Special Situations.** Any project requiring a Conditional Use Permit that involves any of the following situations:

~~d.~~ Transient Habitation Commercial Activities in the C-40 and C-45 Zones;

~~de.~~ Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any Residential or HBX Zone;

~~ef.~~ A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;

~~fg.~~ An Electroplating Activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;

~~gh.~~ A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential Zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;

~~hi.~~ A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, or the D-CE-3 or D-CE-4 Zone.

B. **Minor Conditional Use Permit.** A Minor Conditional Use Permit is a Conditional Use Permit which does not involve any of the purposes listed in Subsection A. of this Section.

## NOTICE & DIGEST

**AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE REGULATING TRANSIENT HABITATION COMMERCIAL ACTIVITIES (HOTELS) TO: 1) REQUIRE A MAJOR CONDITIONAL USE PERMIT FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES, 2) CHANGE THE CENTRAL BUSINESS DISTRICT – COMMERCIAL ZONE (CBD-C) AND WOOD STREET DISTRICT ZONE – 8 (D-WS-8) TO REQUIRE A CONDITIONAL USE PERMIT FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES; AND 3) REQUIRE THE ADDITIONAL FINDINGS IN PLANNING CODE SECTION 17.103.050 FOR SEVERAL ZONING DISTRICTS WHERE THIS WAS OMITTED FOR TRANSIENT HABITATION COMMERCIAL ACTIVITIES.**

This Ordinance amends the Oakland Planning Code related to Transient Habitation Commercial Activities including the following:

1. *Amend the definition of a Major Conditional Use Permit in Planning Code Section 17.134.020(A)(2)(a) to include Transient Habitation Commercial Activities.*
2. *Amend Table 17.58.01 in Planning Code Section 17.58.040 for the Central Business District-Commercial Zone (CBD-C) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.*
3. *Amend Table 17.101A.01 in Planning Code Section 17.101A.020 for the Wood Street District Zone – 8 (D-WS-8) from a permitted activity to a conditionally permitted activity for Transient Habitation Commercial Activities.*
4. *Amend the Planning Code to require the additional Findings in Planning Code Section 17.103.050 for Transient Habitation Commercial Activities in the following Zones.*
  - *C-40 Community Thoroughfare Commercial Zone*
  - *C-45 Community Shopping Commercial Zone*
  - *CIX-1A through CIX-1D Industrial Zones*