

Mark P. Wall

City Attorney

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE No. 12884 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUL 10 PM 4:32

AN ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE TO: (1) ADD CHAPTER 17.117 "BICYCLE PARKING REGULATIONS" TO THE PLANNING CODE, WHICH WILL CREATE BICYLCE PARKING REQUIREMENTS FOR CERTAIN TYPES OF DEVELOPMENT AND MAKING RELATED AMENDMENTS TO OTHER PROVISIONS OF THE PLANNING CODE; AND (2) AMEND CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE, "SPECIAL EVENT PERMIT," TO REQUIRE VALET BICYCLE PARKING AT LARGE PUBLIC EVENTS.

WHEREAS, in December 2007 the City adopted the Bicycle Master Plan (BMP), part of the Land Use and Transportation Element of the General Plan; and

WHEREAS, the regulations contained in the city's Planning Code should directly implement the intent of the BMP to encourage safety and accessibility for bicyclists throughout the City; and

WHEREAS, Policy 1D of the BMP advises the City to promote secure and convenient bicycle parking and Action 1D.6 calls for adoption of a bicycle parking ordinance; and

WHEREAS, provision of bicycle parking is a priority recommendation in the BMP; and

WHEREAS, during the April and October 2007 public hearings for the environmental review and adoption of the BMP, members of the public and Planning Commissioners urged staff to prioritize the drafting of a bicycle parking ordinance; and

WHEREAS, City staff has proposed amendment to the Planning Code that would add a new Chapter 17.117 "Bicycle Parking Regulations" and make related amendments to other provisions of the Planning Code that would require bicycle parking and the Amendments to Chapter 9.52 of the Municipal Code, "Special Events Permits", that would require valet bicycle parking at large public events; and

WHEREAS, various community meetings hosted by the City of Oakland's Bicycle and Pedestrian Advisory Committee, and a duly noticed meeting before the City Planning Commission's Zoning Update Committee were held to discuss the proposed bicycle parking regulations; and

WHEREAS, on May 7, 2008 a duly noticed public hearing was held before the City Planning Commission and the Commission recommended adoption of the bicycle parking regulations; now, therefore

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

Section 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The Oakland Planning Code, Title 17 of the Oakland Municipal Code, is hereby amended to: 1) add a new Chapter 17.117 “Bicycle Parking Regulations”, which will require bicycle parking, and (2) include references to this new chapter in each of the zoning chapters, as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. Chapter 9.52 of the Oakland Municipal Code, “Special Events Permit” is hereby amended to: 1) require valet bicycle parking, as detailed in **Exhibit B**, attached hereto and hereby incorporated herein by reference.

Section 4. The City Council, as the California Environmental Quality Act (CEQA) Lead Agency, has independently reviewed, analyzed, and considered the adopted and certified 2007 Bicycle Master Plan Programmatic Environmental Impact Report (EIR) project prior to acting on this ordinance. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the City Council confirms that the 2007 Bicycle Master Plan Programmatic EIR can be applied to this set of proposed actions and no further environmental review is required. Specifically, and without limitation, the City Council finds and determines that (a) this action is within the scope of the program examined in the 2007 Bicycle Master Plan Programmatic EIR; (b) the project would not result in any new or more severe significant impacts than those studied in the 2007 Bicycle Master Plan Programmatic EIR; (c) there is no new information of substantial importance that would result in any new or more severe significant impacts than those studied in the 2007 Bicycle Master Plan Programmatic EIR; (d) there are no substantial changes in circumstances that would result in any new or more severe significant impacts than those studied in the 2007 Bicycle Master Plan Programmatic EIR; and (e) there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed in the 2007 Bicycle Master Plan Programmatic EIR that has not been adopted.

Section 5. The Mitigation Monitoring and Reporting Program (MMRP) of the 2007 Bicycle Master Plan Programmatic EIR states that bicycle parking regulations would have a beneficial impact. Therefore, no CEQA mitigation or monitoring measures are required.

Section 6. This Ordinance shall be effective immediately after final passage by the City Council, pursuant to Charter section 216, but shall not apply to building/construction related permits already issued and not yet expired, or to zoning applications approved by the City and not yet expired, or to zoning applications deemed complete by the City as of the date of final passage.

Section 7. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 8. 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 9. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 10. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2008

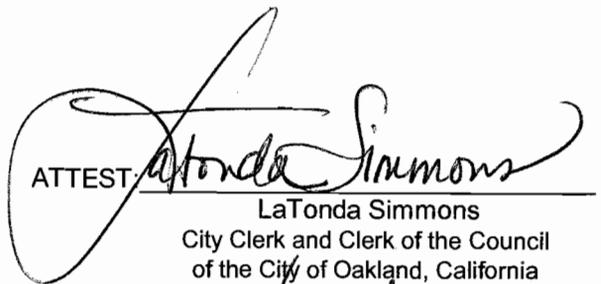
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST 

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

Introduction Date: JUL 1 2008

DATE OF ATTESTATION: 7/22/08

MPW

EXHIBIT A
(Revised July 1, 2008)

Title 17
PLANNING

Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strikethrough~~. Additional changes made by City Council on July 1, 2008 are represented by double underline for additions and ~~double strikethrough~~ for omissions.

Planning Code Chapters Amended:

- Chapter 17.11 OS Open Space Zoning Regulations
- Chapter 17.11A R-1 One Acre Estate Residential Zone Regulations
- Chapter 17.12 R-10 Estate Residential Zone Regulations
- Chapter 17.14 R-20 Low Density Residential Zone Regulations
- Chapter 17.16 R-30 One-Family Residential Zone Regulations
- Chapter 17.18 R-35 Special One-Family Residential Zone Regulations
- Chapter 17.20 R-36 Small Lot Residential Zone Regulations
- Chapter 17.22 R-40 Garden Apartment Residential Zone Regulations
- Chapter 17.24 R-50 Medium-Density Residential Zone Regulations
- Chapter 17.26 R-60 Medium High-Density Residential Zone Regulations
- Chapter 17.28 R-70 High Density Residential Zone Regulations
- Chapter 17.30 R-80 High-Rise Apartment Residential Zone Regulations
- Chapter 17.32 R-90 Downtown Apartment Residential Zone Regulations
- Chapter 17.34 C-5 Neighborhood Commercial Zone Regulations
- Chapter 17.36 C-10 Local Retail Commercial Zone Regulations
- Chapter 17.38 C-20 Shopping Center Commercial Zone Regulations
- Chapter 17.40 C-25 Office Commercial Zone Regulations
- Chapter 17.42 C-27 Village Commercial Zone Regulations
- Chapter 17.44 C-28 Commercial Shopping District Zone Regulations
- Chapter 17.46 C-30 District Thoroughfare Commercial Zone Regulations
- Chapter 17.48 C-31 Special Retail Commercial Zone Regulations
- Chapter 17.50 C-35 District Shopping Commercial Zone Regulations
- Chapter 17.52 C-36 Gateway Boulevard Service Commercial Zone Regulations
- Chapter 17.54 C-40 Community Thoroughfare Commercial Zone Regulations
- Chapter 17.56 C-45 Community Shopping Commercial Zone Regulations
- Chapter 17.58 C-51 Central Business Service Commercial Zone Regulations
- Chapter 17.60 C-52 Old Oakland Commercial Zone Regulations
- Chapter 17.62 C-55 Central Core Commercial Zone Regulations
- Chapter 17.64 C-60 City Service Commercial Zone Regulations
- Chapter 17.65 HBX Housing and Business Mix Commercial Zone Regulations
- Chapter 17.66 M-10 Special Industrial Zone Regulations
- Chapter 17.68 M-20 Light Industrial Zone Regulations
- Chapter 17.70 M-30 General Industrial Zone Regulations
- Chapter 17.72 M-40 Heavy Industrial Zone Regulations
- Chapter 17.74 S-1 Medical Center Zone Regulations
- Chapter 17.76 S-2 Civic Center Zone Regulations
- Chapter 17.78 S-3 Research Center Zone Regulations
- Chapter 17.97 S-15 Transit-Oriented Development Zone Regulations
- Chapter 17.117 Bicycle Parking Regulations

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

Article I. General Provisions

- 17.117.010 Title, Purpose, and Applicability.
- 17.117.020 Bicycle Parking Required for New and Existing Uses.
- 17.117.030 More than One Activity on a Lot.
- 17.117.040 Determination by Director of City Planning.

Article II. Standards for Required Bicycle Parking

- 17.117.050 Types of Required Bicycle Parking.
- 17.117.060 Minimum Specifications for Required Bicycle Parking.
- 17.117.070 Location and Design of Required Bicycle Parking.

Article III. Minimum Number of Required Bicycle Parking Spaces

- 17.117.080 Calculation Rules.
- 17.117.090 Required Bicycle Parking – Residential Activities.
- 17.117.100 Required Bicycle Parking – Civic Activities.
- 17.117.110 Required Bicycle Parking – Commercial Activities.
- 17.117.120 Required Bicycle Parking – Manufacturing and All Other Activities.
- 17.117.130 Required Shower and Locker Facilities – All Activities.
- 17.117.140 Additional Considerations for Variance Determination.
- 17.117.150 Automobile Parking Credit.

Article I. General Provisions

- 17.117.010 Title, Purpose, and Applicability.

The provisions of this chapter shall be known as the bicycle parking requirements. The purpose of these regulations is to require secure and adequate long term-and-short term parking for bicycles, thereby promoting alternative transportation, providing additional, more sustainable transportation choices for residents and commuters, and reducing traffic congestion and air pollution. These requirements shall apply to the indicated activities as specified hereinafter.

- 17.117.020 Bicycle Parking Required for New and Existing Uses.

A. Bicycle Parking Shall be Provided for New Facilities and Additions to Existing Facilities.

Bicycle parking as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking for such activities, except to the extent that existing bicycle parking exceeds such requirements for any existing facilities. The required amount of new bicycle parking shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date.

B. Bicycle Parking Shall be Provided for Remodels. “Remodel” means any proposed physical improvement of an existing structure which requires a building permit but does not include New Facilities or Additions to Existing Facilities.

- 1. Remodel projects that are over 10,000 s.f. and have an estimated construction cost, excluding seismic retrofit costs, greater than \$250,000 shall provide the

EXHIBIT A
(Revised July 1, 2008)

number of short-term bicycle parking spaces prescribed in Sections 117.090 to 117.120. This amount shall be adjusted to account for changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

2. Remodel projects that are over 50,000 s.f. and have an estimated construction cost, excluding seismic retrofit costs, over \$1,000,000 shall provide, in addition to short-term bicycle parking, the number of long-term bicycle parking spaces and shower and locker facilities prescribed in Sections 117.090 to 117.130. This amount shall be adjusted to account for changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

C. Bicycle Parking Shall be Provided for New Living Units in Existing Facilities. If any facility, or portion thereof, which is in existence on the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking requirements for an activity therein, is altered or changed in occupancy so as to result in an increase on the number of residential living units therein, bicycle parking as prescribed hereafter shall be provided for the new units. However, such bicycle parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new bicycle parking need not be provided to the extent that existing bicycle parking exceeds the latter requirement.

17.117.030 More than One Activity on a Lot.

Whenever a single lot contains different activities with the same bicycle requirement, the overall requirement shall be based on the sum of all such activities, and the minimum size prescribed hereafter for which any bicycle parking is required shall be deemed to be exceeded for all such activities if it is exceeded by their sum. Whenever a single lot contains activities with different bicycle parking requirements, the overall requirement shall be the sum of the requirements for each activity calculated separately; provided, however, that the minimum size prescribed hereafter for which any bicycle parking is required shall be deemed to be exceeded on said lot for all activities for which the same or a smaller minimum size, expressed in the same unit of measurement, is prescribed, if said minimum size is exceeded by the sum of all such activities on the lot.

17.117.040 Determination by Director of City Planning.

In the case of activities for which the Director of City Planning is required to prescribe a number of bicycle parking spaces or for which this chapter is not clear or does not prescribe a number of spaces, the Director of City Planning shall base his or her written determination on the number of employees, residents or customers and the nature of operations conducted on the site. Any such written determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

Article II. Standards for Required Bicycle Parking.

17.117.050 Types of Required Bicycle Parking.

A. Long-term Bicycle Parking.

Each long-term bicycle parking space shall consist of a locker or locked enclosure providing protection for each bicycle from theft, vandalism and weather. Long-term bicycle parking is meant to accommodate employees, students, residents, commuters, and others expected to park more than two hours.

B. Short-term Bicycle Parking.

Short-term bicycle parking shall consist of a bicycle rack or racks and is meant to accommodate visitors, customers, messengers, and others expected to park not more than two hours.

17.117.060 Minimum Specification for Required Bicycle Parking.

A. All bicycle parking facilities shall be dedicated for the exclusive use of bicycle parking.

B. All required short-term bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a U-type lock, support the bicycle in a stable position without damage to wheels, frame, or components, and provide two points of contact with the bicycle's frame.

C. All required long-term bicycle parking spaces, with the exception of bicycle lockers, shall permit the locking of the bicycle frame and one wheel with a U-type lock and support the bicycle in a stable position without damage to wheels, frame, or components.

D. Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength and design to resist vandalism and theft.

E. The overall design and spacing of such facilities shall meet the standards of Section 17.117.070 or as may be modified.

17.117.070 Location and Design of Required Bicycle Parking.

Required bicycle parking shall be placed on site(s) as set forth below:

A. A bicycle parking space shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.

B. An encroachment permit may be required from the City to install bicycle parking in the public right-of-way.

C. Bicycle parking facilities shall not impede pedestrian or vehicular circulation.

a. Bicycle parking racks located on sidewalks should maintain a minimum of five and one half (5.5) feet of unobstructed pedestrian right-of-way outside the bicycle parking space. For sidewalks with heavy pedestrian traffic, at least seven (7) feet of unobstructed right-of-way is required.

D. Bicycle parking facilities are subject to the following standards:

a. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping. General Food Sales and Large Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping.

b. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.

EXHIBIT A
(Revised July 1, 2008)

- E. Bicycle parking facilities within auto parking facilities shall be protected from damage by cars by a physical barrier such as curbs, wheel stops, poles, bollards, or other similar features capable of preventing automobiles from entering the bicycle facility.
- F. Bicycle parking facilities shall be located in highly visible well-lighted areas. In order to maximize security, whenever possible short-term bicycle parking facilities shall be located in areas highly visible from the street and from the interior of the building they serve (i.e. placed adjacent to windows).
- G. The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.
- H. Long-term bicycle parking shall be covered and shall be located on site or within five hundred (500) feet of the main building entrance unless approved by the Director of City Planning with a written Discretionary Waiver. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.
- I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1000) feet of a proposed or existing bike station or similar high-capacity bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- J. Whenever any required bicycle parking is proposed to be provided on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.
- K. Short-term bicycle parking shall be placed within fifty (50) feet of the main entrance to the building or commercial use and should be in a well trafficked location visible from the entrance. When the main entrance fronts the sidewalk, the installer may obtain an encroachment permit from the City to install the bicycle parking in the public right-of-way. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.080 Calculation Rules.

- A. If after calculating the number of required bicycle parking spaces a quotient is obtained containing a fraction of one-half or more, an additional space shall be required; if such fraction is less than one-half it may be disregarded.
- B. When the bicycle parking requirement is based on number of employees, the number of spaces shall be based on the number of working persons on the lot during the largest shift of the peak season. If the Director of City Planning determines that this number is difficult to verify for a specific facility, then the number of required long-term bicycle parking spaces shall be a minimum of two spaces or five percent of the amount of required automobile spaces for the proposed facility, whichever is greater.
- C. When the bicycle parking requirement is based on number of seats, in the case of pews or similar facilities each twenty (20) inches shall be counted as one seat.
- D. The calculation of short-term bicycle parking may include existing racks that are in the public right-of-way and are within 50 feet of the main entrance.

EXHIBIT A
(Revised July 1, 2008)

17.117.090 Required Bicycle Parking – Residential Activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

<u>Type of Activity</u>	<u>Long-term Bicycle Parking Requirement</u>	<u>Short-term Bicycle Parking Requirement</u>
<u>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</u>		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with Secondary Unit.	No spaces required.	No spaces required.
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
b) Without private garage for each unit.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.
7) HBX Live/Work Lofts.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
<u>Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:</u>		
8) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 s.f., whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
9) Service-Enriched Permanent Housing.		
10) Transitional Housing.	1 space for each 8 residents. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
11) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 s.f., whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 s.f. of floor area. Minimum requirement is 2 spaces.

EXHIBIT A
(Revised July 1, 2008)

17.117.100 Required Bicycle Parking – Civic Activities.
Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Civic Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

<u>Civic Activity</u>	<u>Long-term Bicycle Parking Requirement</u>	<u>Short-term Bicycle Parking Requirement</u>
1) Essential Service. 2) Limited Childcare.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
3) Community Assembly.		
a) Churches, temples, and synagogues.	1 space for each 40 fixed seats, or one space for each 4,000 s.f. of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40 fixed seats, or one space for each 2,000 s.f. of floor area, whichever is greater. Minimum requirement is 2 spaces.
b) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
4) Non-Assembly Cultural.	1 space for each 20 employees. Minimum requirement is 2 spaces.	Spaces for 2% of maximum expected daily attendance.
5) Administrative.	1 space for each 20 employees. Minimum requirement is 2 spaces.	1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.
6) Health Care. 7) Special Health Care.	1 space for each 20 employees; or one space for each 70,000 s.f. of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40,000 s.f. of floor area. Minimum requirement is 2 spaces.
8) Utility and Vehicular.		
a) Communications equipment installations and exchanges, electrical substations, emergency hospitals operated by a public agency, gas substations, neighborhood newscarryer distribution centers.	No spaces required.	No spaces required.
b) Fire Stations and Police Stations.	1 space for each 10 employees. Minimum requirement is 2 spaces	6 spaces.
c) Post offices, excluding major mail-processing centers.		
d) Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.	No spaces required.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted).
9) Community Education.		
a) Public, parochial, and private day-care centers for fifteen (15) or more children.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
b) Public, parochial, and private nursery schools, elementary schools, and kindergartens.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.

EXHIBIT A
(Revised July 1, 2008)

c) <u>Public parochial and private elementary, junior high and high schools.</u>	<u>1 space for each 10 employees plus 1 space for each 20 students of planned capacity. Minimum requirement is 2 spaces.</u>	<u>1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.</u>
10) Extensive impact		
a) <u>Colleges and universities.</u>	<u>1 space for each 10 employees plus 1 space for each 10 students of planned capacity; or 1 space for each 20,000 s.f. of floor area, whichever is greater.</u>	<u>1 space for each 10 students of planned capacity.</u>
b) <u>Railroad and bus terminals.</u>	<u>Spaces for 5% 3.5% of projected maximum daily ridership.</u>	<u>None required. Spaces for 1.5% of projected maximum daily ridership.</u>
c) <u>Other.</u>	<u>Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.</u>	<u>Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.</u>

17.117.110 Required Bicycle Parking – Commercial Activities

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

<u>Commercial Activity</u>	<u>Long-term Bicycle Parking Requirement</u>	<u>Short-term Bicycle Parking Requirement</u>
<u>Retail</u>		
1. <u>General Food Sales.</u>	<u>1 space for each 12,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>	<u>1 space for each 2,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>
2. <u>Convenience Market.</u>	<u>1 space for each 12,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>	<u>1 space for each 5,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>
3. <u>Fast-Food Restaurant.</u>		
4. <u>Alcoholic Beverage Sales.</u>		
5. <u>Convenience Sales and Service.</u>		
6. <u>Mechanical or Electronic Games.</u>		
7. <u>General Retail Sales.</u>		
8. <u>Large-scale combined retail and grocery sales.</u>		
9. <u>General Personal Service.</u>		
10. <u>Consumer Laundry and Repair Service.</u>		
11. <u>Check Cashier and Check Cashing.</u>		
12. <u>Retail Business Supply.</u>	<u>1 space for each 12,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>	<u>1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>
13. <u>General Wholesale Sales.</u>		
14. <u>Construction Sales and Service.</u>		
<u>Office</u>		
1. <u>Consultative and Financial Service.</u>	<u>1 space for each 10,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>	<u>1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>
2. <u>Administrative Commercial.</u>		
3. <u>Business and Communication Service.</u>		
<u>Medical</u>		
1. <u>Medical Service.</u>	<u>1 space for each 12,000 s.f. of floor area.</u>	<u>1 space for each 5,000 s.f. of floor area.</u>
2. <u>Animal Care.</u>	<u>Minimum requirement is 2 spaces.</u>	<u>Minimum requirement is 2 spaces.</u>
<u>Auto Related</u>		
1. <u>Automotive Sales, Rental, and Delivery.</u>	<u>1 space for each 12,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>	<u>1 space for each 20,000 s.f. of floor area. Minimum requirement is 2 spaces.</u>

MFW

CORRECTED July 16, 2008

FILED
OFFICE OF THE CITY CLERK EXHIBIT A
OAKLAND (Revised July 1, 2008)

08 JUL 17 AM 8:54

2. Automotive Servicing.	1 space for each 20 employees required.	
3. Automotive Repair and Cleaning.	Minimum requirement is 2 spaces.	
Other Commercial	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
1. Group Assembly.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
2. Research Service.	1 space for each 10,000 s.f. of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 s.f. of floor area. Minimum requirement is 2 spaces.
3. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
4. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
5. Transport and Warehousing.	1 space for each 40,000 s.f. of floor area. Minimum requirement is 2 spaces.	No spaces required.
6. Undertaking Service.	1 space for each 12,000 s.f. of floor area. Minimum requirement is 2 spaces.	2 spaces.
7. Scrap Operation.	1 space for each 20 employees. Minimum requirement is 2 spaces.	No spaces required.
8. HBX Work/Live.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.

17.117.120 Required Bicycle Parking – Manufacturing and Other Activities
Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Manufacturing, Agricultural and Extractive Activities and All Other Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Manufacturing and Production		
1. Custom Manufacturing.	1 space for each 15,000 s.f. of floor area. Minimum requirement is 2 spaces.	No spaces required.
2. Light Manufacturing.		
3. General Manufacturing.		
4. Heavy Manufacturing.		
5. Small Scale Transfer and Storage.		
6. Hazardous Waste Management.		
7. Industrial Transfer/Storage Hazardous Waste Management.		
7. Residual Repositories Hazardous Waste Management.		
Agricultural and Extractive		
1. Plant Nursery Agricultural.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
2. Crop and Animal Raising Agricultural	No spaces required.	No spaces required.
3. Mining and Quarrying Extractive.		

Other Manufacturing

cf

(BOLD - font)

EXHIBIT A
(Revised July 1, 2008)

Other Manufacturing		
1. HBX Work/Live.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.

17.117.130 Required Shower and Locker Facilities

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of shower facilities and lockers are required per gender for the specified Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

<u>Type of Activity</u>	<u>Shower Requirement (per gender)</u>	<u>Locker Requirement</u>
Residential.	None required.	None required.
Civic.	None required.	None required.
Commercial: Less than 150,000 square feet of floor area.	None required.	None required.
Commercial: 150,000 square feet of floor area or greater.	A minimum of 2 showers per gender plus one shower per gender for each 150,000 s.f. above 150,000 s.f.	4 lockers per shower.
Manufacturing.	None required.	None required.
Agricultural and Extractive.	None required.	None required.

17.117.140 Additional Considerations for Variance Determination

A variance may be granted if the applicant can make the variance findings contained in Section 17.148.050. In making a variance determination, the following additional considerations should be taken into account:

1. The variance, if granted, will not be contrary to the policies included in the Bicycle Master Plan.
2. Consideration can be afforded to a proposal if incorporation of the bicycle parking would be detrimental to other bicycle or pedestrian facilities.
3. Consideration can be afforded to a proposal with a site access that is in excess of the street grade criteria established by the Bicycle Master Plan.
4. In consideration of what is physically feasible, the proposal meets as many of the bicycle parking requirements as possible to provide a form of storing bicycles in a safe, secure and accessible manner.

17.117.150 Automobile Parking Credit

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six bicycle spaces provided in excess of the requirements in this chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent.

Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS

17.11.170 Other zoning provisions.

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements at Chapter 17.116, except that reduced parking requirements may be allowed by the Director of City Planning through the conditional use permit procedure required by Sections 17.11.060 and 17.11.090 for activities and facilities in either of the following instances:

1. The project's primary service area is one-quarter mile or less; or,
 2. A portion of the project's parking demand is to be met through reciprocal agreements for shared parking on the same site or an adjacent site or sites.
- In both cases, the extent of the reduction shall be determined by the Director of City Planning pursuant to Section 17.116.040.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations at Chapter 17.114.

DC. **General Provisions.** Unless otherwise indicated, the general exceptions and other regulations set forth in Chapter 17.102 shall apply in the OS zone. (Ord. 12078 § 3 (part), 1998)

Chapter 17.11A R-1 ONE ACRE ESTATE RESIDENTIAL ZONE REGULATIONS

17.11A.170 Other zoning provisions.

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-1 zone.

EE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the R-1 zone.

GF. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the R-1 zone. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

Chapter 17.12 R-10 ESTATE RESIDENTIAL ZONE REGULATIONS

17.12.170 Other zoning provisions.

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

EXHIBIT A

(Revised July 1, 2008)

ED. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-10 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the R-10 zone.

GF. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-10 zone.
(Ord. 12376 § 3 (part), 2001; Ord. 11807 § 3 (part), 1995; prior planning code § 3274)

Chapter 17.14 R-20 LOW DENSITY RESIDENTIAL ZONE REGULATIONS

17.14.170 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-20 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-20 zone.

GF. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-20 zone. (Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3374)

Chapter 17.16 R-30 ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

17.16.170 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-30 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-30 zone.

GF. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-30 zone.
(Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3474)

Chapter 17.18 R-35 SPECIAL ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

17.18.180 Other zoning provisions.

EXHIBIT A

(Revised July 1, 2008)

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-35 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in R-35 zone.

GF. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the R-35 zone.

(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3574)

Chapter 17.20 R-36 SMALL LOT RESIDENTIAL ZONE REGULATIONS

17.20.180 **Other zoning provisions.**

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-36 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in R-36 zone.

GF. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the R-36 zone. (Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3599)

Chapter 17.22 R-40 GARDEN APARTMENT RESIDENTIAL ZONE REGULATIONS

17.22.190 **Other zoning provisions.**

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

BC. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-40 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in R-40 zone.

EXHIBIT A

(Revised July 1, 2008)

GF. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-40 zone.
(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3624)

Chapter 17.24 R-50 MEDIUM DENSITY RESIDENTIAL ZONE REGULATIONS

17.24.190 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102, 17.104, 17.106, and 17.108 shall apply in the R-50 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-50 zone.

GF. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-50 zone.
(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3674)

Chapter 17.26 R-60 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

17.26.180 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-60 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-60 zone.

(Amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3774)

Chapter 17.28 R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

17.28.190 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

EXHIBIT A
(Revised July 1, 2008)

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-70 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-70 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3824)

Chapter 17.30

R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

17.30.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 zone.
(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3874)

Chapter 17.32 R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS

17.32.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-90 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-90 zone.
(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3924)

Chapter 17.34 C-5 NEIGHBORHOOD COMMERCIAL ZONE REGULATIONS

17.34.200 Other zoning provisions.

EXHIBIT A
(Revised July 1, 2008)

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-5 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-5 zone.
(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4224)

Chapter 17.36 C-10 LOCAL RETAIL COMMERCIAL ZONE REGULATIONS

17.36.190 **Other zoning provisions.**

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupations regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-10 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-10 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4274)

Chapter 17.38 C-20 SHOPPING CENTER COMMERCIAL ZONE REGULATIONS

17.38.170 **Other zoning provisions.**

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupations regulations in Chapter 17.112.

DC. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-20 zone.

FE. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-20 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4324)

Chapter 17.40 C-25 OFFICE COMMERCIAL ZONE REGULATIONS

EXHIBIT A
(Revised July 1, 2008)

17.40.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-25 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-25 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4374)

Chapter 17.42 C-27 VILLAGE COMMERCIAL ZONE REGULATIONS

17.42.200 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-27 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-27 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4424)

Chapter 17.44 C-28 COMMERCIAL SHOPPING DISTRICT ZONE REGULATIONS

17.44.210 Other zoning provisions.

A. Parking and Loading. Except as provided in Section 17.44.200(C)(2)(a), off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-28 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-28 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4449)

Chapter 17.46

C-30 DISTRICT THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.46.200 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-30 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-30 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4474)

Chapter 17.48 C-31 SPECIAL RETAIL COMMERCIAL ZONE REGULATIONS

17.48.190 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-31 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-31 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4499)

Chapter 17.50 C-35 DISTRICT SHOPPING COMMERCIAL ZONE REGULATIONS

17.50.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

EXHIBIT A

(Revised July 1, 2008)

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-35 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-35 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4524)

Chapter 17.52

C-36 GATEWAY BOULEVARD SERVICE COMMERCIAL ZONE REGULATIONS

17.52.200 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DE. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-36 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the C-36 zone. (Ord. 12076 § 3 (part), 1998: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4549)

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

17.54.200 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

BC. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-40 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-40 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4574)

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

17.56.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

EXHIBIT A

(Revised July 1, 2008)

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-45 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-45 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4624)

Chapter 17.58 C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS

17.58.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-51 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-51 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4849)

Chapter 17.60 C-52 OLD OAKLAND COMMERCIAL ZONE REGULATIONS

17.60.200 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DE. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-52 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the C-52 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4874)

Chapter 17.62 C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS

17.62.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

EXHIBIT A
(Revised July 1, 2008)

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-55 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-55 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4899)

Chapter 17.64 C-60 CITY SERVICE COMMERCIAL ZONE REGULATIONS

17.64.150 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DC. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-60 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-60 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4924)

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONE REGULATIONS

17.65.190 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DC. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the in the HBX-1, HBX-2, and HBX-3 zones.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the HBX-1, HBX-2, and HBX-3 zones.

Chapter 17.66 M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS

17.66.160 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

EXHIBIT A

(Revised July 1, 2008)

DC. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the M-10 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-10 zone. (Ord. 11807 § 4 (part), 1995; prior planning code § 5424)

Chapter 17.68 M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

17.68.150 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DC. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the M-20 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in M-20 zone. (Amended during 1997 codification; Ord. 11807 § 4 (part), 1995; prior planning code § 5624)

Chapter 17.70 M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

17.70.150 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DC. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the M-30 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-30 zone. (Amended during 1997 codification; Ord. 11807 § 4 (part), 1995; prior planning code § 5724)

Chapter 17.72 M-40 HEAVY INDUSTRIAL ZONE REGULATIONS

17.72.140 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DC. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the M-40 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in M-40 zone. (Amended during 1997 codification; Ord. 11807 § 4 (part), 1995; prior planning code § 5824)

EXHIBIT A
(Revised July 1, 2008)

Chapter 17.74 S-1 MEDICAL CENTER ZONE REGULATIONS

17.74.190 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-1 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in S-1 zone. (Ord. 11807 § 5 (part), 1995; prior planning code § 6124)

Chapter 17.76 S-2 CIVIC CENTER ZONE REGULATIONS

17.76.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-2 zone.

FE. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-2 zone. (Amended during 1997 codification; Ord. 11807 § 5 (part), 1995; prior planning code § 6174)

Chapter 17.78 S-3 RESEARCH CENTER ZONE REGULATIONS

17.78.150 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

DE. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-3 zone.

ED. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-3 zone.
(Amended during 1997 codification; Ord. 11807 § 5 (part), 1995; prior planning code § 6224)

Chapter 17.97 S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

17.97.210 Other zoning provisions.

EXHIBIT A

(Revised July 1, 2008)

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

CB. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

DE. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

ED. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 zone. (Amended during 1997 codification; prior code § 6876)

MPW

EXHIBIT B

Title 9

Additions to Title 9 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~.

Chapter 9.52 SPECIAL EVENT PERMITS*

Note to Chapter 9.52

- 9.52.010 Title.
- 9.52.020 Purpose.
- 9.52.030 Permit required.
- 9.52.040 Definitions.
- 9.52.050 Application procedure--Fee.
- 9.52.060 Contents of application form.
- 9.52.070 Action on application.
- 9.52.080 Conditional approval of permit.
- 9.52.090 Grounds for denial of application.
- 9.52.100 Revocation of event permit.
- 9.52.110 Penalties for violation of event permit requirements.
- 9.52.120 Extraordinary police costs and/or traffic control fees.

Note to Chapter 9.52

* Prior code history: Prior code Sections 3-6.10 (§§ 1--9)

9.52.010 Title.
This chapter shall be known as the Oakland special events ordinance. (Ord. 12132 § 1 (part), 1999)

9.52.020 Purpose.
This chapter establishes the procedures for applying for extraordinary police services for special events in the city, and authorizes the Chief of Police to deny permit applications or impose additional permit conditions to protect the public from potential adverse impacts, and to provide for additional penalties and for the recoupment of extraordinary police services expended in enforcing permit requirements. (Ord. 12132 § 1 (part), 1999)

9.52.030 Permit required.
It is unlawful for any person, entity, business or group (including community, social, fraternal, religious and charitable groups), to conduct a special event unless there exists a valid permit therefor, granted and existing in compliance with the requirements set forth herein. The investigating official referred to in this chapter, to who the application is referred, shall be the Chief of Police. (Ord. 12132 § 1 (part), 1999)

9.52.040 Definitions.
As used in this chapter:
"Applicant" means any person, firm, association, corporation, organization, club or ad hoc committee who or which seeks a special event permit from the city, through the Chief of Police, to conduct or sponsor a special event governed by this chapter. An applicant must be eighteen (18) years of age or older. The applicant shall be the individual who is directly responsible for organizing and/or conducting the event and/or the facility manager.

"Attended bicycle parking" means a service provided by the event sponsor or qualified bicycle parking service provider where at least one attendant is present throughout the event to receive, return and guard

EXHIBIT B

bicycles, and where a safe and sufficiently large area has been set aside for event attendees to leave their bicycles.

“Entertainment” means providing to the public food and/or beverages; live or recorded music; dancing; mechanical, animal or carnival rides; games of chance; performances and/or plays; audiovisual presentations; amplified sound; competitive or sporting events; and/or promotional events.

“Chief of Police” means the Chief of the Oakland Police Department or his or her designee.

“Extraordinary police services” means responsive police services which are in addition to and in excess of the normal police services provided to the facility or off-site as a direct result of the event at the facility.

“Facility” means the building, room or place where the special event is to take place.

“Open to the public” means an event not limited to invitees and otherwise open to any member of the public with or without an admission fee or charge.

“Permit application fee” means the nonrefundable fee to be paid by the permit applicant at the time the application is filed with the Chief of Police. A fee schedule shall be set by the City Council and shall cover the actual costs of processing and investigation special event applications, and administering the special events permit program.

“Responsible party” means, for the purpose of determining liability for damage to city or public facilities as a result of a special event and liability for the cost of extraordinary police services pursuant to Section 9.52.120G, any event sponsor(s) and/or promoter(s) and/or facility operator(s) and/or facility owner(s) and their respective designees.

“Security officer” means a person who possesses a valid state guard permit and who is currently licensed by the city as a private watchman in accordance with the Oakland Municipal Code.

“Special event” (hereinafter “event”) means, for the purpose of this chapter, an event sponsored by any person, entity, business or group including but not limited to the Oakland Unified School District, the Port of Oakland, the Oakland Coliseum complex, the Paramount Theater, and at any event venue within the city and open to the public:

- A. Which is held in any public park and/or facility or on any property and/or facility which is open to the public, and
- B. At which fifty (50) or more participants (including sponsors and guests) are present, and
- C. At which entertainment is provided by or for any person, and/or made available to any person, and/or
- D. For-profit entertainment activities of persons, entities and businesses who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the city but which holds an event that will foreseeably result in impacts on public safety, health, welfare, and police resources.

Exclusions: “Special Event,” as defined in this section, shall not include:

- A. An event held in a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required;
- B. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required;
- C. Events sponsored by religious entities held in the religious entity’s facility which only members by permission attend and no extraordinary police services are required;
- D. For-profit entertainment activities of persons, entities and businesses such as cabarets who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the city and no extraordinary police services are required;
- E. Any entertainment for which other special permits have previously been obtained, such as, but not limited to, parade permits, dance permits, short-term encroachment permits and city sponsored events otherwise permitted when the Chief of Police determines such other permits are more appropriate for the particular event.
- F. Any event, series of events and/or specific type of event may be exempted at the discretion of the Chief of Police, based upon evidence that the event or events will not impact police services and will not affect public health, safety and welfare.

EXHIBIT B

- G. An event held at an East Bay Regional Park facility which is subject to existing permit application procedures adopted by the East Bay regional park district, provided the East Bay regional park district notifies all applicants that any person or entity issued a permit for an event at an East Bay regional park facility is liable for the provision by the Oakland Police Department of extraordinary police services that may be required as a result of the event. (Ord. 12132 § 1 (part), 1999)

9.52.050 Application procedure--Fee.

- A. Application shall be made to the Oakland Police Department, at least twenty-one (21) calendar days prior to the event; however, if the event will require extraordinary police services, the applicant must apply to the Chief of Police for a permit thirty (30) days in advance of the special event, and must execute a written agreement in which applicant agrees to pay the costs of such services, pursuant to Section 9.52.110.
- B. Application forms submitted pursuant to subsection A of this section shall be fully and truthfully completed by the applicant. Failure to fully and truthfully complete the application form shall be grounds for denial;
- C. If admission fees or donations are to be collected and/or food, liquid refreshments or physical articles are to be sold at the event, the applicant must present proof of federal and/or state tax exemption status or present a copy of a valid city of Oakland business license and tax certificate and a food handling permit if applicable before the permit may be issued;
- D. If music, dance or any other form of entertainment activity requiring sound amplification equipment is to be provided or allowed at the event, the applicant must so state on the application form and must provide assurance that the city's noise ordinance will not be violated as a result of the activity.
- E. Upon application, the applicant shall state the name and address of the facility, and identify the type of facility, where the event will take place. Before the permit may be issued, the applicant shall be required to present a photocopy of a valid city of Oakland dance hall, cabaret, or other applicable permit or license which authorizes the use of the facility for this type of activity or event. Further, the applicant shall complete the portions of the application which require identification of any occupancy restrictions or other conditions for use imposed by the city on the designated facility; and
- F. Upon application, the applicant shall pay a fee as established by the city master fee schedule. The Chief of Police shall have the discretion to waive this fee for nonprofit organizations. (Ord. 12132 § 1 (part), 1999)

9.52.060 Contents of application form.

The application for a special event shall provide the following information:

- A. All events: The name, address, telephone number, and date of birth of applicant and an alternative contact person. If the special event is proposed to be sponsored by one or more organizations, the name, address and telephone number of the organizations, and the president(s) of the organization. If requested by the Chief of Police, written authorization to apply for the special event shall be provided by an officer of the requesting organization;
- B. The name, address and telephone number of the person who will be present and in charge at the time of the special event;
- C. The nature and purpose of the event;
- D. The proposed date, location and estimated starting and ending time of the event;
- E. Estimated number of persons anticipated at the event;
- F. Description of any sound amplification equipment which will be used at the event;
- G. Whether any food or alcoholic and/or nonalcoholic beverages will be sold at the event;
- H. Whether monitors or security persons will be utilized at the event;
- I. Parking contingencies planned for the event;
- J. A description of the provisions to be made for attended bicycle parking, pursuant to Section 9.52.080;

EXHIBIT B

- K. Any supplementary information which the Chief of Police shall find reasonably necessary, under the particular circumstances of the special event application to determine whether to approve or conditionally approve the permit. (Ord. 12132 § 1 (part), 1999)

9.52.070 Action on application.

- A. The Chief of Police shall approve, conditionally approve, or deny the application based on the grounds specified in Sections 9.52.080 to 9.52.090. Such action shall be taken not later than fifteen (15) calendar days after the filing of a complete application. The applicant shall be notified of any conditions of approval pursuant to Section 9.52.080 at the time the action on the application is taken.
- B. If the application is denied or conditionally approved, at the time of taking action on the application, the Chief of Police shall inform the applicant in writing of the grounds for denial, or of the reason for the imposition of conditions.
- C. If the Chief of Police relied upon information regarding the event other than that which was contained in the application, he or she shall inform the applicant of the additional information considered. (Ord. 12132 § 1 (part), 1999)

9.52.080 Conditional approval of permit.

The Chief of Police may impose additional conditions to a permit in the exercise of his or her reasonable discretion when conditionally granting a permit, including but not limited to:

- A. Requiring the applicant to retain or hire one or more security officers to provide security at and during the event, said security officers present and on duty at all times during the event;
- B. Requiring the applicant to be personally present at all times during the event;
- C. Requiring the applicant to provide a working telephone where he or she can be reached directly at all times during the event;
- D. Requiring the posting of the event permit at the event facility;
- E. Requiring a refundable security deposit before issuance of the permit toward the costs of city services and/or cost of damages to public facilities that may be associated with such an event;
- F. Requiring provision of medical services on-site on a case-by-case basis and/or in consideration of the applicant's previous history;
- G. Requiring in the case of live performances the actual name and stage name of every act performing;
- H. Requiring the submission of copies of all promotional materials simultaneously with the posting or distribution of said materials. All promotional materials must identify the promoter, and must not be posted or affixed to or on city or public property;
- I. Requiring a proof of liability insurance in the amount required by the city;
- J. Requiring the event promoter to provide attended bike parking service for events that expect 5,000 or more attendees, and for smaller events at the discretion of the Chief of Police. The promoter must advertise the service to potential attendees in all outreach and advertising materials and media, and place the bike parking area in an accessible location;
- K. Requiring such other additional conditions as are reasonably believed to be necessary to protect the public health, safety, welfare and order, and to minimize adverse impacts upon the surrounding neighborhood and the general community. (Ord. 12132 § 1 (part), 1999)

9.52.090 Grounds for denial of application.

Permits for special events will be granted at the discretion of the Chief of Police. A special events permit application may be denied upon evidence that:

- A. Information contained in the application, or supplementary information requested from the applicant, is false in any material detail; or
- B. The applicant has failed to provide a complete application form after having been notified of the requirement of producing additional information or documents; or
- C. The applicant has not submitted a completed application form in the time provided pursuant to Section 9.52.050.

EXHIBIT B

- D. The applicant has previously had a permit revoked, in Oakland or in another jurisdiction, for violation of permit conditions or for unlawful conduct relating thereto and it is reasonably believed that similar violations or unlawful conduct will again occur;
- E. The granting of the permit will have a substantial adverse impact upon the public health, safety, or order; and/or
- F. The granting of the permit will result in substantial adverse impacts (including, but not limited to, noise, litter, traffic and congestion) upon the surrounding neighborhood or the community in general.
- G. Another complete special event application has been previously filed for a different event at the same time and place requested by the applicant, or so close in time and place as to cause traffic congestion or a demand for police services which the Police Department is unable to meet; or
- H. The time or size of the event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic in the immediate vicinity of the event, or disrupt the use of a street at a time when it is usually subject to great traffic congestion; or
- I. The concentration of persons, animals and vehicles at the site of the event will prevent proper police, fire, ambulance, or other essential public services to areas contiguous to the event; or
- J. The size or duration of the event will require diversion of so great an amount of city police services that providing for the minimum level of police services to other areas of the city is jeopardized; or
- K. The event will substantially interfere with construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit; or
- L. The event will occur at a time and place where the noise created by the activities of the event will substantially disturb or disrupt the activities of such institutions as schools and hospitals; or
- M. Sponsors have failed to pay the city for previous special events or parade fees and costs.
- N. The applicant has previously had a permit revoked, in Oakland or in another jurisdiction, for violation of permit conditions or for unlawful conduct relating thereto and it is reasonably believed that similar violations or unlawful conduct will again occur;
- O. The sponsor fails, or has failed in the past, to make provisions for attended bicycle parking, pursuant to Section 9.52.080; or
- P. The granting of the permit is likely to result in substantial negative impacts upon the delivery of city-wide police services and therefore pose a threat to the public health, safety and order due to the likelihood of the special event resulting in a call for a police emergency response.
- Q. The Chief of Police shall state, in writing, the reasons for any denial of the event permit. Any applicant whose application is denied shall have the right to request reconsideration of the denial. Reconsideration must be submitted to the Chief of Police or his designee within five days of issuance of the denial. Said request for reconsideration shall be in writing and shall state any and all reasons of any nature why the Chief of Police's stated reasons for denial are in error. Within five days of receipt of said request for reconsideration, the Chief of Police shall send written notice of his/her decision and or notice of hearing on the reconsideration request to the applicant. (Ord. 12132 § 1 (part), 1999)

9.52.100 Revocation of event permit.

An event permit may be revoked at any time during the event by the Patrol Division Commander, or his designee, for;

- A. Violation of any of the imposed permit conditions; or
- B. Failure to obtain and post any permit required by the State Alcoholic Beverage Control Board to serve alcoholic beverages; or for
- C. The occurrence of unlawful or criminal activity during the event.
- D. Revocation shall be immediately effective upon public announcement of the revocation thereof by any police officer designated by the Patrol Division Commander to so act. (Ord. 12132 § 1 (part), 1999)

9.52.110 Penalties for violation of event permit requirements.

EXHIBIT B

- A. Any violation of this chapter may be charged as a civil penalty or an infraction, as provided for in Title 1 of the Oakland Municipal Code, except as specified in subsection B of this section. Enforcement action specifically authorized by this section may be utilized in conjunction with, or in addition to, any other statutory, code, administrative or regulatory procedure applicable to this chapter. In addition, nothing in this section shall be interpreted to preclude or limit the City from seeking injunctive or other judicial relief.
- B. It shall be a misdemeanor for the event sponsor or his or her designee to refuse to terminate an event for violation of event conditions, or for holding an event without benefit of permit. (Ord. 12132 § 1 (part), 1999)

9.52.120 Extraordinary police costs and/or traffic control fees.

- A. Prepayment of Fees. Before a special event permit may be issued the Chief of Police shall provide the applicant with a statement of the estimated cost of providing extra police officers for the event. The applicant/sponsor shall be required to pay these fees at a minimum two weeks in advance of the event.
- B. Computing Extra Police Services. The extra police services shall be computed by determining the number of police officers who will be required for the special event beyond that which would otherwise be required at that time, multiplied by the number of hours for which such additional service is rendered at the rate of the city's full cost of providing officers on an hourly basis as established by the master fee schedule. Such personnel to perform the additional police services shall be determined by the Chief of Police in the number he or she determines is reasonably necessary for the event. Police personnel assigned to special events are city employees while so engaged and are under the sole direction of the Chief of Police.
- C. Refunds or Additional Charges. If the actual cost for extra police services on the date of the event is less than the estimated cost pursuant to subsection A of this section, the applicant/sponsor will be promptly refunded the difference by the city from the general fund. If more police hours are required than originally charged, the event sponsor will be billed the additional costs. Payment of additional costs shall be due within fifteen (15) days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the event sponsor is subject to interest charges at the maximum legal rate computed from the date the payment period expires. If the event is cancelled less than five business days prior to the scheduled event, a cancellation fee will be assessed.
- D. Failure to Reimburse for Additional Police Services. The cost of any additional extraordinary police services pursuant to subsection C of this section shall be collected from the event sponsor in any manner prescribed by law, including but not limited to placement of a lien on the event sponsor's property and/or an action in small claims court. This remedy is in addition to all other civil and criminal remedies available to the city.
- E. The costs assessed against an event sponsor and/or promoter and/or facility operator for recoupment of the cost of additional extraordinary police services pursuant to subsection C of this section shall include: (1) the actual cost of salaries, benefits, and administrative overhead of the police personnel providing the services; (2) the cost of medical treatment for police personnel injured while providing services; (3) the cost to replace or repair city property damaged while providing the services; and (4) the cost incurred in making arrests while providing the services.
- F. Any event sponsor and/or promoter and/or facility operator billed for additional extraordinary police services pursuant to subsection C of this section may request a hearing on the matter before a hearing examiner designated by the City Manager. In order to obtain a hearing, the event sponsor shall file a written request therefor within ten days of the date of the invoice mailed to the sponsor that shall state the grounds for appeal. When a written appeal is filed by the applicant, a hearing shall be set at a date and time not less than ten and not more than forty-five (45) days following the filing of the appeal. The event sponsor shall be notified of the date, time and place of the hearing. Upon conclusion of a hearing, the hearing examiner shall render a decision within fifteen (15) days. The hearing examiner's decision shall be final.

EXHIBIT B

- G. The event sponsor(s) and/or promoter(s) and/or facility operator(s) and/or facility owner(s) and their respective designees are all and each severally liable for the cost of additional extraordinary police services. (Ord. 12132 § 1 (part), 1999)