

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2010 SEP -7 PM 3:08

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 21, 2010

RE: **Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Ordinances:**

- 1) **An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions." These Amendments Also Contain Regulations Not Related To Laundromats; Or**
- 2) **An Ordinance Adopting Various Planning Code Text Amendments To Regulate Laundromats Including A Conditional Use Permit Requirement. In Addition, To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions." These Amendments Also Contain Regulations Not Related To Laundromats; Or**
- 3) **An Ordinance Adopting Various Planning Code Text Amendments; To Improve Consistency Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To Add "Other Zoning Provisions."**

And

Conduct A Public Hearing And Upon Conclusion Adopt An Emergency Ordinance Pursuant To Charter Section 213, Extending By Ninety (90) Days Emergency Ordinance No. 12972 C.M.S. Requiring A Major Conditional Use Permit For Self-Serve Laundromats In The City Of Oakland, To Take Effect Immediately Upon Introduction And Adoption (Extends The One-Year Emergency Ordinance Adopted September 22, 2009)

SUMMARY

On September 22, 2009 the City Council adopted an Emergency Ordinance establishing interim controls requiring a Major Conditional Use Permit for new laundromats for a period of one year while staff studied potential regulations for this business type (Ordinance No. 12972 C.M.S.). It

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was the goal that these new laundromat regulations be considered before the Emergency Ordinance expires in September 2010. Based on the issues raised in the Ordinance, staff drafted proposed regulations consistent with Zoning practice.

The items for proposed Laundromat regulations and unrelated amendments to improve consistency among Planning Code chapters were reviewed at the May 26, 2010 Zoning Update Committee (ZUC) and at the June 16, 2010 and July 7, 2010 meetings of the Planning Commission. The Planning Commission found no basis for adoption of regulations on laundromats and recommended that the Council not adopt them but recommended that the Council adopt amendments to improve consistency (“consistency amendments”), only.

On July 27, 2010, the Community and Economic Development (CED) Committee reviewed the Planning Commission recommendation and the draft regulations that were presented by staff to the Commission. The CED Committee, after extensive discussion, directed staff to make specific revisions to draft regulations and recommended the City Council adopt revised amendments.

Staff has drafted three alternative Ordinances to amend the Planning Code reflecting staff’s, the CED Committee, and the Planning Commission recommendations for the full Council to consider. Staff’s recommendation is embodied in Alternative Ordinance # 1, which consists of the proposed regulations that were presented to the Planning Commission. Alternative Ordinance # 2 incorporates the CED Committee’s recommendations to add to staff’s original recommendation a Major Conditional Use Permit requirement, additional performance standards and changed methodology to the distance separation for new/expanded laundromats. Alternative Ordinance #2 does not include the CED Committee’s proposal to include performance standards for existing laundromats, which would need to be considered by the Planning Commission prior to Council consideration. Alternative Ordinance # 3 contains the Planning Commission’s recommendation, consisting only of the “consistency amendments.” A typographical error that referred to the Planning Code Chapters as Sections has been corrected.

In addition, staff has drafted an Emergency Ordinance to extend by ninety (90) days the existing interim controls on laundromats, which the Council likely would wish to adopt if it chooses to pursue either alternative for permanent Laundromat controls (i.e., Alternative Ordinance #1 or Alternative #2). This extension would be necessary to bridge the gap between first and second reading of either alternative ordinance.

FISCAL IMPACT

The draft Ordinances would have no direct fiscal impact on the City. Existing staffing will be sufficient to process development applications regulated by the draft zoning code amendments which are the subject of this report. No additional costs are expected to be incurred by the Development Service Fund.

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BACKGROUND

At the July 27, 2010 Community and Economic Development (CED) Committee meeting, the CED Committee directed staff to make specific revisions to the draft and forwarded the item to the City Council with a recommendation to adopt the revised Ordinance (3-1 vote). The revisions the Committee requested include:

- Major Conditional Use Permit requirement (applies to expansions of existing laundromats)
- radial measurement methodology for the distance separation
- retroactive application of performance standards to existing laundromats
- an exterior illumination requirement
- a change to No Loitering requirement language

Upon review, it was determined that, to the extent the Committee's proposed revisions would apply to existing businesses (rather than just to new or expanded laundromats), such revisions would need to return to the Planning Commission for review and recommendation prior to consideration by the full Council in accordance with Oakland Planning Code OPC 17.144.020.

POLICY DESCRIPTION

There currently is not sufficient time for the City Council to review and adopt permanent regulations prior to the expiration of the September 22, 2009 Emergency Ordinance. Also, as noted above, CED's requested Planning Code changes applying to existing laundromats as directed by the CED have not yet been considered by the Planning Commission and must be submitted to the Commission for review and recommendation prior to City Council adoption. Therefore, staff has brought forward an Emergency Ordinance to extend for ninety (90) days the interim controls requiring a Major Conditional Use permit for laundromats.

With respect to options for permanent regulations, staff is presenting the three alternative ordinances for the Council's consideration:

Alternative Ordinance #1 (initial staff proposal to Planning Commission)

Staff has attached the draft regulations (Alternative Ordinance #1) that staff presented to the *Planning Commission for consideration (which the Commission did not recommend for Council approval)* consisting of:

- a distance separation by non-radial measurement between new and existing laundromats

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- performance standards for new laundromats
- other “consistency amendments” (non-substantive changes to Chapters 17.58, 17.73, 17.86 and 17.98 to improve consistency in the Planning Code)

Alternative Ordinance #2 (CED Committee Recommendation Minus Standards Applying to Existing Laundromats)

Staff has also drafted a second alternative (Alternative Ordinance #2), which incorporates the CED Committee’s direction into staff’s original proposal, except for those provisions that must be referred back to the Planning Commission for review and recommendation. These revisions consist of:

- a Major Conditional Use Permit requirement for laundromats
- radial measurement methodology for the distance separation,
- performance standards including an exterior illumination requirement for new laundromats
- a change to No Loitering Requirement language

Alternative Ordinance #2 also includes consistency amendments.

Should the City Council adopt Alternative Ordinance #2, staff suggests that the Conditional Use Permit requirement be Minor (Administrative approval by staff) rather than Major (Planning Commission approval).

Upon direction of the full Council, Staff also would return to the Planning Commission to present draft regulations to apply performance standards to existing Laundromats and return to the City Council at a later date, but within the 90-day time frame covered by the extension of the Emergency Ordinance.

Alternative Ordinance #3 (Planning Commission Recommendation)

To reflect the Planning Commission’s recommendation, staff has drafted a third alternative Ordinance (#3) containing consistency amendments only and no regulations for laundromats. This Alternative reflects the Planning Commission’s determination that regulations specific to laundromats were unnecessary, and its recommendation that none be adopted.

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SUSTAINABLE OPPORTUNITIES

No economic, environmental or social equity opportunities have been identified.

DISABILITY AND SENIOR CITIZEN ACCESS

Staff does not anticipate any particular barriers resulting from the zoning text amendments, regarding access issues for the disabled or for senior citizens.

RECOMMENDATION(S) AND RATIONALE

Staff recommends the City Council adopt the original proposal presented to the Planning Commission and has attached a draft Ordinance to this report (Alternative Ordinance #1).

As an alternative, staff has drafted and attached an Ordinance reflecting CED direction (Alternative Ordinance #2).

Staff suggests that, should the City Council wish to also adopt a Conditional Use Permit requirement, the permit be a Minor (Administrative approval by staff) rather than a Major (Planning Commission approval).

In addition, staff requests direction on whether to return to the Planning Commission with proposed revisions involving regulations to be retroactively applied to existing businesses and then return to the City Council.

Staff has also attached a third alternative Ordinance consisting of consistency amendments, only, as recommended by the Planning Commission (Alternative Ordinance #3).

Additionally, staff recommends that, should the City Council adopt either of the alternatives applying regulations to laundromats, an Ordinance also be adopted to extend by 90 days the one year Emergency Ordinance on laundromats adopted September 22, 2009, to bridge the gap between first and second readings.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council

1. Adopt Alternative Ordinance #1 amending the Planning Code to impose regulations on laundromats, to improve consistency among Chapters 17.58, 17.73, 17.86, and 17.98 and,

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2. Adopt an Emergency Ordinance to extend by 90-days the one year Emergency Ordinance No. 12972 adopted September 22, 2009, and
3. Provide direction on pursuing further regulations that would apply to existing Laundromats.

Respectfully submitted,



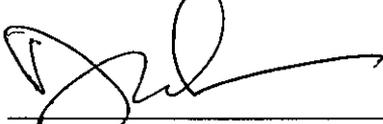
Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Deputy Director
Community and Economic Development Agency

Reviewed by:
Scott Miller, Zoning Manager
Planning and Zoning Division

Prepared by:
Aubrey Rose, Planner II
Planning and Zoning Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

Item: _____
City Council
September 21, 2010

[Signature]
City Attorney

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OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

WHEREAS, on September 22, 2009, the City Council adopted Emergency Ordinance, C.M.S. 12972, to establish interim controls for laundromats, finding a Major Conditional Use Permit be required to establish a new laundromat for a period of one year while staff researches and drafts regulations to recommend, (the "Interim Controls"); and

WHEREAS, laundromats uses can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors that may be disrupted by laundromats; and

WHEREAS, interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes; and

WHEREAS, except as provided in the Interim Controls, these uses do not require discretionary approval under City zoning laws; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS, requiring a distance separation and performance standards for establishing or expanding self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare; and

WHEREAS, this Ordinance complies the California Environmental Quality Act (CEQA) for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, on May 26, 2010, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code Amendments be heard by the Planning Commission; and

WHEREAS, on June 16, 2010, at a regularly scheduled Planning Commission meeting, the Planning Commission heard public comment on the proposed Planning Code amendments; and

WHEREAS, on July 7, 2010, at a duly noticed public hearing, the Planning Commission voted to forward a recommendation to the City Council on the adoption of the proposed findings and of the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on July 27, 2010, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 21, 2010, took public testimony and voted to introduce this Ordinance; now therefore

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

Section 1. The City Council finds and determines that the foregoing recitals are true and correct and hereby makes them a part of this ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. 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 6. 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 7. 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 8. 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Chapter 17.10 USE CLASSIFICATIONS

17.10.350 Consumer Service Commercial Activities. Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include but are not limited to the following:

- barber shops
- beauty salons
- laundromats, subject to the requirements in Section 17.102.440
- nail salons
- full service laundry service and dry cleaners (not including dry cleaning plants)
- shoe shine stands
- tailors
- tanning salons
- tattoo parlors
- a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical related products

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

Chapter 17.58
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

- 17.58.010 Title, Purpose, and Applicability**
- 17.58.020 Required Design Review Process**
- 17.58.030 Conditional Use Permit for Large Projects**
- 17.58.040 Permitted and Conditionally Permitted Activities**
- 17.58.050 Permitted and Conditionally Permitted Facilities**
- 17.58.060 Property Development Standards**
- 17.58.070 Usable Open space standards**
- 17.58.080 Other zoning provisions.**

17.56.080 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

17.73.030 Property Development Standards

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

17.73.050 Parking and Loading Dock Restrictions

17.73.060 Referral to Other Applicable Regulations

17.73.070 Other zoning provisions

17.73.070 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX-1, CIX-2, IG, and IO zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX-1, CIX-2, IG, and IO zones.

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.

17.86.020 Zones with which the S-8 zone may be combined.

17.86.030 Duplicated regulation.

17.86.040 Required design review process.

17.86.050 Permitted activities in front twenty feet of ground floor.

17.86.060 Conditionally permitted activities in front twenty feet of ground floor.

17.86.070 Restrictions on parking and loading at ground level.

17.86.080 Prohibition of advertising signs.

17.86.090 Use permit criteria.

17.86.100 Design review criteria.

17.86.110 Other zoning provisions.

17.86.110 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-8 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-8 zone.

Chapter 17.98

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

- 17.98.010 Title, purpose, and applicability.
- 17.98.020 Zones with which the S-16 may be combined.
- 17.98.030 Required design review process.
- 17.98.040 Permitted activities.
- 17.98.050 Conditionally permitted activities.
- 17.98.060 Prohibited activities.
- 17.98.070 Conditionally permitted facilities.
- 17.98.080 Maximum floor area ratio.
- 17.98.090 Special regulations for activities and facilities.
- 17.98.100 Applicable performance standards.
- 17.98.110 Nonconforming uses.
- 17.98.120 Other zoning provisions.

17.98.120 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-16 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-16 zone.

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

17.102.010 Title, purpose, and applicability.

17.102.020 Supplemental zoning provisions.

17.102.040 Effect of prior permits.

17.102.070 Application of zoning regulations to lots divided by zone boundaries.

17.102.080 Permitted and conditionally permitted uses.

17.102.090 Conditional use permit for shared access facilities.

17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.

17.102.110 Conditions for expansion of use into adjacent zones.

17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.

17.102.130 Time limit on operation of subdivision sales offices--Residential zones.

17.102.140 Special regulations applying to private stables and corrals.

17.102.160 Special regulations applying to adult entertainment activities.

17.102.170 Special regulations applying to massage activities.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities- -Commercial zones.

17.102.190 Joint Living and Work Quarters.

17.102.195 Residentially-oriented joint living and working quarters.

17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.

17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.

17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.

17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.

17.102.240 Special regulations applying to microwave dishes in or near residential zones.

17.102.250 Maximum density and floor-area ratio during construction.

17.102.260 Occupancy of a dwelling unit.

17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.

17.102.270 An additional kitchen for a single dwelling unit.

17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.

17.102.290 Special regulations for Drive-Through Nonresidential Facilities.

17.102.300 Conditional use permit for dwelling units with five or more bedrooms.

17.102.310 Special regulations for certain projects with development agreements.

17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.

17.102.330 Conditional use permit for waiver of certain requirements with parcel division

between existing buildings.

17.102.335 Standards for Sidewalk Cafes.

17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.

17.102.350 Regulations applying to tobacco-oriented activities.

17.102.360 Secondary Units.

17.102.370 Conditional use permit for hotels and motels.

17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.

17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.

17.102.410 Regulations Applying to Special Health Care Civic Activities.

17.102.420 Special design requirements for lots located in a residential and commercial zones

and the OS, S-1, S-2, S-3, and S-15 zones.

17.102.430 Regulations applying to check cashier and/or check cashing activity.

17.102.440 Special regulations applying to laundromats.

17.102.440 Special regulations applying to laundromats.

The following regulations shall apply in all zones to the Consumer Service Commercial Activity of laundromats:

A. Restriction on Over-concentration of Laundromats

No new or expanded laundromat uses shall be located closer than five hundred (500) feet from any existing laundromat as measured along the public right-of-way from building entrance to building entrance along the closest route of legal pedestrian travel on the public right-of-way.

B. Standards

The following standards shall apply to all new or expanded Laundromat uses:

1. on-site attendant: an employee shall be on the premises during all business hours.

2. security cameras: security cameras shall be operated on the premises during all business hours and recordings shall be maintained for a minimum of seven (7) days.

3. when located adjacent to or below a dwelling unit the following shall be minimized:

a) Noise shall not exceed the limits set forth in Chapter 17.120, Performance Standards

b) Vibrations shall not exceed the limits set forth in Chapter 17.120, Performance Standards

c) venting shall be directed away from residential dwelling units

4. Transparency:

a) a minimum of sixty (60) percent of the building façade along a street or streets shall be glass (windows and/or doors).

b) window clarity: ninety (90) percent of area of windows shall remain clear to allow views into the commercial space.

5. Off-site impacts

a) Litter and debris shall be cleared from the premises and the adjacent right-of-way and sidewalks of the property at least once daily or as needed to maintain a litter free environment.

b) Graffiti shall be removed from the exterior of the building within 72 hours of application

c) At least two "No Loitering" signs shall be posted on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove

loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

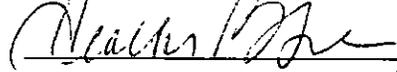
NOTICE AND DIGEST

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

This Ordinance establishes regulations for self serve laundromats to restrict over-concentration of laundromats by establishing a five hundred (500) foot separation distance for new establishments from existing laundromats and establishes performance standards to apply to new/expanded laundromat facilities. The Ordinance also makes nonsubstantive changes to the Planning Code to improve consistency among Chapters.

FILED
INTRODUCED BY COUNCIL MEMBER _____
OAKLAND

APPROVED AS TO FORM AND LEGALITY


City Attorney

2010 SEP -7 PM 3:09

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS INCLUDING A CONDITIONAL USE PERMIT REQUIREMENT. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

WHEREAS, on September 22, 2009, the City Council adopted Emergency Ordinance, C.M.S. 12972, to establish interim controls for laundromats, finding a Major Conditional Use Permit be required to establish a new laundromat for a period of one year while staff researches and drafts regulations to recommend, (the "Interim Controls"); and

WHEREAS, laundromats uses can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors that may be disrupted by laundromats; and

WHEREAS, interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes; and

WHEREAS, except as provided in the Interim Controls, these uses do not require discretionary approval under City zoning laws; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS, requiring a conditional use permit from the City, distance separation, and performance standards for establishing or expanding self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare; and

WHEREAS, this Ordinance complies the California Environmental Quality Act (CEQA) for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, on May 26, 2010, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code Amendments be heard by the

Planning Commission; and

WHEREAS, on June 16, 2010, at a regularly scheduled Planning Commission meeting, the Planning Commission heard public comment on the proposed Planning Code amendments; and

WHEREAS, on July 7, 2010, at a duly noticed public hearing, the Planning Commission voted to forward a recommendation to the City Council on the adoption of the proposed findings and of the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on July 27, 2010, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 21, 2010, took public testimony and voted to introduce this Ordinance; now therefore

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

Section 1. The City Council finds and determines that the foregoing recitals are true and correct and hereby makes them a part of this ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. 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 6. 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 7. 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 8. 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Chapter 17.10 USE CLASSIFICATIONS

17.10.350 Consumer Service Commercial Activities. Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include but are not limited to the following:

- barber shops
- beauty salons
- laundromats, subject to the requirements in Section 17.102.440
- nail salons
- full service laundry service and dry cleaners (not including dry cleaning plants)
- shoe shine stands
- tailors
- tanning salons
- tattoo parlors
- a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other ~~medicines, medical related products~~ medical related products

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

Chapter 17.58
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

17.58.010	Title, Purpose, and Applicability
17.58.020	Required Design Review Process
17.58.030	Conditional Use Permit for Large Projects
17.58.040	Permitted and Conditionally Permitted Activities
17.58.050	Permitted and Conditionally Permitted Facilities
17.58.060	Property Development Standards
17.58.070	Usable Open space standards
17.58.080	Other zoning provisions.

17.56.080 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

17.73.030 Property Development Standards

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

17.73.050 Parking and Loading Dock Restrictions

17.73.060 Referral to Other Applicable Regulations

17.73.070 Other zoning provisions

17.73.070 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX-1, CIX-2, IG, and IO zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX-1, CIX-2, IG, and IO zones.

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.

17.86.020 Zones with which the S-8 zone may be combined.

17.86.030 Duplicated regulation.

17.86.040 Required design review process.

17.86.050 Permitted activities in front twenty feet of ground floor.

17.86.060 Conditionally permitted activities in front twenty feet of ground floor.

17.86.070 Restrictions on parking and loading at ground level.

17.86.080 Prohibition of advertising signs.

17.86.090 Use permit criteria.

17.86.100 Design review criteria.

17.86.110 Other zoning provisions.

17.86.110 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-8 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-8 zone.

Chapter 17.98

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

17.98.010 Title, purpose, and applicability.

17.98.020 Zones with which the S-16 may be combined.

17.98.030 Required design review process.

17.98.040 Permitted activities.

17.98.050 Conditionally permitted activities.

17.98.060 Prohibited activities.

17.98.070 Conditionally permitted facilities.

17.98.080 Maximum floor area ratio.

17.98.090 Special regulations for activities and facilities.

17.98.100 Applicable performance standards.

17.98.110 Nonconforming uses.

17.98.120 Other zoning provisions.

17.98.120 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-16 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-16 zone.

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

17.102.010 Title, purpose, and applicability.

17.102.020 Supplemental zoning provisions.

17.102.040 Effect of prior permits.

17.102.070 Application of zoning regulations to lots divided by zone boundaries.

17.102.080 Permitted and conditionally permitted uses.

17.102.090 Conditional use permit for shared access facilities.

17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.

17.102.110 Conditions for expansion of use into adjacent zones.

17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.

17.102.130 Time limit on operation of subdivision sales offices--Residential zones.

17.102.140 Special regulations applying to private stables and corrals.

17.102.160 Special regulations applying to adult entertainment activities.

17.102.170 Special regulations applying to massage activities.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities--Commercial zones.

17.102.190 Joint Living and Work Quarters.

17.102.195 Residentially-oriented joint living and working quarters.

17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.

17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.

17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.

17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.

17.102.240 Special regulations applying to microwave dishes in or near residential zones.

17.102.250 Maximum density and floor-area ratio during construction.

17.102.260 Occupancy of a dwelling unit.

17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.

17.102.270 An additional kitchen for a single dwelling unit.

17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.

17.102.290 Special regulations for Drive-Through Nonresidential Facilities.

17.102.300 Conditional use permit for dwelling units with five or more bedrooms.

17.102.310 Special regulations for certain projects with development agreements.

17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.

17.102.330 Conditional use permit for waiver of certain requirements with parcel division

between existing buildings.

17.102.335 Standards for Sidewalk Cafes.

17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.

17.102.350 Regulations applying to tobacco-oriented activities.

17.102.360 Secondary Units.

17.102.370 Conditional use permit for hotels and motels.

17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.

17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.

17.102.410 Regulations Applying to Special Health Care Civic Activities.

17.102.420 Special design requirements for lots located in a residential and commercial zones

and the OS, S-1, S-2, S-3, and S-15 zones.

17.102.430 Regulations applying to check cashier and/or check cashing activity.

17.102.440 Special regulations applying to laundromats.

17.102.440 Special regulations applying to laundromats.

The following regulations shall apply in all zones to the Consumer Service Commercial Activity of laundromats:

A. Conditional Use Permit required

All new or expanded uses, laundromats shall be required to obtain a Conditional Use Permit as

specified in Chapter 17.134. B. Restriction on Over-concentration of Laundromats

No new or expanded laundromat use shall be located closer than five hundred (500) feet from any

existing laundromat as measured by closest radial distance between buildings. C. Standards

The following standards shall apply to all new or expanded Laundromat uses:

1. on-site attendant: an employee shall be on the premises during all business hours.

2. security cameras: security cameras shall be operated on the premises during all business hours

and recordings shall be maintained for a minimum of seven (7) days.

3. when located adjacent to or below a dwelling unit the following shall be minimized:

a) Noise shall not exceed the limits set forth in Chapter 17.120, Performance Standards

b) Vibrations shall not exceed the limits set forth in Chapter 17.120, Performance Standards

c) Venting shall be directed away from residential dwelling units

4. Transparency:

a) a minimum of sixty (60) percent of the building façade along a street or streets shall be glass

(windows and/or doors).

b) window clarity: ninety (90) percent of area of windows shall remain clear to allow views

into the commercial space.

5. Exterior illumination

Outdoor lighting shall be attached to the exterior of the facility containing the laundromat

establishment and operated after dusk so that the exterior of the premises are discernible.

6. Off-site impacts

a) Litter and debris shall be cleared from the premises and the adjacent right-of-way and

sidewalks of the property at least once daily or as needed to maintain a litter free environment.

b) Graffiti shall be removed from the exterior of the building within 72 hours of application

c) At least two "No Loitering" signs shall be posted on the building façade and other visible

locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2

inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" shall be used.

Chapter 17.134

CONDITIONAL USE PERMIT PROCEDURE

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

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

a. Activities:

xiii. Consumer Service Commercial Activities involving laundromats

NOTICE AND DIGEST

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS INCLUDING A CONDITIONAL USE PERMIT REQUIREMENT. IN ADDITION, TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

This Ordinance establishes regulations for self serve laundromats by requiring a Major Conditional Use Permit for self-serve laundromats, restricting over-concentration of laundromats establishing a five hundred (500) foot separation distance for new establishments from existing laundromats and establishes performance standards to apply to new/expanded laundromat facilities. The Ordinance also makes nonsubstantive changes to the Planning Code to improve consistency among Chapters.

Heather Bree
City Attorney

FILED
OFFICE OF THE CLERK
INTRODUCED BY COUNCIL MEMBER _____
OAKLAND

2010 SEP -7 PM 3: 08

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS; TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS."

WHEREAS, Planning Code Chapters 17.58, 17.73, 17.86, and 17.98 are being revised to add "Other Zoning Provisions;" and

WHEREAS, Planning Code references to "Other Zoning Provisions" simplify use of the Planning Code; and

WHEREAS, this Ordinance complies the California Environmental Quality Act (CEQA) for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, on May 26, 2010, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code Amendments be heard by the Planning Commission; and

WHEREAS, on June 16, 2010, at a regularly scheduled Planning Commission meeting, the Planning Commission heard public comment on the proposed Planning Code amendments; and

WHEREAS, on July 7, 2010, at a duly noticed public hearing, the Planning Commission voted to recommend the City Council adopt proposed findings and of the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on July 27, 2010, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 21, 2010 and took public testimony and voted to introduce this Ordinance; now therefore

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

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

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR)

for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. 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 6. 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 7. 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 8. 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Chapter 17.58

CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

- 17.58.010 Title, Purpose, and Applicability
- 17.58.020 Required Design Review Process
- 17.58.030 Conditional Use Permit for Large Projects
- 17.58.040 Permitted and Conditionally Permitted Activities
- 17.58.050 Permitted and Conditionally Permitted Facilities
- 17.58.060 Property Development Standards
- 17.58.070 Usable Open space standards
- 17.58.080 Other zoning provisions.

17.56.080 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.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD-R, CBD-P, CBD-C, and CBD-X zones.

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

17.73.030 Property Development Standards

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

17.73.050 Parking and Loading Dock Restrictions

17.73.060 Referral to Other Applicable Regulations

17.73.070 Other zoning provisions

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E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX-1, CIX-2, IG, and IO zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX-1, CIX-2, IG, and IO zones.

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.

17.86.020 Zones with which the S-8 zone may be combined.

17.86.030 Duplicated regulation.

17.86.040 Required design review process.

17.86.050 Permitted activities in front twenty feet of ground floor.

17.86.060 Conditionally permitted activities in front twenty feet of ground floor.

17.86.070 Restrictions on parking and loading at ground level.

17.86.080 Prohibition of advertising signs.

17.86.090 Use permit criteria.

17.86.100 Design review criteria.

17.86.110 Other zoning provisions.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-8 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-8 zone.

Chapter 17.98

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

17.98.010 Title, purpose, and applicability.

17.98.020 Zones with which the S-16 may be combined.

17.98.030 Required design review process.

17.98.040 Permitted activities.

17.98.050 Conditionally permitted activities.

17.98.060 Prohibited activities.

17.98.070 Conditionally permitted facilities.

17.98.080 Maximum floor area ratio.

17.98.090 Special regulations for activities and facilities.

17.98.100 Applicable performance standards.

17.98.110 Nonconforming uses.

17.98.120 Other zoning provisions.

17.98.120 Other zoning provisions.

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-16 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-16 zone.

NOTICE AND DIGEST

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS; TO IMPROVE CONSISTENCY AMONG CHAPTERS, CHAPTERS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS."

The Ordinance makes nonsubstantive changes to the Planning Code to improve consistency among Chapters.

REQUIRES 6 VOTES FOR PASSAGE

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 SEP -7 PM 3:09
INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213, EXTENDING BY NINETY (90) DAYS EMERGENCY ORDINANCE NO. 12972 C.M.S. REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION (EXTENDS THE ONE-YEAR EMERGENCY ORDINANCE ADOPTED SEPTEMBER 22, 2009)

WHEREAS, on September 22, 2009, the City Council adopted Emergency Ordinance No. 12972 C.M.S., to establish interim controls for laundromats, requiring a Major Conditional Use Permit to establish a new laundromat for a period of one year while staff researches and drafts regulations to recommend, (the "Interim Controls"); and

WHEREAS, laundromat uses can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors that may be disrupted by laundromats; and

WHEREAS, interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes; and

WHEREAS, except as provided in the Interim Controls, the City permits outright, without any discretionary planning review, self-serve laundromats; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS requiring a distance separation and performance standards for establishing or expanding self-serve laundromats provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare; and

WHEREAS, requiring a Major Conditional Use Permit for establishing or expanding self-serve laundromats provides the City a tool to enhance the appearance of these corridors and better

promote the public's health, safety and welfare, while permanent controls are being developed;
and

WHEREAS, CEDA staff is currently working on permanent regulations, which have been the subject of review and recommendation by the Planning Commission and the Community and Economic Development Agency of the City Council, but there is insufficient time to complete the adoption of permanent controls regulating this activity prior to expiration of the Interim Controls; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on the following environmental document to satisfy any requirements under CEQA: the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998 (General Plan EIR) and for the reasons stated in the July 7, 2010 Planning Commission report and summarized below; and

WHEREAS, as a separate and independent basis, the proposal also is exempt from CEQA under several CEQA Guidelines: including without limitation, 15061(b)(3), known as the "General Rule," which states that a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, welfare or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of reasons constitute the City Council's statement of the reasons constituting such necessity and emergency; now, therefore

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

Section 1. The recitals above are true and correct and are an integral part of this Ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. That self-serve Laundromats shall only be permitted upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 of the Planning Code.

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the

provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous ninety (90) days from the effective date of this ordinance, or until the City Council adopts permanent controls for self-serve Laundromats, whichever comes first.

Section 6. The Community and Economic Development Agency is directed, over the next ninety days, to complete a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance.

Section 7. For the term of this ordinance, as set forth in Section 5 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 8. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland.

Section 9. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 10. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

NOTICE AND DIGEST

AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213, EXTENDING BY NINETY (90) DAYS EMERGENCY ORDINANCE NO. 12972 C.M.S. REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION (EXTENDS THE ONE-YEAR EMERGENCY ORDINANCE ADOPTED SEPTEMBER 22, 2009).

This Emergency Ordinance extends by ninety (90) days the interim controls established by Emergency Ordinance No. 12792 C.M.S., which require a Major Conditional Use Permit for Self-Serve Laundromats in the City of Oakland. This Emergency Ordinance subject to the requirements of Oakland City Charter Section 213, and takes effect immediately upon its adoption by the City Council.