

Location: Citywide

Item: Discussion and recommendation of proposed citywide Planning Code amendments, which include: 1) Consolidating parking regulation in Chapter 17.116 of the Planning Code; 2) Capping the number of loading berths required for work/live and live/work units; 3) Change the permitting of emergency shelters in parts of the CIX, IG, and IO Industrial Zones to be consistent with Section 17.103.015, which identifies all areas citywide that permit Emergency Shelters by-right; 4) Removing employee parking requirements for live/work and work/live units in the CIX and HBX Zones; 5) Removing the cap of four persons who can live in a joint living and working quarter; 6) Requiring that nonresidential buildings be at least ten years old before they can be converted to joint living and working quarters; 7) Allowing the use of industrial buildings for commercial uses, and vice versa, without activating new parking requirements; 8) Reducing the number of parking spaces required for a single-family home in the RD-1 zone from 1.5 to 1; 8) Removing parking requirements for micro-living quarters in the D-BV-1 and D-BV-2 Zones; 9) Removing parking requirements for rooming units in the CBD, S-2, D-LM, D-BV-1 and D-BV-2 Zones; 10) Decreasing the parking requirement for new industrial developments; 11) Allowing parking reduction measures to be applied to developments of five dwelling units or fewer; 12) Capping the number of required loading berths for civic, residential, and commercial buildings at three; 13) Increasing the minimum floor area that requires a loading berth in industrial buildings; 14) Allowing the use of intermediate and compact parking spaces on lots containing a total of two or more parking spaces; 15) Adding a regulation that extinguishes a Conditional Use Permit if the activity that received the Conditional Use Permit has either ceased for two or more years, or a different activity has subsequently replaced the activity in the same facility or property; and 16) Increase the time allowed from one year to two years for issuance of all necessary permits for construction or alteration associated with a Conditional Use Permit.

Applicant: City of Oakland

Case File Number: ZA18011

General Plan: Citywide

Zoning: Citywide

Environmental Determination: The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

Staff Recommendation: Review, discuss and recommend adoption to the City Council

For Further Information: Contact Neil Gray at 238-3878 or email ngray@oaklandnet.com

SUMMARY

On February 20, 2018, the City Council adopted Resolutions 87059 and 87060, and on September 20, 2016, the City Council Adopted Resolution No. 86362. These resolutions directed staff to revise the Planning Code to eliminate required additional off-street parking for a change of use, remove the four-person limitation on the number of residents in a joint living and working quarter, and deem a use permit to be abandoned if the use has been discontinued, or replaced by a different activity, respectively. The proposal responds to this direction and makes further revisions to the parking, loading, and joint living and working quarter requirements. The changes to the parking requirements is a result of an analysis performed by staff of the updated parking regulations adopted by the City Council on October 4, 2016. The motion adopting the parking changes directed staff to return to the City Council with an update regarding the new parking requirements.

BACKGROUND

This item proposing planning code text amendments was heard at the Zoning Update Committee (ZUC) on August 1, 2018. At that meeting, Commissioners Monchamp and Myres reviewed the proposal and had the following comments:

- The current proposal requires one car share space per 200 units for developments in the Central Business District (CBD). The commissioners requested this number be reduced to 99 units and require two parking spaces for projects between 100 and 199 units. Attachment A reflects these changes.
- The current proposal removes the four residents cap that is currently applied to each joint living and working quarter. The ZUC requested that staff analyze the possibility of placing a cap that is more than four persons. This issue is discussed in the “Key Issues and Impacts” section of this report.
- The ZUC asked for clarification regarding the number of parking spaces required for micro living quarters. The proposal that was presented at the ZUC associated the parking spaces required for micro living units in the D-BV-1 and D-BV-2 Zones with the parking spaces required for rooming units. The current proposal adds a new line in the residential parking table for micro living units.

PROPOSED PLANNING CODE TEXT AMENDMENTS

Attachment A contains the proposed citywide text amendments to the Planning Code. In that attachment, the text changes are labeled as 33 numbered items. The change numbers in Attachment A correspond to the description and reason for the change in the following table:

Change Number(s) in Attachment A	Description of Change	Reason for Change	Relevant Code Section(s)
#1, #2, #3, #4	Cleanup items from the parking requirements update, adopted October 4, 2016. The changes remove the parking requirements from the Chapters containing the RD, RM, and RH Zones, so that all the parking requirements for the City’s zones are contained in Chapter 17.116, Off Street Parking and Loading Requirements.	This change reduces confusion and is consistent with other zones in the City.	17.13.050 17.15.050 17.17.050 17.19.050

Change Number(s) in Attachment A	Description of Change	Reason for Change	Relevant Code Section(s)
#5, #7, #11, #12, #14, #16, #29	Caps the required number of loading berths at three for work/live and live/work developments.	Live/work units tend to contain small enterprises that do not require large truck deliveries.	17.65.150(D) 17.65.160(E) 17.73.040(D) 17.101E.070(D) 17.101E.080(E)
#6, #8, #15, #17, #18	Clarifies that the parking and loading requirements for work/live and live/work units apply to both new construction and additions.	Clarification of existing regulation.	17.65.150(D) 17.65.160(D) 17.73.040(E) 17.101E.070(D) 17.101E.080(E)
#9	Amendments are proposed to the Permitted and Conditionally Permitted Activities and Facilities regulations in Section 17.73.020 to ensure that all the individual zoning designations within the areas identified in Section 17.103.015 permit Emergency Shelters by-right.	Removes inconsistencies between the Emergency Shelter regulations in Chapter 17.73 (CIX, IG AND IO Industrial Zones Regulations) and those in Section 17.103.015.	17.73.020 17.103.015
#10, 13	Removes the employee parking requirement for work/live units in the CIX (Commercial/Industrial Mix) and HBX (Housing and Business Mix) Zones.	Generally, these units and businesses are small and do not have employees that visit the units. Further, industrial areas typically have ample on-street parking.	17.73.040(E) 17.101E.070(D)
#19, #21	Replaces the current cap of four persons who can live in Joint Living and Working Quarters (JLWQs) with a new cap of 25.	The current regulation disallows a popular model for JLWQs where many small living quarters within one unit share kitchen and working space. This change was directed by the City Council in Resolution No. 87060 (see Attachment B). This issue is further discussed in the "Key Issues and Impacts" section of this report.	17.102.190

Change Number(s) in Attachment A	Description of Change	Reason for Change	Relevant Code Section(s)
#20	<p>The intent of these sections is to put older, underused, often blighted commercial buildings in residential areas to use for people who desire to live where they work. These sections allow the conversion of facilities originally constructed for commercial or industrial activities to Joint Living and Working Quarters (JLWQs) in any zone that permits or conditionally permits residential activities. This conversion does not require the usual open space and parking required for residential facilities because JLWQs are considered nonresidential facilities.</p> <p>The proposed change requires that the nonresidential building be at least ten years old before it can be converted to JLWQs.</p>	<p>This change closes a loophole that allows the construction of a nonresidential building with the intent to immediately convert it to JLWQs to avoid the parking and open space requirements of Residential Facilities.</p>	<p>17.102.190 17.102.195</p>
#22	<p>The parking chapter currently requires new parking for the conversion of an industrial building to commercial uses. This change allows the use of industrial buildings for commercial uses, and vice versa, without activating new parking requirements. However, existing parking would be required to be preserved for the new use.</p>	<p>The current requirement creates significant inflexibility in the use of older industrial buildings for active and viable businesses. For instance, outside of Downtown, the conversion of an industrial building to a yoga or fitness studio currently requires one new parking space per 100 square feet of floor area, which is infeasible in most proposals. This change was directed by the City Council in Resolution #87059 (see Attachment C).</p>	<p>17.116.020(B)</p>
#23	<p>Reduces the number of parking spaces required for a single-family home in the RD (Single-Family Residential) zone from 1.5 parking spaces to one parking space.</p>	<p>This change is consistent with the parking requirement in other middle- and low-density zones in the areas outside the hills. The change will make development of small lots more feasible and preserve more land for recreational instead of parking purposes.</p>	<p>17.116.060(A)</p>

Change Number(s) in Attachment A	Description of Change	Reason for Change	Relevant Code Section(s)
#24	<p>This subsection currently requires one parking space for each four rooming units in the D-BV-1 and D-BV-2 zones. Section 17.101C.055(B)(1) also applies this requirement to micro living quarters, which are very small dwelling units (average of 175 square feet) in a multi-tenant building. These types of units are only allowed in the D-BV-1 and D-BV-2 zones.</p> <p>The proposal would add a new row in the parking table stating that micro living quarters would not require parking spaces. In addition, no parking would be required for rooming units in the CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones to be consistent with the change for micro living quarters; and with the elimination in 2016 of the parking requirement for any other type of dwelling unit downtown.</p>	<p>Staff recommends this change because rooming units and micro living quarters are intended to be for tenants who depend on transportation alternatives such as public transit, biking, and pedestrian travel. The downtown and the D-BV-1 and D-BV-2 zones are transit and retail-rich areas conducive to this development model. Further, the surrounding streets are parking metered, so the spillover effect of new rooming units and micro living quarters will be limited.</p>	<p>17.116.060(A) 17.101C.055</p>
#25	<p>This change decreases the parking requirement for new industrial development from one parking space per 1,500 square feet of floor area to 3,500 square feet of floor area.</p>	<p>The current regulation makes development infeasible and industrial businesses tend to have fewer employees than commercial activities. The new requirement is consistent with the requirements of other municipalities.</p>	<p>17.116.090</p>
#26	<p>This subsection contains methods to reduce parking requirements through car sharing, providing transit subsidies, and locating a development near transit. The opportunity to reduce parking is currently limited to developments of ten units or more. This change would allow these reductions for developments of five units or more instead of the current ten units or more.</p>	<p>This change will make middle density projects on smaller lots more feasible and reduce automobile use.</p>	<p>17.116.110(C)</p>
#27	<p>This change specifies more precisely how many car sharing spaces are required to receive a reduction in the parking requirements.</p>	<p>Fixes an oversight from the parking revisions adopted in October of 2016.</p>	<p>17.116.090(C)(2)</p>
#28, #29, #30	<p>This change caps the number of required loading berths for civic, residential and commercial buildings at three.</p>	<p>Commercial enterprises and residential developments rarely require more than three loading berths.</p>	<p>17.116.130 17.116.140 17.116.150</p>

Change Number(s) in Attachment A	Description of Change	Reason for Change	Relevant Code Section(s)
#31	The current regulation requires a loading berth in an industrial building that is 10,000 square feet or more. Staff recommends increasing this number to 25,000 square feet or more.	A loading berth is rarely required for industrial buildings less than 25,000 square feet in floor area. 25,000 square feet is the size of a small grocery store.	
#32	This section describes the parking space dimension requirements. Currently, intermediate and compact space dimensions are only available for lots containing a total of three or more required parking spaces. This change allows these dimensional reductions for lots containing a total of two or more parking spaces.	Allows parking space reductions for a wider number of development projects. The smaller parking space dimensions are appropriate for modern-sized cars.	17.116.200
#33	<p>The current regulation specifies that the time period for initial implementation of a Conditional Use Permit (CUP) is one year - which means within that period, all necessary permits for construction or alteration must be issued, or the authorized activities must commence in the case of a CUP not involving construction or alteration. This change increases the time period for initial implementation of a CUP to two years, which is consistent with the new CUP termination period described below.</p> <p>Adds a Section in the Conditional Use Permit Procedure Chapter that a Conditional Use Permit is extinguished if one of the following are true:</p> <ol style="list-style-type: none"> 1) The activity has ceased for more than a year for any reason other than for closures required to repair damage or destruction; 2) A different activity subsequently moves into the facility. 	See "Key Issues and Impacts" below.	17.134.080 17.134.130 (new section)

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Zoning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects

consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Zoning Code would not result in any significant effect that has not already been analyzed in the above EIRs, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIRs. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

KEY ISSUES AND IMPACTS

Conditional Use Permit Expiration

The most significant of the proposed amendments above is Change #33, the extinguishing of a Conditional Use Permit (CUP) if the property owner has applied for, and received, a right to use the property in another manner, or if the use has ceased operation for two or more years. Note that staff proposed one year or more at the Zoning Update Committee, but has changed the recommendation to two years to allow more time for renovations and for property owners to find new tenants.

This amendment, requested by the City Council in Resolution No. 86362 (see Attachment D), is proposed because there are several parcels scattered within older, successful commercial districts, particularly Rockridge, Montclair, and Piedmont Avenue, that were granted CUPs decades ago for activities that have not been in operation for many years. As a result, many new businesses have been given "by right" approval to locate on a parcel depending on CUPs that were approved in the 1960's, 1970's and 1980's. Under this proposal, if a property owner has applied for and obtained a new use right, then a previous CUP on the property would not be able to be subsequently exercised.

Staff supports this amendment because allowing property owners to depend on CUPs granted long ago, and not exercised and relied upon for at least two or more years, denies the City an opportunity to evaluate a newly proposed property activity based on current policies, receive public input, and apply current conditions of approval. Similarly, when there is a change of use on a property, a prior CUP would extinguish to create certainty as to the use permitted on the property, as well as the applicable conditions of approval, if any. Please note that the City Council directed staff to only apply this change to the Neighborhood Commercial Zone- 1 (CN - 1) Zone, but staff recommends applying it to all zones because the rationale for changing the requirement is not limited to just that zone.

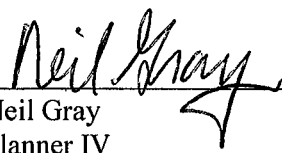
Removal of Four-Person Cap on Residents in a Joint Living and Work Quarters

Staff supports the removal of the four-person cap on residents in Joint Living and Work Quarters (JLWQs), considering the housing and commercial rent affordability challenges facing many City residents. Live/Work and Work/Live Units with several residents, and shared kitchen and work space has become a model for artists and others seeking affordable spaces to live and work. Given the potential for this model to also be used as dormitory-style housing and impact surrounding neighborhoods, staff supports a reasonable cap on the maximum number of persons living in a JLWQ. Staff proposes a cap of 25 because, after consultation with JLWQ proponents, none of the proposed JLWQs currently seeking legalization exceed this occupancy number, and the viability of sharing workspace becomes limited in units greater than this size.

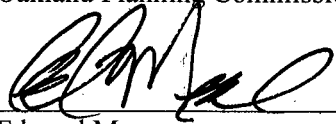
ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests that the Planning Commission provide feedback on the proposed Planning Code text amendments and recommend approval of the proposal to the City Council.

Prepared by:


Neil Gray
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Approved for forwarding to the
Oakland Planning Commission:


Edward Manasse
Interim Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Proposed Planning Code Text Amendments
- B. City Council Resolution No. 87059 – Elimination of required additional off-street parking for change of use
- C. City Council Resolution No. 87060 – Removing the four-person limit In Oakland Planning Code Section 17.102.190 - Joint Living and Work Quarters
- D. City Council Resolution No. 86362 – Expiring CUPs

ATTACHMENT A – PROPOSED CHANGES TO THE PLANNING CODE.

The following are the proposed changes to Planning Code. Deletions are in ~~strikeout~~ and additions are underlined. Each change number in the right margin corresponds to the first column of the table in the staff report:

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.050 Property development standards.

17.13.050 Property development standards.

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Parking	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>				<u>16, 17</u>
—Minimum parking spaces required per Primary Unit	2	2	2	2	16
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 17

Change #1

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.050 Property development standards.

17.15.050 Property development standards.

A. Zone Specific Standards.

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Parking	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>		<u>18, 19</u>
—Minimum parking spaces required per Primary Unit	2	1.5	18
—Additional parking spaces required for Secondary Unit	1	1	18, 19

Change #2

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.050 Property development standards.

17.17.050 Property development standards.

A. Zone Specific Standards.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>16, 17</u>
—Minimum parking spaces required per regular unit	1.5	1/1.5	1	1	16, 17
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 18
—Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				

Change #3

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.050 Property development standards.

17.19.050 Property development standards.

A. Zone Specific Standards.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Parking Requirements	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements					<u>16, 17</u>
—Minimum Parking Spaces Required per Regular Residential Unit	±	±	±	±	±	16
—Additional Parking Spaces Required for Secondary Unit	±	±	±	±	±	16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
—Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					

Change #4

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

17.65.150 Special regulations for HBX Work/Live units.

17.65.160 Special regulations for HBX Live/Work units.

17.65.150 Special regulations for HBX Work/Live units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Work/Live unit; the minimum size of an HBX Work/Live unit; and the parking, loading, and open space required for each HBX Work/Live unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling-units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	43
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One (1) berth	
	70,000— 129,999 130,000-square feet	Two (2) berths	
	Each additional 200,000 130,000 square feet or more	One (1) additional <u>Three (3)</u> berths	

Change #5

Notes:

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

Change #6

17.65.160 Special regulations for HBX Live/Work units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Required parking	One (1) parking space per unit.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) dwelling-units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 dwelling-units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000—299,999 square feet	Two (2) berths	
	Each additional 300,000 square feet or more	One (1) additional <u>Three (3) berths</u>	

Change #7

Notes:

3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of Regular Design Rreview approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Conditional Use Permit stated in Section 17.116.220.

4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

Change #8

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

17.73.020 Permitted and conditionally permitted activities and facilities.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities										
Permanent	=	=	=	=	=	=	=	=	=	
Residential Care	=	=	=	=	=	=	=	=	=	
Supportive Housing	=	=	=	=	=	=	=	=	=	
Transitional Housing	=	=	=	=	=	=	=	=	=	
Emergency Shelter	<u>P(L1)</u> —	<u>P(L1)</u> —	<u>P(L1)</u> —	<u>P(L1)</u> —	P(L1)	P(L1)	<u>P(L1)</u> —	<u>P(L1)</u> —	P(L1)	
All Other Residential Activities	All other Residential Activities prohibited in each zone									

Change #9

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D base Zone also has the T Combining Zone, the T regulations shall supersede the base zone. Wherever the T regulations are silent, the base zone regulations shall supersede.

Limitations:

L1. All new Residential Activities are prohibited in the CIX, IG, and IO Zones, except that Emergency Shelters are permitted by-right within those portions of the 3rd Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B).

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

E. Activity, parking, loading, open space, and unit size standards for Work/Live units.

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Work/Live units.

Standard	Requirement		Note
Required parking	One (1) parking space per unit, plus one (1) additional unassigned visitor or employee parking space per five (5) Work/Live units See Chapter 17.116 for other off-street parking standards.		1, 3
Required loading	Square feet of facility	Requirement	3
	Less than 25,000 10,000 square feet	No berth required	
	25,000 10,000—69,999 square feet	One (1) berth	
	70,000— 129,999 130,000 square feet	Two (2) berths	
	130,000 Each additional 200,000 square feet or more	Three (3) One (1) additional berths	

Change #10

Change #11

Notes:

3. Parking, loading, and open space standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking, loading, and open space is required to at least these minimum standards.

Change #12

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

17.101E.050 Property development standards.

17.101E.070 Special regulations for Work/Live Units.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

17.101E.070 Special regulations for Work/Live Units.

D. Table 17.101E.06 below prescribes special regulations for Work/Live Units.

Table 17.101E.06 Special Regulations for Work/Live Units

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Parking and Loading Requirements - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live <u>U</u> nit	N/A	N/A	1	1	N/A	N/A	5
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	±	±	N/A	N/A	5
Required Loading - See also "Design Guidelines for the Central Estuary" Section 3.6							
Less than <25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	<u>5, 7</u>
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	<u>5, 7</u>
70,000 - 129,999 sf. 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	<u>5, 7</u>
<u>130,000 sf.</u> or more Each	N/A	N/A	3 berths 1 more berth	3 berths 1 more berth	N/A	N/A	<u>5, 7</u>

Change #13

Change #14

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
additional 200,000-sf.							

Additional Regulations for Table 17.101E.06:

5. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

Change #15

7. See Chapter 17.116 for other loading standards.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

E. Table 17.101E.08 below prescribes special regulations for Live/Work Units.

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
Required Loading See also "Design Guidelines for the Central Estuary" Section 3.6			
>Less than 50,000 sf.	No berth	No berth	4
50,000 - 149,999 sf.	1 berth	1 berth	4
150,000 - 299,000 sf.	2 berths	2 berths	4
—Each additional 300,000 sf. or more	1 more 3 berths	1 more 3 berths	4

Change #16

Additional Regulations for Table 17.101E.08:

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.

2. Off-street parking standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

Change #17

3. See Chapter 17.117 for other bicycle parking requirements.

4. Loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing loading is required to at least these minimum standards. See Chapter 17.116 for other loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a Ceonditional Use Permit stated in Section 17.116.220.

Change #18

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

17.102.190 Joint Living and Working Quarters.

B. Definition. Joint Living and Working Quarters means residential occupancy by not more than ~~four (4)~~ twenty-five (25) persons, maintaining a common household of one or more rooms or floors in an existing building that is at least ten (10) years old and originally designed for industrial or commercial occupancy. Each Joint Living and Working Quarter ~~which~~ includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, ~~one or more~~ persons residing therein.

Change #19

Change #20

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more rooms in an existing building that is at least ten (10) years old and originally designed for non-residential occupancy. ~~which~~ Each Residentially-Oriented Joint Living and Working Quarter includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S. that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

Change #21

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III – Reductions in Required Parking

Article IV - Off-Street Loading Requirements

Article I General Provisions

17.116.020 Effect on new and existing uses.

17.116.020 Effect on new and existing uses.

- A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** The off-street parking and loading requirements of this Chapter shall only be provided for activities occupying any portion of new facilities and new additions to existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement, and any minimum size for which parking or loading is required in Articles II and IV of this Chapter.
- B. **Changes in Use Activity within an Existing Facility.** Except as otherwise provided for conversions in historic facilities as described in Subsection 17.116.110(F), new dwelling units described in Subsection C, and for Residentially Oriented Joint Living and Working Quarters described in Section 17.102.195, a change of use within an existing facility to a different major class shall meet the parking and loading requirements of the new use. no additional parking and loading spaces are not required for a change of use activity within an existing facility, from one classification to another that is within the same major class. However, if the number of existing parking spaces on the lot equals or is less than required, then these parking spaces must be preserved with the change of activity. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required.

Change #22

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.060 Off-street parking—Residential Activities.

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

- 1. Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling.	RH and RD Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Two-Family Dwelling.	RD 2 Zone, except when combined with the S-12 Zone.	One and one-half (1½) spaces for each dwelling unit.
Multifamily Dwelling.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit.
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (¾) space for each dwelling unit.

Change #23

Residential Facility Type	Zone	Total Required Parking
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Rooming House.	<u>CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones.</u>	<u>No spaces required for rooming units. One (1) space for each four (4) rooming units.</u>
	All other zones	One (1) space for each two (2) rooming units.
<u>Micro-Living Quarters</u>	<u>D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)</u>	<u>No spaces required.</u>

Change #24

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in this Title, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-P, CBD-C, CBD-X, D-CO, S-2, and S-15 Zones.	—	No spaces required.
All other zones.	<u>25,000</u> 40,000 -square feet of floor area.	One (1) space for each <u>three-thousand five-hundred (3,500)</u> one thousand five hundred (1,500) -square feet of floor area.

Change #25

Article III - Exemptions and Reductions in Required Parking

17.116.110 Special parking exemptions and reductions.

17.116.110 Special parking exemptions and reductions.

The provisions of this Section apply to all facilities and zones in all or specified zones, except One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

C. **Parking Reduction through Demand Management Measures.** The following are the percentages that parking requirements are reduced for Residential Facilities of ~~five (5) ten (10)~~ or more dwelling units through implementation of the listed parking demand management measures. The parking reduction percentages for the demand management measures described below can be added together to create a greater parking reduction, but cannot create more than a fifty percent (50%) reduction. These reductions cannot be combined with the parking reductions described in other Subsections of Article III, except for the reduction described in Subsection B, above. A notice describing the demand management measure(s) required shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.

Change #26

1. **Transit Accessible Areas.** A project that is within a Transit Accessible Area receives a thirty ~~thirty~~ 30-percent (30%) reduction in the parking requirement. This reduction cannot be applied to the parking ratio for affordable housing that already receives a reduction under B(1), above.
2. **On-site public or private car share spaces.**

a. The provision of on-site car-share spaces at the level and standards described in the table below reduces the parking requirement by twenty percent (20%).

Change #27

<u>Number of Dwelling Units</u>	<u>Number of Required Car Share Parking Spaces</u>	<u>Notes</u>
<u>5—100 units.</u>	<u>One (1) space.</u>	<u>1, 2, 3</u>
<u>101—300 units.</u>	<u>Two (2) spaces.</u>	<u>1, 2, 3</u>
<u>Each additional 200 units.</u>	<u>One (1) additional space.</u>	<u>1, 2, 3</u>

Notes:

1. Required car-share space(s) shall be made available through one of the following two methods:
 - a. A private car-share, operated by the property owner or homeowner's association, provided within the development. In this case, each private car-share space shall be assigned to a vehicle owned and maintained by the property owner or homeowner's association for the use of residents within the development; or
 - b. At no cost, providing a parking space to a public car-share organization for purposes of providing car-share services for its car-share service subscribers. The car-share spaces may be provided on the building site or on another site within six hundred (600) feet of the building site. All car-share vehicles shall be accessible to both non-resident and resident subscribers.

- 2. A notice describing the requirement for car-sharing spaces shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.
- 3. All car-share parking spaces shall be counted toward the minimum and maximum required parking spaces.

~~**On-site public or private car share spaces.** The provision of on-site car-share spaces at the level and standards described in 17.116.105(B) reduces the parking requirement by twenty percent (20%).~~

- 3. **Off-site public or private car share spaces.** The provision of off-site car-share spaces at the minimum level and standards described in Subsections 17.116.105(A) reduces the parking requirement by ten percent (10%).
- 4. **Transit passes.** The provision of transit passes at the level and standards described in Subsection 17.116.105(B) reduces the parking requirement by ten percent (10%).

Article IV Off-Street Loading Requirements

17.116.130 Off-street loading—Civic Activities.

17.116.140 Off-street loading—Commercial Activities.

17.116.150 Off-street loading—Industrial Activities.

17.116.200 Parking space dimensions.

17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.

17.116.130 Off-street loading—Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*

Change #28

300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Commercial Activity and Floor Area of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Large-Scale Combined Retail and Grocery Sales, Consumer Cleaning and Repair Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive Fee Parking, or Undertaking Service - occupying facilities with the following floor area:	
Less than 25,000 square feet.	No berths required.*
25,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 120,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B.	

Change #29

Commercial Activity and Floor Area of Facilities Occupied	Requirement
Mechanical or Electronic Games, Medical Service, Consultative and Financial Service, Administrative, Transient Habitation, Check Cashier and Check Cashing, Consumer Dry Cleaning Plant, Group Assembly, Personal Instruction and Improvement Services, Business, Communication, and Media Service, Broadcasting and Recording Service, Automobile and Other Light Vehicle Sales and Rental, Automotive and Other Light Vehicle Repair and Cleaning, Taxi and Light Fleet-Based Service, Animal Care, or Animal Boarding - occupying facilities with the following floor area:	
Less than 40,000 square feet.	No berths required.*
40,000—59,999 square feet.	One (1) berth.*
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 160,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*

Change #30

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.150 Off-street loading—Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Industrial Activity and Total Floor Area of Facilities Occupied	Requirement
Less than 25,000 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	One (1) berth.* Two (2) berths.*
50,000—99,999 square feet.	Two (2) berths.* Three (3) berths.*

Change #31

Each additional 150,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
--	----------------------------

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.200 Parking space dimensions.

~~(See illustration I-21.)~~ The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210.

A. Compact and intermediate parking spaces shall count toward the off-street parking requirements ~~only~~ if located on a lot containing a total of two (2) ~~three~~ or more required spaces in the following cases:-

Change #32

1. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces; or-
2. Alternatively, when ~~five or more parking spaces are required,~~ up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

BA. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.

CB. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.

DC. Compact Parking Spaces. A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

ED. Posts and Other Obstructions. For required parking spaces that are at an angle of between sixty (60) degrees and ninety (90) degrees, the required parking space widths specified above shall be increased by one (1) foot for each long side of a parking space that abuts a wall or other similar obstruction. However, this additional width is not required for posts and other similar structural members, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present for, an intermediate or compact space; and

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.080 Adherence to approved plans.

17.134.130 Termination of a Conditional Use Permit

17.134.080 Adherence to approved plans.

A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate ~~one (1) year~~ two (2) years from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the Conditional Use Permit approval if such extension period has also expired.

17.134.130 Termination of a Conditional Use Permit

A Conditional Use Permit granted pursuant to the provisions of this Chapter that permit an activity shall not be of any force or effect if one of the following are true:


- A. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity has ceased, or has been suspended, for a consecutive period of two (2) years or more; or
- B. The subject activity has ceased operating or has been suspended, and a different activity subsequently moved into the same facility.

Change #33

18 FEB -1 AM 11:52

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 87059 = C.M.S.

Introduced by Councilmember KAPLAN

Resolution Requesting the Oakland Planning Commission to Review the Potential Elimination of Required Additional Off-Street Parking to Authorize Changed Uses And to Return To Council With Options For Action, To Reduce Or Eliminate The Requirement To Add Additional Off-Street Parking When Changing The Use Of A Pre-Existing Building

WHEREAS, the City of Oakland has adopted policies to reduce parking requirements for a wide range of new projects and developments; and

WHEREAS, the City of Oakland has adopted a Transit-First policy and a Climate Action Plan which prioritize supporting sustainable transportation options, rather than focusing primarily on serving individual-use cars; and

WHEREAS, the dedication of large amounts of space within the city for use as parking for individual cars deprives residents of economic opportunities and vibrancy which can be provided by higher and better use of such spaces; and

WHEREAS, demand for space in Oakland is rising, making it harder to find affordable locations to live, work, and for non-profits; and

WHEREAS, requiring large amounts of parking be provided when changing the use of a preexisting building makes development projects more expensive and reduces the ability of people and groups with less money to have access to viable residential and commercial options; and

WHEREAS, in the case of a pre-existing building, adding increased parking requirements complicates a number of otherwise viable projects, as in many cases, cutting away part of an older building from a lot to provide more off-street parking can be prohibitively expensive, can conflict with city policies to preserve historical buildings, and can undermine the functionality of a building; and

WHEREAS, Oakland has a variety of pre-existing buildings which could be available for new uses, adding to the economic opportunity in the community, but which would be impeded from such effective re-use when required to add additional off-street parking; and

Attachment B

OAKLAND CITY COUNCIL

18 FEB -1 AM 11:52

RESOLUTION NO. 87060 - C.M.S.

City Attorney

Introduced by Councilmember KAPLAN

Resolution Requesting the Oakland Planning Commission To Review Removing The 4-Person Limit In Oakland Planning Code Section 17.102.190 - Joint Living And Work Quarters And To Forward Recommendations for Action to the City Council

WHEREAS, Oakland's low-income communities, including creative communities, have been heavily impacted by the current housing affordability crisis; and

WHEREAS, Oakland's economic development efforts rely in no small part on its worldwide renown as a vibrant and diverse cultural hub; and

WHEREAS, retention of Oakland's low-income creative community relies on availability of affordable rental units and below market rate property; and

WHEREAS, regulations which make it difficult and expensive to legally use many properties in the City of Oakland effectively for live-work purposes discourage legalization of such units and can perpetuate risk, including, specifically, the 4-person limit on Joint Living and Work Quarters, which renders many such potential projects not financially viable for most people; and

WHEREAS, the Building Code also contains numeric limits, such that the additional, lower limit in the Planning Code is not needed, and is impeding safe legalization of live-work units; and

WHEREAS, allowing for effective use of appropriate properties for Joint Living and Work Quarters can help ensure availability of affordable housing and creative space, reduce commutes and traffic congestion, reduce displacement of lower-income members, and help protect the vibrancy of the City's communities while bringing properties into safe and legal use; and

WHEREAS, alternative affordable housing, including live-work, is necessary to address the immediate need to house Oakland's exploding unsheltered population and people facing displacement; now, therefore

BE IT RESOLVED, that the City Council requests the Planning Commission to review the issue of the 4-person limit in Oakland Planning Code Section 17.102.190 - Joint Living And Work Quarters, and to forward recommendations for action to the City Council, including removal of the numerical limit set forth under Section 17.102.190.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 20 2018

PASSED BY THE FOLLOWING VOTE:

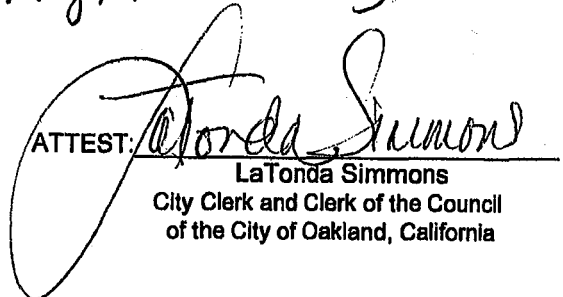
AYES - ~~ALLEN, BROWN, GIBSON, MCELHANEY, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,~~
and ~~WILLIAMS~~ - 5

excused - Brooks, Campbell Washington + Reid - 3

NOES -

ABSENT -

ABSTENTION -

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

OFFICE OF THE CITY ATTORNEY
OAKLAND

16 AUG 31 PM 2:06

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 80862 C.M.S.

INTRODUCED BY VICE MAYOR ANNIE CAMPBELL WASHINGTON

RESOLUTION REQUESTING THE CITY PLANNING COMMISSION TO CONSIDER ZONING REGULATION CHANGES TO THE CN-1 NEIGHBORHOOD COMMERCIAL CN - 1 ZONE TO ALLOW THE CITY TO DEEM A USE PERMIT TO BE ABANDONED IF THE USE HAS BEEN DISCONTINUED OR IF THE BUSINESS LICENSE LAPSES FOR MORE THAN ONE YEAR.

WHEREAS, the City of Oakland's business districts strive to create the most diverse set of businesses, providing opportunities for residents to get all of their shopping needs met in single areas, helping to make neighborhoods more walkable; and

WHEREAS, several of Oakland's business districts include properties that are located in the CN-1 Neighborhood Commercial - 1 Zone, a label which establishes which set of regulations apply to that specific business district; and

WHEREAS, the intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping; and

WHEREAS, CN-1 zoning regulations currently allow properties that obtain conditional use permits to continue to hold onto the use for which the permit was granted, even when the use has been abandoned or discontinued for long periods of time, preventing new types of businesses to begin using that space for an alternate use; and

WHEREAS, the City seeks to stimulate the economic viability of, encourage new business types in, and advance the pedestrian access throughout the City's business districts; and

WHEREAS, the City Council requests that the City Planning Commission initiate action to change the text of the zoning regulations for the CN-1 Neighborhood Commercial - 1 Zone to allow the City to deem a conditional use permit to be

abandoned if the use has been discontinued or if the business license lapses for more than one year; and

WHEREAS, the purpose of the proposed amendments to the CN-1 zoning regulations is to revitalize Oakland's business districts and enhance mixed use neighborhood commercial centers by enabling new types of businesses to replace uses that have been abandoned or discontinued; and

WHEREAS, Chapter 17.144 of the Oakland Planning Code sets forth the Rezoning and Law Change Procedure, and describes the procedure by which changes may be made in the text of the citywide zoning regulations; and

WHEREAS, Oakland Planning Code section 17.144.030 provides that, upon request of the City Council, the City Planning Commission shall initiate action to change the text of the zoning regulations; now, therefore, be it

RESOLVED: That, in accordance with Oakland Planning Code section 17.144.030, the City Council requests the City Planning Commission to initiate action to change the text of the CN-1 Neighborhood Commercial – 1 zoning regulations to allow the City to deem that a conditional use permit has been abandoned if the use has been discontinued or if the business license lapses for more than one year; and be it

FURTHER RESOLVED: That the City Planning Commission shall consider adopting the following addition to Chapter 17.33 of the Planning Code:

In the CN-1 Zone, in addition to the conditional use permit procedures set forth in Chapter 17.134, the following special provisions shall apply to use permits granted subject to note L4 of table 17.33.01. These provisions shall take precedence over any conflicting provision of Chapter 17.134.

1. Any use permit granted pursuant to this provision shall run with the land and remain valid regardless of a change in the ownership of the property or the use.
2. A use for which a use permit has been granted pursuant to this provision shall be deemed abandoned if either of the following occurs:
 - a. The business license for the use has expired for a period of at least one year; or
 - b. Either:
 - (1) The use for which the use permit was granted has ceased operation; or
 - (2) Other evidence is provided to the City that is found sufficient to show the intent of the permit holder to abandon the use;

- c. And the discontinuance of use has lasted for a continuous period of at least one year.
3. The City shall serve written notice of the apparent abandonment of the holder of the use permit and the property owner at their address of record, along with a copy of this subsection. The one-year period for being deemed abandoned shall not commence until the date notice is served to both individuals (if the two are not the same individual).
 4. At any time during the one year period, the use permit holder and/or property owner may, by renewal of the business license and/or submission to the City of other evidence, submit a request that the City find the use has not been abandoned, or may request an extension of the one-year period for a maximum of one additional year based on a showing of good cause.
 5. Upon receipt of such request from the permit holder, the City shall establish an administrative process with public notice provided upon each administrative decision. This decision is appealable by residents who disagree. The fee for this appeal shall be the same as the current appeal fee in the Master Fee Schedule. The use permit shall continue in effect until the request has been administratively processed and a final decision has been made.
 6. If a use has been deemed abandoned, it may not be resumed without following the procedures of Chapter 17.134 for issuance of a new use permit; and be it

FURTHER RESOLVED: That the City Council wishes to consider legislation within calendar year 2016 that either adds the above described recommended language to the Planning Code or achieves this Resolution's stated goals by similar means.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: SEP 20 2015

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT
GIBSON MCELHANEY *7*

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reed

ATTEST:

Latonda Simmons

 LATONDA SIMMONS
 City Clerk and Clerk of the Council of the City
 of Oakland, California