

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY
AS REVISED PURSUANT TO JANUARY 22,
2019 CITY COUNCIL MOTION AND
APPROVAL

INTRODUCED BY COUNCILMEMBER 719 JAN 31 PM 2:51


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 13518 **G.M.S.**

ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE REGULATIONS RELATED TO PARKING, LOADING, EMERGENCY SHELTERS, EXTENSIVE IMPACT CIVIC ACTIVITIES, PERMITTED ACTIVITIES IN THE D-GI ZONE, CONDITIONAL USE PERMITS, HOTEL CONVERSIONS IN THE CIX-2 ZONE, AND JOINT LIVING AND WORKING QUARTERS; AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS.

WHEREAS, the City Council adopted a comprehensive update to the parking and loading regulations in the Planning Code; and

WHEREAS, a staff analysis of the updated parking and loading regulations identified additional changes and adjustments were required; and

WHEREAS, this Ordinance is in conformity with adopted City policies related to transit use, housing supply, air quality, and climate change contained in the Land Use and Transportation Element of the General Plan, Housing Element of the General Plan, City's "Transit First" policy, Climate Action Plan, and/or the Mayor's Housing Cabinet Report; and

WHEREAS, there is a crisis of homelessness in the region, and the conversion of hotels to housing for the homeless provides an opportunity to alleviate this crisis; and

WHEREAS, there is a discrepancy between where emergency shelters are allowed by right between Sections 17.103.015 and 17.73.020 of the Planning Code; and

WHEREAS, the conversion of nonresidential buildings to a joint living and working quarter(s) with several bedrooms and a shared working space is an affordable housing option for artists and other Oakland residents who desire to work and live in the same building;

WHEREAS, projects on several properties in Oakland have been granted Conditional Use Permits that do not include the most up to date Conditions of Approval and are not consistent with the intent of the current Planning Code and zoning map; and

WHEREAS, it is City policy to locate recycling facilities at the former Oakland Army Base;
and

WHEREAS, this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in the accompanying Agenda Report dated October 22, 2018, and incorporates such reasons herein by reference; and

WHEREAS, on September 5, 2018, the City Planning Commission conducted a public hearing to consider the proposed changes as follows: 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; and

WHEREAS, on October 17, 2018, the City Planning Commission conducted a public hearing to consider the proposed changes as follows: 1) amending the definition of Extensive Impact Civic Activities in Section 17.10.240 to include Garbage Transfer Stations and Curbside Recycling Collection Centers; 2) amending Sections 17.72.030 and 17.72.040 to make applicable reference to the Emergency Shelter regulations in Section 17.103.015; 3) amending Section 17.73.020 in the CIX, IG and IO Industrial Zones Chapter to allow for conversion of an existing Transient Habitation Commercial Activity to a Residential Activity in the CIX-2 Zone through a Conditional Use Permit; and 4) amending Section 17.101F in the D-GI Gateway District Zone Chapter to specify that only certain specified types of Extensive Impact Civic Activities are permitted outright, and that all other Extensive Impact Civic Activities in the D-GI Zone are only permitted upon the granting of a Conditional Use Permit; and

WHEREAS, after a duly noticed public meeting on November 13, 2018, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on November 27, 2018 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (CEQA) documents including 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; and

WHEREAS, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments; and

WHEREAS, the proposed amendments to the Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

Section 2. The City Council finds and determines the adoption of this Ordinance complies with CEQA, and relies on the Previous CEQA Documents. No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 3. The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

Section 4. Titles 17 of the Oakland Municipal Code are hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Titles 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~.

Section 5. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 6. Nothing in this Ordinance shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 8. This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution.

Section 9. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning Code.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 05 2019

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, AND PRESIDENT KAPLAN. — 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

Introduction Date

JAN 22 2019

ATTEST: 

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

DATE OF ATTESTATION: 2/8/2019

2019 JAN 31 PM 2:51

EXHIBIT A – AMENDMENTS TO THE PLANNING CODE.

The following are the changes to Planning Code Adopted by the City Council on January 22, 2019. Deletions are in ~~strikeout~~ and additions are underlined.

Article II Activity Types

Part 2 Civic Activity Types

17.10.240 Extensive Impact Civic Activities.

17.10.240 Extensive Impact Civic Activities.

Extensive Impact Civic Activities include the activities typically performed by, or the maintenance and operation of, the following institutions and installations:

- A. Airports, heliports, and helistops;
- B. Cemeteries, mausoleums, columbariums, and crematories;
- C. Colleges, junior colleges, and universities, but excluding business schools or other similar types of trade schools operated as profit-making enterprises;
- D. Detention and correction institutions;
- E. Docks and wharves operated by a public agency;
- F. Electric transmission lines;
- G. Garbage dumps and transfer stations;
- H. Curbside recycling collection centers;
- IH. Golf courses and driving ranges;
- JI. Major mail-processing centers;
- KJ. Military installations;
- LK. Public and public utility corporation or truck yards;
- ML. Radio and television transmission stations;
- NM. Railroad and bus terminals;
- ON. Railroad rights-of-way and yards and bus storage areas;
- PO. Reservoirs and water tanks;
- QP. Sewage disposal tanks;
- RQ. Stadiums, sports arenas, auditoriums, and bandstands;
- SR. Truck terminals operated by a public agency;
- TS. Zoological gardens and wildlife preserves;
- UT. Campgrounds;

VU. Stormwater detention ponds and facilities;

WV. Facilities supervised by or under contract with the State Department of Corrections, including alternative sentencing and community work release programs.

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

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	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
—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

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

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				

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	1	1	1	1	1	16
—Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	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					

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— <u>129,999</u> 130,000 square feet	Two (2) berths	
	Each additional 200,000 <u>130,000</u> square feet or <u>more</u>	One (1) additional Three (3) berths	

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.

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 Three (3) berths	

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 Resign 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.

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

Sections:

17.72.040 Permitted and conditionally permitted facilities.

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Emergency Shelter	—	P(L1)	—	<u>17.103.015</u>

Limitations on Table 17.72.01:

L1. Emergency Shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	<u>17.103.015</u>
Multifamily Dwelling	—	—(L4)	—	<u>17.103.015</u>
Rooming House	—	—(L4)	—	<u>17.103.015</u>
Mobile Home	—	—(L4)	—	<u>17.103.015</u>

Limitations on Table 17.72.02:

L4. All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with serving a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

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										
<u>Permanent</u>	=	=	=	=	=	<u>C(L1)</u>	=	=	=	
<u>Residential Care</u>	=	=	=	=	=	<u>C(L1)</u>	=	=	=	
<u>Supportive Housing</u>	=	=	=	=	=	<u>C(L1)</u>	=	=	=	
<u>Transitional Housing</u>	=	=	=	=	=	<u>C(L1)</u>	=	=	=	
<u>Emergency Shelter</u>	<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)	<u>17.103.015</u>
<u>All Other Residential Activities</u>	All other Residential Activities prohibited in each zone									

* 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.

Facility Types	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Residential Facilities	All Residential Facilities prohibited in the each CIX, IG and IO Zones, except for those approved in conjunction with serving a permitted Emergency Shelter Activity; or a conditionally permitted conversion of an existing Transient Habitation Commercial Activity in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road, as indicated in Limitation L1 below.								17.103.015

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); and conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone into a Permanent Residential, Residential Care, Supportive Housing, or Transitional Housing Residential Activity may be permitted through a Conditional Use Permit in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road. A Conditional Use Permit for such residential conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional criteria:

1. That the proposal involves housing that is only for one or more underserved populations, including but not limited to, low income households, seniors, or veterans.

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
	Square feet of facility	Requirement

Standard	Requirement		Note
Required loading	Less than 25,000 10,000-square feet	No berth required	<u>3</u>
	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 <u>or more</u>	Three (3) <u>One (1)</u> additional berths	

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.

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 Unit	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	1	1	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	5, 7
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	5, 7
70,000 - 129,999 sf. 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	5, 7
130,000 sf. or more Each	N/A	N/A	3 berths 1 more berth	3 berths 1 more berth	N/A	N/A	5, 7

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.

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			
≥ <u>Less than 50,000 sf.</u>	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

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.

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 Conditional Use Permit stated in Section 17.116.220.

Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS
Sections:

17.101F.030 Permitted and conditionally permitted activities.

17.101F.030 Permitted and conditionally permitted activities.

Table 17.101F.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	D-GI	
Civic Activities		
Extensive Impact	P(L2)	

Limitations on Table 17.101F.01:

L2. Permitted outright if these activities are limited to establishments that support or are associated with trucking, warehousing, or maritime-related activities; all other types of these activities may only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

17.102.190 Joint Living and Working Quarters.

A. ~~A.~~ General Provisions.

1. Joint Living and Working Quarters (JLWQs) with fourteen (14) or fewer bedrooms or sleeping spaces are permitted in all zones where Residential Activities are permitted or conditionally permitted.
2. Except as may otherwise be indicated by the applicable individual zone regulations, JLWQs joint living and work quarters that either have fifteen (15) or more bedrooms or sleeping spaces, or are in a zone may also be permitted in zones where Residential Activities are not otherwise allowed may are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
3. Any building proposed to contain JLWQ(s) must have the following characteristics:
 1. The building was originally designed for industrial or commercial occupancy;
 2. The building is at least ten (10) years old;
 3. With the exception of mezzanines as defined by the Building Code, no new floors have been created or moved in the past five (5) years;
 4. The building envelope, including the roof location, has not changed in the past five (5) years; and
 5. The exterior of the building has not changed in the past five (5) years except for the changing of windows or doors within their existing openings, repairs, painting, or to fulfill building code requirements regarding escape, egress, light, or ventilation.
4. As part of the creation of JLWQ(s):
 - a. With the exception of mezzanines as defined by the Building Code, no floors shall be created or moved;
 - b. The building envelope, including the roof location, shall not change;
 - a-c. The exterior of the building shall not change except for the replacement of windows or doors within their existing openings, repairs, painting, or to fulfill Building Code requirements regarding escape, egress, light, or ventilation.
5. The owner of JLWQs shall notify all tenants that each of the JLWQs are required to maintain nonresidential activities in their units. All owners shall provide such notification through posting in common areas and on each lease or title.

- B. ~~B.~~ Definition. Joint Living and Working Quarters (JLWQs) means residential occupancy of not by one or more than four (4) persons; maintaining a common household of one or more rooms or floors within the building envelop of in an existing building 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.

A.C. Conditional Use Permit Criteria. A Conditional Use Permit for Joint Living and Working Quarters may only be granted ~~only~~ upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure and to each ~~both~~ of the following additional use permit criteria:

1. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; ~~and~~
2. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions;
3. The nonresidential floor area is concentrated in a central area within the unit and provides a functional open area for working activities;
4. The working area(s) are clearly distinguished from residential areas, including kitchen and eating areas.
5. The nonresidential floor area is conveniently accessible from bedrooms or sleeping spaces;
6. The project includes provisions for the delivery of commercial items. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items;
 - b. Stairwells wide and/or straight enough to deliver large items;
 - c. Loading areas located near stairs and/or elevators;
 - d. Wide corridors for the movement of oversized items; and
7. Facilities, such as a commercial sink or other equipment, are provided in the work area to accommodate work activities.

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.

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 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.

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.

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.	CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units. One (1) space for each four (4) rooming units.
	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>

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.	25,000 10,000 square feet of floor area.	One (1) space for each three-thousand five-hundred (3,500) one-thousand five-hundred (1,500)-square feet of floor area.

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.

1. **Transit Accessible Areas.** A project that is within a Transit Accessible Area receives a ~~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%).

<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.*

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 - <u>occupying facilities with the following floor area:</u>	
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.	

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.*

*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.*

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

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.

DG. 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 two (2) years ~~one (1) year~~ 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. A Conditional Use Permit granted pursuant to the provisions of this Chapter that permits an activity shall not be of any force or effect if the following is true:

1. 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) or more years.

B. A single, one-year extension of the period described in subsection (A) may be granted by, and at the discretion of, the Director of the Bureau of Planning, or his or her designee. The request for the extension shall be: 1) in writing, 2) made by the applicant or owner of the subject site, and 3) made prior to the two (2) year period described in subsection (A).