Oakland City Planning Commission STAFF REPORT

Case File Number ZT10110 **July 7, 2010**

Location:	**Citywide** – unless otherwise stated
Proposal:	Discussion of proposed Zoning Text Amendments to regulate laundromats. In addition, as a clean-up item from other zoning amendments, Sections 17.58, 17.73, 17.86, and 17.98 are being revised to add the applicable "Other zoning provisions." These amendments also contain regulations not related to laundromats.
Applicant:	City Planning Commission
Case File Number:	**ZT10110**
Planning Permits Required:	Zoning Text Amendment pursuant to OMC 17.144
General Plan:	Various Citywide
Zoning:	Various Citywide
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Impact Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or 16061(b)(3) "General Rule – no possibility of significant environmental impact"
Service District:	All Service Districts
Council District:	All Council Districts
Action to be taken:	Direct staff to revise draft as necessary and forward to City Council
For further information:	Contact case planner **Aubrey Rose, Planner II** at **(510)238-2071** or arose@oaklandnet.com

SUMMARY

The City Council has directed staff to draft an Ordinance to regulate laundromats. Pursuant to this direction, staff drafted regulations (zoning text amendments) and presented them at the May 26, 2010 Zoning Update Committee meeting and most recently at the June 16, 2010 Planning Commission meeting as an informational item (Staff report - **Attachment A**). The Planning Commission reviewed the proposal, heard public testimony, and directed staff to return with specific research findings.

Staff requests the Planning Commission review research findings and forward the item to the City Council with a recommendation. (Draft proposal - **Attachment B**).

BACKGROUND

The City Council directed staff to draft an Ordinance regulating laundromats and adopted one-year Emergency Ordinance requiring a Major Conditional Use Permit by 7-0 Vote (1 - Absent) that expires in September 2010.

Following are excerpts from the City Council staff report dated September 15, 2009:

> *"...requested that staff research and make recommendations on establishing an over concentration ordinance or other appropriate actions regarding...self-serve Laundromats in the City of Oakland"*
>
> *"The proliferation of...self-serve Laundromats along major retail corridors has become an increasing concern to Councilmembers, retail store owners and merchant associations. These groups are worried that an over concentration of these uses could drive away retail businesses in commercial nodes and along commercial corridors. Staff has been tasked with researching and proposing an ordinance to establish appropriate levels of these uses and propose discretionary controls to regulate locations for these types of activities."*

Following are excerpts from the Resolution adopted as Ordinance 12972 on September 22, 2009:

> *"these uses can displace retail activities and compromise the economic diversity of retail corridors"*
>
> *"the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors"*
>
> *"interrupting pedestrian-oriented retail nodes with these activities can detract from the success of these nodes"*
>
> *"the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors"*
>
> *"requiring a major conditional use permit from the City for establishing or expanding nail salons and self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed"*
>
> *"requiring a major conditional use permit from the City for establishing or expanding a self-serve Laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed"*

Pursuant to City Council direction to draft an Ordinance, and based on these issues raised by the City Council in its Resolution, staff drafted proposed regulations. Consistent with Zoning practice, these included: a distance separation requirement, standards intended to ensure satisfactory appearance and curtail potential nuisances on-site, and an alternative to also require a Conditional Use Permit for new establishments. (Please see **Attachment A** - June 16, 2010 Planning Commission staff report for a detailed discussion of the proposed regulations)

PLANNING COMMISSION

Zoning Update Committee
Pursuant to City Council direction, staff presented the itme with draft regulations at the May 26, 2010 Zoning Update Committee (ZUC). The ZUC directed staff to provide data indicating the locations of laundromats in Oakland to illustrate the extent of this type of establishment and consider whether an over-concentration exists.

Planning Commission
At the June 16, 2010 Planning Commission meeting, the Commission considered the data (map and table) with staff, received public testimony, and discussed whether or not an over-concentration and/or nuisances exist to provide a basis to recommend approval of the Ordinance desired by the City Council. Staff explained that proposed regulations were drafted to respond to City Council concerns as best as possible and were drafted with intent to relate to pedestrian-oriented commercial corridors. The City Council did not specifically claim over-concentration or nuisance but did imply over-concentration. Staff has followed City Council direction by drafting regulations and ZUC directions by providing laundromat locations but cannot confirm whether or not an over-concentration exists. Additionally, staff is not implying laundromats are or are not locations of nuisances. Staff is not implying that laundromat patrons generate nuisances. The Planning Commission directed staff to provide data correlating areas of Oakland with most laundromats to those areas' housing density, dwelling unit owner-occupancy rates, income, and reported crimes at laundromat locations resulting from the establishment, and to return to the Planning Commission.

Over-concentration
At this time, staff is providing United State Census Bureau data (maps) from the 2000 Census to indicate population density, dwelling unit owner-occupancy rates, and income by Census Tract. Staff was not able to locate a Census map depicting housing unit density by Census Tract. However, Census Tracts generally contain approximately 10,000 persons each; therefore, Census Tracts that are comparatively smaller in area can be used to indicates higher density. As the Planning Commission suggested, the data indicates that laundromats tend to cluster along commercial corridors in areas with higher housing density. Data does seem to indicate a strong correlation between areas with larger household size (number of persons per dwelling unit) and lower per capita incomes with a greater presence of laundromat locations. The correlation is not as strong for owner-occupancy, which may be due in part to areas north and east of Lake Merritt (Adams Point and Brooklyn neighborhoods) that have condominium conversion protections and are heavily renter-occupied but may have a higher percentage of on-site laundry facilities.

The Planning Code does not contain a definition of "over-concentration" and so there is a degree of subjectivity in determining whether such term is appropriate for any given area.

Nuisances
Staff has provided OPD data for crimes at laundromat addresses (reported for one year ending June 25, 2010). The data (Table – **Attachment D**) was provided as a spreadsheet and not in actual reports. It indicated address, crime type, and location (indoor versus outdoor, on-site versus off-site). Data indicates eighty-eight (88) crimes at twenty-four (24) of the eighty-six (86) laundromat locations. Fifty (50) of these reported crimes were associated with four (4) of the addresses. It is not clear from data whether those occurring indoors (twenty crimes) occurred in the laundromat or another unit on the property. The majority of these crimes occurred outdoors (sixty-six crimes), mainly off-site/in the public right-of-way (forty-seven crimes). It is not possible to discern which crimes if any were the results of the laundromat; that is, there is no way to directly link laundromats with crime from the spreadsheet provided by OPD (the alternative is to request and review eighty-eight OPD reports that average five-to-eight pages which may or may not clarify a link exists between laundromats and nuisances). Staff has also generated a map indicating Police Beats exceeding Citywide average reported crimes by twenty percent or more (that is, 1,085) in 2009 (Map – **Attachment I**). Staff finds

that properties with laundromats that are located in Police Beats with higher levels of reported crime tend to exhibit higher levels of reported crime.

OPD officers from the ABAT (Alcoholic Beverage Action Team) unit provided to staff report summaries for twenty-three (23) crimes occurring at laundromats occurring since 2008 (**Attachment J**). These crimes were not caused by patrons or occurring outside of the laundromats as a result of the establishments' presence, but generally consisted of crimes committed against the laundromats themselves (for example, burglaries) or their patrons (for example, muggings). The officers also indicated anecdotal examples of criminals loitering in front of open laundromats so that they can enter the premises under the pretense that they are Patrons for the purpose of avoiding the Police.

Staff has not suggested laundromats are or are not locations of nuisances or that their patrons generate nuisances. Data indicates laundromats may be located in high crime areas but no data specifically attributes crime to laundromats.

Proposal
Staff has provided data related to the proposal. Staff has not been directed to revise the original draft proposal and therefore has not done so. Staff suggests the Planning Commission can exercise one of the following options:

- Forward staff's original proposal as a draft Ordinance to the City Council with a recommendation of approval (**Attachment K**)

- Direct staff to make specific revisions to the draft Ordinance and forward to City Council with a recommendation of approval. (Examples of revisions could be proposed distances separation increase, decrease or elimination of and/or revisions to proposed standards and/or addition of alternative Conditional Use Permit requirement)

- Direct staff to return to the City Council with a recommendation to not adopt an Ordinance regulating laundromats

PUBLIC COMMENTS

At the May 26, 2010 ZUC a member of the public questioned the proposed methodology of measurement along pedestrian travel path along the public right-of-way as opposed to a radius measurement. At the June 16, 2010 Planning Commission meeting staff presented various methodologies of measurement for distance separations contained in the Planning Code. At that time, a member of the public reiterated their opinion that a radius measurement is more appropriate.

ENVIRONMENTAL ANALYSIS

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Impact Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or 16061(b)(3) "General Rule – no possibility of significant environmental impact." The proposal is therefore exempt from further review under CEQA.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests that the Planning Commission:

1. Approve staff's environmental determination, and
2. Approve draft regulations and forward with a recommendation to the City Council.

Prepared by:

AUBREY ROSE
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
Zoning Update Committee:

ERIC ANGSTADT
Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Planning Commission staff report dated June 16, 2010
B. Planning Commission Attachment B dated June 16, 2010: Proposed Zoning Text Amendments
C. Emergency City Council staff report dated September Ordinance No. 12972 C.M.S
D. Table: Reported crimes at laundromat address locations
E. Map: Census Tracts (2010)
F. Map: Owner-occupied housing unit by Census Tract
G. Map: Average household size by Census Tract
H. Map: Per capita income by Census Tract
I. Map: Police Beats with higher than average reported crime (2009)
J. OPD crime report summaries
K. Draft City Council Ordinance

Oakland City Planning Commission STAFF REPORT

Case File Number ZT10110 **June 16, 2010**

Location:	**Citywide** – unless otherwise stated
Proposal:	Informational report on proposed Zoning Text Amendments to regulate laundromats. In addition, as a clean-up item from other zoning amendments, Sections 17.58, 17.73, 17.86, and 17.98 are being revised to add the applicable "Other zoning provisions." These amendments also contain regulations not related to Laundromats.
Applicant:	City Planning Commission
Case File Number:	**ZT10110**
Planning Permits Required:	Zoning Text Amendment pursuant to OMC 17.144
General Plan:	Various Citywide
Zoning:	Various Citywide
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15273, 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or 16061(b)(3) "General Rule – no possibility of significant environmental impact"
Service District:	All Service Delivery Districts
Council District:	All City Council Districts
Action to be taken:	Conduct an informational briefing session on the proposal that will provide an opportunity for the Planning Commission and the public to receive preliminary information on the proposal and for the Planning Commission to provide any preliminary direction to staff on the proposal. No decision on the proposal will be made at this time. The proposal will come back to the Planning Commission at a future public hearing for action.
For further information:	Contact case planner **Aubrey Rose, Planner II** at **(510)238-2071** or arose@oaklandnet.com

ATTACHMENT A *#4*

SUMMARY

At the May 26, 2010 Zoning Update Committee meeting, staff presented a draft Laundromat Ordinance (Staff report - **Attachment A**). At that time, the Zoning Update Committee reviewed the proposal, heard public testimony, and forwarded the item to the full Planning Commission with direction to staff to return with specific research data. Staff requests the Planning Commission review the revised proposal as an informational item and provide preliminary direction to staff. The proposal will come back to the Planning Commission at a future hearing before going to the City Council for final approval (Draft proposal - **Attachment E**).

BACKGROUND

On September 22, 2009 the City Council adopted an Emergency Ordinance requiring a Major Conditional Use Permit for new laundromats for a period of one year while staff studied potential regulations for this business type (Ord. no. 12972 - Attachment B). The basic concern with an over-concentration of laundromats is the potential for negative impacts to retail establishments along commercial corridors, such as use of prime retail locations and nuisances. It is the goal that these new laundromat regulations be adopted before the Emergency Ordinance expires in September 2010.

ZONING UPDATE COMMITTEE

At the May 26, 2010 Zoning Update Committee meeting, staff presented a proposed draft ordinance consisting of a distance separation between new and existing Laundromats and standards for new Laundromats, as well as an alternative to require a Conditional Use Permit for new Laundromats. The draft regulations included the distance separation and standards only, and not the alternative for a Conditional Use Permit requirement. Following are a description of the issues:

Over-concentration
At the meeting, Vice Chair Boxer questioned the degree of over-concentration, as the staff report did not provide data on existing establishments. Vice Chair Boxer directed staff to provide more data to demonstrate the degree of over-concentration of Laundromat establishments in the City. Staff has developed a map (**Attachment C**) and database of locations with valid City Business Tax licenses (**Attachment D**) to indicate locations of Laundromat establishments in the City. The attached map and table provide illustrative data to indicate to the Planning Commission the degree of, or potential for, over-concentration.

Distance Separation
Vice Chair Boxer considered whether the proposed distance separation (500-feet) might be excessive and if a lesser distance may be appropriate. One member of the public provided public testimony to defend a distance separation (of at least 500-feet). The Planning Commission may consider whether to recommend to the City Council a distance separation between new and existing Laundromats of 500-feet as proposed, or another specific distance.

Measurement Methodology
One member of the public provided testimony to question the precedent of the proposed methodology (that is, to measure the separation along the public right-of-way as opposed to a radial measurement). Staff has generated a comparison table of required separations and their measurement methodologies for various activities or facilities having required separations between like activities/facilities or other features under the Oakland Planning Code (see below).

Table: Planning Code requirements for separation of specific uses

Activity/facility type	Separation	Measurement methodology	Planning Code section
Adult entertainment	1,000' to residential zone	Radius	17.102.160(B)(1)
	300' to like activity	Radius	17.102.160(C)(2)
Alcohol outlets	1,000' to like activity	Radius	17.102.210(B)(1)
	1,000' to civic activity/facility (including parks)	Radius	17.102.210(B)(4)(a)
Full-service restaurant with alcohol	200' from public right-of-way along restricted streets	Horizontal	17.120.210(B)(2)
Game arcades	300' to residential zone	Horizontal/pedestrian route	17.102.210(C)(3)(a)
	1,000' to school entrance/exit	Horizontal/pedestrian route	17.102.210(C)(3)(b)
Fast food	1,000' to like activity	Radius measured from front property line center/ in CBD or C-36 Zone: from within main building of Shopping Center Facilities	17.102.210(D)(1)
Fast food with drive-through	500' to school/playground	Measured perpendicularly from the street right-of-way	17.102.210(D)(2)
Institutional/special housing	300' to like activity/facility	Radius	17.102.212(B)
Electroplating	1,000' to non-manufacturing zone or park/open space general plan area	Radius	17.102.340(A)
Tobacco outlets	1,000 to residential zone or civic activity/facility	Radius	17.102.350(A)(1)
Check cashing	1,000' to like activity	Radius	17.102.430(A)(1)
	500' to various civic activities and alcohol outlets	Radius	17.102.430(A)(2)
Monopole telecommunications facility	1,500' to like facility	Radius	17.128.080(C)(2)

The table indicates Measurement Methodology is "Radius" where Planning Code indicates measurement is from activity-to-activity; in these cases, staff's practice is to measure from building wall of an activity.

Although the methods for measurement are varied, the Table indicates that there is a precedent under the Oakland Planning Code to measure distance separation horizontally along the path of pedestrian travel along the public right-of-way. As staff explained at the Zoning Update Committee (ZUC) meeting, the purpose of this distance and measurement methodology is to relate the establishment of new Laundromats to City blocks (averaging 300-feet in length) at a pedestrian scale, as is appropriate with commercial districts. In many areas of the City, pedestrian travel to and from laundromats will be a prevalent form of travel. As a result, Staff believes the use of measuring separation on a pedestrian scale is appropriate for this proposal. The ZUC Committee members did not propose revisions to this methodology.

Standards

The Planning Commission may consider whether to recommend standards for new Laundromats as contained by the draft proposal or consider additional or lesser standards.

ZUC Committee members did not propose revisions to draft standards (for staffing, transparency/clarity, litter clean-up, etc.) for new Laundromats.

Alternative: Conditional Use Permit
The Planning Commission may consider whether to recommend the proposal as drafted or consider requiring a Conditional Use Permit for new Laundromats. Such a requirement could apply to all new establishments or new establishments having certain characteristics. ZUC Committee members did not pursue staff's alternative for the proposed Ordinance to require a Conditional Use Permit for new Laundromats.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests the Planning Commission review the revised proposal as an informational item and provide preliminary direction to staff. The proposal will come back to the Planning Commission at a future hearing before going to the City Council for review and decision.

Prepared by:

Aubrey Rose

AUBREY ROSE
Planner II

Approved by:

Scott Miller

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
Planning Commission:

ERIC ANGSTADT
Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Emergency Ordinance No. 12972 C.M.S
B. Zoning Update Committee staff report dated May 26, 2010
C. Map of licensed/permitted Laundromats located within the City of Oakland as of June 2010
D. Table of licensed/permitted Laundromats located within the City of Oakland as of June 2010
E. Proposed Zoning Text Amendments (revised from May 26, 2010 draft)

ATTACHMENT B

PROPOSED ZONING TEXT AMENDENTS

Language in ~~strikeout~~ is proposed to be deleted
Language underlined is proposed to be new.

Chapter 17.10 USE CLASSIFICATIONS

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

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

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

ATTACHMENT B

Chapter 17.58

CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

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

17.56.080 Other zoning provisions.

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

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

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

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

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

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

Chapter 17.73
CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Sections:

17.73.010 Title, Purpose, and Applicability
17.73.020 Permitted and Conditionally Permitted Uses and Facilities
17.73.030 Property Development Standards
17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones
17.73.040 Special Regulations for Work/Live Units in the Industrial Zones
17.73.050 Parking and Loading Dock Restrictions
17.73.060 Referral to Other Applicable Regulations
17.73.070 Other zoning provisions

17.73.070 Other zoning provisions

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

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

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

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

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

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

Chapter 17.86
S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.010 Title, purposes, and applicability.
17.86.020 Zones with which the S-8 zone may be combined.
17.86.030 Duplicated regulation.
17.86.040 Required design review process.
17.86.050 Permitted activities in front twenty feet of ground floor.
17.86.060 Conditionally permitted activities in front twenty feet of ground floor.
17.86.070 Restrictions on parking and loading at ground level.
17.86.080 Prohibition of advertising signs.
17.86.090 Use permit criteria.
17.86.100 Design review criteria.
17.86.110 Other zoning provisions.

17.86.110 Other zoning provisions.

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

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

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

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

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

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

Chapter 17.98
S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

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

17.98.120 Other zoning provisions.

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

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

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

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

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

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

Chapter 17.102
GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

17.102.010 Title, purpose, and applicability.
17.102.020 Supplemental zoning provisions.
17.102.040 Effect of prior permits.
17.102.070 Application of zoning regulations to lots divided by zone boundaries.
17.102.080 Permitted and conditionally permitted uses.
17.102.090 Conditional use permit for shared access facilities.
17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.
17.102.110 Conditions for expansion of use into adjacent zones.
17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.
17.102.130 Time limit on operation of subdivision sales offices--Residential zones.
17.102.140 Special regulations applying to private stables and corrals.
17.102.160 Special regulations applying to adult entertainment activities.
17.102.170 Special regulations applying to massage activities.
17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities- -Commercial zones.
17.102.190 Joint Living and Work Quarters.
17.102.195 Residentially-oriented joint living and working quarters.
17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.
17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.
17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.
17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.
17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential zones.17.102.240 Special regulations applying to microwave dishes in or near residential zones.
17.102.250 Maximum density and floor-area ratio during construction.
17.102.260 Occupancy of a dwelling unit.
17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.
17.102.270 An additional kitchen for a single dwelling unit.
17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.
17.102.290 Special regulations for Drive-Through Nonresidential Facilities.
17.102.300 Conditional use permit for dwelling units with five or more bedrooms.
17.102.310 Special regulations for certain projects with development agreements.
17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.
17.102.330 Conditional use permit for waiver of certain requirements with parcel division

between existing buildings.
17.102.335 Standards for Sidewalk Cafes.
17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.
17.102.350 Regulations applying to tobacco-oriented activities.
17.102.360 Secondary Units.
17.102.370 Conditional use permit for hotels and motels.
17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.
17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.
17.102.410 Regulations Applying to Special Health Care Civic Activities.
17.102.420 Special design requirements for lots located in a residential and commercial zones
and the OS, S-1, S-2, S-3, and S-15 zones.
17.102.430 Regulations applying to check cashier and/or check cashing activity.
17.102.440 Special regulations applying to laundromats.

17.102.440 Special regulations applying to laundromats.
The following regulations shall apply in all zones to the Consumer Service Commercial Activity of laundromats:
A. Restriction on Over-concentration of Laundromats
No Laundromat shall be located closer than five hundred (500) feet from any existing laundromat as measured along the public right-of-way from building entrance-to-building entrance along the closest route of legal pedestrian travel on the public right-of-way.
B. Standards
The following standards shall apply to all laundromats:
1. on-site attendant: an employee shall be on the premises during all business hours.
2. security cameras: security cameras shall be operated on the premises during all business hours and recordings shall be maintained for a minimum of seven (7) days.
3. when located adjacent to or below a dwelling unit the following shall be minimized:
a) Noise shall not exceed the limits set forth in Chapter 17.120, Performance Standards
b) Vibrations shall not exceed the limits set forth in Chapter 17.120, Performance Standards
c) venting shall be direct away from residential dwelling units
4. Transparency:
a) a minimum of sixty (60) percent of the building façade along a street or streets shall be glass (windows and/or doors).
b) window clarity: ninety (90) percent of area of windows shall remain clear to allow views into the commercial space.
5. Off-site impacts
a) Litter and debris shall be cleared from the premises and the adjacent right-of-way and sidewalks of the property at least once daily or as needed to maintain a litter free environment.
b) Graffiti shall be removed from the exterior of the building within 72 hours of application
c) At least two "No Loitering" signs shall be posted on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2009 SEP -3 PM 5:07

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 15, 2009

RE: **Public Hearing On An Emergency Ordinance, Pursuant to Charter Section 213, Establishing Interim Controls Requiring A Major Conditional Use Permit for all Nail Salons and Laundromats in The City of Oakland, to Take Effect Immediately Upon Introduction and Adoption**

SUMMARY

Vice Mayor De La Fuente has requested that staff research and make recommendations on establishing an over concentration ordinance or other appropriate actions regarding nail salons and self-serve Laundromats in the City of Oakland. In order to allow time for staff to propose a permanent ordinance on this issue, an interim set of controls is proposed to provide discretionary controls over these uses until the final ordinance can be adopted.

Staff proposes that the interim controls sunset after one year. This period allows the Planning Division to study more comprehensive solutions to the issues outlined above.

FISCAL IMPACT

This emergency ordinance has the potential to generate a relatively small increase in permit applications. Any increase in permit application revenue would be deposited into the Development Service Fund (2415). Any increased revenue generated would be small relative to permit application revenue currently budgeted. No new fees would need to be established.

Existing staffing and appropriation levels should be sufficient to process any increase in permit applications; therefore no additional costs are expected to be incurred by the Development Service Fund.

ENVIRONMENTAL DETERMINATION

The proposal relies on the following environmental document to satisfy requirements under the California Environmental Quality Act (CEQA): the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the Oakland General Plan (General Plan EIR), adopted 1998 (General Plan EIR). Furthermore, the proposal is exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule," which states a

Item: _____
CED Committee

ATTACHMENT C

project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment. Staff finds the "General Rule" applies, because the proposed regulations would have no change in the development intensity of the area, as the proposal does not address residential density or floor area ratio, and the proposal contains no change in regulations regarding height, setback, open space or other regulations that have an effect on the environment. The proposed regulations are more stringent, with regards to permitted activities, than the current zoning and regulatory controls.

KEY ISSUES AND IMPACTS

The proliferation of nail salons and self-serve Laundromats along major retail corridors has become an increasing concern to Councilmembers, retail store owners and merchant associations. These groups are worried that an over concentration of these uses could drive away retail businesses in commercial nodes and along commercial corridors. Staff has been tasked with researching and proposing an ordinance to establish appropriate levels of these uses and propose discretionary controls to regulate locations for these types of activities. In order to allow sufficient time to hold public hearings on this issue, staff is proposing a set of interim discretionary controls.

SUSTAINABLE OPPORTUNITIES

Staff foresees no economic, environmental or social equity opportunities, as a result of the enactment of interim controls.

DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council approve the emergency ordinance, pursuant to Section 213[1] of the Oakland City Charter, which will provide the City an opportunity to propose a permanent ordinance to regulate these activities. During that time, the Strategic Planning Division will undertake a study of the concentration of nail salons and self-serve Laundromats and return to the Planning Commission and the City Council with recommendations for permanent controls.

[1] **Section 213. Emergency Ordinances.** Any ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members. Appropriations to meet an urgent need for public expenditure, to protect the public health, safety, or welfare may be made as an emergency ordinance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the Emergency Ordinance requiring, for the next year, a Major Conditional Use Permit for nail salons and self-serve Laundromats.

Respectfully submitted,

Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by: Devan Reiff, Planner II
Planning and Zoning Division, CEDA

APPROVED AND FORWARDED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:

Office of the City Administrator

Item: _____
CED Committee
September 15, 2009

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 PM 5:07

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO._____C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR NAIL SALONS AND SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate the distribution of uses and urban design in the City of Oakland; and

WHEREAS, among other activities, the City permits outright, without any discretionary planning review, nail salons and self-serve Laundromats; and

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

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

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

WHEREAS, these uses do not require discretionary approval under City zoning laws; and

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

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding nail salons and self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, there is insufficient time to develop permanent controls regulating these activities and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and

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

WHEREAS, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the "General Rule," that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

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

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

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

Section 2. This Ordinance complies with the California Environmental Quality Act.

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

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous one year from the effective date of this ordinance, or until the City Council adopts permanent controls for nail salons and/or self-serve Laundromats, whichever comes first.

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

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

conflicting provisions shall be suspended.

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP 25 PM 1:40

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. 12972 C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION.

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate the distribution of uses and urban design in the City of Oakland; and

WHEREAS, among other activities, the City permits outright, without any discretionary planning review, self-serve Laundromats; and

WHEREAS, this use can displace retail activities and compromise the economic diversity of retail corridors; and

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

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

WHEREAS, the this use does not require discretionary approval; and

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

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding a self-serve laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, there is insufficient time to develop permanent controls regulating this activity and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and

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

WHEREAS, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the "General Rule," that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

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

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

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

Section 2. This Ordinance complies with the California Environmental Quality Act.

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

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

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

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ – 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

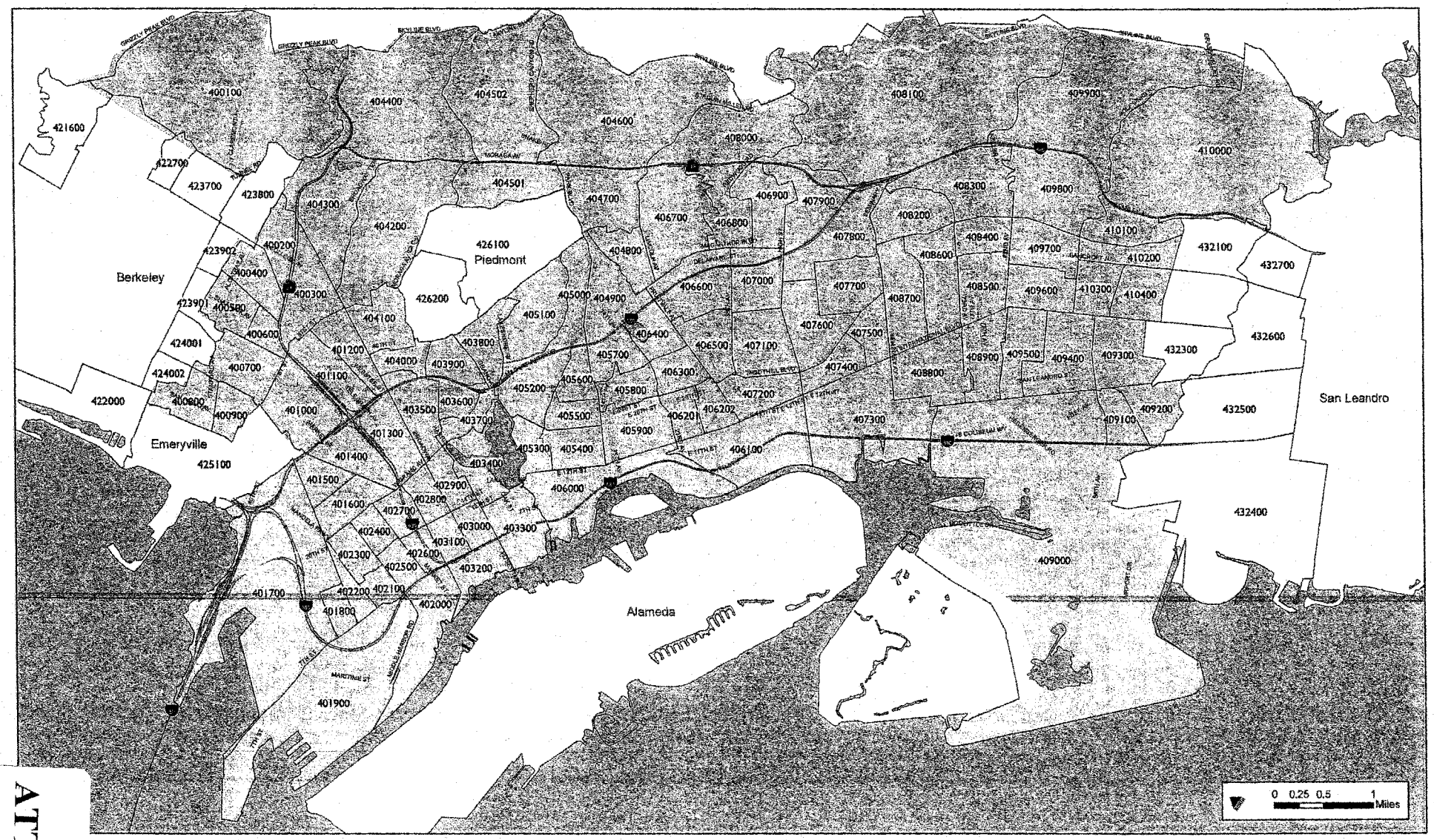
Excused - De La Fuente – 1

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

Address	STATUTE DESCRIPTION	PREMISES TYPE	# crimes - indoors	# crimes - outdoors
10016 MacArthur Blvd	Unknown	Indoor	1	3
	Probation violation	Outdoor / public right-of-way		
	Disobey court order	Outdoor / public right-of-way		
	Unknown	Outdoor / public right-of-way		
10321 International Blvd	Found property	Outdoor / public right-of-way	0	1
10700 MacArthur Blvd	Disturbing the peace	Indoor	Two	21
	Drugs possession	Outdoor / public right-of-way		
	Use of force	Outdoor / public right-of-way		
	Probation violation	Outdoor / public right-of-way		
	Battery	Outdoor / public right-of-way		
	Fighting	Outdoor / public right-of-way		
	Theft	Outdoor / public right-of-way		
	Theft	Outdoor / public right-of-way		
	Auto theft	Outdoor / public right-of-way		
	Auto theft	Outdoor / public right-of-way		
	Auto theft	Outdoor / public right-of-way		
	Auto theft	Outdoor / public right-of-way		
	Unknown	Outdoor / public right-of-way		
	Unknown	Outdoor / public right-of-way		
	Auto theft	Outdoor		
	Unknown	Indoor		
	Mugging with gun	Outdoor / on-site		
	Firing gun	Outdoor / on-site		
	Damage auto	Outdoor / on-site		
	Theft	Outdoor / on-site		
	Theft	Outdoor / on-site		
	Auto theft	Outdoor / on-site		
	Auto theft	Outdoor / on-site		
10801 Bancroft Ave	Burglary	Indoor	2	0
	Vandalism	Indoor		
1247 E 12th St	Auto theft	Outdoor / public right-of-way	0	2
	Theft	Outdoor / public right-of-way		
1400 International Blvd	Lost property	Outdoor / public right-of-way	0	2
	Loitering (prostitution)	Outdoor / public right-of-way		
1448 High St	Drugs sale	Outdoor / public right-of-way	0	1
151 10th St	Unknown	Outdoor / public right-of-way	0	1
1619 MacArthur Blvd	Resisting arrest	Outdoor / public right-of-way	1	2
	Unknown	Outdoor / public right-of-way		
	Grand theft (over $400)	Indoor		
1841 Park Blvd	Grand theft (over $400)	Outdoor / on-site	0	1
1900 Foothill Blvd	Drugs sale	Outdoor / public right-of-way	0	2
	Robbery with gun	Outdoor / public right-of-way		
2301 Foothill Blvd	Burglary	Indoor	1	0
2550 ML King Jr Wy	Probation violation	Outdoor / public right-of-way	0	2
	Disobey court order	Outdoor / public right-of-way		

ATTACHMENT D

3004 E 9th St	Robbery with knife	Indoor	3	0
	Force with weapon	Indoor		
	Attempted robbery	Indoor		
3410 MacArthur Blvd	Theft	Outdoor / public right-of-way	0	1
3526 Foothill Blvd	Mugging without gun	Outdoor / public right-of-way	0	1
3711 MacArthur Blvd	Battery	Outdoor / public right-of-way	1	2
	Vandalism	Outdoor / public right-of-way		
	Grand theft (over $400)	Indoor		
4065 Foothill Blvd	Arrest warrant	Outdoor / public right-of-way	1	1
	Mugging without gun	Indoor		
4102 Broadway	Lost property	Indoor	2	2
	Disorderly conduct (alcohol)	Outdoor / public right-of-way		
	Grand theft (over $400)	Indoor		
	Theft	Outdoor / on-site		
4500 Market St	Drugs possession	Outdoor / public right-of-way	1	5
	Drugs possession for sale	Outdoor / public right-of-way		
	Drugs sale	Outdoor / public right-of-way		
	Probation violation	Outdoor / public right-of-way		
	Disobey court order	Outdoor / public right-of-way		
	Unknown	Indoor		
6447 International Blvd	Gambling	Outdoor / public right-of-way	1	7
	Disobey court order	Outdoor / public right-of-way		
	Drugs possession for sale	Indoor		
	Possession of concealed gun	Outdoor / on-site		
	Possession of concealed gun	Outdoor / on-site		
	Probation violation	Outdoor / on-site		
	Possession of gun	Outdoor / on-site		
	Possession of gun	Outdoor / on-site		
7851 MacArthur Blvd	Unknown	Indoor	2	0
	Unknown	Indoor		
8420 International Blvd	Robbery with gun	Outdoor / on-site	0	1
900 Market St	Missing person	Outdoor / public right-of-way	4	8
	Unknown	Outdoor / public right-of-way		66
	Unknown	Outdoor / public right-of-way		
	Unknown	Outdoor / public right-of-way		
	Unknown	Outdoor / public right-of-way		
	Bad check	Unknown		
	Bad check	Unknown		
	Bad check	Indoor		
	Bad check	Indoor		
	Drugs possession	Outdoor / on-site		
	Robbery without gun	Outdoor / on-site		
	Battery	Outdoor / on-site		



Census Tracts

Community and Economic Development Agency
Created July 2008

ATTACHMENT E

U.S. Census Bureau
American FactFinder

TM-H004. Percent of Occupied Housing Units That Are Owner-Occupied: 2000
Universe: **Occupied housing units**
Data Set: **Census 2000 Summary File 1 (SF 1) 100-Percent Data**
Oakland city, California by Census Tract

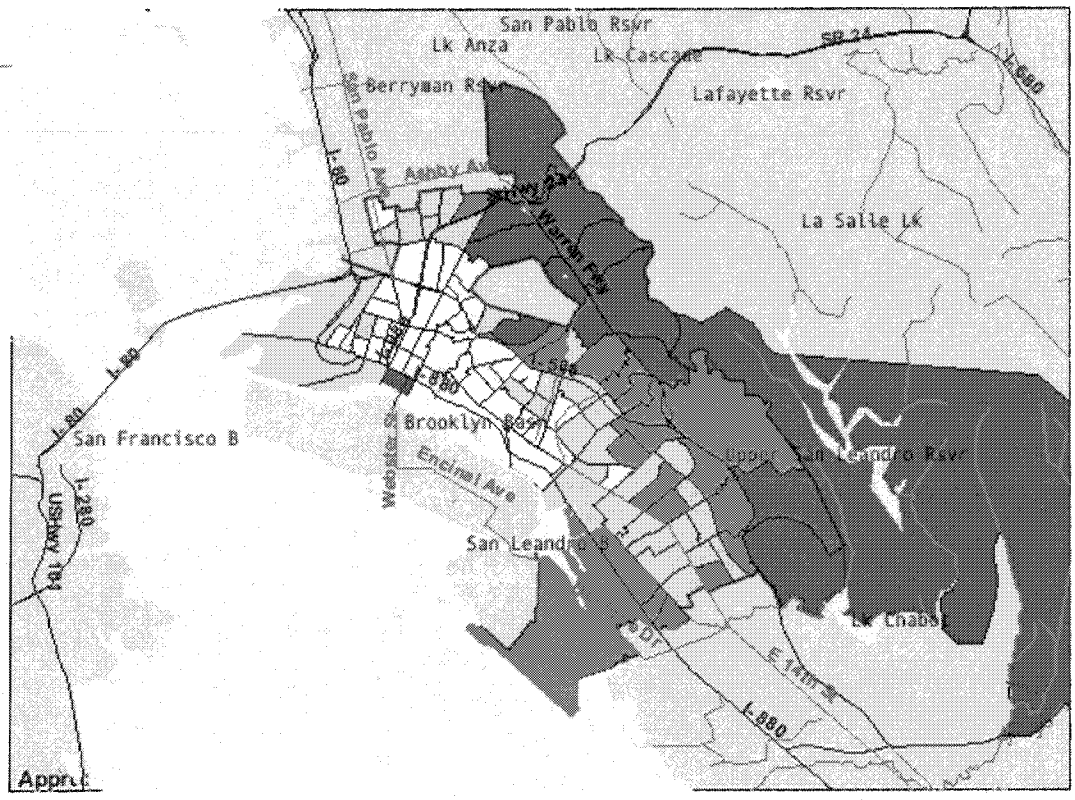
NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see http://factfinder.census.gov/home/en/datanotes/expsf1u.htm.

Legend

Data Classes

Percent
- 0.9 - 18.7
- 20.8 - 33.1
- 34.1 - 51.1
- 53.0 - 75.6
- 81.6 - 93.5

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrix H4.

ATTACHMENT F

U.S. Census Bureau
American FactFinder

TM-P022. Average Household Size: 2000
Universe: **Households**
Data Set: **Census 2000 Summary File 1 (SF 1) 100-Percent Data**
Oakland city, California by Census Tract

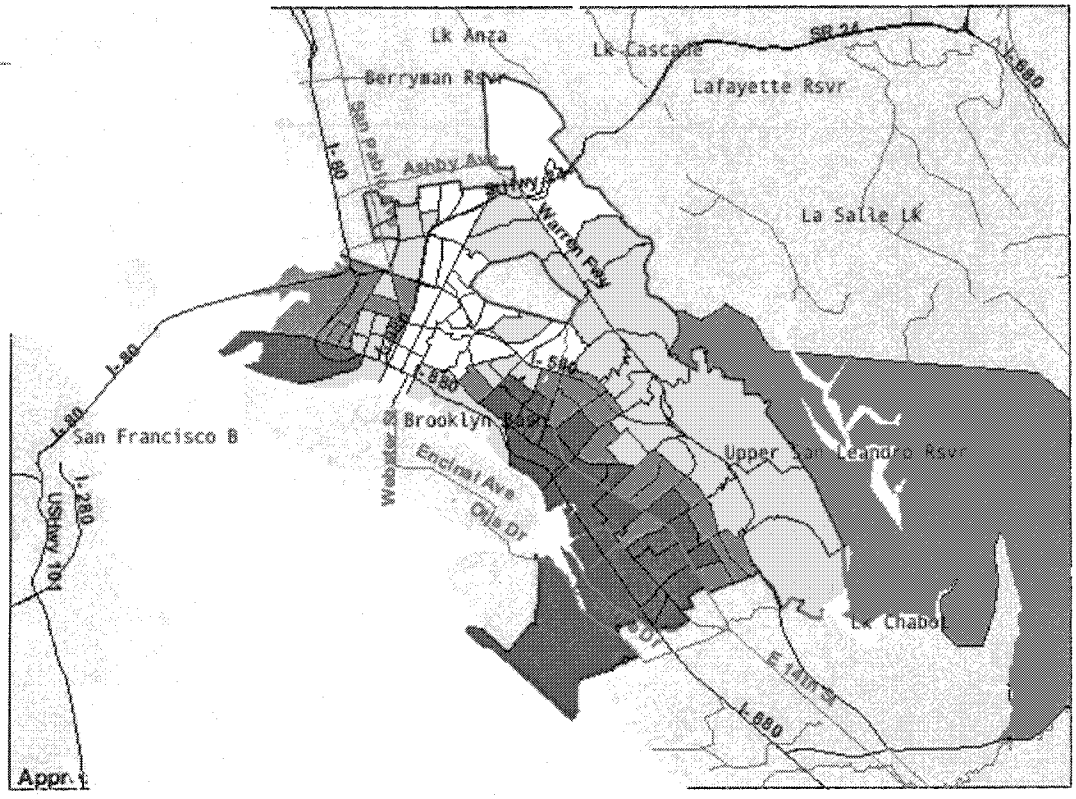
NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see http://factfinder.census.gov/home/en/datanotes/expsf1u.htm.

Legend

Data Classes

Persons
- 1.32 - 1.73
- 1.82 - 2.22
- 2.30 - 2.76
- 2.81 - 3.31
- 3.39 - 4.12

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrix P17.

ATTACHMENT G

U.S. Census Bureau
American FactFinder

TM-P066. Per Capita Income in 1999: 2000
Universe: **Total population**
Data Set: **Census 2000 Summary File 3 (SF 3) - Sample Data**
Oakland city, California by Census Tract

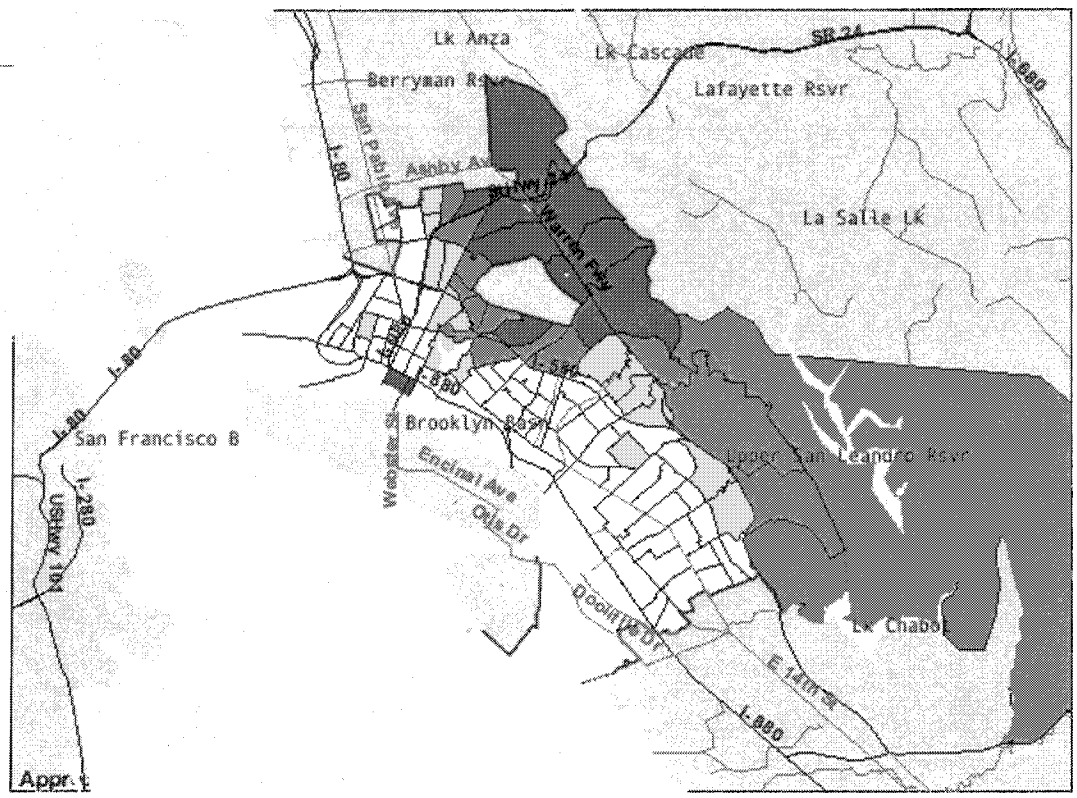
NOTE: Data based on a sample except in P3, P4, H3, and H4. For information on confidentiality protection, sampling error, nonsampling error, definitions, and count corrections see http://factfinder.census.gov/home/en/datanotes/expsf3.htm.

Legend

Data Classes

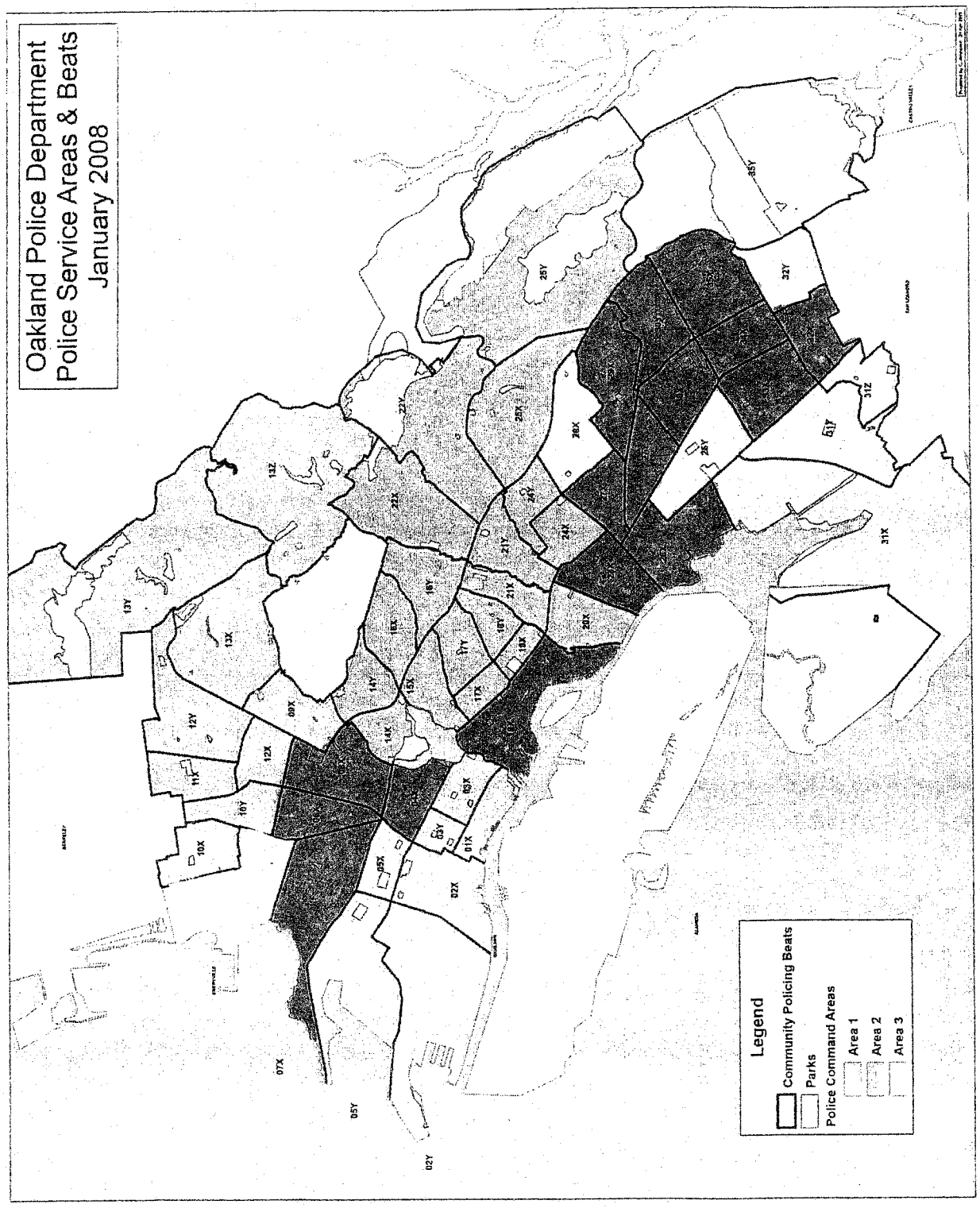
Dollars
- 8605 - 13889
- 14146 - 18892
- 21103 - 30812
- 31905 - 45260
- 50509 - 75970

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



Source: U.S. Census Bureau, Census 2000 Summary File 3, Matrix P82.

ATTACHMENT H



Attachment I

Map: Police Beats with higher than average reported crime (20

ATTACHMENT I

(indicated areas are shown in gray)

Laundromat Crime Data Report
24 JUN 10
Prepared By: OFC Jennifer Sena, 8375
(510) 777-8673

The following are summaries of reported crimes that have occurred in or around Laundromats. This list does not include calls for service, and 5150 W&I reports. Additionally, this report does not include an analysis of all self service or full service Laundromats within the City of Oakland.

DBA: Thousand Points Laundromat
10016 MacArthur BL

Date/Time 26SEP08/2010
Report #: 08-071458
Crime: 12031 (A)(2) PC/Carry Loaded Firearm in Public/ 148(a)(1) PC Resisting/ delaying a peace officer.
Summary: 8-12 persons loitering IFO Laundromat. Two suspects taken into custody 1-for having a loaded firearm concealed in waistband, 1-for resisting arrest.

Date/Time 17JAN09/1850
Crime: 459 PC/ Burglary
Report #: 09-004297
Summary: Report of a burglary in progress. Operator of the store viewed suspects burglarizing the rear locked office from CCTV while the business was open. No suspects taken into custody.

Date/Time 09NOV08/2005
Crime: 242 PC/Battery
Report #: 08-082948
Summary: Report of a suspect who was trying to remove coins from a washing machine. An employee attempted to stop the suspect and the suspect hit the employee in the face several times. Victim sustained minor injury to his face. Suspect fled the scene and was not taken into custody.

ATTACHMENT J

DBA: UNK
10801 Bancroft AV

Date/Time: 23FEB10/0744
Crime: 459 PC/Burglary/594 (B)(3) PCVandalism
Report #: 10-011490
Summary: Report of a burglary at the Laundromat that occurred at the time the business was closed. No suspect in custody. No loss reported, window was broken and rear door was pried open.

Date/Time: 23 DEC10/ 1240
Crime: 459 PC/Burglary
Report #: 09-084594
Summary: Report of a burglary at the Laundromat that occurred at the time the business was closed. Window and office door was damaged, coins totaling $290.00, and keys were stolen. No suspect in custody.

DBA: Reliable Laundromat
151 10th ST

Date/Time: 25OCT08/1221
Crime: 664/459PC/Burglary-Attempted
Report#: 08-079207
Summary: Report of an attempted burglary that occurred while the premise was closed. No loss reported. No suspect in custody.

DBA: Springwater Coin Laundry
1619 MacArthur BL

Date/Time: UNK
Crime: 487PC/Grand Theft (Citizen Crime Report)
Report#: 09-066631
Summary: We've owned a coin operated laundromat for almost a decade & there have been dozens of break-ins, vandalism, and thefts! Latest incident is captured on security cameras. Man pried open our washing machine coin boxes & removed coins worth hundreds of dollars while damaging the washer covers during removal of coin boxes. Suspicious person came by again on Christmas night trying to remove our outdoor security camera (looks like person captured on video). Car license plate # 5GPY410

Date/Time: 06AUG09/2019
Crime: 148(A) PC/ Resisting/ delaying a peace officer.
Report #: 09-053349

Summary: Officers responded to the Laundromat on a report of a "sleeper" who was possibly in possession of a knife according to second party information. Officer(s) contacted a male inside the premise who became violent and resisted being handcuffed. Officers took the suspect into custody after a violent struggle.

DBA: Woody's Laundromat
1841 Park Bl

Date/Time:27NOV08/1630
Crime: 242PC/Battery
Report#: 08-087474
Summary: Officer's were flagged down by a citizen at the landromat to report that another patron had spit in his face after a verbal argument inside the premise. A citzen's arrest was made and one suspect was cited and released.

Date/Time: 10MAY09/2113
Crime: 11350(A)/Possession of Controlled Substance/Narcotics
Report#: 09-032239
Summary: A subject was inside the landromat wearing "hospital garb" and refusing to leave. Subject was contacted by officers and appeared intoxicated, under the influence of alcohol. Subject had Oxycodone in a RX bottle that did not belong to him. Subject was transported to ACH for medical treatment, not arrested pending further investigation.

DBA: Foothill Coin Laundry
2301 Foothill BL

Date/Time: 15JUN10/
Report# 10-035408/0614
Crime: 459 PC/Burglary
Summary: Report of a burglary at the business during the time the premise was closed. Money was taken from the cash register. CCTV footage of the incident. No suspect in custody.

DBA: Bayside Washland Landromat
2550 Martin Luther King JR WY

Date/Time: 03APR08/2045
Report# 08-024976
Crime: 243(e)(1) PC/Domestic Battery
Summary: Victim was inside the Laundromat where she was assaulted and choked by her ex-boyfriend. Suspect fled the scene prior to OPD arrival.

Date/Time: 24JUN08
Report# 08-046595
Crime: 211PC/Robbery

Summary: Suspect armed with a firearm robbed the clerk at the Laundromat. Suspect fled the scene before OPD arrived. Total loss: $20.00.

DBA: Laundry Mat
3004 E 9th ST

Date/Time: 07JAN10/1500
Report# 10-001455
Crime: 211PC/Robbery
Summary: Employee was robbed by two suspects at knife point. The suspects were customers at the laundry mat and robbed the victim of cash in his pockets after they finished washing their clothes. Suspects then broke open the machines Loss was $200.00. Suspects were not taken into custody.

Date/Time: 29DEC09/1415
Report# 09-085548
Crime: 245(a)(1)-Assault with deadly weapon/664/211PC/Attempt Robbery
Summary: Two suspects who were known to each other were involved in an argument and fight inside the Laundromat. During the fight S-1 took S-2 purse. One suspect was taken into custody.

DBA: Launderland Coin op Laundry
3711 MacArthur BL

Date/Time: 23DEC09/1400
Crime: 487PC/Grand Theft
Report#
Summary: A customer washed her clothes and forgot that 3,000 in US currency was left in her pants pocket. Customer left clothes unattended and returned to the dryer and observed US currency floating in the dryer. Customer recovered only 900.00 and believed a near by patron took the money. Owner would not respond to the scene to provide OPD with video and advised New York would need to be called for a copy. No suspect in custody.

Date/Time: 16APR10/1135
Crime: 242PC/Battery
Report#
Summary: Suspect parked in a handicap parking spot, clerk of the Laundromat asked him to leave. The suspect entered the Laundromat and entered the vandalized the bathroom by defecating on the floor and covering the walls with soap. Suspect then hit victim in the left temple with his fist and fled the scene.

DBA: Launderland
4065 MacArthur BL

Date/Time:10DEC09/2145
Crime: 211 PC/Robbery
Report# 09-081961
Summary: Victim was sitting inside the launderland when a suspect entered the premise and used physical force to take her purse. Suspect fled the scene and was not taken into custody.

DBA: Advantage Laundry
4102 Broadway

Date/Time: 25 MAY 10
Crime: 487PC/Grand Theft Citizen Report
Report# 10-902506
Summary: Citizen crime report of a laptop stolen. Owner was making arrangements to have DVD of video footage made.

Date/Time: 31JAN10/0020
Crime: 484(a) PC/Petty Theft
Report# 10-006647
Summary: Suspect took victims wallet while she was taking clothes out of her vehicle. No suspect in custody.

DBA: Poppy's Laundromat
7851 MacArthur BL

Date/Time: 17MAY10/1720
Crime: 273(a) Child Abuse
Report# 10-029307
Summary: A female was intoxicated and unconscious next to her own vomit and urine inside the Laundromat. Her 3 year old son was inside the Laundromat unattended.

DBA: Wash World
8420 International

Date/Time:04MAY09/1815
Crime:350PC/Counterfit DVD
Report# 09-030788
Summary: 1 Suspect was arrested for sales of Counterfit DVD's in the rear parking lot belonging to the Laundromat.

Date/Time: 28FEB10
Crime: 211 Robbery
Report# 10-012763
Summary: Victim was in the rear parking lot of the Laundromat when he was robbed at gunpoint by an unknown suspect. Suspect fled the scene.

Ofc. J. Sana 8375
Oakland Police Department
Alcohol Beverage Action Team

COMPLETED JUN 2 4 2010

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____ _____
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO._____C.M.S.

AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AMENDMENTS TO REGULATE LAUNDROMATS. IN ADDITION, AS A CLEAN-UP ITEM FROM OTHER ZONING AMENDMENTS, SECTIONS 17.58, 17.73, 17.86, AND 17.98 ARE BEING REVISED TO ADD "OTHER ZONING PROVISIONS." THESE AMENDMENTS ALSO CONTAIN REGULATIONS NOT RELATED TO LAUNDROMATS.

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

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

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

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

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

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

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding self-serve laundromats provide the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

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

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

ATTACHMENT K

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

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

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

WHEREAS, the City Council held a duly noticed public hearing on September 7, 2010 and September 21, 2010 to consider the proposal; now therefore

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

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

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

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

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

Section 5. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 7. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;

2. all relevant plans and maps;

3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;

4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 8. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____