

<b>Location:</b>	<b>Citywide</b> – unless otherwise stated
<b>Proposal:</b>	Discussion of proposed Zoning Text Amendments to apply performance standards regulations adopted by the City Council in 2010 for new laundromats to existing laundromats.
<b>Applicant:</b>	City Planning Commission
<b>Case File Number:</b>	<b>ZT10110</b>
<b>Planning Permits Required:</b>	Zoning Text Amendment pursuant to OMC 17.144
<b>General Plan:</b>	Various Citywide
<b>Zoning:</b>	Various Citywide
<b>Environmental Determination:</b>	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 15061(b)(3) "General Rule – no possibility of significant environmental impact"
<b>Service District:</b>	All Service Districts
<b>Council District:</b>	All Council Districts
<b>Action to be taken:</b>	Review and forward to the City Council with a recommendation
<b>For further information:</b>	Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

## **SUMMARY**

In 2010, the City Council adopted regulations applying Citywide to any new or expanded laundromats (Ord. 13042). At that time, the City Council directed staff to return with draft regulations applying to existing laundromats. Staff requests the Planning Commission review staff's report analyzing application of new regulations to existing laundromats and provide a recommendation to the City Council.

## **BACKGROUND**

On October 10, 2010 the City Council adopted regulations applying Citywide to new or expanded laundromats (Ordinance No. 13042 C.M.S., codified at OMC Sec. 17.102.450). The regulations were reviewed in draft form by the Zoning Update Committee and Planning Commission prior to adoption. The Planning Commission recommended against the adoption of the regulations. Following is a summary of the regulations adopted by the City Council:

- a Minor Conditional Use Permit is required to establish a new or expand an existing Laundromat (administrative procedure requiring public notice but no hearing)

- no new or expanded laundromat may be located within 500 feet from any existing laundromat (measurement by radial building-to-building methodology)
- on-site attendant (all business hours)
- security cameras (all business hours)
- for adjacency to a dwelling unit, standards apply to noise, vibrations, venting
- building façade transparency (sixty-percent minimum)
- window clarity (ninety-percent, including machines blocking windows)
- exterior illumination
- off-site impact controls (litter removal at premises and adjacent street/sidewalk; graffiti removal; “No Loitering” signage)

At the time of Ordinance adoption, the City Council directed staff to return with draft regulations applying to existing laundromats. Staff feels the Planning Commission is sufficiently familiar with the issues such that returning the item to the Zoning Update Committee is not necessary at this time. Staff requests the Planning Commission review the application of new regulations to existing laundromats and provide a recommendation to the City Council.

## **KEY ISSUES AND IMPACTS**

### Nonconforming Uses

Laundromat establishments legally existing since prior to adoption of the Ordinance that do not meet the requirements of the new requirements are now legal nonconforming uses. Accordingly, they are governed by the Planning Code requirements for legal nonconforming uses as set forth in OMC 17.114, and would not be required to comply with the new regulations for continued operations unless they discontinue, alter, substitute or expand their uses. Under OMC 17.114.050, existing laundromats exceeding 400 square-feet in floor area that discontinue active operations for more than one year would be considered new establishments and would be subject to new regulations prior to reopening. Among other things, this would require a 500-foot distance separation from another laundromat and obtaining a Minor Conditional Use Permit. Staff generated a database of existing laundromat locations (Attachment B) prior to adoption of the Ordinance and has since generated a map.

The issues identified by staff in conjunction with this report to the Planning Commission are:

- Regulations recommended for application to existing laundromats: appropriateness of various adopted regulations for existing establishments
- Relief from regulations: process for existing laundromat operators to request exemptions to specific regulations

### Community meetings

Staff held open house/community workshops by inviting all identified laundromat operators and property owners prior to presenting to the Planning Commission. The purpose of the workshops was to explain the

proposed regulations and to raise any issue to staff for clarification or to present to the Planning Commission as necessary. The workshops were attended by operators, property owners, a laundromat trade organization representative and a laundromat builder. Correspondence submitted to the department by attendees accompanies this report (Attachment C). Attendees generally were not concerned with most of the regulations with the exception of one tenant operator's concern over the requirement to provide an on-site attendant, due to cost where existing profits are marginal. Staff notes several attendees indicated their location already met the façade glazing requirement, and, therefore, the issue of cost for that modification was not raised. However, the requirement for glazing could be a concern to operators whose facility currently does not have 60-percent windows on the front façade.

Regulations Applicable to Existing Laundromats

To meet the City Council's goal of applying new regulations to existing laundromats, staff suggests certain regulations could be applied to existing laundromats. Exceptions would be for the requirement to obtain a Minor Conditional Use Permit and maintain a 500-foot distance separation, due to the fact that existing establishments would be legally nonconforming as described in a previous section. Staff notes certain regulations may be too onerous in terms of cost in some situations. The following table indicates specific requirements, staff's concern, and staff's proposal:

Requirement	Staff concern	Proposal
on-site attendant	Staffing costs	Provide attendant 9:00pm-7:00am
building façade transparency - 60% min.	Construction costs	Provide for renovations with valuation exceeding \$50,000.00
window clarity - 90% min.	Construction costs	Exempt existing obstruction by machines with dedicated plumbing/electrical connections that cannot be readily relocated

Alternately, the Planning Commission can recommend the City Council apply all new regulations to existing establishments, recommend revisions to the proposed regulations, or recommend not applying any regulations to existing establishments.

Proposal

Following is a summary of staff proposed regulations that would apply to existing laundromats (proposed changes to regulations from previous table are underlined):

- on-site attendant (only between 9:00pm and 7:00am)
- security cameras (all business hours)
- for adjacency to a dwelling unit, standards apply to noise, vibrations, venting
- building façade transparency (sixty-percent minimum) only when undertaking renovations with valuation exceeding fifty thousand dollars (\$50,000.00)
- window clarity (ninety-percent for existing and any new windows, with the exception of existing obstruction by machines with dedicated plumbing/electrical connections that cannot be readily relocated)
- exterior illumination
- off-site impact controls (litter removal at premises and adjacent street/sidewalk; graffiti removal; "No Loitering" signage)

The issue may be the same for new and expanding laundromats intending to locate within an existing building not meeting this requirement. However, these operations may opt to locate in another building meeting the requirement. A process for establishments to request City relief from any requirements that are adopted is discussed in the following subsection.

Relief from regulations

Staff suggests a process for laundromats to request City relief from specific requirements considered too onerous. Staff has drafted language modeled after such a process for performance standards retroactively applied to the primary collection centers (Recycling and Waster-Related Industrial Activities) under new industrial zone regulations adopted in 2008 (OMC Ch. 17.73). Following is the Planning Code section for primary collection centers (OMC Sec. 17.73.035(C)):

*Relief from Performance Standards. Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the performance standards within ten days of being initially notified of the performance standards. For purposes of this Section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within 30 days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Chapter 17.132.*

**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 request the Planning Commission consider the City Council's request, hold a public hearing, and make a recommendation to the City Council.

Staff requests that the Planning Commission:

1. Approve staff's environmental determination, and
2. Forward draft regulations 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. Working list of legal nonconforming establishments
- B. Draft regulations for existing laundromats
- C. Correspondence from open house/community workshop attendees



Name	Street #	Street name
Dragon City Laundromat	539	8th St
Reliable Laundromat	151	10th St
Sunrise Laundry	1607	14th St
Da House of Suds	377	40th St
Lake Merritt Wash House	1225	2nd Ave
Washtime	1801	13th Ave
Washtime	2015	23rd Ave
Wash & Dry	3006	38th Ave
Coin-Op Laundry	5702	Adeline St, Suite B
Bancroft Coin/Central Launderette	5365	Bancroft Ave
Clean Scene Washhouse	5817	Bancroft Ave
Wash N Save	6800	Bancroft Ave
Big Laundromat	10801	Bancroft Ave
Advantage Laundry	4102	Broadway
Able	5701	Claremont Ave
BC Laundrymat	5233	College Ave
	1500	E 12th St
East Bay Coin Laundry	2424	E 12th St
23rd Laundry	2272	E 23rd St
Foothill Washhouse	211	Foothill Blvd
Procoin Laundry	1900	Foothill Blvd
Foothill Point Laundry Mat	2301	Foothill Blvd
California Wash	2609	Foothill Blvd
Cornelius Wash and Dry	3526	Foothill Blvd
Oakland Landerland II	4065	Foothill Blvd
		Foothill at 50th
Clean America	1430	Fruitvale Ave
East Bay Laundry	2021	Fruitvale Ave
Washtime Coin Laundry	2704	Fruitvale Ave
Fruitvale Cleaners	2712	Fruitvale Ave
Launderville Automatic Laundry	568	Grand Ave
L & M Laundrette	3411	Grand Ave
Grand Ave Launderette	3796	Grand Ave
Norge Laundry & Cleaning Village	3908	Grand Ave
Launderland Oakland - High St	1448	High St
High St. Coin Laundry	1760	High St
High Street Laundromat	3401	High St
International Coin Laundrymat	833	International Blvd, Suite B
Washtime	1400	International Blvd, Suite B
		International at 50th
Kwik Way	6201	International Blvd
Bay Coin Laundries	6447	International Blvd #D
Wash World	8417	International Blvd
The Wash Spot	8420	International Blvd
Youngs Coin Op Laundry	10321	International Blvd
Springwater Coin Laundry	1619	MacArthur Blvd
Oakland Action Laundry	3410	MacArthur Blvd
Launderland Oakland - High St	3711	MacArthur Blvd
Mills Launderette & Cleaning	6010	MacArthur Blvd
Poppy's Bubble Wash	7851	MacArthur Blvd
MacArtur Coin Laundry	9807	MacArthur Blvd

**ATTACHMENT A**

Thousands Point Laundry Mat	10016	MacArthur Blvd
	10700	MacArthur Blvd, Suite 21
A1 Laundromat	900	Market St, Suite G
North Side Wash House	4500	Market St
Bayside Washland	2550	Martin Luther King Jr Wy
Washtime Coin Laundry	1815	Park Blvd
Woody's Laundromat	1841	Park Blvd
Clean X-Press At Park BLVD	2718	Park Blvd
Glenview Laundromat	4203	Park Blvd
A Laundromat	4082	Piedmont Ave
Oakland Launderland	2550	San Pablo Ave
Oakland Superwash and Dry	5412	San Pablo Ave, Suite A
Portia's Wing Lee Laundry	5877	San Pablo Ave
1st Class Wash House	6401	Shattuck Ave
Telegraph Laundry	2801	Telegraph Ave
Launderland	4844	Telegraph Ave #300
Wesley Wash & Fold	500	Wesley Ave
G & J Whirl & Twirl Laundry Mt	3838	West St



**ATTACHMENT B**

17.102.440 Special regulations applying to laundromats.

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

A. Conditional Use Permit Required. All new or expanded uses laundromats shall be required to obtain a Conditional Use Permit as specified in Chapter 17.134.

B. Restriction on Over-concentration of Laundromats. No new or expanded laundromat use shall be located closer than five hundred (500) feet from any existing laundromat as measured by closest radial distance between buildings.

C. Standards. The following standards shall apply to all new or expanded laundromat uses:

1. On-Site Attendant: an employee shall be on the premises during all business hours.

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

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

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

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

c. Venting shall be directed away from residential dwelling units.

4. Transparency:

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

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

5. Exterior illumination. Outdoor lighting shall be attached to the exterior of the facility containing the laundromat establishment and operated after dusk so that the exterior of the premises are discernible.

6. Off-site Impacts.

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

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

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

asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" shall be used.

D. Standards. The following standards shall apply to all existing laundromat uses:

1. On-Site Attendant: an employee shall be on the premises during all business hours between 9:00pm and 7:00am.

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

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

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

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

c. Venting shall be directed away from residential dwelling units.

4. Transparency:

a. A minimum of sixty (60) percent of the building façade along a street or streets shall be glass (windows and/or doors) when undertaking renovations with valuation exceeding fifty thousand dollars (\$50,000.00).

b. Window Clarity: ninety (90) percent of area of windows shall remain clear, with the exception of obstruction by machines with dedicated plumbing/electrical connections that cannot be readily relocated, to allow views into the commercial space.

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7. Relief from Regulations. Any person who owns or operates an existing laundromat prior to adoption of the regulations for existing establishments which would be affected by the regulations, and who contends that the regulations as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the regulations within ten (10) days of being initially notified of the regulations. For purposes of this section, notice to a predecessor in interest

of being initially notified of the regulations. For purposes of this section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these regulations must (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the regulations as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code chapter 17.132.



**Rose, Aubrey**

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**From:** GT350Jack@aol.com  
**Sent:** Saturday, April 23, 2011 10:47 AM  
**To:** Rose, Aubrey  
**Subject:** Special regulations 17.102.450

Dear Mr. Rose,

Please find attached a letter in response to our meeting on Friday afternoon. Again, thank you for taking the time to explain the proposal to me.

Jack Schroll  
510-918-7830

**ATTACHMENT C**

4/25/2011

April 23, 2011

City of Oakland  
Aubrey Rose  
RE: 17.102.450

Dear Mr. Rose:

After meeting with you yesterday and getting an explanation of what the Planning and Zoning Division propose for Laundromats in Oakland, I would like to state for the record that I am in total agreement with the regulations outlined in the proposal. I feel these suggestions will benefit the citizens and the City in general.

I have been the property owner of Bayside Washland on the corner of Sycamore and Martin Luther King Jr. Way for fifteen years now. I work in the building next door, Mostly Mustangs. I am on site during business hours and I see what goes on in the neighborhood. My property already complies with each of the proposals. This was done many years ago. It was done because it made good business sense, not because it was required by regulations.

Implementing AND ENFORCING these regulations will benefit the City and will put all the Laundromats on a level playing field.

Respectfully,

Jack Schroll  
510-918-7830

April 20, 2011

City of Oakland  
Dalziel Building  
250 Frank H Ogawa Plaza  
Suite 2114  
Oakland CA 946142

**RE: New Regulations for Existing Laundromats**

Dear Mr. Aubrey Rose:

Thank you for meeting with me today concerning the new and upcoming changes to New and Existing Laundromats. As you have requested, I would like to receive an explanation for the following regulations that will apply to our business.

**17.102.450 -Special regulations applying to laundromats**

**B. Restrictions on Over-Concentration of Laundromats. No new or expanded laundromat use shall be located closer than 500 feet from any existing laundromat as measured by closest radial distance between buildings.**

Explanation as to why 500 feet. If an existing laundromat wanted to expand their business, there would not be an ample amount of square feet for improvements. New laundromats should be at least 2500 feet from an existing laundromat. This will permit growth for existing business to attract additional customers' and revenues.

**C. Standards. The following standards shall apply to all new or expanded Laundromat uses:**

**1. On-Site Attendant. An employee shall be on the premises during all business hours.**

Please provide an explanation as to why an employee is required to be on site during 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 days.**

Please provide an explanation as to why a security camera is required on site during business hours.

An Onsite attendant and security cameras would be a nice addition, but like many small business owners' we do not have additional capital to address these issues. When water, gas and electric increase by 15%, it effects our bottom line. At one time 33% was the base for utilities, 67% would be the difference to pay rents, repairs, damages, insurance, business license, FICA, loans and living cost. But now it cost 45% for utilities, leaving only a 55% differential. To adapt to these changes require an increase in service, therefore, causing an additional financial trauma on those that patronage us. During these difficult times there are no easy answers or solutions. Of course, the easy answer is to raise

pricing, permit the customer to absorb the increase, who cares that they struggle each day to make ends meet. Our business is located in a penurious neighborhood. Frugality is survival.

#### **6. Off Site Impacts.**

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

Although we maintain our property from vandals and taggers, it is a very jeopardous circumstance. In 2010 a business owner tried to stop a graffiti vandal and the business owner was killed. He wasn't a laudromat, but the hypothesis of this story illuminates the consequence of the action. In other words, we as business owners' are not fond of bullet holes in our bodies.

**c. At least two "No Loitering" signs shall be posted on the building facade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of two inches in height. The owner, manager and employees' of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community based Solutions" shall be used.**

There is a City of Oakland Ordinance 6.02.00 which addresses the loitering, pandering, trespassing, etc which assess a \$400 fine or six months in jail or both. If these signs were generated at a reasonable cost, all business could have them high enough on the building, permitting an officer to address the problem. If an officer canvass the premises and views several people, he can verbally warn them. If the officer returns after the ten minute rule, he can issue a ticket.

The problem with an owner, manager or employee asking loiters to leave is placing our lives in jeopardy. We are beset with belligerence of combative attitudes, verbally and physically.

It would be nice to see your presence applying the technique solutions from you manual.

Sincerely,

Belle Ward Johnson