

CITY OF OAKLAND
Oakland Parks, Recreation & Youth Development

TO: Marc Barach, Chair, Parks and Recreation Advisory Commission
FROM: Timothy Green, Planner III, Planning and Building Department
DATE: September 18, 2025
SUBJECT: REQUEST FOR PARKS AND RECREATION ADVISORY COMMISSION TO SUPPORT CITYWIDE PLANNING CODE AMENDMENTS TO (1) ADJUST REGULATIONS FOR SECTION 17.11.060 SPECIAL PROVISIONS FOR PERMITTED AND CONDITIONALLY PERMITTED ACTIVITIES IN THE OS ZONE FOR PURPOSES OF REDUCING REGULATORY BARRIERS TO IMPROVING AND MAINTAINING PARKS; AND (2) MAKE RELATED MISCELLANEOUS AND ADMINISTRATIVE CHANGES TO CHAPTERS 17.09, 17.10, 17.11, AND 17.135.

SUMMARY

Planning Staff are proposing amendments that will adjust regulations for permitted and conditionally permitted activities and facilities, including focused changes to Chapter 17.11 Open Space Zoning Regulations and associated sections in other chapters. Staff requests review by the Parks and Recreation Advisory Commission of the following four chapters:

- 17.11 OS Open Space Zoning Regulations
 - Reduce Conditional Use Permit (CUP) requirements for activities and facilities in the OS Zone.
- 17.09 Definitions
 - Move Special definitions for projects in the Open Space (OS) Zone from 17.09 to 17.11.
- 17.10 Use Classifications
 - Amend the definition of accessory activities associated with parks.
- 17.135 Special Use Permit Review Procedure for the OS Zone
 - Make an administrative correction to a reference in order to reflect the move of special OS definitions from 17.09 to 17.11.

BACKGROUND / LEGISLATIVE HISTORY

The last comprehensive update to the OS Open Space Zoning Regulations occurred in 1998 as part of the planning code amendments implementing the 1996 Open Space, Conservation, and Recreation Element.

Ordinance No. 13763, adopted on October 23, 2023, added to Section 17.11.060, Park Uses Consistent with an Adopted Master Plan or Cultural Easement. This allows any activity to be permitted by-right if it is consistent with an adopted Park Master Plan. Ordinance No. 13779, adopted on January 1, 2024, made clarifying changes to Chapters 17.11, 17.134, and 17.135 that

provide updated procedures for issuance of planning permits for Park Uses consistent with a Master Plan adopted by City Council.

PROJECT / PROGRAM DESCRIPTION

The proposed Planning Code amendments reduce the requirements for Conditional Use Permits (CUPs) across a wide range of activity and facility types. While the package covers many chapters of the Planning Code, review by the Parks and Recreation Advisory Commission (PRAC) is limited to 17.11 OS Open Space Zoning Regulations and associated sections in other chapters.

Staff in the Planning and Building Department have received complaints from the Parks, Recreation and Youth Development Department as well as the Public Works Department about the permitting challenges associated with developing and maintaining Oakland's parks. The current permitting standards established in 1998 require virtually every project in Oakland's parks to go through a CUP process. This results in increased costs and delays for implementing City-sponsored projects. Recognizing these issues, the proposal focuses on making changes to sections 17.11.060 *Special provisions for permitted and conditionally permitted activities in the OS Zone*. This section assigns permitting provisions based on the nine following park classifications:

- RSP: Region-Serving Park
- CP: Community Park
- NP: Neighborhood Park
- AMP: Active Mini-Park
- PMP: Passive Mini-Park
- LP: Linear Park
- SU: Special Use Park
- RCA: Resource Conservation Area
- AF: Athletic Field Park

The permitting requirement for the following activities (within specified park classifications) would be changed from **Prohibited** to **Permitted**. These limited changes would allow for activation of parks by providing concessions and for special events to occur in any City park.

- Food service and other concessions (AMP, LP)
- Temporary uses (RCA)

The permitting requirement for the following activities would be changed from **Minor CUP** to **Permitted**. These changes would make it easier to install basic park amenities, such as paths, kiosks, and restrooms. Restrictions would also be reduced on basic utility infrastructure and on special events.

- Trails and paths (all park types)
- Electric, gas, and telephone distribution lines and poles (all park types)
- Water, storm drainage, and sewer lines (all park types)
- Food service and other concessions (RSP, CP, NP, SU, AF)
- Temporary uses (RSP, CP, NP, AMP, PMP, LP, SU, AF)
- Small benches and street furniture (RCA)

- Kiosks/map boards (all park types)
- Landscaping (RCA)
- General lighting (SU, AF)
- Rest room buildings (RSP, CP, NP, AMP, PMP, LP, SU, AF)

The permitting requirement for the following activities would be changed from **Prohibited** to **Minor CUP**. These changes would allow for installation of low-impact recreational amenities, particularly in Athletic Field Parks. However, requiring a Minor CUP would maintain thoughtful analysis of proposals, particularly in regard to limiting expansion of impervious surfaces in parks. Additionally, cafes would be allowed in most parks, which would help to activate those spaces and provide revenue for their maintenance.

- Bocce ball courts (AMP, LP, AF)
- Handball courts (AF)
- Horseshoe pits (AF)
- Lawn bowling (AMP, LP, AF)
- Skateboard play areas (AMP, LP)
- Wading pools (PMP, LP, AF)
- Limited-service restaurants and cafes (RSP, CP, NP, AMP, PMP, LP, SU, AF)
- General lighting (RCA)
- Maintenance sheds (AMP, PMP)

The permitting requirement for the following activities and facilities would be changed from **Major CUP** to **Minor CUP**. These limited changes would make it a faster process to install small service buildings in Resource Conservation Areas because it would not require the project to go to the Planning Commission for approval.

- Maintenance sheds (RCA)
- Rest room buildings (RCA)

The permitting requirement for the following activities would be changed from **Prohibited** to **Major CUP**. These changes would allow for installation of more impactful park amenities, such as water play features, restaurants, and alcohol sales, while maintaining a high level of review to ensure they don't cause negative impacts.

- Large playgrounds (PMP)
- Recreation centers (AF)
- Swim centers (AF)
- Water play features (NP, AMP, PMP, LP, AF)
- Historic residence converted for museum/recreational purposes (AMP, PMP, LP)
- Museum (NP, AMP, PMP, LP)
- Bandstand (NP, LP, AF)
- Outdoor performance areas (AMP, PMP, LP, AF)
- Stadium or sports arena (AF)
- Full-service restaurants (CP, NP, AMP, PMP, LP, AF)
- Alcoholic beverage sales (CP, NP, AMP, PMP, LP, AF)
- Athletic field lighting (NP)
- Accessory buildings (PMP)

Other changes to Chapter 17.11 include the following:

- Move *Special definitions for projects in the Open Space (OS) Zone* from Chapter 17.09 into the chapter with minor changes.
- Exempt certain types of Essential Service Activities from the CUP procedure.
- State that “Building and grounds maintenance, repair, and in-kind replacement of existing park features, which cumulatively do not add more than one hundred (100) square feet of new impervious surface; and routine landscaping and/or landscape improvements shall not be considered a ‘change in use’.”
- Define Limited Child Care Civic Activities as those serving 14 children or less, and Community Education Civic Activities as those serving 15 children or more to be consistent with the rest of the Planning Code definition.
- Separate Stormwater Detention/Water Quality Facilities into those over 1,000 sf and those under 1,000 sf. Small facilities would be permitted in all parks. Large facilities would require a Major CUP in RSP, CP, NP, LP, SU, and RCA parks, and would be prohibited in other parks.
- Separate Fences, walls, or gates for athletic fields from those for general use. Prohibit athletic fences in AMP, PMP, LP, and RCA parks. Additionally, general use fences would now have a CUP exception if they increase safety and security or could prevent a public safety hazard or damage to an environmentally sensitive area, which brings it in line with all other park types. Athletic fences would require a Minor CUP in RSP, CP, NP, SU, and AF parks, and would be prohibited in other parks.
- Separate Public Art into that which covers over 1,000 sf and that which covers under 1,000 sf. Small facilities would be permitted in all parks. Large facilities would require a Major CUP in RCA parks and would require a Minor CUP in other parks.
- Align Permitted and Conditionally Permitted Nonresidential Facilities with the changes to Permitted and Conditionally Permitted Activities.
- Change Mini Telecommunications and Micro Telecommunications from Major CUP to Minor CUP. This would rationalize permitting requirements for telecommunications facilities by aligning with other Zones and placing the same burden of review on all telecommunication facilities.

Administrative changes would be made to chapters 17.09, 17.10, and 17.135 to maintain consistency with the aforementioned amendments.

FISCAL IMPACT

Implementation of these changes will be a component of the existing approval process administered by the Department of Planning and Building, which collects fees for such review and approvals as established in the Master Fee Schedule. Staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations as part of all applicable planning and building permit applications. Staff will also develop any application materials including summaries and guides using internal resources and staff’s time.

PUBLIC OUTREACH / INTEREST

The Planning & Building; Parks, Recreation, and Youth Development; and Public Works departments have received consistent community feedback in recent years about a lack of amenities in parks. The Planning & Building Department also conducted a parks survey in summer 2024. The responses indicated strong support for improved amenities at parks, such as restrooms and increased athletic facilities. Additionally, respondents indicated a desire for specialized recreational facilities, such as roller rinks, dedicated bike trails, pickleball courts, updated play structures, and dog parks.

COORDINATION

In Summer 2025, Planning staff, in consultation with the City Attorney's Office, Department of Parks, Recreation, and Youth Development, and Department of Public Works, drafted the proposed amendments.

RECOMMENDATION

Staff requests that the Parks and Recreation Advisory Commission:

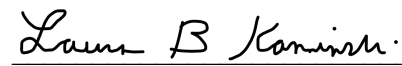
Recommend that the Planning Commission conduct a public hearing and receive Commission and Public comments on an ordinance amending Title 17 of the Oakland Municipal Code (The Planning Code) to:

1. Adjust regulations for Section 17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zone for purposes of reducing regulatory barriers to improving and maintaining parks; and
2. Make related miscellaneous and administrative changes to chapters 17.09, 17.10, 17.11, and 17.135.

Respectfully Submitted,


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Reviewed by:
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Planner IV


Approved by:
Laura Kaminski
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Identification of Support Documents:

Attachment:

A: Revisions to OS Open space Zoning Regulations and Related Chapters