

City Attorney

 INTRODUCED BY COUNCIL MEMBER _____
 OFFICE OF THE CITY CLERK
 OAKLAND

2011 OCT 13 PM 2:29

OAKLAND CITY COUNCIL**ORDINANCE NO. 13093 - C.M.S.**

AN ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, TO: ADOPT ZONING TEXT AMENDMENTS INCLUDING MINOR CHANGES TO UPDATE TABLE 4.10.01 OF THE LAND USE REGULATIONS OF THE WOOD STREET ZONING DISTRICT CONSISTENT WITH THE REST OF THE OAKLAND PLANNING CODE, AND SUBSTANTIVE CHANGES TO 1) DIVIDE DEVELOPMENT AREA 2 INTO 2A AND 2B. DEVELOPMENT AREA 2A WOULD ENCOMPASS THE PACIFIC CANNERY LOFTS (PCL) PROJECT AND 2B WOULD ENCOMPASS THE "ICEHOUSE" BUILDING; 2) AMEND TABLE 4.10.01 TO CONDITIONALLY ALLOW THE FOLLOWING ACTIVITIES IN THE FOLLOWING DEVELOPMENT AREAS:

DEVELOPMENT AREA 2B – THE "ICEHOUSE" PROPERTY: A) GENERAL WHOLESALE SALES; B) RESEARCH SERVICE; C) RESEARCH AND DEVELOPMENT; AND D) GENERAL WAREHOUSEING STORAGE AND DISTRIBUTION. ; ~~AND E) SELF-MINI-STORAGE.~~

DEVELOPMENT AREA 5 – THE 16TH STREET TRAIN STATION BUILDING: A) RECREATIONAL ASSEMBLY.

DEVELOPMENT AREA 9 – THE 16TH STREET STATION PLAZA: A) COMMUNITY ASSEMBLY; B) RECREATIONAL ASSEMBLY; AND C) GROUP ASSEMBLY.

WHEREAS, on June 6, 2009 the City adopted zoning text amendments to eliminate, modify, and expand certain use classifications in the entire Oakland Planning Code; and

WHEREAS, an Environmental Impact Report (EIR) for the Wood Street project was certified by the City Council on February 7, 2005, which analyzed the environmental impacts, mitigation measures and project alternatives in compliance with the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code § 21000, et seq., and the CEQA Guidelines; and

WHEREAS, on June 7, 2005, after conducting studies and public hearings for a General Plan Amendment and rezoning of the Wood Street Project Area from business Mix to mixed-used developments consisting of residential, live-work and retail uses, along with non-retail commercial space, the City adopted the Wood Street Zoning District along with Regulations, Standards, and Guidelines for Developing and Use of Property within the Wood Street Zoning District; and

WHEREAS, the Wood Street Zoning District regulations predated the 2009 zoning text amendments; and

WHEREAS, the Wood Street Zoning District regulations have not been updated to reflect the zoning text amendments adopted on June 6, 2009 by the City; and

WHEREAS, in accordance with the updates to the Planning Code, City Planning staff has proposed to update portions of the Wood Street Zoning District regulations with similar minor text amendments to the use classification table; and

WHEREAS, City Planning staff has also proposed certain substantive changes that would affect the Pacific Cannery Lofts (PCL) Project and “Icehouse” building and to allow certain additional uses upon granting of future conditional use permits; and

WHEREAS, City Planning staff has proposed to revise all area maps and (Figures 1.20.3; 2.10.1 District Boundary and Development Areas) to reflect division of Development Area 2 into 2A and 2B where 2A encompasses the PCL project and 2B encompasses the “Icehouse” building; and

WHEREAS, various community meetings, and duly noticed meetings before the City Planning Commission were held; and

WHEREAS, this approval relies upon the 2005 Wood Street EIR; none of the circumstances requiring preparation of a subsequent or supplemental EIR (CEQA Guidelines §§ 15162, 15163) are present due to (1) substantial changes in the project or the circumstances under which the project is undertaken that shows new or substantially more severe significant effects than previously identified in the Wood Street EIR or (2) new information of substantial importance that shows one or more significant effects not discussed in the prior EIR, or mitigation measures or alternatives that would substantially reduce one or more significant effects of the project that the applicant declines to adopt, as more fully described in Exhibit E.

WHEREAS, after a duly noticed public hearing on July 20, 2011, the City Planning Commission voted 5-0 to recommend the proposal to the City Council; and

WHEREAS, after a duly noticed public meeting on October 11, 2011, 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 October 18, 2011 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 the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The Land Use Regulations of the Wood Street Zoning District Regulations is hereby amended to 1) Divide Development Area 2 into 2A and 2B. 2A would encompass the Pacific Cannery Lofts (PCL) Project and 2B would encompass the “Icehouse” building; 2) Amend Table 4.10.01 to conditionally allow the following activities in the following Development Areas:

Development Area 2B - The “Icehouse” property –

a) General Wholesale Sales; b) Research Service; c) Research and Development; and d) General Warehousing Storage and Distribution; ~~and e) Self Mini Storage.~~

Development Area 5 – The 16th Street Train Station building - a) Recreational Assembly.

Development Area 9 – The 16th Street Station Plaza

a) Community Assembly; b) Recreational Assembly; and c) Group Assembly; as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. The area maps of the Land Use Regulations of the Wood Street Zoning District Regulations (Figures 1.20.3; 2.10.1 District Boundary and Development Areas) are revised to reflect division of Development Area 2 into 2A and 2B where 2A encompasses the PCL project and 2B encompasses the “icehouse” building, as indicated in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 4. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the proposal relies on the previously Final Environmental Impact Report (EIR) (ER030023) certified for the Wood Street Zoning District-Central Station Project in 2005. No further environmental review is required under CEQA Guidelines sections 15162 . On a separate and independent basis, this proposal is also exempt under Section 15183 of the State CEQA Guidelines.

Section 5. This Ordinance shall be effective 30 days from the date of final passage by the City Council.

Section 6. 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 7. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall no affect the validity of the remaining portions which shall remain in full effect.

Section 8. The City Council finds and determines that the existing Wood Street Zoning District Regulations is inadequate and contrary to public interest and that the proposed text amendments will implement the policies presented in the General Plan and create certainty for the developers and the public regarding the City’s expectations for new development.

Section 9. 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 Wood Street Zoning District Regulations; (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 10. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 1 2011

PASSED BY THE FOLLOWING VOTE:

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

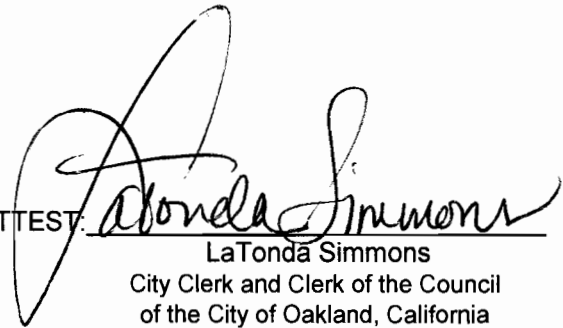
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Kaplan - 1

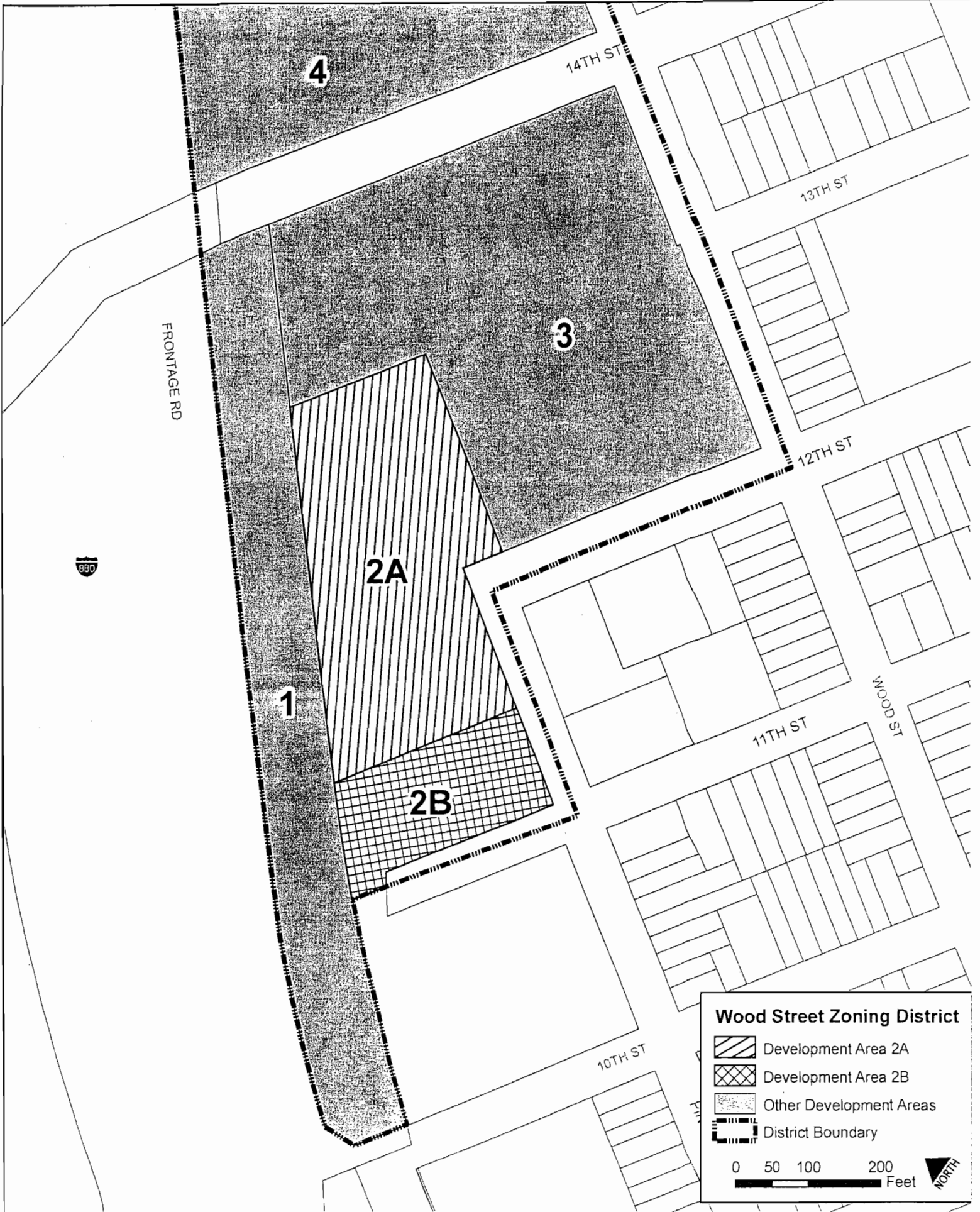
ATTEST:


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

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

Introduction Date OCT 18 2011

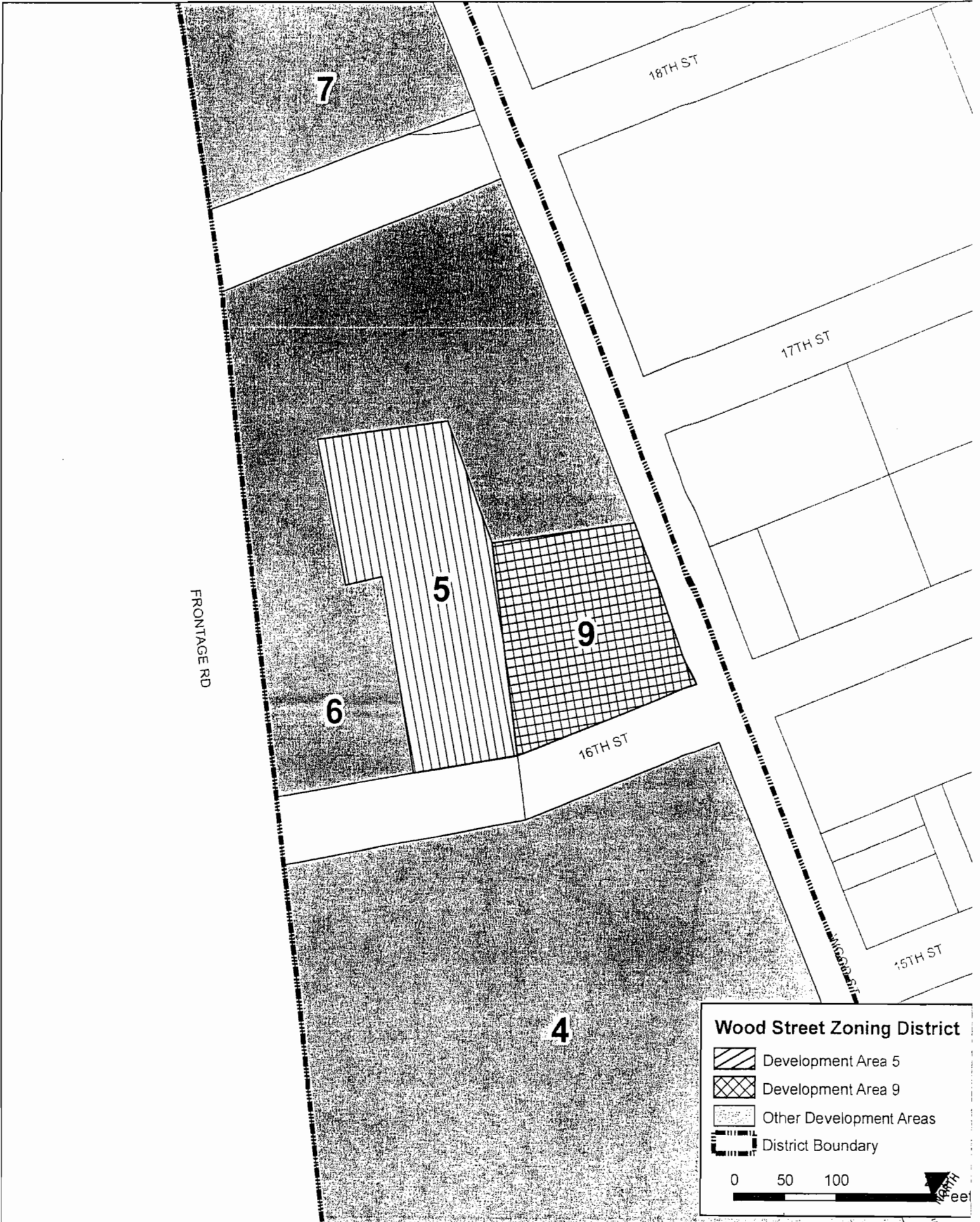
DATE OF ATTESTATION: 11/8/11



Wood Street Zoning District

-  Development Area 2A
-  Development Area 2B
-  Other Development Areas
-  District Boundary





Wood Street Zoning District Amendment
Development Areas 5 and 9

Table 4.10.01: Permitted and Conditionally Permitted Activities

Activities	Development Areas									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Residential Activities										
Permanent	P	P	P	P	--	P	P	P	--	
Residential Care Occupying Single Family Dwelling	C	C	C	C	--	C	C	C	--	17.102.212
Residential Care Occupying Multi-Family Dwelling										Delete
Service-Enriched Permanent Housing	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	--	17.102.212
Transitional Housing	--	--	--	--	--	--	--	--	--	
Emergency Shelter	--	--	--	--	--	--	--	--	--	
Semi-Transient Residential	--	--	--	--	--	--	--	--	--	
Bed and Breakfast										Update
Civic Activities										
Essential Service	--	P	--	P	P	P	--	P	--	
Limited Child-Care Activities	--	P	--	P	P	P	--	P	--	
Community Assembly	--	P(L2)	--	P(L2)	C	P(L2)	--	P(2)	C(L12)	Update
Recreational Assembly	--	--	--	--	C	--	--	--	C(L12)	Update
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	--	P	--	P	P	P	--	P	--	
Administrative	--	P(L3)	--	P(L3)	P	P(3)	--	P	--	
Health Care	--	P(L3)	--	C	C	C	--	P	--	
Special Health Care	--	--	--	--	--	--	--	--	--	
Utility and Vehicular	--	P(L4)	--	P(L4)	P(L4)	P(L3)	--	P(L4)	--	
Extensive Impact	--	--	--	--	--	--	--	--	--	
Telecommunications	P	P	P	P	P	P	P	P	--	17.128
Commercial Activities										
General Food Sales	--	P(L5)	--	P(L5)	P(L5)	P(L5)	--	P(L5)	--	
Full Service Restaurants	--	P	--	P	P	P	--	P	--	Update
Limited Service Restaurant and Café	--	P	--	P	P	P	--	P	--	Update
Fast-Food Restaurant	--	--	--	C	C	C	--	C	--	17.102.210 and 8.09
Convenience Market	--	C(6)	--	C(6)	C(6)	C(6)	--	C(6)	--	17.102.210
Alcoholic Beverage Sales	--	C(L7)	--	C(L7)	C(L7)	C(L7)	--	C(L7)	--	17.102.210
Convenience Sales and Service	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	Delete
Mechanical or Electronic Games	--	--	--	--	--	--	--	--	--	
Medical Service	--	P(L8)	--	P(L8)	P(L8)	P(L8)	--	P(L8)	--	
General Retail Sales	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	
General Personal Service	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	Delete
<u>Large-Scale Combined Retail and Grocery Sales</u>	--	--	--	--	--	--	--	--	--	Update
<u>Consumer Service</u>	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	Update

Table 4.10.01: Permitted and Conditionally Permitted Activities

Activities	Development Areas									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Consultative and Financial Service	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	
Consumer Laundry and Repair Service	--	--	--	--	--	--	--	--	--	Delete
Check Cashier and Check Cashing	--	--	--	--	--	--	--	--	--	17.102.430
Consumer Cleaning and Repair Service	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	Update
Consumer Dry Cleaning Plant	--	--	--	--	--	--	--	--	--	
Group Assembly	--	--	--	--	C	--	--	P	C(L12)	Add
Personal Instruction and Improvement Services	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	
Administrative	--	P(L3)	--	P(L3)	P(L3)	P(L3)	--	P	--	
Business and Communication Services	--	€	--	€	€	€	--	P	--	
Business, Communication, and Media Services	--	C	--	C	C	C	--	P	--	
Retail Business Supply	--	P(L9)	--	P(L9)	P(L9)	P(L9)	--	P	--	Delete
Broadcasting and Recording Services	--	C	--	C	C	C	--	P	--	Update
Research Service	--	C(L11)	--	--	--	--	--	P	--	Add
General Wholesale Sales	--	C(L11)	--	--	--	--	--	P	--	Add
Transient Habitation	--	--	--	--	--	--	--	P	--	
Construction Sales and Service	--	P(L10)	--	P(L10)	P(L10)	P(L10)	--	P(L10)	--	Delete
Automotive Sales, Rental, and Delivery	--	--	--	--	--	--	--	--	--	Delete
Automotive Servicing	--	--	--	--	--	--	--	--	--	Delete
Automotive Repair and Cleaning	--	--	--	--	--	--	--	--	--	Delete
Wholesale and Professional Building Material Sales	--	P(L10)	--	P(L10)	P(L10)	P(L10)	--	P	--	Update
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	--	--	--	--	--	Update
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	--	--	--	--	--	Update
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	--	--	--	--	--	Update
Taxi and Light Fleet-Based Services	--	--	--	--	--	--	--	--	--	Update
Automotive Fee Parking	--	--	--	--	--	--	--	--	--	Update
Animal Boarding	--	--	--	--	--	--	--	--	--	Update
Animal Care	--	--	--	--	--	--	--	--	--	
Undertaking Service	--	--	--	--	--	--	--	--	--	
Industrial Activities										
Custom Manufacturing	--	P	--	C	C	C	--	P	--	17.102.040
Light Manufacturing	--	C	--	--	--	--	--	C	--	17.102.040

Table 4.10.01: Permitted and Conditionally Permitted Activities

Activities	Development Areas									Additional Regulations
	1	2	3	4	5	6	7	8	9	
General Manufacturing	--	--	--	--	--	--	--	C	--	
Heavy/High Impact	--	--	--	--	--	--	--	--	--	Update
Research and Development	--	C(L1)	--	--	--	--	--	--	--	Update/Add
Construction Operations	--	P(L10)	--	P(L10)	P(L10)	P(L10)	--	P(L10)	--	Update
Warehousing, Storage, and Distribution	--	--	--	--	--	--	--	--	--	Update
A. General Warehousing, Storage and Distribution	--	C(L1)	--	--	--	--	--	--	--	Update/Add
B. General Outdoor Storage	--	--	--	--	--	--	--	--	--	Update
C. Self- or Mini Storage	--	--	--	--	--	--	--	--	--	Update
D. Container Storage	--	--	--	--	--	--	--	--	--	Update
E. Salvage/Junk Yards	--	--	--	--	--	--	--	--	--	Update
Regional Freight Transportation	--	--	--	--	--	--	--	--	--	Update
Trucking and Truck-Related	--	--	--	--	--	--	--	--	--	Update
Recycling and Waste-Related	--	--	--	--	--	--	--	--	--	Update
A. Satellite Recycling Collection Centers	--	--	--	--	--	--	--	--	--	Update 17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	--	--	--	--	--	Update
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	--	--	--	--	--	Update
Small Scale Transfer and Storage Hazardous Waste Management	--	--	--	--	--	--	--	--	--	Delete
Industrial transfer/Storage hazardous Waste Management	--	--	--	--	--	--	--	--	--	Delete
Residuals Repositories Hazardous Waste Management	--	--	--	--	--	--	--	--	--	Delete
Agriculture and Extractive Activities										
Crop and animal raising	C	C	C	C	C	C	C	C	C	Add
Plant nursery	--	--	--	--	--	--	--	--	--	
Mining and Quarrying	--	--	--	--	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	--	--	--	--	--	--	--	--	--	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	--	--	--	--	--	--	--	--	--	17.102.110

Limitations on Table 4.10.01:

- L1 Service Enriched Permanent Housing Residential activities for residents aged sixty (60) years or under requires the granting of a conditional use permit (see 17.134).
- L2. Only the following activities are permitted: 1) places of worship, churches, temples, mosques, and synagogues with a total floor area of 3,000 square feet or less and 2) public, parochial,

private, non-profit clubs and lodges, meeting halls, recreation centers, gymnasiums 5,000 square feet or less.

- L3. Activities with a total floor area greater than 3,000 square feet require the granting of a conditional use permit (see 17.134) and activities with a floor area over 5,000 square feet are prohibited.
- L4. Only police substations and neighborhood servicing post offices that have a total floor area not exceeding 1,000 square feet are permitted. Other Utility and Vehicular Civic activities are prohibited.
- L5. Grocery markets shall 1) be limited to a maximum floor area of 3,000 square feet 2) only be open between 6:00 AM and 10:00PM.
- L6. Convenience markets shall not be greater than 5,000 square feet.
- L7. Alcoholic Beverage Sales is limited to sale of beer and wine.
- L8. Floor area devoted to Medical Service Commercial activities limited to a maximum 2,500 square feet.
- L9. Retail Business supply stores are limited to office and art supply stores and shall be limited to a maximum 3,000 square feet.
- L10. Activities with a total floor area greater than 5,000 square feet require the granting of a conditional use permit (see 17.134) and activities with a floor area over 10,000 square feet are prohibited except for Development Area 2B (the icehouse property). This activity is limited to neighborhood serving construction product sales and services (Note: Hardware Stores are a General Retail Commercial Activity, refer to L3)”
- L11. Only applies to the “Icehouse” building located in Development Area 2B.
- L12. Only Passive Recreation is allowed. Active Recreation and Overnight Camping are not allowed.