

CITY OF OAKLAND

AGENDA REPORT

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OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY -8 PH 6:50

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community and Economic Development Agency
DATE: May 20, 2008

RE: **Supplemental Report Regarding A Public Hearing and An Ordinance Amending The Oakland Planning Code To:**

- (1) **Add Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones", Creating The Following Four New Zones: Commercial Industrial Mix-1, Commercial Industrial Mix-2, General Industrial And Industrial Office;**
- (2) **Amend The City's Zoning Maps To Map These Proposed Zones In Areas In The City That Currently Have The General Plan Land Use Designations Of Business Mix And General Industrial/Transportation;**
- (3) **Amend Chapter 17.10 "Use Classifications";**
- (4) **Add Chapter 17.100 "S-19 Health And Safety Protection Overlay Zone" and Amend Zoning Map to Add Overlay;**
- (5) **Amend Chapter 17.120 "Performance Standards"**
- (6) **Amend "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to Reflect the New Zones**

SUMMARY

This supplemental report provides a modification to the proposal to amend the Oakland Planning Code related to item #1 listed above. Specifically, the City Council at their May 6, 2008 meeting directed staff to make the following changes to the proposal to be considered by the City Council on May 20, 2008, which increases the restriction on the location of Primary Collection Centers and Intermediate Recycling Processing Facilities:

- In the CIX-1, CIX-2 and IG zones, Primary Collection Centers would be prohibited within 600 feet of a residential zone and conditionally permitted elsewhere throughout the zones (the "L5" limitation note in the zoning text), as compared to the current proposal which restricts such activities within 300 feet of a residential zone, requires a conditional use permit between 300 and 600 feet of a residential zone and permits the use elsewhere in the zone.
- In all four industrial zones (CIX-1, CIX-2, IG and IO), Intermediate Recycling Processing Facilities would be prohibited within 300 feet of a residential zone and require the granting of a conditional use permit elsewhere (the "L2" limitation note in the zoning text), as compared to the current proposal which requires a conditional use permit if within 300 feet of a residential zone, and permits the use if located beyond 300 feet of a residential zone.

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Other than the action described above, the City Council made no other changes to the ordinance as introduced on April 15, 2008. Staff recommends adoption of the revised Ordinance.

CITY COUNCIL AMENDMENT

Staff has revised Chapter 17.73 “CIX-1, CIX-2, IG and IO Industrial Zones” to prohibit Primary Recycling Collection Centers within 600 feet of a residential zone and allow them only with the granting of a conditional use permit (CUP) in CIX-1, CIX-2 and IG industrial zones in areas greater than 600 feet from residential zones; Intermediate Recycling Processing Facilities would be prohibited within 300 feet of a residential zone and require the granting of a conditional use permit elsewhere in all four industrial zones. Thus, Section 17.73.020 of the proposed new chapter to the Oakland Planning Code (Chapter 17.73 “CIX-1, CIX-2, IG and IO Industrial Zones”, page 11 of Exhibit A, attached to the April 15, 2008 Agenda Report) is revised to read as follows:

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
Recycling & Waste Related Activities						
A.	Satellite Recycling Collection Centers	C	C	C	C	
B.	Primary Collection Centers	L10 L5	L10 L5	L10 L5	--	
C.	Intermediate Recycling Processing Facility	L3 L2	L3 L2	L3 L2	L1 L2	

(the following is an excerpt of relevant table notes)

- L2. Prohibited within 300 feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in CIX-2).
- L3. A conditional use permit is required if within 300 feet of a residential zone; Permitted if beyond 300 feet of a residential zone.
- L5. Prohibited within 600 feet of a residential zone. A conditional use permit is required elsewhere throughout the zone.
- L10. Prohibited within 300 feet of a residential zone; a conditional use permit is required within 300 to 600 feet of a residential zone; permitted if beyond 600 feet of a residential zone boundary.

Staff has revised the proposal to address concerns expressed at several public hearings that there is a higher potential for Primary Recycling Collection Centers to have off-site impacts to neighboring residential zones. Staff does not believe that the same restrictions are needed for Intermediate Recycling Processing Facilities because the source of potential impacts from a Primary Recycling Collection Center (e.g., the high level of traffic, noise and associated impacts from accepting materials from the public for redemption/donation) is by definition not allowed at an Intermediate Recycling Processing Facility. In addition, the creation of the activity

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classification of Intermediate Recycling is designed to help encourage an emerging green industry sector concerned with transforming recycled materials into new end products.

The proposal, as originally presented to the City Council had limited Primary Collection Centers and Intermediate Recycling Facilities in the following manner:

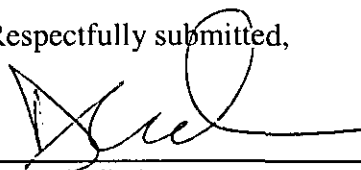
- Primary Collection Centers: In CIX-1, CIX-2 and IG, prohibited within 300 feet of a residential zone; a conditional use permit is required within 300 to 600 feet of a residential zone; permitted if beyond 600 feet of a residential zone boundary (limitation note “L-10”); prohibited in IO zone
- Intermediate Recycling Processing Facility: In CIX-1, CIX-2 and IG, a conditional use permit is required if within 300 feet of a residential zone; permitted if beyond 300 feet of a residential zone; and a conditional use permit is required anywhere in the IO zone.

The original proposal also directed staff to develop a set of performance standards that would apply to all new Primary Recycling Collection Centers, and would be developed in consultation with residents, the recycling industry and other affected stakeholders. When complete, these performance standards would be brought to the Planning Commission and City Council as revisions to the Oakland Planning Code for adoption. This part of the original proposal has not changed.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends adoption of the revised Ordinance by the City Council.

Respectfully submitted,



Dan Lindheim
Director
Community & Economic Development Agency

Reviewed by:
Eric Angstadt, Strategic Planning Manager, CEDA

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



William Bennett
City Administrator

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