

Mark P. Wall

City Attorney

INTRODUCED BY COUNCILMEMBER _____

2008 APR 21 PM 5:06

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO: (1) ADD CHAPTER 17.73 "CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES", WHICH WILL CREATE 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"; AND (6) AMEND THE "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE NEW ZONES.

WHEREAS, in March of 1998 the City adopted the Land Use and Transportation Element of the General Plan (LUTE); and

WHEREAS, the development standards contained in a city's zoning code and zoning maps should directly implement the intent for each of these land use classifications contained in the LUTE; and

WHEREAS, Business Mix and General Industrial/Transportation are land use designations in the LUTE; and

WHEREAS, the existing industrial zoning districts and land use classification activity types have not been updated to implement the land use policies of the Business Mix and General Industrial/Transportation land use designations since the LUTE was adopted in 1998; and

WHEREAS, the intent of the Business Mix and General Industrial/Transportation LUTE designations is to create, preserve and enhance areas of the city that are appropriate for a wide variety of commercial and industrial uses, while also providing protections against potential nuisances where industrial and residential areas neighbor each other; and

WHEREAS, City Planning staff has proposed adding four new zones: CIX-1, CIX-2, IG and IO; updated associated industrial land use classification activity types; added a health and safety protection overlay zone; and amended performance standards to implement the Business Mix and General Industrial/Transportation LUTE designations; and

WHEREAS, the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (hereafter “Guidelines”) was adopted by the City Council on May 6, 1998 and subsequently amended November 3, 1999, August 8, 2001, December 5, 2001, July 15, 2003, January 4, 2006 and extended December 4, 2007; and

WHEREAS, the Guidelines describe the procedure for deciding whether a project is consistent with the LUTE and the procedure to follow when the Zoning Regulations and LUTE conflict; and

WHEREAS, various community meetings, and duly noticed meetings before the City Planning Commission’s Zoning Update Committee and City Planning Commission were held; and

WHEREAS, after a duly noticed public hearing, the City Planning Commission voted unanimously on January 16, 2008 to recommend to the City Council it adopt the four new proposed industrial zoning designations, amendments to the industrial land use classification activity types, proposed new health and safety protection overlay zone, amendments to the performance standards, amendments to the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations,” and amendments to the zoning maps to reflect the new zones; 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. Title 17 of the Oakland Planning Code is hereby amended to: 1) add a new Chapter 17.73 “CIX-1, CIX-2, IG And IO Industrial Zones”, which will create the following four new industrial zones: Commercial Industrial Mix-1, Commercial Industrial Mix-2, General Industrial And Industrial Office; 2) amend Chapter 17.10 “Use Classifications”; 3) add a new Chapter 17.100 “S-19 Health And Safety Protection Overlay Zone”; and 4) amend Chapter 17.120 “Performance Standards”, as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. The Oakland Zoning Map is hereby amended to map the four new industrial zones and new Health and Safety Protection Zoning overlay as indicated in **Exhibit B**, attached hereto and hereby incorporated herein by reference.

Section 4. The “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” is hereby amended as reflected in **Exhibit C**, attached hereto and hereby incorporated herein by reference.

Section 5. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the City is relying on previously certified EIRs and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. As a separate and independent basis, this Ordinance is consistent with CEQA Guidelines section 15183. The Environmental Review Officer is directed to cause to be filed a Notice of Determination with

the appropriate agencies.

Section 6. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to building/construction related permits already issued and not yet expired, or to zoning applications approved by the City and not yet expired, or to 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 7. 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 8. 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 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 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 10. 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; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

Title 17

PLANNING

Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strike through~~. Additional changes made after City Council review (4/15/08) are shown in gray on p.17 of this exhibit).

Planning Code Chapters Amended:

- 17.10 Use Classifications
- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones
- 17.100 S-19 Health and Safety Protection Overlay Zone
- 17.120 Performance Standards

Chapter 17.10

USE CLASSIFICATIONS

Part 4 Manufacturing Activity Types

Sections:

- 17.10.540 General Description of ~~Manufacturing~~ Industrial Activities.
- 17.10.550 Custom Manufacturing Industrial Activities.
- 17.10.560 Light Manufacturing Industrial Activities.
- 17.10.570 General Manufacturing Industrial Activities.
- 17.10.580 Heavy/High Impact ~~Manufacturing~~ Industrial Activities.
- ~~17.10.585 Small Scale Transfer and Storage Hazardous Waste Management Activities.~~
- ~~17.10.586 Industrial Transfer/Storage Hazardous Waste Management Activities.~~
- ~~17.10.587 Residuals Repositories Hazardous Waste Management Activities.~~
- 17.10.581 Research and Development Industrial Activities.
- 17.10.582 Construction Operations Industrial Activities.
- 17.10.583 Warehousing, Storage, and Distribution Industrial Activities.
- 17.10.584 Regional Freight Transportation Industrial Activities.
- 17.10.585 Trucking and Truck-Related Industrial Activities.
- 17.10.586 Recycling and Waste-Related Industrial Activities.
- 17.10.587 Hazardous Materials Production, Storage and Waste Management Industrial Activities.

Part 4

Manufacturing Activity Types

17.10.540 General Description of ~~Manufacturing~~ Industrial Activities.
~~Manufacturing~~ Industrial Activities include the on-site production of goods by methods other than agricultural and extractive in nature; the provisions of warehousing and storage, freight handling, shipping, and trucking services; and the storage, transportation, and processing of recyclable or waste materials, and hazardous materials. They also include certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2400)

17.10.550 Custom Manufacturing Industrial Activities.

Custom Manufacturing Activities include the small-scale production of artisan and/or custom products following activities. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. They also include certain activities accessory thereto, as specified in Section 17.10.040.

This classification includes, but is not limited to, the production of:

A. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:~~

Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or less of floor area;

Cameras and photographic equipment, but excluding film;

Custom sign-making;

Custom clothing; and hair products

Custom furniture building and refinishing;

Sewing garments from pre-cut pieces

Professional, scientific, measuring, and controlling instruments;

Musical instruments, but excluding pianos and organs;

Medical, dental, optical and orthopedic instruments and appliances, and similar items;

Handicraft, art objects, and jewelry

B. ~~Printing, publishing, pattern-making, and sign-making.~~

(Prior planning code § 2410)

17.10.560 Light Manufacturing Industrial Activities.

Light Manufacturing Activities include the following activities: manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory thereto, as specified in Section 17.10.040.

A. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of articles of merchandise, other than the products listed in Sections 17.10.550, 17.10.570, or 17.10.580, from the following prepared materials:~~

~~Asbestos~~

~~Cellophane~~

~~Cork~~

~~Fabrics and fibers~~

~~Feathers~~

~~Fur~~

~~Hair~~

~~Leather~~

~~Paper~~

~~Plastics~~

~~Rubber~~

~~Straw~~

~~Textiles~~

~~Wood, but excluding operation of a planing mill~~

B. ~~Photographic developing.~~

C. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:~~

EXHIBIT A - Underline/Strikeout Version
(Revised 4/15/08)

This classification includes, but is not limited to, the production or assembly of:

Production apparel manufacturing;
Computer and electronic products;
Pharmaceutical production;
Beverages, but excluding (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or more of floor area;
Business machines
Ceramics, other than handcraft
Clothing and other textile products, other than custom clothing
Cosmetics
Electrical and electronic equipment, and appliances, and components, other than the products listed in Section 17.10.550;
Furniture and fixtures and related products;
Food, but excluding fish, meat, sauerkraut, vinegar, and yeast
Ice
Pens, pencils, and artists' materials
Pharmaceuticals production
Pianos and organs
Small metal tools and products, other than those listed in Section 17.10.550;
Sporting and athletic goods
Tobacco
Toiletries

(Prior planning code § 2411)

17.10.570 General Manufacturing Industrial Activities.

General Manufacturing Activities include the following activities: manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted, raw, recycled or secondary materials; they may have some or all activities conducted outdoors. This classification excludes all activities under Intermediate Recycling Processing Facilities. The Zoning Administrator or his/her designee may place an activity that otherwise fits this description, but does not produce noise, vibration, air pollution, fire hazard, or noxious emission that will violate standard in Chapter 17.120, or an other federal, State or local standards into the Light Manufacturing Industrial Activities classification. They also include certain activities accessory thereto, as specified in Section 17.10.040.

The classification includes, but is not limited to:

A. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of articles of merchandise, other than the products listed in Sections 17.10.550, 17.10.560, or 17.10.580, from the following materials:~~

Chemicals manufacturing (except for the chemical products listed under Heavy Manufacturing);
Clay
Glass manufacturing;
Graphite
Metal foundries;
Stone

B. ~~Cotton ginning;~~

C. ~~Shipbuilding;~~

D. ~~Sugar refining;~~

E. ~~Wood planing or sawing, product manufacturing;~~

F. ~~Wool pulling or scouring;~~

G. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:~~

Aircraft

Alcoholic beverages
 Asphalt
~~Barrels and casks~~
 Boilers
 Concrete
 Charcoal, lampblack, and fuel briquettes
 Disinfectants
 Dye stuff
 Emery cloth and sandpaper
 Excelsior and packing materials
 Film
 Fish, meat, sauerkraut, vinegar, and yeast
 Heavy machinery and machine tools equipment and manufacturing
~~Insect poison~~
 Matches
 Monuments
 Motor vehicles
 Oil cloth and linoleum
 Paint
 Porcelain
 Salt
 Shoe polish and stove polish;
Paper finishing;
Pipe production facilities;
Textile mills;
Tire retreading and recapping;
Wood product manufacturing

(Prior planning code § 2414)

17.10.580 Heavy/High Impact Manufacturing Industrial Activities.

Heavy Manufacturing Activities include high impact or hazardous manufacturing processes the following activities. They also include certain activities accessory thereto, as specified in Section 17.10.040.

This classification includes, but is not limited to:

Any manufacturing use with large-scale facilities for outdoor oil and gas storage;

Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4");

Battery manufacturing and storage;

Lime and gypsum products manufacturing;

Non-ferrous metals production, processing, smelting and refining;

Painting, coating and adhesive manufacturing;

Synthetic dye and pigment manufacturing;

Urethane and other open-cell foam product manufacturing;

Petroleum and coal products manufacturing and refining;

Primary metal smelting;

Vinegar, yeast and other pungent, odor-causing items production;

A. ~~Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of articles of merchandise from the following raw materials:~~

Bones

Garbage, offal, and dead animals

B. ~~Fat rendering.~~

C. ~~Petroleum refining.~~

- ~~D. Radioactive material handling~~
~~E. Stocking or slaughtering of animals~~
~~F. Storage and distribution of natural and liquid gas and other petroleum derivatives in bulk~~
~~G. Leather tanning~~
~~H. Manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:~~

~~Acid~~

~~Cement, lime, gypsum, and plaster of paris and asphalt manufacturing~~

~~Explosives manufacturing~~

~~Fertilizer and other agricultural chemical manufacturing~~

~~Gas~~

~~Glue~~

(Prior planning code § 2415)

~~17.10.585 Small Scale Transfer and Storage Hazardous Waste Management Activities.~~

~~Small Scale Transfer and Storage Hazardous Waste Management Activities include treatment facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five gallons or a total weight of fifty (50) pounds. (Ord. 12072 § 5 (part), 1998)~~

~~17.10.586 Industrial Transfer/Storage Hazardous Waste Management Activities.~~

~~Industrial Transfer/Storage Hazardous Waste Management Activities include any treatment facility which is not a Small Scale Transfer and Storage Facility or Residual Repository. (Ord. 12072 § 5 (part), 1998)~~

~~17.10.587 Residuals Repositories Hazardous Waste Management Activities.~~

~~Residuals Repositories Hazardous Waste Management Activities include treatment facilities for collection of residual wastes defined as residues from other treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes. (Ord. 12072 § 5 (part), 1998)~~

17.10.581 Research and Development Industrial Activities.

Research and development activities include scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. They also include certain activities accessory thereto, as specified in Section 17.10.040. This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification includes, but is not limited to biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.

17.10.582 Construction Operations Industrial Activities.

Construction Operations Activities include enclosed and unenclosed facilities and accessory yards for construction and incidental storage activities and/or fabrication activities performed by construction contractors on lots other than construction sites. They also include certain activities accessory thereto, as specified in Section 17.10.040.

This classification includes, but is not limited to, the storage and custom cutting of stone for interior applications, roofing and plumbing component storage and equipment storage for environmental contractors.

17.10.583 Warehousing, Storage, and Distribution Industrial Activities.

This classification includes five (5) sub-classifications as described below:

A. General Warehousing, Storage and Distribution The warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching, and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than 30% of the total site area. This classification may include on-site sale of goods and merchandise if the activity is accessory to the above, as specified in Section 17.10.040.

This classification includes, but is not limited to wholesale distributors of large furnishings, food products and auto parts.

B. General Outdoor Storage Outdoor Storage Activities includes principal outdoor storage of items for more than 24 hours where such storage activities occupy more than 30% of the site area. The principal storage of goods and materials, equipment or vehicles; as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification excludes outdoor storage uses that are more specifically described in this chapter, including, but not limited to container storage, salvage and junk yards and oil and gas storage.

This classification includes, but is not limited to construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site.

C. Self- or Mini Storage Self-or mini storage consist of storage in small individual spaces, on average of 400 square feet or less that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public.

D. Container Storage. Container Storage includes the storage, repair, and "pre-tripping" of shipping containers, including refrigerated shipping containers, on open lots. Includes minor repair and cleaning of containers, and may include the rehabilitation of containers for other uses.

E. Automotive Salvage/Junk Yards Storage and dismantling of vehicles and equipment for sale of parts.

17.10.584 Regional Freight Transportation Industrial Activities.

Regional Freight Transportation Activities include the provision of freight handling and shipping services by water and rail. They include the inter- and intra-regional transportation of goods. They also include certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2387)

A. Seaport. The accommodation of freight service and operations by ship. This classification includes piers, wharves & docks, marine terminals, container and break-bulk storage areas (where container storage is an accessory, rather than principal activity), related inter-modal facilities, and support services such as port and harbor operations and navigational services.

B. Rail yard. Accommodation of freight service and operations by rail.

17.10.585 Trucking and Truck-Related Industrial Activities.

Trucking and Truck-Related Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. They also include certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2387)

A. Freight/Truck Terminal. The accommodation of local or worldwide freight by truck. This classification includes facilities used primarily for transfer, breaking-down, and/or consolidation of freight, as well as parking and dispatch of trucks.

B. Truck Yard. Parking, dispatch, refueling, and incidental repair of trucks, buses, or other fleets of heavy vehicles, where there is no on-site freight storage or transfer. This classification includes corporation yards operated by public and private towing operations. This classification does not include local courier and delivery services; towing operations as an accessory activity to Automotive Repair and Cleaning (Section 17.10.480)

C. Truck Weigh Stations. The weighing of commercial trucks in truck weighing facilities.

D. Truck and Other Heavy Vehicle Sales, Rental, and Leasing. Sales, rental, and leasing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, commercial boats, heavy equipment, and other commercial vehicles that have gross vehicle weight ratings greater than 14,000 pounds, including the sale, installation, accessory repair and servicing of related equipment and parts. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping (See Salvage/Junk Yards, Section 17.10.620).

E. Truck and Other Heavy Vehicle Service, Repair, and Refueling. Repair, fueling, and other servicing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, boats, heavy equipment, and similar vehicles that generally have gross vehicle weights greater than 14,000 pounds, including the sale, installation, and servicing of related equipment and parts. This classification includes fueling stations, repair shops, body and fender shops, wheel and brake shops, engine repair and rebuilding, welding, major painting service, tire sales and installation, and upholstery shops for trucks and other heavy vehicles. This classification does not include vehicle dismantling or salvage (See Salvage/Junk Yards, Section 17.10.610E).

17.10.586 Recycling and Waste-Related Industrial Activities

Recycling and Waste-Related Activities include recycling collection, intermediate processing, and other activities related to the storage and processing of used and waste materials.

A. Satellite Recycling Collection Centers. An activity accepting recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities less than five hundred (500) square feet in area that generally do not use power-driven processing equipment.

Satellite collection centers may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials. These facilities are generally located in, or associated with supermarkets and shopping centers. Most, though not all, satellite collection centers are set up pursuant to requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986, which requires establishment of such centers in all "Convenience Zones" (CZ) in California, defined as the area within ½ mile of all supermarkets, to collect beverage containers made from materials such as aluminum, glass, plastic, and bimetal for recycling.

B. Primary Recycling Collection Centers. An activity accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area of more than five hundred (500) square feet that are not operated incidental to a host use and that may have a permanent building. Primary collection centers typically use power-driven equipment to sort and condense material for shipment to an intermediate processor or other user. Primary collection centers may have a combination of outdoor processing and storage.

C. Intermediate Recycling Processing Facility. An activity serving as a collection point for receiving, processing, storage, and distribution of large quantities of recyclable materials delivered from recycling collection centers or other sources. Processing of most or all material typically occurs inside a building, using mechanical and/or chemical processing equipment to alter the physical form of incoming material. Processed materials may be stored in outdoor areas prior to sale to manufacturers or other end users. Intermediate processing facilities do not accept materials from but may sell goods to the public. This

classification does not include facilities that handle or process hazardous materials and solid waste facilities and transfer stations.

17.10.587 Hazardous Materials Production, Storage, and Waste Management Industrial Activities.

A. Small Scale Transfer and Storage Hazardous Waste Management Activities. Small Scale Transfer and Storage Hazardous Waste Management Activities include treatment facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five gallons or a total weight of fifty (50) pounds. (Ord. 12072 § 5 (part), 1998)

B. Industrial Transfer/Storage Hazardous Waste Management Activities. Industrial Transfer/Storage Hazardous Waste Management Activities include any treatment facility which is not a Small Scale Transfer and Storage Facility or Residual Repository. (Ord. 12072 § 5 (part), 1998)

C. Residuals Repositories Hazardous Waste Management Activities. Residuals Repositories Hazardous Waste Management Activities include treatment facilities for collection of residual wastes defined as residues from other treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes. (Ord. 12072 § 5 (part), 1998)

D. Oil and Gas Storage. Oil and Gas Storage includes tank farms and outdoor facilities for the bulk storage and handling of fuel and lubricating oils, gasoline and natural gas.

Chapter 17.73

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

Sections:

<u>17.73.010</u>	<u>Title, Purpose, and Applicability</u>
<u>17.73.020</u>	<u>Permitted and Conditionally Permitted Uses and Facilities</u>
<u>17.73.030</u>	<u>Property Development Standards</u>
<u>17.73.040</u>	<u>Special Regulations for Work/Live Units in the Industrial Zones</u>
<u>17.73.050</u>	<u>Parking and Loading Dock Restrictions</u>
<u>17.73.060</u>	<u>Referral to Other Applicable Regulations</u>

17.73.010 Title, Purpose, and Applicability

The provisions of this chapter shall be known as the industrial zones regulations. This chapter establishes regulations for the (CIX-1) Commercial Industrial Mix-1, (CIX-2) Commercial Industrial Mix-2, (IG) General Industrial, (IO) and Industrial Office.

These industrial zoning districts are intended to create, preserve, and enhance areas for industrial uses, including manufacturing, scientific and product-related research and development, construction, transportation, warehousing/storage/distribution, recycling/waste-related activities, clean technology, and similar uses. The primary purposes of these areas are to support Oakland's economic base and to provide employment opportunities. The specific purposes of these industrial districts are to:

- A. Provide a diversified economic base and a wide range of employment opportunities;
- B. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
- C. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
- D. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;
- E. Prohibit residential uses and limit commercial uses in General Industrial (IG) areas so that a maximum amount of the City's land base is preserved for industrial uses, and so that industrial uses may operate without impacting those activities;
- F. Locate high impact industrial uses away from residential areas; and
- G. Allow heavy-impact or large scale commercial retail uses on sites with direct access to the regional transportation system;

A. CIX-1 Commercial Industrial Mix 1 Zone. The CIX-1 zone is intended to create, preserve, and enhance the industrial areas of West Oakland that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-

scale commercial and retail uses will be limited to sites with direct access to the regional transportation system.

B. CIX-2 Commercial Industrial Mix 2 Zone. The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.

C. IG General Industrial Zone. The IG zone is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. This zone allows heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

D. IO Industrial Office Zone. The IO zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

The following table lists the permitted, conditionally permitted, and prohibited uses and facilities in the CIX-1, CIX-2, IG and IO zones. The descriptions of these uses are contained in Chapter 17.10.

“P” designates permitted uses and facilities in the corresponding zone.

“C” designates uses and facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

“L” designates uses and facilities subject to certain limitations listed at the bottom of the Table.

“-” designates uses and facilities that are prohibited in the corresponding zone.

EXHIBIT A - Underline/Strikeout Version
(Revised 4/15/08)

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Residential Uses	All residential uses prohibited in each zone				
Civic Uses					
Essential Service	C	C	C	C	
Limited Child-Care	=	=	=	=	
Community Assembly	P	C	=	C	
Community Education	P	C	=	C	
Nonassembly Cultural	P	C	=	C	
Administrative	P	C	=	C	
Health Care	P	=	=	=	
Special Health Care	C	C	=	=	
Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Telecommunication	P	P	P	P	See Chapter 17.128
Commercial Uses					
General Food Sales	P	C (1.1)	C (1.1)	P (1.1)	
Convenience Market	C	C	=	C	See Section 17.102.210
Fast Food Restaurant	C	C	=	C	
Alcoholic Beverage Sales	L2	C	=	=	
Convenience Sales and Service	P	P	=	P	
Mechanical or Electronic Games	L3	=	=	=	See Section 17.102.210
Medical Service	P	C	=	C	
General Retail Sales	P	=	=	=	Retail allowed as an accessory use only in CIX-2 and IO pgr Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	=	=	=	=	
General Personal Service	P	=	=	=	
Consultative and Financial Services	P	=	=	=	
Check Cashier and Check Cashing	=	=	=	=	
Consumer Laundry and Repair Service	P	C	=	=	
Group Assembly	P (1.7)	C (1.8)	C (1.8)	C (1.8)	
Administrative	P	P	L9	P	
Business and Communication Service	P	P	P	P	
Retail Business Supply	P	P	P	C	
Research Service	P	P	C	P	
General Wholesale Sales	P	P	P	P	No retail ancillary activities allowed in IG or IO.
Transient Habitation	=	=	=	=	
Construction Sales and Service	L3	L3	=	=	
Automotive Sales, Rental, and Delivery	P	C	=	C	

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Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
<u>Automotive Servicing</u>		P	P	P	=	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
<u>Automotive Repair and Cleaning</u>		L3	L3	P	=	
<u>Automotive Fee Parking</u>		L3	P	P	P	
<u>Animal Care</u>		L4	C	C	=	
<u>Undertaking Service</u>		P	C	C	=	
Industrial Uses						
<u>Custom Manufacturing</u>		P	P	P	P	
<u>Light Manufacturing</u>		P	P	P	P	
<u>General Manufacturing</u>		L3	L3	P	=	
<u>Heavy Manufacturing</u>		=	=	C	=	
<u>Research and Development</u>		P	P	P	P	
<u>Construction Operations</u>		L3	L3	L3	C	
<u>Warehousing, Storage and Distribution</u>						
A.	<u>General Warehousing, Storage and Distribution</u>	P	P	P	P	No retail component allowed in IG or IO. See Section 17.73.060
B.	<u>General Outdoor Storage</u>	C	L3	P	P	
C.	<u>Self or Mini Storage</u>	C	C	=	C	
D.	<u>Container Storage</u>	=	L3	P	=	
E.	<u>Automotive Salvage and Junk Yards</u>	=	=	L3	=	
<u>Regional Freight & Transportation:</u>						
A.	<u>Seaport</u>	=	=	P	C	
B.	<u>Rail Yard</u>	=	C	P	=	
<u>Trucking & Trucking-related Activities:</u>						
A.	<u>Freight/Truck Terminal</u>	L5	L3	P	=	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
B.	<u>Truck Yard</u>	L5	C	P	C	
C.	<u>Truck Weigh Stations</u>	=	P	P	=	
D.	<u>Truck & Other Heavy Vehicle Sales, Rental & Leasing</u>	L6	P	P	P	
E.	<u>Truck & Other Heavy Vehicle Service, Repair, and Refueling</u>	L5	P	P	=	

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Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
<u>Recycling & Waste Related Activities</u>						
A.	<u>Satellite Recycling Collection Centers</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
B.	<u>Primary Collection Centers</u>	<u>L10</u>	<u>L10</u>	<u>L10</u>	<u>=</u>	
C.	<u>Intermediate Recycling Processing Facility</u>	<u>L3</u>	<u>L3</u>	<u>L3</u>	<u>C</u>	
<u>Hazardous Materials Production, Storage & Waste-Related Activities</u>						<u>L11</u> <u>See also Health & Safety Protection Zone (S-19)</u>
A.	<u>Small Scale Transfer and Storage</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>=</u>	
B.	<u>Industrial Transfer/Storage</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	
C.	<u>Residuals Repositories</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	
D.	<u>Oil and Gas Storage</u>	<u>=</u>	<u>=</u>	<u>L2</u>	<u>=</u>	
<u>Agricultural and Extractive Uses</u>						
	<u>Plant nursery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	
	<u>Crop and animal raising</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	<u>See Section 17.102.220</u>
	<u>Mining and Quarrying Extractive</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	
Facility Types		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
<u>Residential Facilities</u>		<u>All residential uses prohibited in each zone</u>				
<u>Nonresidential Facilities</u>						
	<u>Enclosed Nonresidential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Open Nonresidential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Sidewalk Cafe</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>See Section 17.102.335</u>
	<u>Drive-In Nonresidential</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
	<u>Drive-Through Nonresidential</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 17.102.290</u>
	<u>Shopping Center Facility</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Telecommunications</u>						
	<u>Micro Telecommunications</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Chapter 17.128</u>
	<u>Mini Telecommunications</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Macro Telecommunications</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	
	<u>Monopole Telecommunications</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	
	<u>Tower Telecommunications</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P</u>	
<u>Signs</u>						
	<u>Residential Signs</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>See Chapter 17.104</u>
	<u>Special Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Development Signs</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	
	<u>Realty Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Civic Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Business Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Advertising Signs</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	

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Limitations:

- L1. Limited to location on a ground floor in CIX-2, IG and IO. Over 5,000 sf floor area requires a conditional use permit in CIX-2, IG, and IO.
- 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.
- L4. A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.
- L5. Prohibited within 600 feet of a residential zone. A conditional use permit is required elsewhere throughout the zone.
- L6. A conditional use permit is required a) if within 300 feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds 50% of site area.
- L7. A conditional use permit is required for entertainment uses.
- L8. Entertainment, educational and athletic services are not permitted.
- L9. Administrative activities accessory to an existing industrial activity are limited to twenty (20) percent of floor area in IG.
- 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.
- L11. A conditional use permit is required for electroplating activities.

17.73.030 Property Development Standards

Table 17.73.030 contains the property development standards for all zones within this Chapter.

Table 17.73.030: Property Development Standards

Development Standards	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Width	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Area (square feet)	5,000 sf	10,000 sf	10,000 sf	25,000 sf	1
Floor-Area Ratio (FAR)					
Greater than 300 feet of a residential zone boundary	4.0	4.0	2.0	4.0	
Within 300 feet of a residential zone boundary	2.0	2.0	1.0	2.0	2
Maximum Height	None	55 ft	None	55 ft	3, 4
Minimum Front Yard Setback	0 ft	0 ft	0 ft	20 ft	5
Minimum Rear Yard Setback			0 ft		5
Minimum Interior Side Yard Setback			0 ft		5
Minimum Street Side Yard Setback Of A Corner Lot	10 ft	10 ft	10 ft	20 ft	5

Table 17.73.030: Property Development Standards (cont'd)

Development Standards	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Site Landscaping (% of lot area)	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of lot area)	10%	10%	10%	10%	8
Street Trees	Required	Required	See also note 10	Required	9
Site and Driveway Access – Minimum Distance from any residential or open space boundary	50 ft	50 ft	50 ft	50 ft	11
Driveway Width Maximum	35 ft	35 ft	35 ft	35 ft	12
Pedestrian Walkway	Required	Required	Required	Required	13
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft	8 ft	8 ft	8 ft	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	15 ft	15 ft	15 ft	15 ft	14, 15

Additional Regulations Noted in Table 17.73.02:

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.
2. A conditional use permit to exceed the permitted floor area ratio (FAR) may be allowed, as shown in parentheses above in Table 17.31.030, upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134; and to all of the following additional criteria:
 - a. Additional intensity does not subject residentially zoned areas within 300 feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;
 - b. The site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume.
 - c. If adjacent to a residential or open space zone boundary the proposed development has a step back of one foot to every one foot of height, beginning with a maximum height of 30 feet at all required yard setbacks; and
 - d. All new development activities meet the Performance Standards in 17.120.
3. Except as other wise provided in Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), and Subsection 17.108.010 on lots lying along a boundary of certain residential zones. See Section 17.104.020 for maximum height of signs.
4. The height of materials stored in any outdoor yards may be no higher than eight (8) feet within the required rear or side yard setback along the property line. However, materials may be stacked up to the height of the wall, and may be stacked within the required yard area if a solid masonry wall eight (8) to ten (10) feet in height and buffer planting is installed. The aisle width and mate-

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- rial composition of all stored material, and the ultimate height of all outdoor materials stored beyond the 10 foot yard requirement, shall be according to the Fire Code regulations.
5. See 17.108.040, 17.108.070, 17.108.090, 17.108.100, 17.108.110, and 17.108.130 for minimum front, side, and rear yards in commercial and industrial zones which may be across from, abut or be adjacent to a residential zone or alley. Accessory structures or other facilities allowed within the yards and setbacks is in sections 17.108.130.
 6. All new projects which involve the construction of a new building, or the expansion or replacement of existing building footprint by more than twenty (20%) percent such that the floor area to site ratio exceeds 35%, shall comply with the landscape requirements. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See also 17.124 Landscaping and Screening Standards.
 7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.
 8. Parking Lot Landscaping applies only to lots associated with new construction with more than 25,000 sf floor area. Shade trees shall be provided at a ratio of 1 tree for every 10 spaces through the parking lot. A minimum of 10 percent of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through Design Review. Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.
 9. For all projects requiring a building permit, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.
 10. The street tree requirement noted above shall apply only to properties in the IG zone that have frontage on San Leandro Street, 98th Avenue, 66th Avenue, and Hegenberger Road.
 11. Applies to new development; or expansion of industrial or commercial buildings by more than 20 percent floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.
 12. Driveway shall not exceed 35 feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.
 13. A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.
 14. Applies to all property lines in industrial zones, except those fronting a public street, which directly abut a residential or open space zone. All buffering Requirements apply to new development; or expansion of an industrial or commercial building by more than 20 percent floor area or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater.

15. A reduced buffer requirement may be permitted with the provision of a solid wood or articulated masonry wall of at least 8 feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The planting requirement may be eliminated if appropriate and approved by the Planning Director. The fence or wall design shall be approved by the Planning Director.

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

A. Applicability. A work/live unit in the industrial zones must meet all applicable regulations contained in this section. Regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters for work/live units in the industrial zones only.

B. Definition. A "work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. A work/live unit accommodates a primary nonresidential activity with an accessory residential component.

C. Conditional use permit required.

1. Establishment of a work/live unit for new construction and conversion of existing buildings is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 on lots that are both: 1) in the CIX-1 or CIX-2 zones and 2) within three-hundred feet of a residential zone.
2. Establishment of a work/live unit through the conversion of an existing building originally designed for commercial or industrial activities which is rated "A" or "B" by the City's Cultural Heritage Survey, is permitted in all industrial zones with the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 provided there are existing artists and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding live/work (issued August 29, 2001 and amended August 23, 2004).

D. Regular design review required. Establishment of a work/live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily work/live units in the industrial zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
2. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing roll up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
4. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items; and

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5. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees and other business visitors.

E. Activity, parking, loading, open space, and unit size standards for work/live units. The following table contains the activities allowed in a work/live unit; the minimum size of an industrial work/live unit; and the parking, loading and open space required for each work/live unit:

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for work/live units.

Standard	Requirement	Notes
Activities allowed in a work/live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.	
Required parking	One parking space per unit plus one additional unassigned visitor or employee parking space per five work/live units	1, 3
Required loading	Square feet of facility	Requirement
	Less than 10,000 square feet	No berth required
	10,000--69,999 square feet	One berth
	70,000--130,000 square feet	Two berths
	Each additional 200,000 square feet	One additional berth
Required usable open space	75 square feet of usable open space per unit	2, 3
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area	

Notes:

1. See Chapter 17.116 for other off-street parking standards.
2. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.
3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.

F. A work/live unit shall consist of a maximum of one-third residential floor area with the remaining floor area to be used for the primary non-residential activity. All required plans for the creation of industrial work/live units shall: (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities, and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

G. Work/live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/ Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow industrial activities in work/live units in the industrial zones.

H. Each unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

I. For any work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The unit is in a nonresidential facility that allows commercial and/or industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

2. Each unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

J. Each building with a work/live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."

K. The development of work/live units in the industrial zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.73.050 Parking and Loading Dock Restrictions

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

B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX-1, CIX-2, and IO except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than 50 feet from property line as measured from the subject dock to any property boundary if located within 300 feet of a residential zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right of way. All existing loading docks are not subject to this requirement.

17.73.060 Referral to Other Applicable Regulations

The following table contains referrals to other regulations that may apply:

Table 17.73.03: Referral to Other Regulations

<u>Subject</u>	<u>Section</u>
<u>Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations</u>	<u>17.116</u>
<u>Sign regulations</u>	<u>17.104.20</u> <u>17.104.060</u>
<u>Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties</u>	<u>17.110</u>
<u>Landscaping and screening, including street trees</u>	<u>17.66.140A</u> <u>17.108.040</u> <u>17.124</u>

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<u>Subject</u>	<u>Section</u>
	17.68.130A
<u>Recycling space requirements</u>	17.118
<u>Nonconforming uses and facilities</u>	17.114
<u>Joint living and working quarters</u>	17.102.190
<u>Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts</u>	17.120
<u>The demolition of living units and the conversion of a living unit to a Nonresidential Use</u>	17.102.230
<u>Accessory Uses</u>	17.10.040
<u>Fence and retaining wall standards, including location, height, and materials</u>	17.108.040
<u>Expanding a use into adjacent zones</u>	17.102.110
<u>Application of zoning regulations to lots divided by zone boundaries</u>	17.210.070
<u>Landmarks</u>	17.05
<u>Special Restrictions on Establishments Selling Alcoholic Beverages (not low or medium residential zones)</u>	17.102.210
<u>Regulations applying to tobacco-oriented activities (not low or medium residential zones)</u>	17.102.350
<u>Microwave dishes and energy production facilities</u>	17.102.240
<u>Special regulations applying to adult entertainment activities (not low or medium residential zones)</u>	17.102.160
<u>Special regulations applying to massage service activities (not low or medium residential zones)</u>	17.102.170
<u>Buffering regulations for lots with three or more required parking space. This includes the screening of parking, loading, glare, and storage from residential properties and zones</u>	17.110.030
<u>Buffer Regulations for commercial and industrial uses next to residential and open space zones</u>	17.110
<u>Special regulations applying to electroplating activities</u>	17.102.340
<u>S-19 Health and Safety Protection Overlay Zone</u>	17.100

Chapter 17.100

S-19 HEALTH AND SAFETY PROTECTION OVERLAY ZONE

SECTIONS

17.100.010 Title, Purpose and Applicability

17.100.020 Definitions

17.100.030 Zones with Which the S-19 May Be Combined

17.100.040 Prohibited Land Uses

17.100.050 General Standards

17.100.060 Regulations Required by Other Agencies

17.100.010 Title, Purpose and Applicability

The intent of the Health & Safety Protection Overlay Zone is to promote the public health, safety and welfare by ensuring that activities which use hazardous material substances or store hazardous materials, hazardous waste, or explosives locate in appropriate locations and develop in such a manner as not to be a serious threat to the environment, or to public health, particularly to residents living adjacent to industrial areas where these materials are commonly used, produced or found.

17.100.020 Definitions

For the purposes of this regulation, the following definitions apply:

- A. Hazardous Material. Hazardous material is defined as that which could exhibit one or more of the hazard characteristics defined in the California Fire Code (CFC), which generally means, any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment (H.S.C. §25503.5a).
- B. Hazardous Waste. Hazardous waste is defined as any hazardous material whose intended original purpose is no longer applicable for its use, or a waste that meets federal or state criteria for ignitability, corrosivity, reactivity or toxicity, or is specifically listed by the federal or state law or regulations (40 C.F.R., part 240 et. seq.).
- C. Explosives. Explosives are defined as chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure, or high temperatures; or a material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect (29 C.F.R.).

17.100.030 Zones with Which the S-21 May Be Combined

A. The standards of this overlay zone shall apply to the following zoning districts:

- 1. Housing and Business Mix zones;
- 2. CIX-1 (Commercial Industrial Mix-1) zone;

3. CIX-2 (Commercial Industrial Mix-2) and IG (General Industrial) and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

B. The standards of this overlay zone shall apply to the following facility types:

1. All new nonresidential facilities or activities
2. Any nonresidential facility which has lost its legal non-conforming status
3. Any existing facility or activity where the usable floor area is expanded by more than twenty (20%) percent after the effective date of the adoption of this Ordinance.
4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

17.100.040 Prohibited Land Uses

The following land use activities are prohibited within the Health and Safety Protection Overlay Zone:

- A. Electroplating;
- B. Hazardous Waste Management, Industrial/Transfer Storage; and Residuals Repositories;
- C. Activities which involve manufacturing, storing or use of explosives

17.100.050 General Standards

The following additional regulations shall apply within the S-21 Health and Safety Protection Zone:

- A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (O.M.C. 8.42).
- B. No storage or use of hazardous materials and waste can be located within 300 feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

17.100.060 Regulations Required by Other Agencies

A. The following regulations may be required by the Fire Department, City of Oakland:

1. Process Hazard Analysis
2. Risk Management Plan
3. Local Hazardous Materials Business Plan

B. In addition the Fire Department may establish any of the following limitations:

1. Limitations on the location for storage or use of hazardous material;
2. Containment measures for storage or use of hazardous materials;
3. Limitations or prohibitions on the storage or use of specific hazardous materials; or specific processes that use or combine hazardous materials.

C. The foregoing shall not prevent compliance with other requirements that may be imposed under other federal, state or local rules, statutes, codes or regulations.

Chapter 17.120

PERFORMANCE STANDARDS

SECTIONS

17.120.010	Title, Purpose, and Applicability
17.120.020	Existing Activities
17.120.030	Proof of Compliance
17.120.040	Measurements
17.120.050	Noise
17.120.060	Vibration
17.120.070	Smoke
17.120.080	Particulate Matter and Air Contaminants
17.120.090	Odor
17.120.110	Humidity, Heat, Cold and Glare
17.120.120	Electrical Disturbance

17.120.010 Title, Purpose, and Applicability

The provisions of this chapter shall be known as the performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of all activities. These standards shall apply to the indicated activities in the zones and situations specified herein. (Ord. 11895 & 6, 1996; prior planning code & 7700)

17.120.020 Existing Activities

Activities existing on the effective date of the Zoning regulations, or of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such activities, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized under Section 17.102.310 and the development agreement procedure in Chapter 17.138. (Prior planning code & 7701) For existing activities meeting the definition specified in Section 17.114.080C, an expansion greater than 20 percent of production (e.g. non-administrative) floor area is one example of a change in operations that shall be considered an increase in the degree of non-conformity.

17.120.030 Proof of Compliance

The Director of City Planning may require the applicant for a building permit or business license to submit such information with respect to proposed machinery, processes, products, or environmental effects as may be necessary to demonstrate the ability of the proposed activities to comply with applicable performance standards. Such required information may include reports to expert consultants. Any such requirement, and any determination by the Director as to sufficiency of proof, may be appealed pursuant to the administrative appeal procedure in Chapter 17.132 (Prior planning code & 7703).

17.120.040 Measurements

When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practice. (Prior planning code & 7704)

17.120.050 Noise

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsections A, B, or C as modified where applicable by the adjustments indicated in subsection D, E, ~~or F~~. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

A. **Residential and Civic Zone Noise Level Standards.** The maximum allowable noise levels received by any residential zone ~~or by any legal residential activity, school, child care, health care or nursing home, public open space which is existing on or prior to the date of the adoption of these amendments, and similarly sensitive land use~~ are described in Table 17.120.01

Table 17.120.01 establishes the maximum allowable receiving noise level standards:

Table 17.120.01: Maximum Allowable Receiving Noise Level Standards - Residential and Civic

Cumulative Number of Minutes in Either the Daytime or Night-time: One Hour Time Period	Daytime	Nighttime
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

B. **Commercial Noise Level Standards.** The maximum allowable noise levels received by any commercial land use activity within any commercial zone (including the Housing and Business Mix (HBX) zone) ~~land use~~ are described in Table 17.120.02

Table 17.120.02 establishes the maximum allowable receiving noise level standards:

Table 17.120.02: Maximum Allowable Receiving Noise Level Standards

Cumulative Number of Minutes in Either the Daytime or Night-time: One Hour Time Period	Anytime
	20
10	70
5	75
1	80
0	85

C. **Manufacturing, Industrial, Agricultural and Extractive Noise Level Standards.** The maximum allowable noise levels received by any land use activity within any industrial, manufacturing or mining and quarrying land use zone are described in Table 17.120.03

Table 17.120.03 establishes the maximum allowable receiving noise level standards:

EXHIBIT A - Underline/Strikeout Version
(Revised 4/15/08)

Table 17.120.03: Maximum Allowable Receiving Noise Level Standards

Cumulative Number of Minutes in Either the Daytime or Night-time (One Hour Time) Period	Anytime
20	70
10	75
5	80
1	85
0	90

- D. In the event the measured ambient or noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.
- E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.
- ~~F. Legal Nonconforming Residential Facilities. The applicable receiving noise level standard under subsection A of this section shall be increased by five dBA for legal nonconforming residential facilities located in the M 30, M 40, or any other zone as provided in Section 17.114.010.~~
- G.F. **Noise Measurement Procedures.** Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four to five feet above the ground; ten feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the effected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.
- H.G. **Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.**
- The daytime noise level received by any residential, commercial, or industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten days or more) shall not exceed the maximum allowable receiving noise level standards described in Table 17.120.04

Table 17.120.04 establishes the maximum allowable receiving noise level standards:

Table 17.120.04: Maximum Allowable Receiving Noise Level Standards

Long-term or Short-term Operation	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven p.m. and seven a.m. or between eight p.m. and nine a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.
- H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.
- I. Commercial Refrigeration Units, Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten p.m. and seven a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any ~~legally occupied residential facility~~ residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.
- J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any ~~legally occupied residential facility~~ residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060. (Ord. 11895 & 7, 1996; prior planning code & 7710)

17.120.060 Vibration

All activities, except those located within the IG or M-40 zone, or in the IG or M-30 zone-more than four hundred (400) feet from any ~~legal residential occupied property~~ residential zone boundary shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard. (Ord. 11895 & 8, 1996; prior planning code & 7711)

17.120.070 Smoke

All Commercial, Manufacturing and Industrial Activities located in the M-10, S-3, or S-13 zone, or in any HBX or CIX zone shall be so operated as not to emit visible smoke as dark as Ringlemann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringlemann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time. (Prior planning code & 7712)

17.120.080 Particulate Matter and Air Contaminants

All Commercial and Manufacturing and Industrial Activities which are located in a residential zone or the M-10, M-20, S-3, ~~or~~ S-13 zone, or any HBX or CIX-1 zone, or which are located in the M-30, CIX-2, IG or IO zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities. (Prior planning code & 7713)

17.120.090 Odor

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the points of determination described in Table 17.120.05

Table 17.120.05 establishes the maximum allowable receiving noise level standards:

Table 17.120.05: Points of Determination for Odor

Zones in Which Activities are Located	Point of Determination
Any residential zone, M-10, M-20, S-3, or S-13 , <u>HBX-1, HBX-2, HBX-3, or CIX-1</u>	At or beyond any lot line of the lot containing the activities of the lot containing the activities.
M-30, <u>CIX-2, IG or IO</u> zone if within 400 feet of any boundary of a residential zone	At or beyond any boundary of the nearest residential zone.

(Prior planning code & 7714)

17.120.110 Humidity, Heat, Cold and Glare

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by the average person at the points of determination described in Table 17.120.06:

Table 17.120.06 establishes the maximum allowable receiving noise level standards:

Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare

Zones in Which Activities are Located	Point of Determination
Any residential zone, M-10, M-20, S-3, or S-13 , <u>HBX-1, HBX-2, HBX-3, or CIX-1</u>	At or beyond any lot line of the lot containing the activities.
M-30, <u>CIX-2, IG or IO</u> zone if within 400 feet of any residential zone	At the nearest boundary of a residential zone.

(Prior planning code & 7715)

17.120.120 Electrical Disturbance

All Commercial, Industrial and Manufacturing Activities located in a residential zone or the M-10, M-20, S-3, S-13, HBX or CIX-1 zone, or located in the CIX-2, IG or M-30 or M-40 zone and within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot. (Prior planning code & 7716)









