

Mark P. Wall
City Attorney

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OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER _____

2013 JUL 11 PM 3:57

OAKLAND CITY COUNCIL
ORDINANCE No. 13182 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO CREATE THE GATEWAY INDUSTRIAL DISTRICT (D-GI) ZONE, AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS AND THE OAKLAND ZONING MAP TO APPLY THE D-GI ZONE TO APPROXIMATELY 160 ACRES IN THE GATEWAY DEVELOPMENT AREA OF THE FORMER OAKLAND ARMY BASE

WHEREAS, on June 12, 2012, the Oakland City Council, via Resolution No. 83930 C.M.S., approved the amended Oakland Army Base (OARB) Reuse Plan (Master Plan), including adopting the 2012 OARB Initial Study/Addendum, making related California Environmental Quality Act (CEQA) findings, and adopting the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP); and

WHEREAS, the Gateway Development Area encompasses approximately 160 acres of the OARB and is comprised of the North Gateway area, West Gateway area, Central Gateway area, East Gateway area, and ancillary maritime services (AMS) site; and

WHEREAS, the Master Plan involves the removal of all buildings in the Gateway Development Area and the redevelopment of the site with new warehousing, recycling, maritime support, trucking-related, office, research and development, and rail-related activities (Project);

WHEREAS, on January 18, 2013, CASS, Inc., and California Waste Solutions, Inc., each submitted an application to amend the zoning in order to permit proposed recycling activities in the North Gateway area consistent with the Master Plan; and

WHEREAS, on March 19, 2013, Prologis CCIG Oakland Global, LLC, submitted an application to amend the zoning in order to permit warehousing, maritime support, and rail-related activities in the West Gateway, Central Gateway, and East Gateway areas consistent with the Master Plan; and

WHEREAS, trucking-related activities are planned for the AMS site consistent with the Master Plan; and

WHEREAS, a new zoning district called the Gateway Industrial District (D-GI) zone has been created to be applied to the Gateway Development Area (Rezoning), which is intended to implement the Master Plan by permitting land uses consistent with the Master Plan; and

WHEREAS, the Rezoning requires new development to comply with design standards to ensure that the design of new development is high quality; and

WHEREAS, the Rezoning is consistent with the Oakland General Plan; and

WHEREAS, the Landmarks Preservation Advisory Board held a duly noticed public hearing on the proposed Rezoning, as well as other planning matters, on April 8, 2013; and

WHEREAS, the City Planning Commission held a duly noticed public hearing on the proposed Rezoning, as well as other related planning matters, on May 1, 2013, and at the close of the hearing recommended approval of the Rezoning to the City Council; and

WHEREAS, the Community and Economic Development Committee held a duly noticed meeting on May 28, 2013, to consider the Rezoning, as well as other related planning matters, and recommended approval of such to the City Council; and

WHEREAS, the City Council held duly noticed public hearings on the Rezoning, as well as other related planning matters, on June 4, 2013, and July 2, 2013; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council, based upon its own independent review, consideration, and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further CEQA review are present. Thus, prior to approving the Rezoning, the City Council finds and determines that it can continue to rely on the previously adopted 2012 OARB Initial Study/Addendum for the reasons stated in the June 12, 2012, and May 28, 2013, City Council Agenda Reports and related attachments/exhibits. The (Final and Corrected) Standard Conditions of Approval/Mitigation Monitoring and Reporting Program, dated October 15, 2012, is also hereby reaffirmed/readopted, including the clarifying corrections discussed at the June 4, 2013, City Council hearing (Mitigation Measure 4.4-3b, West Gateway Rail and Maritime Emissions Reduction Program) and in the Agenda Report for the July 2, 2013, City Council meeting (Mitigation Measure 4.3-10, Parking Demand Study), and the revisions discussed at the July 2, 2013, City Council meeting (Mitigation Measure PO-1, Stakeholder Review of Air Quality and Trucking Plans).

Section 2. The City Council finds and determines that this action complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies.

Section 3. Title 17 of the Oakland Planning Code is hereby amended to (a) create the new D-GI zone for the Gateway Development Area and (b) make related text amendments to the Oakland Planning Code; as detailed in Exhibit A, attached hereto and hereby incorporated by reference.

Section 4. The City Council hereby authorizes staff to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors) prior to formal

publication of the amendments in the Oakland Planning Code.

Section 5. The Oakland Zoning Map is hereby amended to map the new D-GI zone as indicated in Exhibit B, attached hereto and hereby incorporated herein by reference.

Section 6. The recitals set forth above are true and correct and are an integral part of this Ordinance.

Section 7. The City Council finds and determines the following:

a) The Project is consistent with the General Plan and all applicable planning and zoning enactments; and

c) The Rezoning is desirable in order to facilitate the successful Project implementation; and

d) The Project will have substantial economic and community benefits to the City, including generating permanent and construction jobs and the catalytic effect the project will have on revitalizing the surrounding neighborhood, which will result in increased property values in the surrounding area and an increase in the viability of existing businesses; and

e) The existing zoning for the Gateway Development Area is inadequate and contrary to public interest and that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the Rezoning.

Section 8. Except as specifically set forth herein, this Ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

Section 9. If any phrase, clause, section, subsection, paragraph, subdivision, sentence, term or provision of this Ordinance or its application to any person or circumstances is finally found to be void, invalid, illegal or unenforceable by a court of competent jurisdiction, then notwithstanding such determination, such term or provision shall remain in force and effect to the extent allowed by such ruling and all other terms and provisions of this Ordinance or the application of this Ordinance to other situations shall remain in full force and effect.

Section 10. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the applications, 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, Landmarks Preservation Advisory Board, Planning Commission, and City Council before and during the public hearings

on the application; and

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) the 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 11. 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 Office of Neighborhood Investment, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland; (b) the Planning and Building Department, 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.

Section 12. Pursuant to section 216 of the City Charter, this Ordinance is effective as of the date it is adopted if passed by an affirmative vote of at least six council members; otherwise, it is effective seven days after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 16 2013

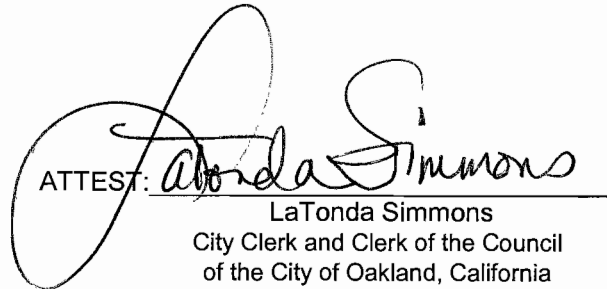
PASSED BY THE FOLLOWING VOTE:

AYES- ~~Brooks~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- Brooks - 1

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

DATE OF ATTESTATION: 7-19-13

Introduction Date JUL 2 2013

mtw

[NOTE: TEXT BELOW REPRESENTS A NEW CHAPTER IN TITLE 17, OAKLAND PLANNING CODE.]

Chapter 17.101F - D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS

Sections:

- 17.101F.010 - Title, intent, and description.
- 17.101F.020 - Required master plan conformance.
- 17.101F.030 - Permitted and conditionally permitted activities.
- 17.101F.040 - Permitted and conditionally permitted facilities.
- 17.101F.050 - Property development standards.
- 17.101F.060 - Design standards.
- 17.101F.070 - Demolition.
- 17.101F.080 - Other zoning provisions.

17.101F.010 - Title, intent, and description.

The provisions of this Chapter shall be known as the Gateway Industrial District (D-GI) Zone Regulations. The intent of the D-GI zone is to facilitate implementation of the Oakland Army Base Reuse Plan.

17.101F.020 - Required master plan conformance.

All development shall be in substantial conformance with the approved Oakland Army Base Reuse Plan, as amended, and adopted Standard Conditions of Approval and Mitigation Measures, as applicable.

17.101F.030 - Permitted and conditionally permitted activities.

Table 17.101F.01 lists the permitted, conditionally permitted, and prohibited activities in the D-GI zone. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.101F.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	D-GI	
Residential Activities		
Permanent	—	
Residential Care	—	
Service-Enriched Permanent Housing	—	
Transitional Housing	—	
Emergency Shelter	—	
Semi-Transient	—	
Bed and Breakfast	—	
Civic Activities		
Essential Service	P(L1)	
Limited Child-Care Activities	—	
Community Assembly	P(L2)(L3)	
Recreational Assembly	—	
Community Education	—	
Nonassembly Cultural	P(L4)	
Administrative	P	
Health Care	—	
Special Health Care	—	
Utility and Vehicular	P(L2)	
Extensive Impact	P(L2)	
Commercial Activities		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	17.102.210 and 8.09
Convenience Market	P(L5)	17.102.210
Alcoholic Beverage Sales	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	—	
Medical Service	P(L2)	
General Retail Sales	P(L2)	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L2)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	—	
Consumer Dry Cleaning Plant	—	
Group Assembly	P(L2)(L6)	

Personal Instruction and Improvement Services	P(L2)(L6)	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	P	
Transient Habitation	—	
Wholesale and Professional Building Material Sales	P	
Automobile and Other Light Vehicle Sales and Rental	P(L2)	
Automobile and Other Light Vehicle Gas Station and Servicing	P	
Automobile and Other Light Vehicle Repair and Cleaning	P	
Taxi and Light Fleet-Based Services	P	
Automotive Fee Parking	P	
Animal Boarding	—	
Animal Care	—	
Undertaking Service	—	
Industrial Activities		
Custom Manufacturing	P	
Light Manufacturing	P	
General Manufacturing	P	
Heavy/High Impact	C	
Research and Development	P	
Construction Operations	P(L2)	
Warehousing, Storage, and Distribution		
A. General Warehousing, Storage and Distribution	P	
B. General Outdoor Storage	P	
C. Self-or Mini Storage	P	
D. Container Storage	P	
E. Salvage/Junk Yards	—	
Regional Freight Transportation		
A. Seaport	P	
B. Rail Yard	P	
Trucking and Truck-Related		
A. Freight/Truck Terminal	P	
B. Truck Yard	P	
C. Truck Weigh Stations	P	
D. Truck and Other Heavy Vehicle Sales, Rental, and Leasing	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	P	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	P	
B. Primary Recycling Collection Centers	P(L7)	17.73.035
Hazardous Materials Production, Storage, and Waste Management		

A. Small Scale Transfer and Storage	C	
B. Industrial Transfer/Storage	C	
C. Residuals Repositories	C	
D. Oil and Gas Storage	C	
Agriculture and Extractive Activities		
Plant nursery	—	
Crop and animal raising	—	
Mining and Quarrying	—	
Accessory off-street parking serving prohibited activities	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	17.102.110

Limitations on Table 17.101F.01:

- L1.** Community gardens and botanical gardens are prohibited.
- L2.** These activities are limited to establishments that support or are associated with trucking, warehousing, or maritime-related activities.
- L3.** Community Assembly Activities are limited to public and private nonprofit clubs, lodges, and meeting halls.
- L4.** Nonassembly Cultural Activities are limited to museums and commemorative exhibits pertaining to trucking, warehousing, or maritime-related activities or the history of the site.
- L5.** Convenience Markets are limited to establishments located on the same lot as an Automobile and Other Light Vehicle Gas Station and Servicing Activity or a Truck and Other Heavy Vehicle Service, Repair, and Refueling Activity.
- L6.** Group Assembly Activities and Personal Instruction and Improvement Services Activities are limited to instructional services.
- L7.** Primary Recycling Collection Centers shall comply with the performance standards set forth in Section 17.73.035.

17.101F.040 - Permitted and conditionally permitted facilities.

Table 17.101F.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-GI zone. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the Table.

"—" designates facilities that are prohibited.

Table 17.101F.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	D-GI	
Residential Facilities		

One-Family Dwelling	—	
One-Family Dwelling with Secondary Unit	—	
Two-Family Dwelling	—	
Multifamily Dwelling	—	
Rooming House	—	
Mobile Home	—	
Nonresidential Facilities		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Drive-In	P	
Sidewalk Cafe	P	17.102.335
Shopping Center	—	
Drive-Through	P/C(L1)	
Telecommunications Facilities		
Micro Telecommunications	P	17.128
Mini Telecommunications	P	17.128
Macro Telecommunications	P	17.128
Monopole Telecommunications	P	17.128
Tower Telecommunications	P	17.128
Sign Facilities		
Residential Signs	—	
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104
Advertising Signs	P(L2)	17.104

Limitations for Table 17.101F.02:

L1. Drive-Through Facilities associated with a Fast Food Restaurant are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure). All other Drive-Through Facilities are permitted.

L2. Advertising Signs are limited to signs permitted pursuant to an agreement authorized by the Oakland City Council.

17.101F.050 - Property development standards.

Table 17.101F.03 below prescribes development standards specific to the D-GI Zone. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.101F.03: Property Development Standards

Development Standards	D-GI zone	Additional Regulations
Minimum Lot Dimensions		
Width mean	25 ft	1
Frontage	25 ft	1
Lot area	5,000 sf	1
Maximum Building Height	65 ft	2, 3
Minimum Setbacks		
Minimum front	None	
Minimum interior side	None	
Minimum street side	None	
Rear	None	
Maximum Floor-Area Ratio (FAR)	5.0	4
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking	

Additional Regulations for Table 17.101F.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. See Section 17.108.030 for allowed projections above height limits.
3. The maximum permitted building height does not apply to equipment, storage areas, or Advertising Signs. The maximum permitted building height may be exceeded upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure).
4. The maximum permitted floor-area ratio may be exceeded upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure).

17.101F.060 - Design standards.

All development shall comply with the design standards for the D-GI Zone adopted by the City Planning Commission, as amended.

17.101F.070 - Demolition.

The requirement in Section 15.36.070 pertaining to the demolition of structures prior to the issuance of a building permit to construct a replacement structure shall not apply in the D-GI Zone.

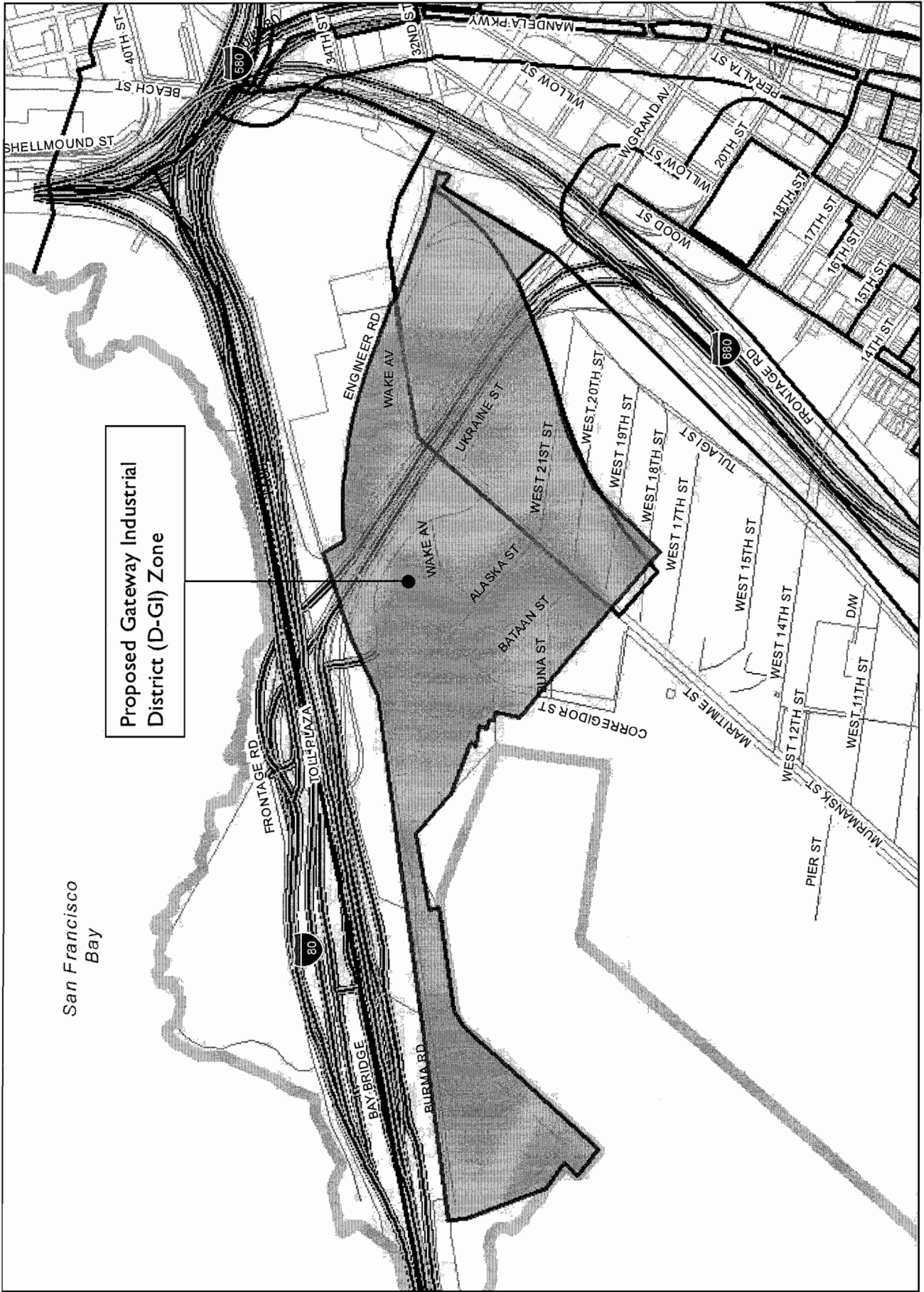
17.101F.080 - Other zoning provisions.

Except as expressly provided, all other provisions of the Oakland Municipal Code shall apply in the D-GI Zone, including but not limited to the provisions listed below.

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-GI Zone.

- B. Buffering Regulations. The requirements of the buffering regulations in Chapter 17.110 shall apply in the D-GI Zone.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- E. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking requirements in Chapter 17.117.
- F. Recycling Space Allocation Requirements. The recycling space allocation requirements in Chapter 17.118 shall apply in the D-GI Zone.
- G. Performance Standards. The performance standards in Chapter 17.120 shall apply in the D-GI Zone.
- H. Landscaping and Screening Standards. The landscaping and screening standards in Chapter 17.124 shall apply in the D-GI Zone.

Oakland Army Base Rezoning: Map of Proposed Zoning



Proposed Gateway Industrial District (D-GI) Zone

San Francisco Bay

