

ORDINANCE No. 12289 C M S

CORRECTED COPY

REVISED by City Council
(Changes shaded)

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO CREATE THE S-16 INDUSTRIAL-RESIDENTIAL TRANSITION OVERLAY ZONE; TO MAP THE S-16 AND S-4 OVERLAY ZONES ON SEVERAL AREAS OF THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT; TO REZONE THE VICINITY OF THE WEST OAKLAND BART STATION TO THE S-15 TRANSIT VILLAGE ZONE; AND TO REQUIRE A CONDITIONAL USE PERMIT FOR ALL TRUCKING ACTIVITIES IN THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT.

WHEREAS, on March 24, 1998, the City Council passed Resolution No. 74129 C.M.S. adopting a new Land Use and Transportation Element of the Oakland General Plan which generally directs the City to protect existing industrial, commercial, and residential activities and includes Objective I/C4 which calls for the City to minimize land use compatibility conflicts; and

WHEREAS, residents, business owners, and other property owners and community groups requested a study of the land use controls in the West Oakland Community Development District; and

WHEREAS, the conflicts between truck-related and other heavy industrial activities with residential activities exist as a result of historical development patterns and later zoning and land use policies which have allowed these uses to locate next to each other; and

WHEREAS, in February 1999 the City Council directed the Community and Economic Development Agency to initiate an analysis to examine appropriate land use controls and other strategies which address the land use compatibility issues and future development of the area; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan also includes Transportation policies which relate to the location of trucking services; and

WHEREAS, on February 2, 1999, the City Council adopted Ordinance No. 12110 C.M.S. which established interim controls on the issuance of building, zoning and other permits for the expansion and/or development of truck repair and truck parking projects; and

WHEREAS, on July 20, 1999, the City Council adopted Ordinance No. 12156.1 C.M.S. amending Ordinance No. 12110 C.M.S. to require additional interim controls on the issuance of building, zoning and other permits for the establishment and/or development of truck repair and truck parking projects; and

WHEREAS, on February 1, 2000, the City Council adopted Ordinance No. 12204 C.M.S. which extended the interim controls for six months or until permanent land use controls were adopted; and

WHEREAS, on July 18, 2000, the City Council adopted Ordinance No. 12265 C.M.S. which extended the interim controls until October 31, 2000 or until permanent land use controls were adopted; and

WHEREAS; the **Land Use** and Transportation Element of the Oakland General Plan contains a vision for a West Oakland transit village, and Policy T2.1 specifically calls for transit-oriented development at existing transit nodes; and

WHEREAS, the West Oakland community is in discussions about revitalizing 7th Street and Mandela Parkway in the vicinity of the BART station; and

WHEREAS, Policy T6.2 of the Land Use and Transportation Element of the Oakland General Plan also calls for improving streetscapes, and design review of projects on major arteries such as Mandela Parkway, West Grand Avenue, and 7th Street will contribute to an improved overall image of Oakland and help make it a more livable city; and

WHEREAS, the Citywide Zoning Update project to address the General Plan goals and policies and implement actions that could reduce further expansion of incompatible land use patterns will take at least two years to complete; and

WHEREAS, CEDA staff have worked with the West Oakland community over a period of 18 months, held numerous community meetings and workshops, formed an Ad Hoc Committee composed of residents and business owners to help shape the land use proposals; and

WHEREAS, recommendations have been developed that address the land use conflicts as well as community concerns, Council direction, and General Plan policies; and

WHEREAS, a duly noticed public hearing was held on this matter by the City Planning Commission on July 26, 2000, and continued on September 6, 2000; and

WHEREAS, CEDA staff worked with the community to make further revisions and refinements to the proposed recommendations; and

WHEREAS, on September 6, 2000 the City Planning Commission voted to recommend amending the Oakland Planning Code as set forth below; and

WHEREAS, on October 3, 2000 the Community and Economic Development Committee of the City Council voted to amend the Planning Commission recommendation and forwarded it to the full Council; and

WHEREAS, said amendments to the Oakland Planning Code are exempt from environmental review under Section 15061(b)(3), State CEQA Guidelines, "general rule" (no possibility of significant effect on the environment), Section 15332, in-fill development, and reliance on the previously certified Final Environmental Impact Report for the *General Plan Land*

Use and Transportation Element, as detailed in the October 3, 2000 Council Agenda Report, hereby incorporated by reference; and

WHEREAS, said amendments to the Oakland Planning Code do not necessitate amendments to the Master Fee Schedule; and

WHEREAS, the City Council as the legislative body of the City, has an obligation pursuant to the City Charter to protect Oakland's physical environment and to conserve existing neighborhoods and other areas, while encouraging orderly development and in the manner compatible with existing development in these areas; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendments; now, therefore

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

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The City Council finds and determines that the adoption of this Ordinance complies with the California Environmental Quality Act.

SECTION 3. The Oakland Planning Code is hereby amended to add a new Chapter 17.101, entitled "S-16 Industrial-Residential Transition Combining Zone Regulations," to read as follows (all text is new):

"Chapter **17.101**

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

- 17.101.010** Title, purpose, and applicability.
- 17.101.020** Zones with which the **S-16** may be combined.
- 17.101.030** Design review for construction or alteration.
- 17.101.040** Permitted activities.
- 17.101.050** Conditionally permitted activities.
- 17.101.060** Prohibited activities.
- 17.101.070** Conditionally permitted facilities.
- 17.101.080** Maximum floor area ratio.
- 17.101.090** Special regulations for activities within the **S-16** zone.
- 17.101.100** Applicable performance standards.
- 17.101.110** Nonconforming uses.

- 17.101.010** Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-16 Industrial-Residential Transition Combining Zone regulations. The intent of the S-16 zone is to provide a compatible transition between residential and industrial zones by limiting the impacts of new nonresidential development, particularly trucking facilities and industrial development, on adjacent residential zones. It is also intended to promote compatible economic development and provide opportunities for new joint living and working quarters. These regulations shall apply in the S-16 zone and are supplementary to the regulations applying in the zones with which the S-16 zone is combined. Where the standards and regulations contained herein conflict with those of the underlying zoning regulations, ~~then~~ the standards and regulations contained herein shall apply.

17.101.020 Zones with which the S-16 may be combined.

The S-16 zone may be combined with any other zone whose General Plan land use classification is “Business Mix” or “General Industrial/Transportation” and abuts a residential zone, or with any industrial zone that abuts a residential zone.

17.101.030 Design review for construction or alteration.

In the S-16 zone no building, sign, or other facility shall be constructed or established, added to ~~or~~ altered by more than 10 percent of the existing floor or sign area ~~or~~ altered or in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136.

17.101.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

- A. Civic Activities:
 - Essential Service
 - Limited Child-Care
 - Nonassembly Cultural (with less than 10,000 square feet of gross floor area)
 - Administrative (with less than 10,000 square feet of gross floor area)
 - Telecommunications
- B. Commercial Activities:
 - Convenience Sales and Service
 - General Retail Sales
 - General Personal Service
 - Consultative and Financial Service
 - Administrative
 - Business and Communication Service
 - Retail Business Supply
 - Research Service (with less than 10,000 square feet of gross floor area)
- C. Manufacturing Activities:
 - Custom (with less than 10,000 square feet of gross floor area)
 - Light (with less than 10,000 square feet of gross floor area)

17.101.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.101.090:

- A. Civic Activities:
 - Community Assembly
 - Community Education
 - Nonassembly Cultural (with more than 10,000 square feet of new gross floor area)
 - Administrative (with more than 10,000 square feet of new gross floor area)
 - Utility and Vehicular
- B. Commercial Activities:
 - General Food Sales
 - Convenience Market (subject to provisions in Section 17.102.210A)
 - Mechanical or Electronic Games (subject to provisions in Section 17.102.210C)
 - Medical Service
 - Consumer Laundry and Repair Service
 - Group Assembly
 - Research Service (with more than 10,000 square feet of new *gross* floor area)
 - General Wholesale Sales (with less than 50,000 square feet of gross floor area)
 - Construction Sales and Service
 - Automotive Fee Parking
 - Animal Care
- C. Manufacturing Activities:
 - Custom (with more than 10,000 square feet **of** new *gross* floor area)
 - Light (with more than 10,000 square feet of new gross floor area)
- D. Agricultural and Extractive Activities:
 - Plant Nursery
- E. Accessory Activities:
 - Joint Living and Working Quarters (as defined in Section 17.10.040C **and** subject to the provisions in Section 17.102.190 and the special regulations in Section 17.101.090A.)
 - Open Storage

17.101.060 Prohibited activities.

The following activities, as described in the use classifications in Chapter 17.10, are prohibited:

- A. Commercial Activities:
 - Alcoholic Beverage Sales
 - Automotive Repair and Cleaning
 - Automotive Sales, Rental, and Delivery
 - Automotive Servicing
 - Fast-Food Restaurant
 - Scrap Operation, subject to provisions of Section 17.102.210F
 - Transport and Warehousing, subject to provisions in Section 17.102.210F
- B. Manufacturing Activities:
 - General
 - Industrial Transfer/Storage Hazardous Waste Management

- C. Agricultural and Extractive Activities
 - Crop and Animal Raising
 - Mining and Quarrying

17.101.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.101.090:

- A. Nonresidential Facilities
 - Open
- B. Telecommunications Facilities
 - Macro
 - Monopole

17.101.080 Maximum floor area ratio.

- A. Maximum floor area ratio generally. The maximum floor area ratio of any facility shall be 4.0 unless a lesser floor area ratio is specified by the applicable General Plan land use classification. Any new construction or addition or alteration that results in a total F.A.R. of more than 2.0 on any portion of any lot within 150 feet of a residential zone shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Maximum floor area within 150 feet of a residential zone. **The 2.0** floor area ratio shall only apply to the **portions** of all properties located in the first 150 feet of the S-16 zone. **The 150 feet measurement is** not measured from the zoning boundary but **begins** at the nearest property line **withi**n the S-16 zone that is adjacent **to** the residential zone.

17.101.090 Special regulations for activities and facilities.

The following supplemental development standards shall apply to all new development and alterations and additions adding more than 10 percent to existing floor area, unless otherwise indicated

A. New Joint Living and Working Quarters. Construction of new joint living and work quarters, subject to the regulations in Section 17.102.190, is allowed subject to the following standards:

1. Size of Units. The average unit size of all joint living and work quarters in a development project shall be a minimum of 1,000 square feet of floor area. No individual unit shall be less than 800 square feet of floor area.

2. Use of Space. Generally, as a guideline and not as a mandate, one-third of the floor area should be used **for** living space.

3. Minimum Usable Open Space. A minimum of 75 square feet of group usable open space shall be provided for each joint living and working quarters unit. **All** required group usable open space shall conform with the standards set forth in Section 17.126.030, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

4. Required Parking. A minimum of one space shall be provided for each 1,000 square feet of floor area. This requirement preempts any conflicting requirement in Chapter 17.116.

5. Buffering. The general buffering requirements of Section 17.110.020 shall apply to joint living and working quarters.

B. Upper-story Stepback on lots abutting a Residential Zone or on a block with residential activity. On any portion of any lot that:

1. abuts a residential zone, or
2. is directly across a street, alley, or path from a residential zone, or
3. abuts a legally established residential activity, or
4. is on a street where 50% or more of the frontage on the street within 300 feet of the lot has legally established residential activities,

no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back a minimum of one foot for each foot of additional height. This setback shall be measured from the inner line of the minimum yard required by Subsection C below.

C. Minimum Yards on lots abutting a Residential Zone or on a block with residential activity. On any portion of any lot that:

1. abuts a residential zone, or
2. is directly across a street, alley, or path from a residential zone, or
3. abuts a legally established residential activity, or
4. is on a street where 50% or more of the frontage on the street within 300 feet of the lot has residential activities,

a yard with a minimum depth or width, as the case may be, of ten feet shall be provided along the entire lot line that abuts or is across from said residential zone or residential activity. This yard shall be landscaped and unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. A solid masonry or lumber wall at least six feet high shall be provided along the entire length of any lot line not facing a street. Where the lot in question is 25 feet or less in width, a solid masonry wall at least six feet high may be provided in lieu of any side yard required by this section.

D. Landscaping.

1. Front Yards. All front yards required by Subsection C above shall be landscaped with trees and shrubs, except for driveways serving required parking or loading, and incidental pedestrian access.

2. Minimum Landscaping. For new construction or addition or alteration of more than 10% of existing floor area, a minimum of 10% of the site area must be landscaped.

3. Off-street Parking Facilities. Landscaping shall be provided for off-street parking facilities with more than 10 spaces. A minimum of one tree for every 6 spaces shall be distributed evenly throughout the parking area. Parking rows shall be separated from driveways by a landscaped planter.

4. Required Irrigation. All planting areas shall be provided with an irrigation system that is permanent, below grade, and activated by automatic timing controls.

E. Screening of Parking on a Lot. A concrete or masonry wall at least 3 feet high shall be provided for parking areas located adjacent to a public right-of-way.

F. Minimum Usable Open Space for Nonresidential Activities. For nonresidential activities, a minimum of one square foot of usable group open space shall be provided for every 100 square feet of floor area with a minimum of 100 square feet of usable group open space provided on every lot subject to the applicable Usable Open Space Standards in Section 17.126.030.

G. Loading Berths. No loading berths shall be located within 100 feet of any residential zone except upon the granting of a conditional use permit pursuant to Section 17.102.080 and the conditional use permit procedure in Chapter 17.134.

H. Truck Parking. Any activity that operates or stores three or more Trucks shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 on any lot that:

1. abuts a residential zone, or
2. is directly across a street, alley, or path from a residential zone, or
3. abuts a legally established residential activity, or
4. is on a street where **50%** or more of the frontage on the street within 300 feet of the lot has legally established residential activities.

For the purposes of this section, a “Truck” is defined as a “Commercial Vehicle” having a “Manufacturer’s Gross Vehicle Weight Rating” exceeding ten thousand (10,000) pounds or a “Trailer,” as those terms are defined in the California Vehicle Code.

I. Access. Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zone boundary, unless all such streets serve as residential zone boundaries.

17.101.100 Applicable performance standards.

The performance standards specified in Chapter 17.120 shall apply in the **S-16** zone.

17.101.110 Nonconforming uses.

The requirements regarding substitution of nonconforming uses specified in Chapter 17.114.070 A.3 shall apply in the **S-16** zone.”

SECTION 4. The Oakland Planning Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**, additions are indicated by underlining, and deletions are indicated by ~~strike-out type~~; portions of the code not cited, or not shown in underlining or strike-out type, are not changed):

“Chapter 17.68

M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

17.68.030 Permitted activities.

B. Commercial Activities:

Automotive Repair and Cleaning, except as provided in Section 17.102.370.

Automotive Fee Parking except as provided in Section 17.102.370.

Chapter 17.70

M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

17.70.030 Permitted activities.

B. Commercial Activities:

Automotive Servicing, except as provided in Section 17.102.370.

Automotive Repair and Cleaning, except as provided in Section 17.102.370.

Automotive Fee Parking, except as provided in Section 17.102.370,
Transport and Warehousing, except as provided in Section 17.102.210F
and subject to provisions in Section 17.102.370,

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

- 17.102.010 Title, purpose, and applicability.
- 17.102.020 Supplemental zoning provisions.
- 17.102.030 Special regulations for designated landmarks.
- 17.102.040 Effect of prior permits.
- 17.102.050 Revocation of unused prior zoning approvals after one year.
- 17.102.060 Study list—Postponement of demolition.
- 17.102.070 Application of zoning regulations to lots divided by zone boundaries.
- 17.102.080 Permitted and conditionally permitted uses.
- 17.102.090 Conditional use permit for shared access facilities.
- 17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.
- 17.102.110 Conditions for expansion of use into adjacent zones.
- 17.102.120 Restriction on removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS zones.
- 17.102.130 Time limit on operation of subdivision sales offices—Residential zones.
- 17.102.140 Special regulations applying to private stables and corrals.
- 17.102.150 Conditional use permit requirement for accessory heliports and other flying fields.
- 17.102.160 Special regulations applying to adult entertainment activities.
- 17.102.170 Special regulations applying to massage service activities.
- 17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial zones.
- 17.102.190 ~~Joint~~ living and work quarters.
- 17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.
- 17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, Sidewalk Cafes, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.
- 17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.
- 17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential zones.
- 17.102.240 Special regulations applying to microwave dishes and energy production facilities in or near residential zones.
- 17.102.250 Maximum density and floor-area ratio during construction.
- 17.102.260 Occupancy of a dwelling unit.

- 17.102.270 Additional kitchens for a dwelling unit.
- 17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.
- 17.102.290 Special regulations for Drive-Through Nonresidential Facilities.
- 17.102.300 Conditional use permit for dwelling units with five or more bedrooms.
- 17.102.310 Special regulations for certain projects with development agreements.
- 17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.
- 17.102.330 Conditional **use** permit for waiver of certain requirements with parcel division between existing buildings.
- 17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and **M-40** zones.
- 17.102.350 Regulations applying to tobacco-oriented activities.
- 17.102.360 Use permit standards, criteria and conditions of approval for secondary units.
- 17.102.370 Special regulations applying to truck-related activities in the West Oakland Community Development District,

17.102.190 Joint living and work quarters.

B. Definition. Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household **of** one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved **for**, and regularly used by, one or more persons residing therein. In the S-16 Industrial-Residential Transition Combining Zone, joint living and work quarters may also be allowed in new construction.

17.102.380 Special regulations **applying** to truck-related activities in the West Oakland Community Development District.

A. Use Permit Required. No Truck and Truck-related activity as described in Sections 17.10.470, 17.10.480, 17.10.490, and 17.10.500 shall be established or expanded in the West Oakland Community Development District except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. “West Oakland Community Development District” is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west and Interstate 580 to the north.

C. The term “Truck” shall be defined as a “Commercial Vehicle” having “Manufacturer’s Gross Vehicle Weight Rating” exceeding ten thousand (10,000) pounds or a “Trailer.” as those terms are defined in the California Vehicle Code.

Chapter 17.114

NONCONFORMING USES

17.114.070 Nonconforming activity—Allowed substitutions and other changes in activity.

A. Activity Nonconforming Because It Is Not a Permitted Activity. The activities specified in the following table may be substituted for any **of** the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

1. If the nonconforming activity is itself conditionally permitted where it is located, no substitution or other change shall be made in it which would conflict with, or further conflict with, any requirement on off-street parking **or** loading, conduct of activities within enclosed buildings, means of customer access, or total floor area which normally applies to activities. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.)

2. Conversions of dwelling units to use by a nonresidential activity shall be subject, where applicable, to the provisions of Section 17.102.230.

3. If the nonconforming activity is located at ground level on any lot in the C-5, C-27, C-28, C-31, **or** S-9 zone, or on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets in the S-8 zone, ~~or anywhere in the S-16 zone~~, no change shall be made in the nature as such of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business **or** other function is not changed.

4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.102.210(B)(2), which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.

5. No substitution **or** other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

6. In cases of discontinuance, damage, or destruction, the pertinent provisions of Sections 17.114.050 or 17.114.060 shall also apply.

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this section.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections 17.44.200, ~~17.101.090~~.17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located

in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

17.116.090 Off-street parking— Manufacturing Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Manufacturing Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)”

SECTION 5. The designation and location of zones and zone boundaries on section maps 200, 201, 202, 218, 219, 220, 235, 236, 237, 238, 250, 251, 252, 266 in Chapter 17.154 of the Oakland Planning Code are hereby amended as indicated in Attachment A.

SECTION 6. The City Manager will cause to be filed the appropriate Environmental Notices with the Alameda County Clerk.

SECTION 7. Ordinances Nos. 12110 C.M.S., 12156.1 C.M.S., 12204 C.M.S., and 12265 C.M.S. (interim controls) are rescinded upon adoption of this Ordinance.

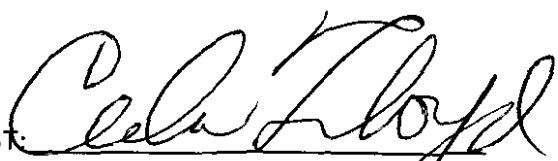
SECTION 8. This Ordinance shall be effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland, but shall not apply to permits already issued or to zoning applications approved by the City for which permits have not been issued.

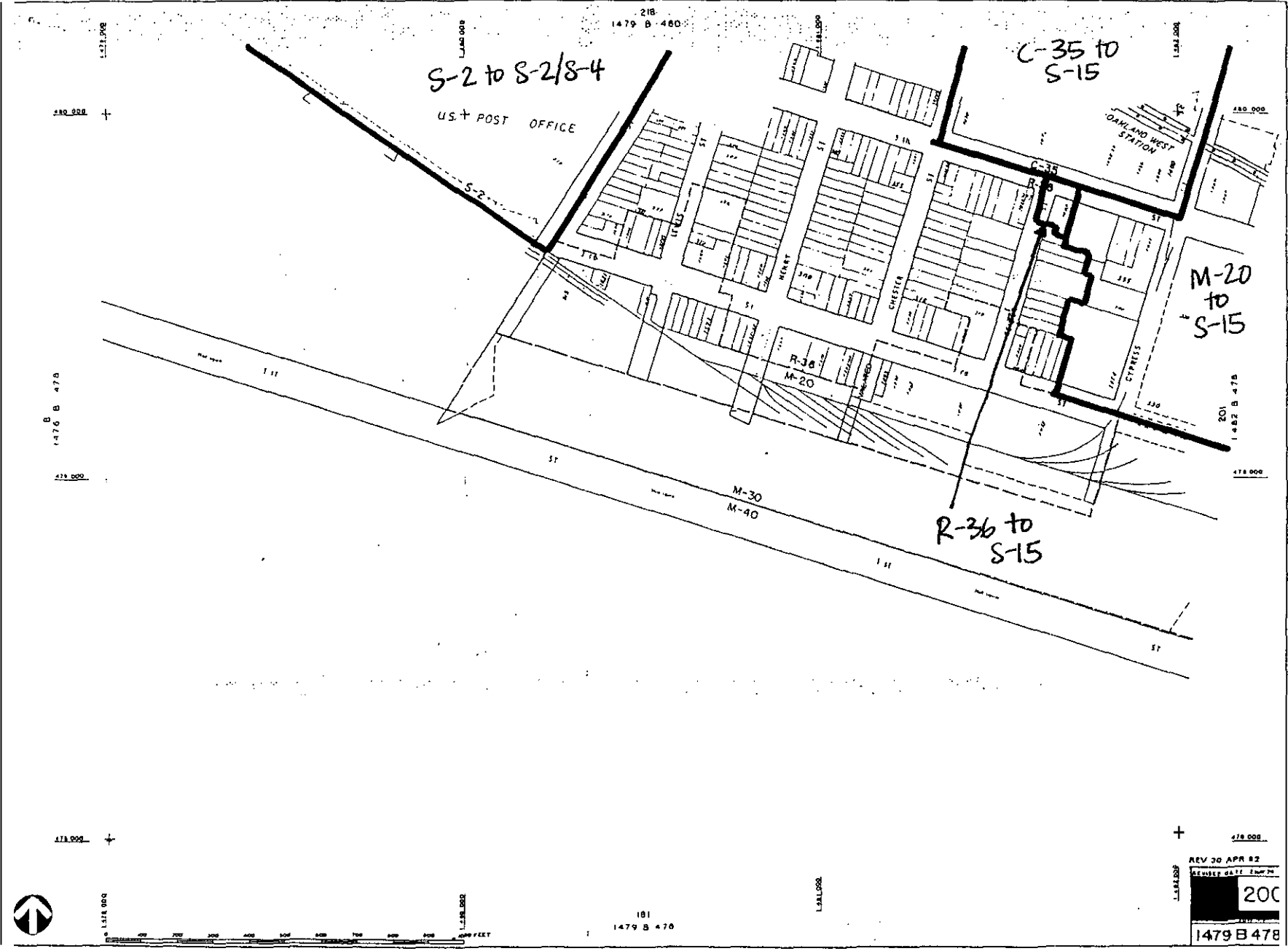
SECTION 9. If any provisions of this Ordinance or application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

Introduced - 10/17/00 **OCT 31 2000**
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, SPEES AND
PRESIDENT DE LA FUENTE, WAN - 8
NOES- *None*
ABSENT- *None*
ABSTENTION- *None*

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California



S-2 to S-2/8-4

US POST OFFICE

C-35 to S-15

OAKLAND WEST STATION

M-20 to S-15

R-36 to S-15

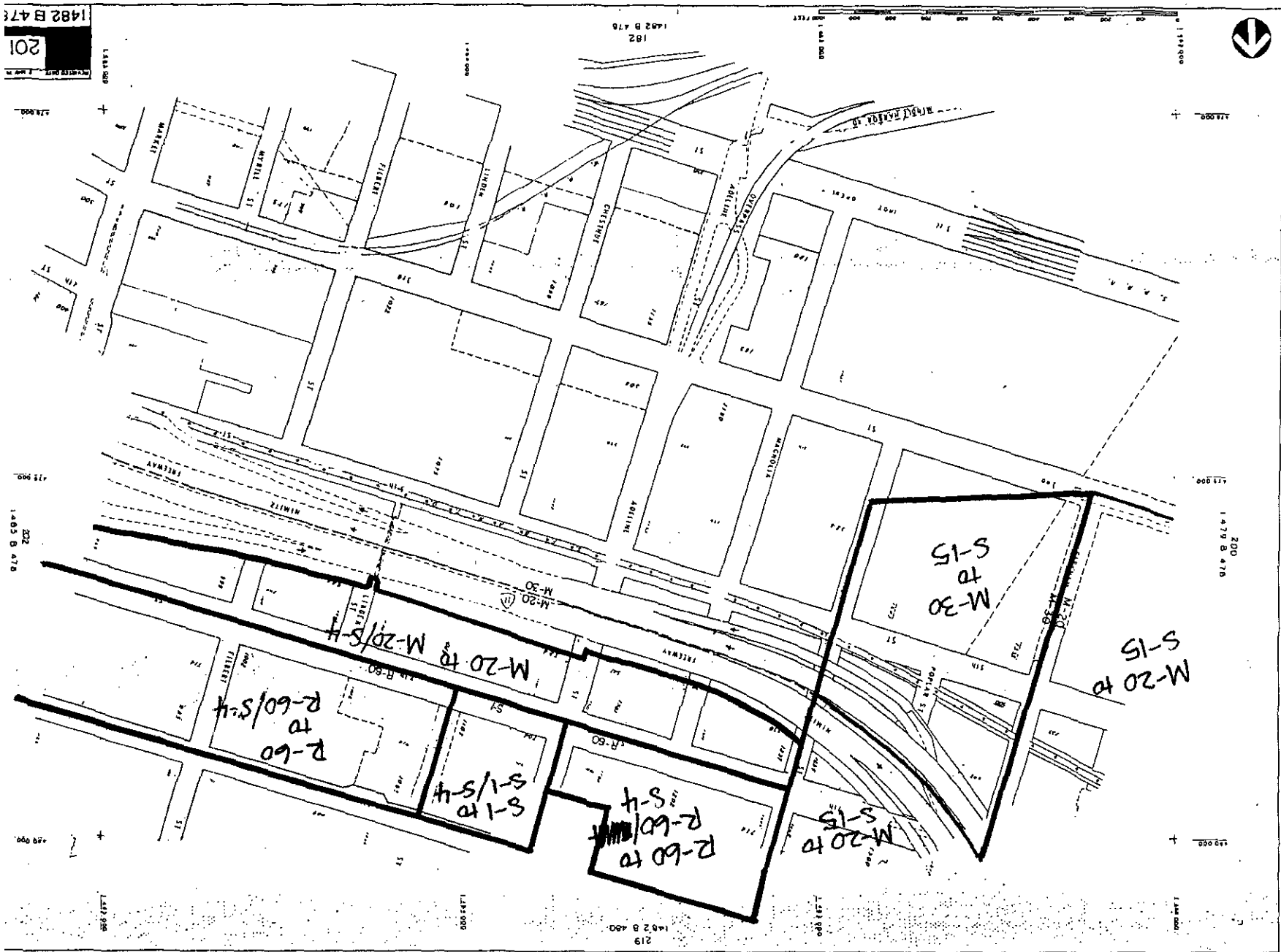
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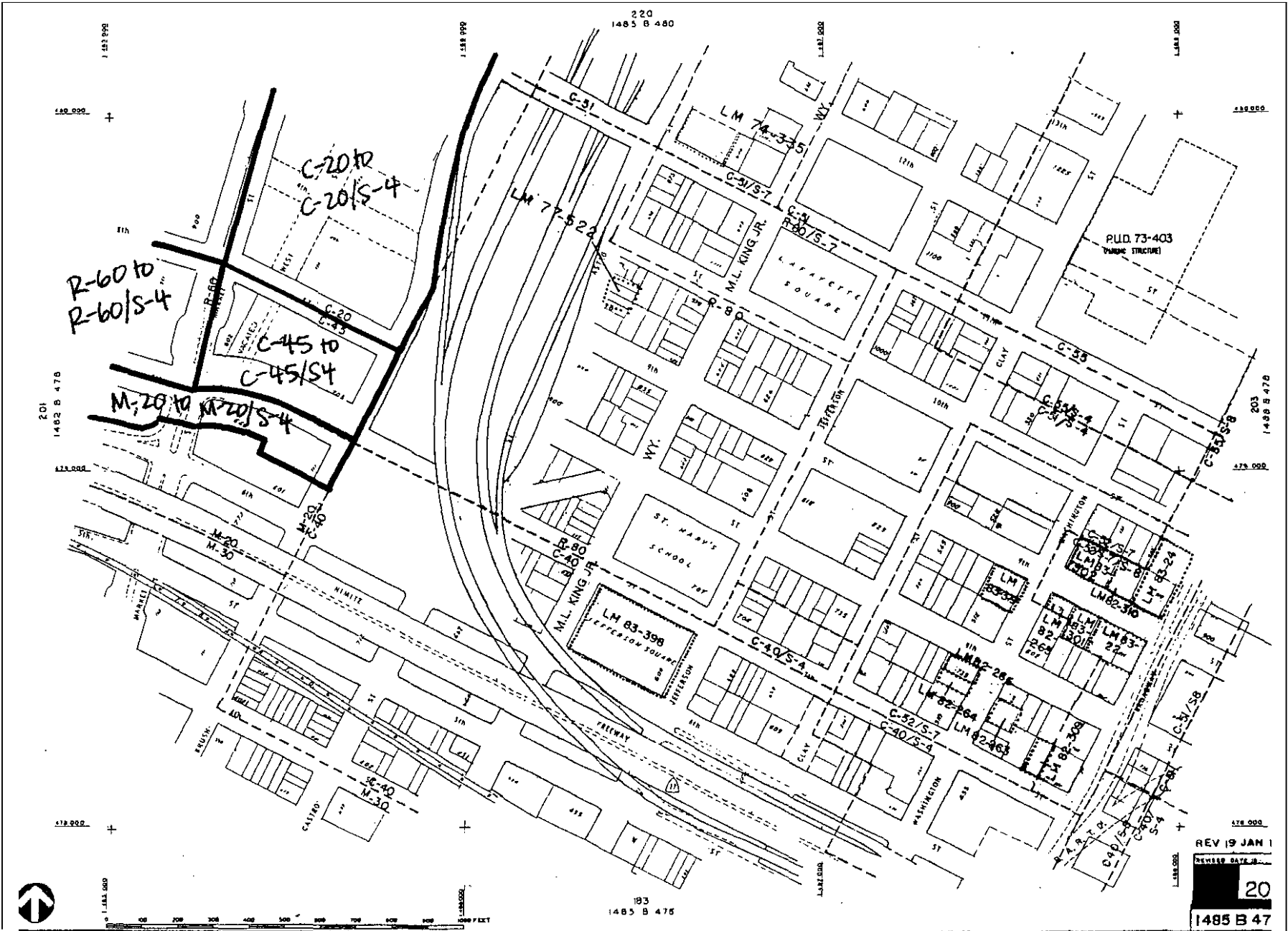
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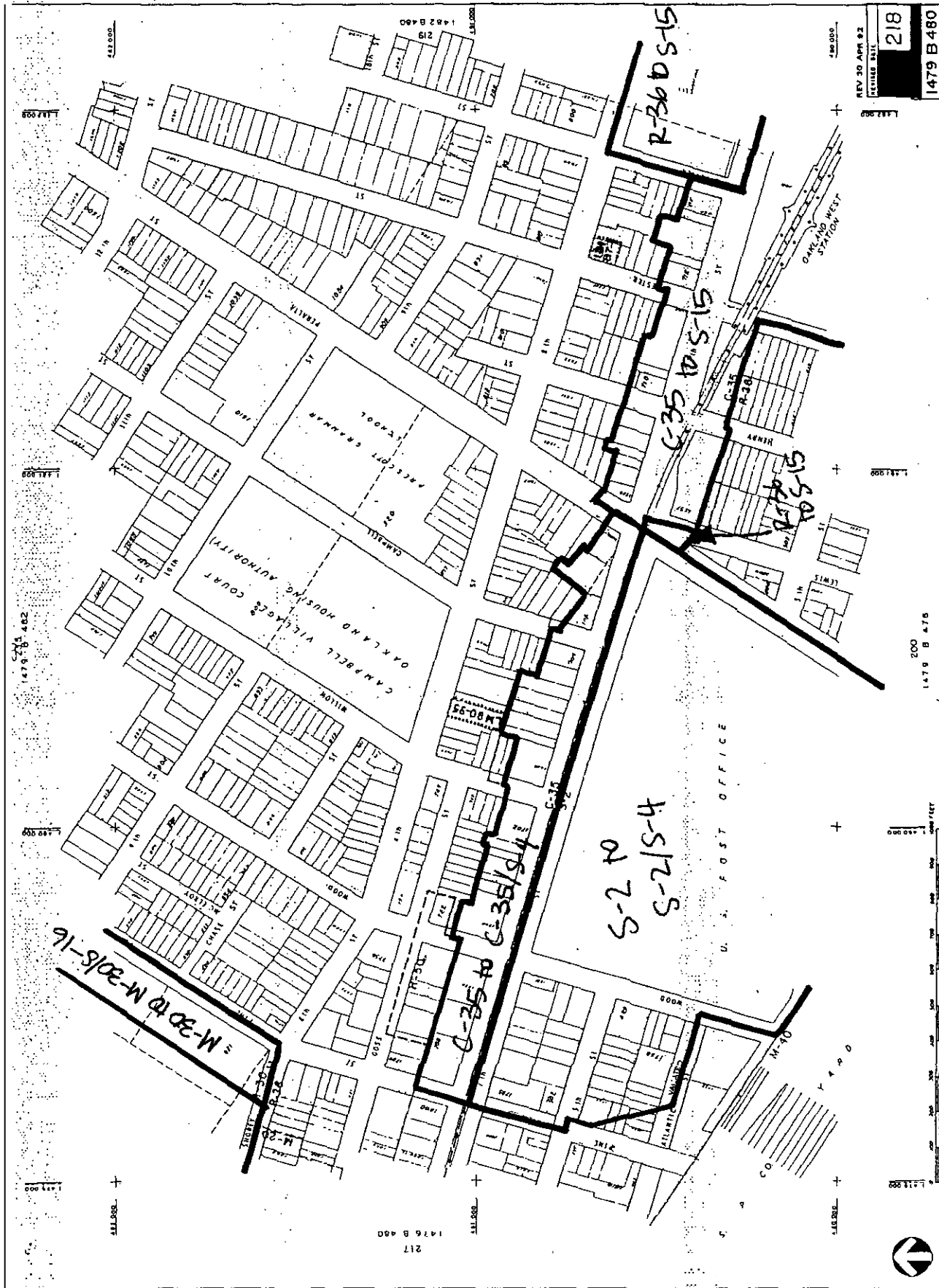




1" = 100 FEET

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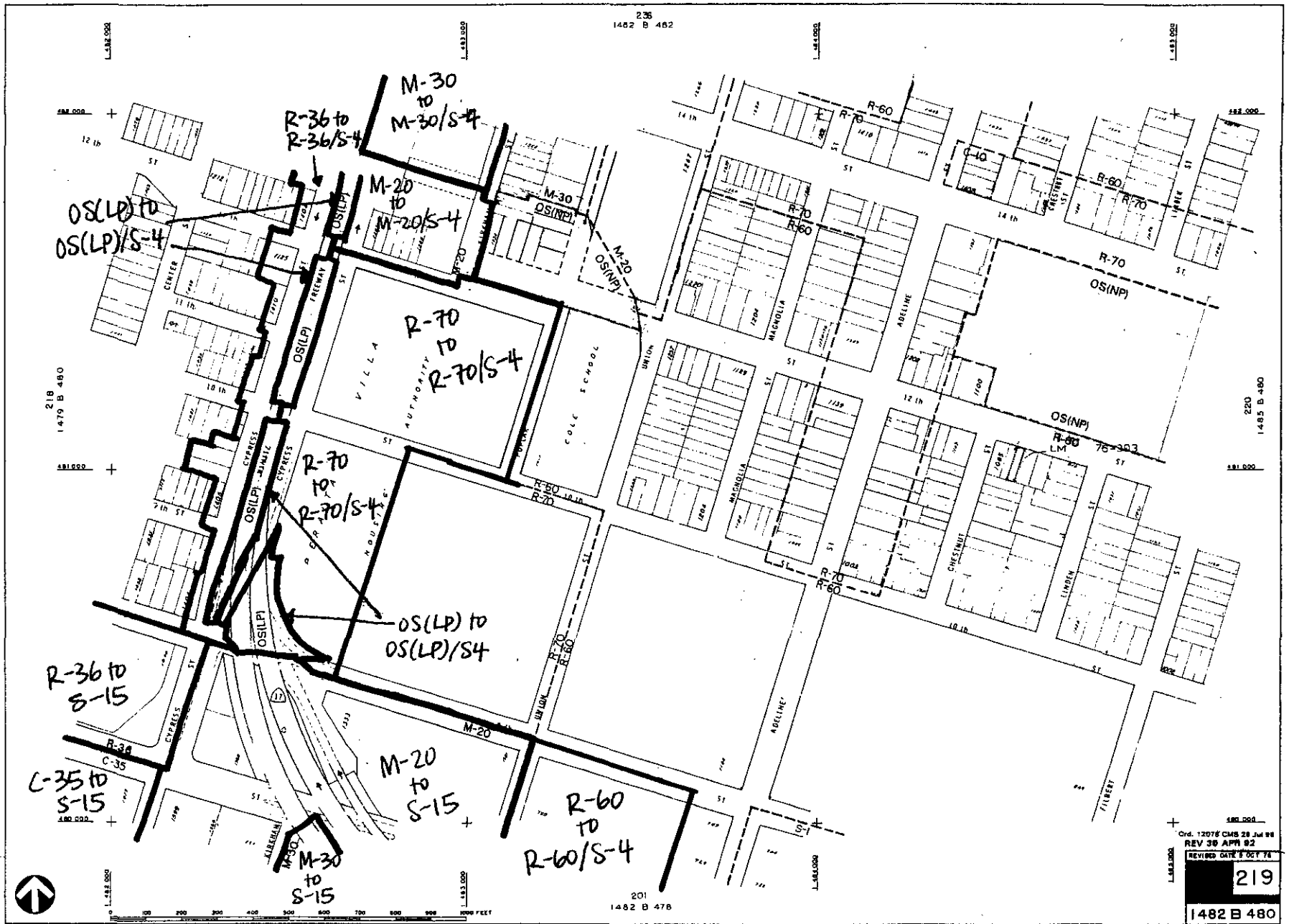
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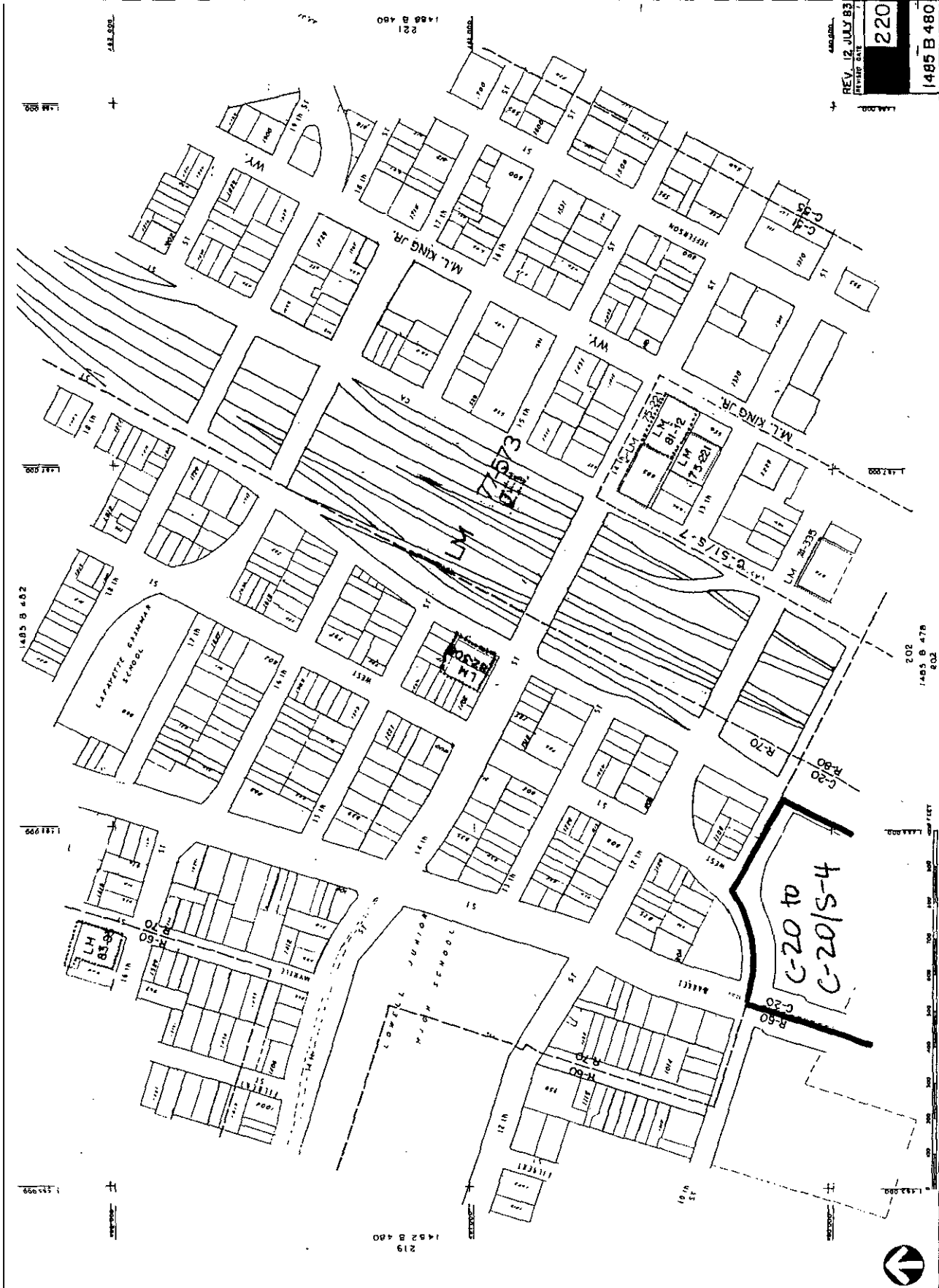
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 1479 B 468

0.9765625
 1479 B 467



OK B-51

1482 B 480
 Ord. 12076 CMS 28 Jul 88
 REV 30 APR 92
 REVISED DATE 8 OCT 76
219
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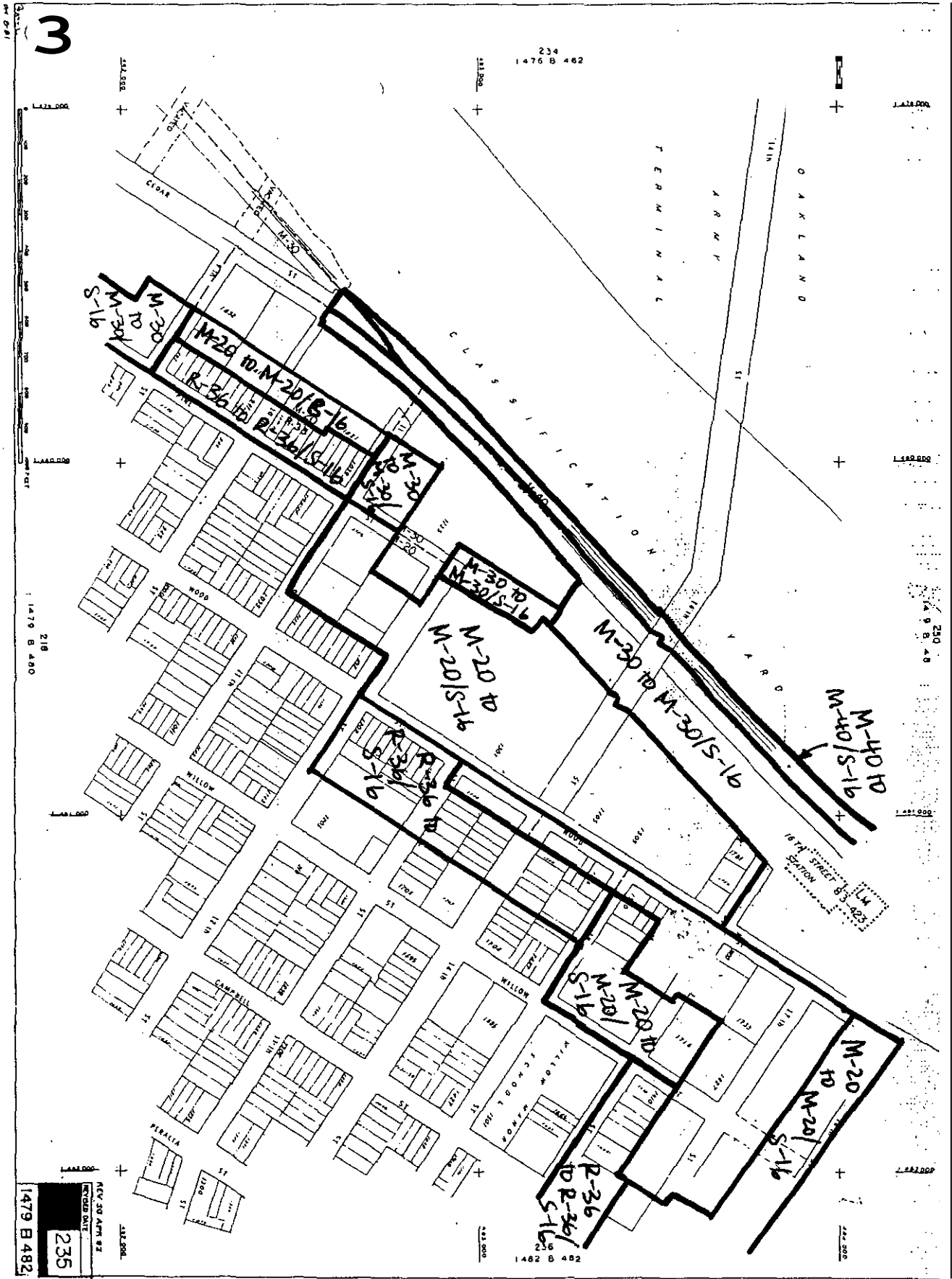


REV. 12 JULY 83
 REWARD DATE
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 1485 B 480



OK 8-91

3



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1476 B 482

1479 B 480

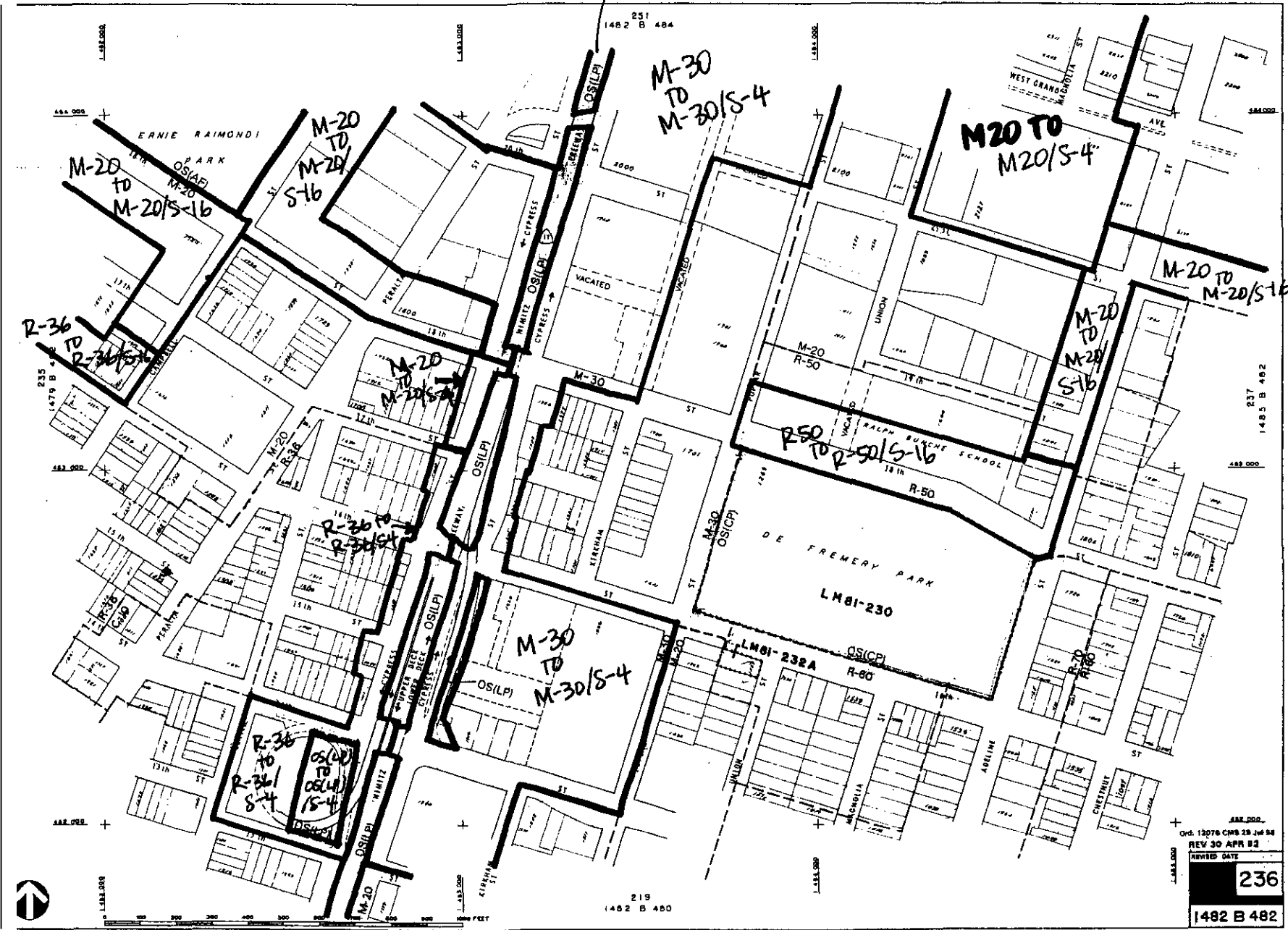
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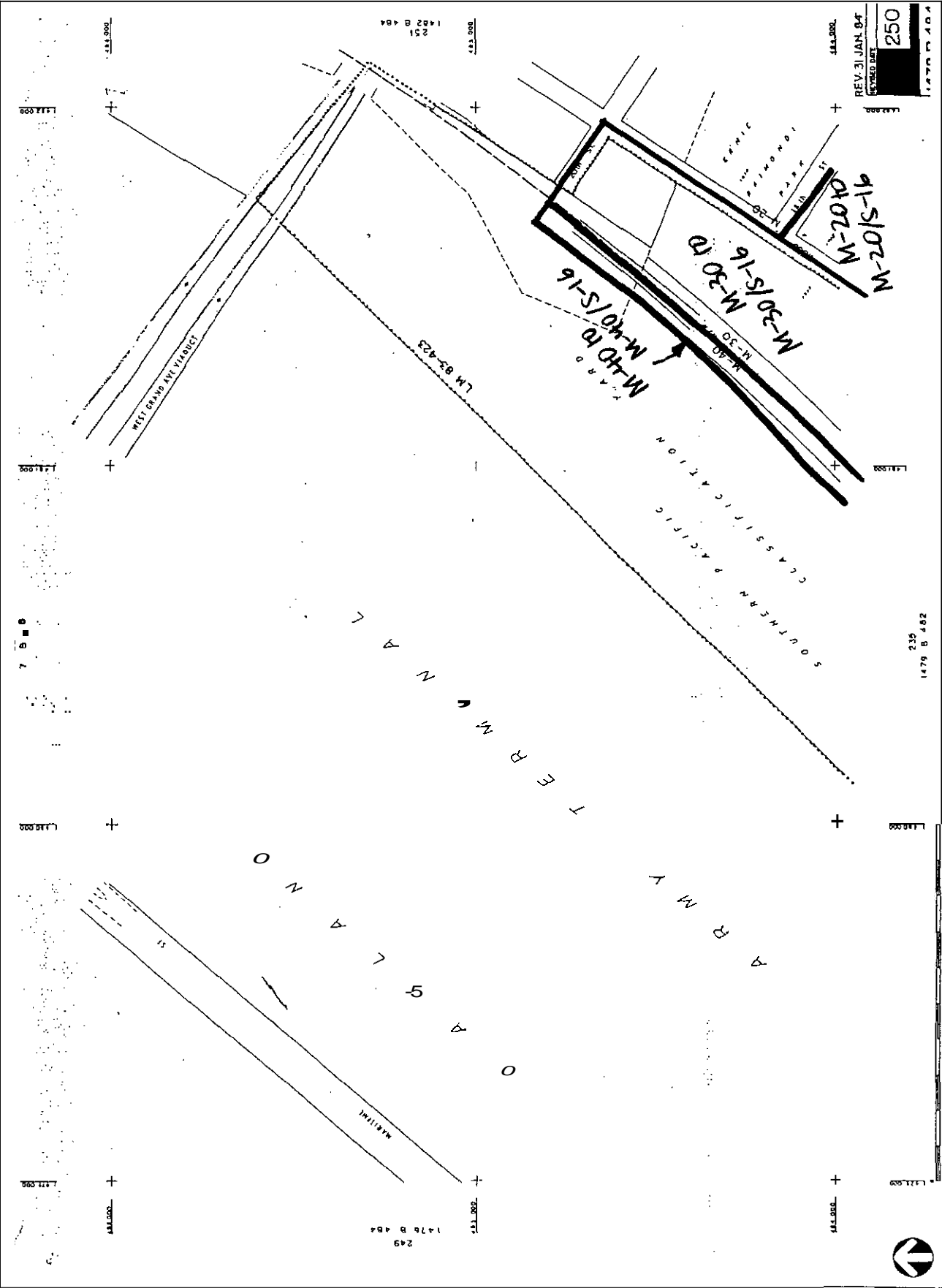
REV. 30 APR 82
ENCLOSURE
235

230
1479 B 480

1482 B 482

ALL OS(LP) TO OS(LP)/S-4





REV: 31 JAN 84
 250
 1479 B 484

M-10 TO M-30
 M-30/S-16
 M-40/S-16
 M-30 M-30 TO
 M-20/S-16
 M-20/S-16

SOUTHERN PACIFIC
 CLASSIFICATION

WEST GRAND AV PROJECT



1479 B 484
 249

7 5 8 6

The Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. **1910499**

ORIGINAL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2000 OCT -4 PM 3:41

PROOF OF PUBLICATION

In the matter of:

Ordinance Summarily Vacating a Public Path

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.
m a t h e

NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE on the following dates:

SEPTEMBER 28,2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


CHERYL POON

Public Notice Advertising Clerk
SEPTEMBER 28,2000

PUBLIC NOTICE NOTICE AND DIGEST

ORDINANCE SUMMARILY VACATING A PUBLIC PATH LOCATED WEST OF PANORAMIC WAY, OAKLAND, CALIFORNIA

This Ordinance was introduced at the regular council meeting, Tuesday evening, September 19, 2000, and passed to print 7 A.M., 9 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, October 3, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
(9) Sept. 28, 2000
(or first available date)

The Oakland Tribune #1910499,
September 28, 2000

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

City of Oakland

WHEN RECORDED MAIL TO:

City of Oakland
City Clerk's Office
One City Hall Plaza, 1st Floor
Oakland, CA 94612

Attn: Onetha Middleton

2001303650 08/16/2001 09:28 AM
OFFICIAL RECORDS OF RECORDING FEE: 0.00
ALAMEDA COUNTY
PATRICK O'CONNELL



3 PGS

044
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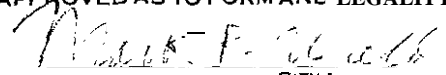
THIS SPACE FOR RECORDER'S USE ONLY

Ordinance 12280

TITLE OF DOCUMENT

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Govt. Code 27361.6)

(Additional recording fee applies)



CITY ATTORNEY

INTRODUCED BY COUNCIL MEMBER _____

ORDINANCE No. 12280 C. M. S.

**ORDINANCE SUMMARILY VACATING A PUBLIC
PATH LOCATED WEST OF PANORAMIC WAY,
OAKLAND, CALIFORNIA**

WHEREAS, a certain public path was dedicated to the City of Oakland: and

WHEREAS, the path to be summarily vacated by this ordinance is located in the City of Oakland and is more particularly described as follows:

"The ten (10') foot wide strip of land lying between lot 12 and lot 50 of block "H" of the "Map of University Uplands, filed July 5, 1917, Book 16 of Maps at Page 40, Alameda County Records."

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary of Resources, and the City's environmental review regulations as amended, have been satisfied, and that in accordance with Section 15301 of the California Code of Regulations this project is exempt from the provision of the California Environmental Quality Act; and

WHEREAS, said portion of the public path has not been used for the purpose for which it was dedicated or acquired for five consecutive years prior to this proposed vacation, no public money was expended for said path during said five year period, and the vacation thereof will be in the public interest; and

WHEREAS, said summary vacation is made under Section 8333(a) of the California Streets and Highways Code, now, therefore, the City Council of Oakland does ordain as follows:

SECTION I. That the Council, because of the reasons set forth in Street and Highways Code Section 8333(a), hereby orders the summary vacation of the herein above-described public path.

SECTION II. That the City Clerk and the Clerk of this Council are hereby directed to have a certified **copy** of the ordinance recorded at the Office of the Recorder of Alameda County, immediately upon its final passage.

SECTION III. That from and after the date of recordation of this ordinance, said public path no longer constitutes a city right-of way.

SECTION IV. The **Council** finds that this summary path vacation is in compliance with the California Environmental Quality Act.

I certify that the foregoing is a full, true and correct copy of a ^{Ordinance} ~~Resolution~~ passed by the City Council of the City of Oakland, Calif., on October 3, 2000
Cynthia Middleton
City Clerk.

NOTICE AND DIGEST

ORDINANCE ABANDONING A FIVE-FOOT WIDE SIDE
SEWER EASEMENT LOCATED NORTH OF MORCOM PLACE
RUNNING PERPENDICULAR TO THE WESTERN BOUNDARY OF THE
PORTION OF LOT 18, BLOCK "L" OF THE MELROSE ACRES
TRACT MORE COMMONLY KNOWN AS 38 MORCOM PLACE

This Ordinance ~~was~~ introduced at the regular council meeting, Tuesday evening, December 12, 2000, and passed to print 7 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening January 9, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
(1t) December 24, 2000
(or first available date)

Mark P. Wald
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE No. 12281 C.M.S.

AN ORDINANCE ABANDONING TWO FIVE-FOOT WIDE RESERVE EASEMENTS NORTH OF SOBRANTE ROAD SITUATED IN LOTS 2854 AND 2855, AS SHOWN ON THE MAP ENTITLED "THORNDALE, OAKLAND, CALIFORNIA"

WHEREAS, two certain public five-foot wide reserve easements situated in Lot **2854** and Lot **2855** of the map entitled "Thorndale, Oakland, California" were dedicated along with the filing of said map to the City of Oakland on the **18th** day of July, **1929** in Book **18**, Page **68**, et seq, in the Office of the Recorder, Alameda County, California, for the purposes of constructing, repairing and maintaining public sewers and utilities; and

WHEREAS, said reserve easements are delineated and depicted in Exhibit "A" attached hereto and made a part hereof and are more particularly described as follows:

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

A portion of those certain five-foot wide strips of land shown as "Reserve 5 Feet Wide" in Lots **2854** and **2855** as said strips of land and said lots are shown on the map entitled "Thorndale, Oakland, California", filed July 18, **1929** in Book **18** of Maps at Page **68**, et seq., Official Records of Alameda County, described as follows:

BEGINNING at a point, said point being on the arc of a curve to the left with a radius of **221** feet and distant **5.06** feet from the most western corner of Lot **2855**, along the southwesterly line of Lot **2854**; thence North **35** degrees, **59** minutes, **40** seconds East, **46** feet; thence South **29** degrees, **30** minutes, **00** seconds East, **11** feet; thence South **35** degrees, **59** minutes, **40** seconds West, **40.5** feet to a point on the southwesterly line of Lot **2855**; and thence on a curve to the right with a radius of **221** feet, **10.12** feet, more or less, to the POINT OF BEGINNING; and

WHEREAS, said reserve easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, said summary vacation is made under Section **8333** (a) of the California Streets and Highways Code; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary for Resources, and the City's environmental review regulations, as amended, have been satisfied, and that in accordance with Section **15303** of the California Code of Regulations that this project is exempt from the provisions of the California Environmental Quality Act; now, therefore,

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

- Section 1. This ordinance complies with the requirements of the California Environmental Quality Act.
- Section 2. This Council hereby orders the abandonment of the hereinabove described reserve easements.
- Section 3. The City Clerk and Clerk of this Council is hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.
- Section 4. That from and after the date this Ordinance is recorded, the reserve easements abandoned hereby shall no longer constitute public service easements.

I hereby certify that the foregoing is a full, true and correct copy of an Ordinance passed by the City Council of the City of Oakland on OCT - 3 2000

CEDA FLOYD
City Clerk and Clerk of the Council

Per *Orretta Middleton* Deputy

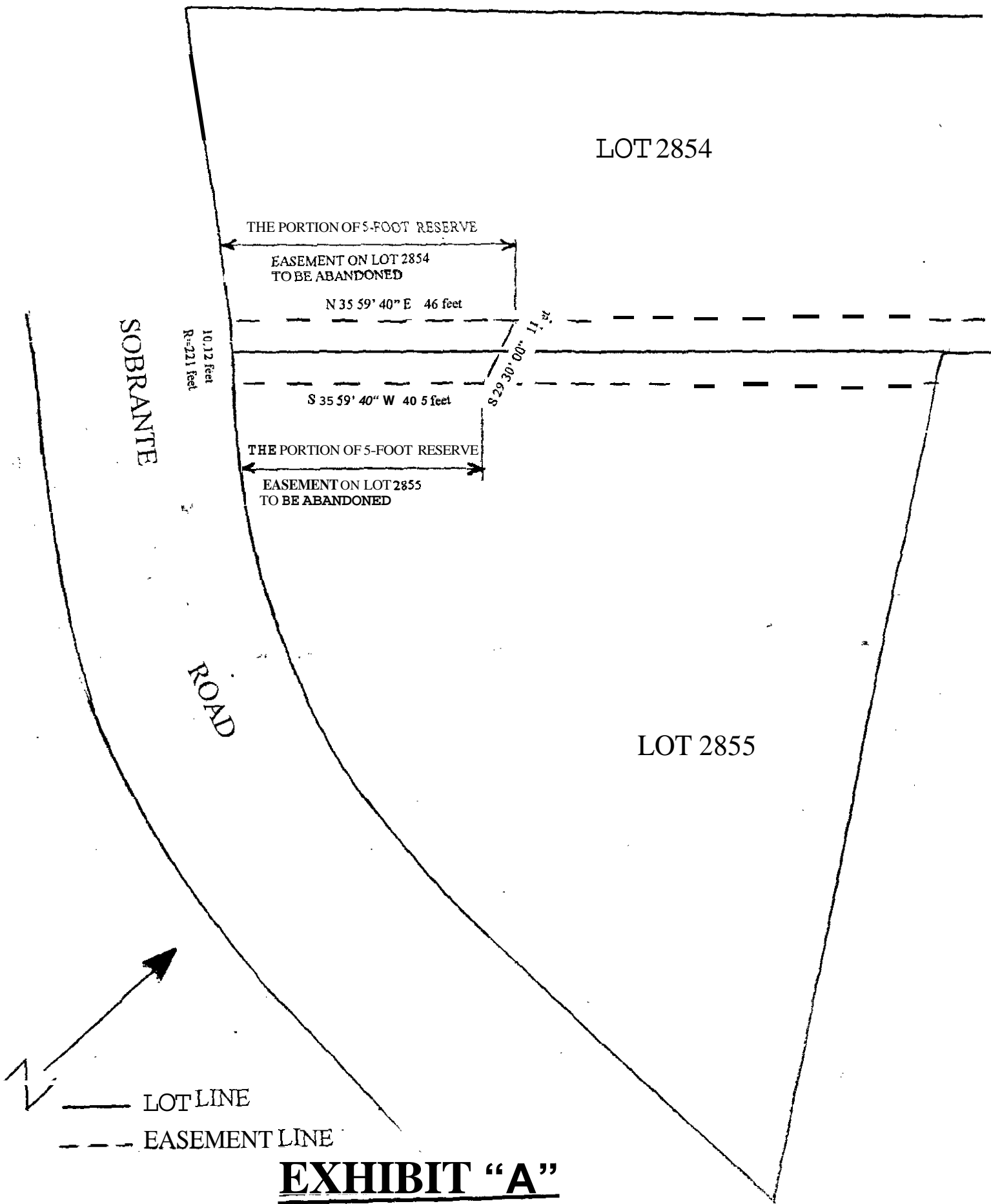


EXHIBIT "A"

PLEASE COMPLETE **THIS** INFORMATION

RECORDING REQUESTED BY:

City of Oakland

WHEN RECORDED MAIL TO:

City of Oakland
City Clerk's Office
One City Hall Plaza, 1st Floor
Oakland, CA 94612

Attn: Onetha Middleton

2001383648 08/16/2001 09:28 AM
OFFICIAL RECORDS OF RECORDING FEE: 0 00
ALAMEDA COUNTY



4 PGS

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#3

THIS SPACE FOR RECORDER'S USE ONLY

Ordinance 12281

TITLE OF DOCUMENT

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

(Govt. Code 27361.6)

(Additional recording fee applies)

Mark P. Wald
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. 12281 C.M.S.

AN ORDINANCE ABANDONING TWO FIVE-FOOT WIDE RESERVE EASEMENTS NORTH OF SOBRANTE ROAD SITUATED IN LOTS 2854 AND 2855, AS SHOWN ON THE MAP ENTITLED "THORNDALE, OAKLAND, CALIFORNIA"

WHEREAS, two certain public five-foot wide reserve easements situated in Lot 2854 and Lot 2855 of the map entitled "Thorndale, Oakland, California" were dedicated along with the filing of said map to the City of Oakland on the 18th day of July, 1929 in Book 18, Page 68, et seq, in the Office of the Recorder, Alameda County, California, for the purposes of constructing, repairing and maintaining public sewers and utilities; and

WHEREAS, said reserve easements are delineated and depicted in Exhibit "A" attached hereto and made a part hereof and are more particularly described as follows:

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

A portion of those certain five-foot wide strips of land shown as "Reserve 5 Feet Wide" in Lots 2854 and 2855 as said strips of land and said lots are shown on the map entitled "Thorndale, Oakland, California", filed July 18, 1929 in Book 18 of Maps at Page 68, et seq., Official Records of Alameda County, described as follows:

BEGINNING at a point, said point being on the arc of a curve to the left with a radius of 221 feet and distant 5:06 feet from the most western corner of Lot 2855, along the southwesterly line of Lot 2854; thence North 35 degrees, 59 minutes, 40 seconds East, 46 feet; thence South 29 degrees, 30 minutes, 00 seconds East, 11 feet; thence South 35 degrees, 59 minutes, 40 seconds West, 40.5 feet to a point on the southwesterly line of Lot 2855; and thence on a curve to the right with a radius of 221 feet, 10.12 feet, more or less, to the *POINT OF BEGINNING*; and

WHEREAS, said reserve easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, said summary vacation is made under Section 8333 (a) of the California Streets and Highways Code; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary for Resources, and the City's environmental review regulations, as amended, have been satisfied, and that in accordance with Section 15303 of the California Code of Regulations that this project is exempt from the provisions of the California Environmental Quality Act; now, therefore,

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

- Section 1. This ordinance complies with the requirements of the California Environmental Quality Act.
- Section 2. This Council hereby orders the abandonment of the hereinabove described reserve easements.
- Section 3. The City Clerk and Clerk of this Council is hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.
- Section 4. That from and after the date this Ordinance is recorded, the reserve easements abandoned hereby shall no longer constitute public service easements.

I certify that the foregoing is a full, true and correct copy of a ^{Ordinance} Resolution passed by the City Council of the City of Oakland, Calif., on October 3, 2000

Quetta Middleton for
City Clerk

LOT 2854

THE PORTION OF 5-FOOT RESERVE

EASEMENT ON LOT 2854
TO BE ABANDONED

N 35 59' 40" E 46 feet

10.12 feet
R=221 feet

SOBRANTE

S 35 59' 40" W 40.5 feet

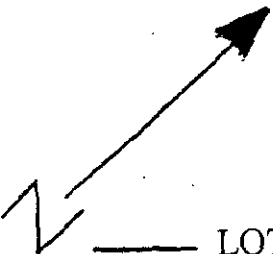
11 feet
S 29 30' 00" E 66 feet

THE PORTION OF 5-FOOT RESERVE

EASEMENT ON LOT 2855
TO BE ABANDONED

LOT 2855

ROAD



— LOT LINE

- - - EASEMENT LINE

EXHIBIT "A"

The Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. 1910509

ORIGINAL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2000 OCT -4 PM 3: 42

PROOF OF PUBLICATION

PUBLIC NOTICE
NOTICE AND DIGEST
AN ORDINANCE AMENDING ORDINANCE NO. 12193 C.M.S. (THE SALARY ORDINANCE TO ADD THE CLASSIFICATION OF ADA (AMERICANS WITH DISABILITIES ACT) PROJECT COORDINATOR AND TO AMEND THE SALARY GRADE OF SENIOR CONTRACT COMPLIANCE OFFICER.

This Ordinance was introduced at the regular council meeting, Tuesday evening, September 19, 2000 and passed to print 7 Ayes, 0 Nops. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, October 3, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLORES, City Clerk

The Oakland Tribune #1910509
September 28, 2000

In the matter of:

AMENDING ORDINANCE NO. 12193

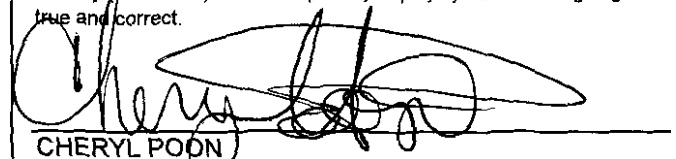
The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.
That the

NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE. on the following dates

SEPTEMBER 28, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



CHERYL POON

Public Notice Advertising Clerk
SEPTEMBER 28, 2000

AN ORDINANCE AMENDING SECTION 14.8 OF ORDINANCE NO. 713 C.M.S. TO PROVIDE INCREASES IN MONTHLY PAYMENTS TO OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM RETIREES.

Digest

An ordinance amending section 14.8 of Ordinance no. 713 C.M.S. to provide increases in monthly payments to Oakland Municipal Employees' Retirement System Retirees.

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. **1915068**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2000 OCT 13

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2000 OCT 12 PM 3:52

PROOF OF PUBLICATION

In the matter of:

**Ordinance Amending Action 14.8 of Ordinance
No. 713 C.M.S.**

The undersigned below, *deposes* and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 5000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.
rhat the

PUBLIC NOTICE
NOTICE AND DIGEST

AN ORDINANCE AMENDING SECTION 14.8 OF ORDINANCE NO. 713 C.M.S. TO PROVIDE RECOGNITION BY INSTANT PAYMENTS TO OAKLAND EMPLOYEES' PENSIONS' RETIREMENT SYSTEM AS TRIGGERS.

An ordinance amending section 14.8 of Ordinance No. 713 C.M.S. to provide in-stance in money payments to Oakland Municipal Employees' Retirement System Retirees.

This Ordinance was introduced at the reg-ular council meeting Tuesday evening, Sep-tember 20, 2000 and passed to print 6 Ayes, 2 Nays. Hearing on this adoption is set for regular Council Meeting at One City Hall Plaza, Oakland, California, Tuesday evening, October 10, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CHERYL FLOYD,
City Clerk

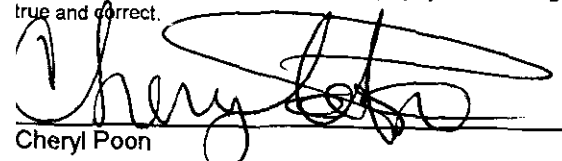
The Oakland Tribune, #1915068
October 8, 2000

NOTICE AND DIGEST

If which the annexed is a printed COPY, was published in every issue of he OAKLANDTRIBUNE, on the following dates:

OCTOBER 5, 2000

certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Cheryl Poon
Public Notice Advertising Clerk
OCTOBER 5, 2000

OAKLAND CITY COUNCIL

ORDINANCE NO. 12284 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

NUMBER NOT USED

This number was erroneously assigned to item number 30 on the October 17, 2000, ORA/City Council meeting agenda.

The Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. 1924977

0-12286

ORIGINAL

FILED
OFFICE OF THE CITY CLERK
2000 OCT 24 AM 10:55

**PUBLIC NOTICE
NOTICE AND DIGEST**

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 719 C.M.S. TO PROVIDE TERM LIMITS FOR MEMBERS OF THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (OMERS) BOARD OF ADMINISTRATION.

An ordinance amending section 2 of Ordinance No. 719 C.M.S. to provide term limits for members of the Oakland Municipal Employees' Retirement System (OMERS) Board of Administration.

This Ordinance was introduced at the regular council meeting, Tuesday evening, October 3, 2000, and passed to print 6 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening October 17, 2000, at 7:00 p.m.

True full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD,
City Clerk

The Oakland Tribune, #1924977
October 16, 2000

PRO OF PUBLI

In the matter of:

NOTICE AND DIGEST

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk Of the OAKLAND TRIBUNE a newspaper of general Circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237796, December 4, 1951) which is published and circulated in Oakland Township in said county and State seven days a week.

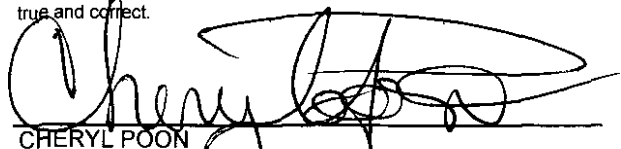
That the

PUBLIC NOTICE

of which the annexed is a printed copy was published in every issue of the OAKLAND TRIBUNE, on the following dates

OCTOBER 16, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



CHERYL POON
Public Notice Advertising Clerk
OCTOBER 16, 2000

AN ORDINANCE AMENDING ORDINANCE NO. 12193 C.M.S. (THE SALARY ORDINANCE) TO ADD THE CLASSIFICATIONS OF LITTER/NUISANCE ENFORCEMENT OFFICER., NETWORK ARCHITECT AND RETIREMENT SYSTEMS ACCOUNTANT AND TO AMEND SALARY ORDINANCE NO. 12251 C.M.S. TO CHANGE THE EFFECTIVE DATE FOR THE DIRECTOR OF BUILDING.

Digest

An Ordinance amending Ordinance no. 12193 C.M.S. (the Salary Ordinance) to add the classifications of Litter/Nuisance Enforcement Officer, Network Architect and Retirement Systems Accountant and to amend Salary Ordinance No. 12251 C.M.S. to change the effective date of the Director of Building.

The Oakland Tribune

do ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. 1927262

ORIGINAL

FILED
OFFICE OF THE CITY CLERK
OAKLAND, CALIF.

2000 OCT 26 AM 11:20

PROOF OF PUBLICATION

In the matter of:

Ordinance Amending Ordinance No. 12193

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California County of Alameda (Order Nos. 237796, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.


That the

NOTICE AND DIGEST

Of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE on the following dates

OCTOBER 19, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Cheryl Poon

Public Notice Advertising Clerk

OCTOBER 19, 2000

PUBLIC NOTICE
NOTICE AND DIGEST

AN ORDINANCE AMENDING ORDINANCE NO. 12193 C.M.S. (THE SALARY ORDINANCE) TO ADD THE CLASSIFICATION OF "LIBRARIAN/ENFORCEMENT OFFICER, NETWORK ARCHITECT AND RETIREMENT SYSTEMS ACCOUNTANT" AND TO AMEND SALARY GRADE AND TO AMEND SALARY GRADE NO. 12251 C.M.S. TO CHANGE THE EFFECTIVE DATE FOR THE DIRECTOR OF BUILDING.

This Ordinance was introduced at the regular meeting of the Board of Supervisors, Tuesday evening, October 10, 2000, and passed to print and adoption by the Board of Supervisors at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, October 10, 2000, at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
October 19, 2000

The Oakland Tribune is published
October 19, 2000

The Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal NO. 1935009

k
FILED
OFFICE OF THE CITY CLERK
2000 NOV -7 PM 12: 00

PROOF OF PUBLICATION

**PUBLIC NOTICE
NOTICE AND DIGEST**

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO CREATE THE S-18 INDUSTRIAL RESIDENTIAL TRANSITION CORRIDOR ZONE, AND MAKE IT IN AREAS DESIGNATED BUSINESS LANE IN WEST OAKLAND WITHIN 150 FEET OF RESIDENTIAL AREAS. MAKES THE INFERRA CONTROLS ON TRUCKING USES WHICH HAVE BEEN IN EFFECT SINCE FEBRUARY 1998 BY CITY ORDINANCE A PERMANENT PART OF THE PLANNING CODE WITH THE S-4 DESIGN REVIEW CORRIDOR ZONE ON MAJOR CORRIDORS AND RELOCATES THE VICINITY OF THE WEST OAKLAND BAY STATION TO THE S-18 TRANSIT ORIENTED DEVELOPMENT ZONE.

This Ordinance was introduced at the regular council meeting Tuesday evening, October 17, 2000, and passed by a vote of 6 Ayes. Hearings for its adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers on the third floor in Oakland, California, Tuesday evening, October 24, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
Oakland Tribune #1935009
October 30, 2000

In the matter of-

Ordinance amending Oakland Planning Code

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 231198, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week


That the

NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE on the following dates

OCTOBER 30, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


Cheryl Poon
Public Notice Advertising Clerk
OCTOBER 30, 2000

Bourelly, Veronica

From: Wald, Mark
Sent: Wednesday, December 20, 2000 9:40 AM
To: 'Michael Bowie'
cc: Floyd, Ceda
Subject: RE: Ordinance 12289-Authority regarding corrected copy

As voicemail, this has been the policy and practice for years

mark

-----Original Message-----

From: Michael Bowie [mailto:mbowie@oaklandnet.com]
Sent: Wednesday, December 20, 2000 9:32 AM
To: Wald, Mark
Cc: Floyd, Ceda
Subject: Ordinance 12289-Authority regarding corrected copy

Good Morning Mark:

Per a information directive-please produce a hard copy of the authority regarding the exception language for remedied legislation, notwithstanding City Council approval, in order for the Clerk of the Council of the City of Oakland to attest to said authority. [e.g. Ordinance 12289, corrected copy, was approved by you, on or about the 13th of December-please produce the "technical exception" authority] Thank you-I have also left you a voice mail-mab

Corrected Copy
Michael Bowie
12289

2000 DEC 13 PM 3:19
OFFICE OF THE CITY CLERK
OAKLAND
FILED

OAKLAND CITY COUNCIL

MPW

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

A RESOLUTION AMENDING THE LAND USE DIAGRAM OF THE LAND USE AND TRANSPORTATION ELEMENT OF THE CITY OF OAKLAND'S GENERAL PLAN IN THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT.

WHEREAS, on March 24, 1998, the City Council passed Resolution No. 74129 C.M.S. adopting a new Land Use and Transportation Element of the Oakland General Plan which generally directs the City to protect existing industrial, commercial, and residential activities; and

WHEREAS, residents, business owners, and other property owners and community groups requested a study of the land use controls in the West Oakland Community Development District; and

WHEREAS, in February 1999 the City Council directed the Community and Economic Development Agency to initiate an analysis to examine appropriate land use controls and other strategies which address the land use compatibility issues and future development of the area; and

WHEREAS, the central blocks of the Clawson area are designated Mixed Housing Type, with Housing and Business Mix to the north and east and Business Mix to the south and west; and

WHEREAS, there is a mix of residential and commercial uses to the south and west also, in the areas designated Business Mix; and

WHEREAS, staff conducted a parcel by parcel survey of existing uses in the area, and consulted with property owners in developing the proposed General Plan Amendment boundaries: and

WHEREAS, this amendment to the General Plan in the Clawson area would facilitate more compatible development around the areas designated as Mixed Housing Type, and bring the General Plan in alignment with the mix of residences and businesses that now exist in the area; and

WHEREAS, residents living on the east side of Center Street between 3rd Street and 5th Street voiced concerns about the Business Mix General Plan Land Use designation in that area; and

WHEREAS, staff conducted a survey of the Center Street area, and found that the area is primarily residential and currently zoned for residential use, very similar in character to the

opposite side of the street, which has a Mixed Housing Type General Plan Land Use designation; and

WHEREAS, this amendment to the General Plan on Center Street would bring the land use designations in line with existing conditions and maintain a residential character on both sides of the street, which is critical to maintain the quality of life and property values for residences; and

WHEREAS, the General Plan Amendments are exempt from environmental review under the general rule because Housing and Business Mix and Mixed Housing Type are land use classifications that permit activities generally considered to have fewer potentially adverse environmental impacts than Business Mix; and

WHEREAS, a duly noticed public hearing on the proposed General Plan Amendments was held by the City Planning Commission on July 26, 2000, and continued on September 6, 2000; and

WHEREAS, said amendments to the Oakland General Plan are exempt from environmental review under Section 15061(b)(3), State CEQA Guidelines, “general rule” (no possibility of significant effect on the environment), and reliance on the previously certified Final Environmental Impact Report for the *General Plan Land Use and Transportation Element*, as detailed in the October 3, 2000 Council Agenda Report, hereby incorporated by reference; and

WHEREAS, the City Planning Commission voted unanimously in favor of recommending to the City Council the amendments to the General Plan; and

WHEREAS, the City Council, as the legislative body of the City has an obligation pursuant to the City Charter to protect Oakland’s physical environment and to conserve existing areas, while encouraging orderly development in locations and in the manner compatible with existing development in these areas; and

WHEREAS, the Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the adoption of this General Plan Amendment; now, therefore, be it

RESOLVED: That the City Council finds and determines the foregoing recitals to be true and correct and hereby make them a **part** of this Resolution.

FURTHER RESOLVED: That the City Council approves the environmental determination for this project and determines that the Resolution complies with CEQA.

FURTHER RESOLVED: That the City Council hereby adopts the amendments to the General Plan pursuant to the Planning Commission’s recommendation of September 6, 2000.

FURTHER RESOLVED: That the Land Use Diagram of the Land Use and Transportation Element of the Oakland General Plan is hereby amended as indicated in Attachment A.

FURTHER RESOLVED: That the City Manager cause to be filed the appropriate Environmental Notices with the Alameda County Clerk.

FURTHER RESOLVED: That this Resolution is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, SPEES, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-






ABSTENTION-

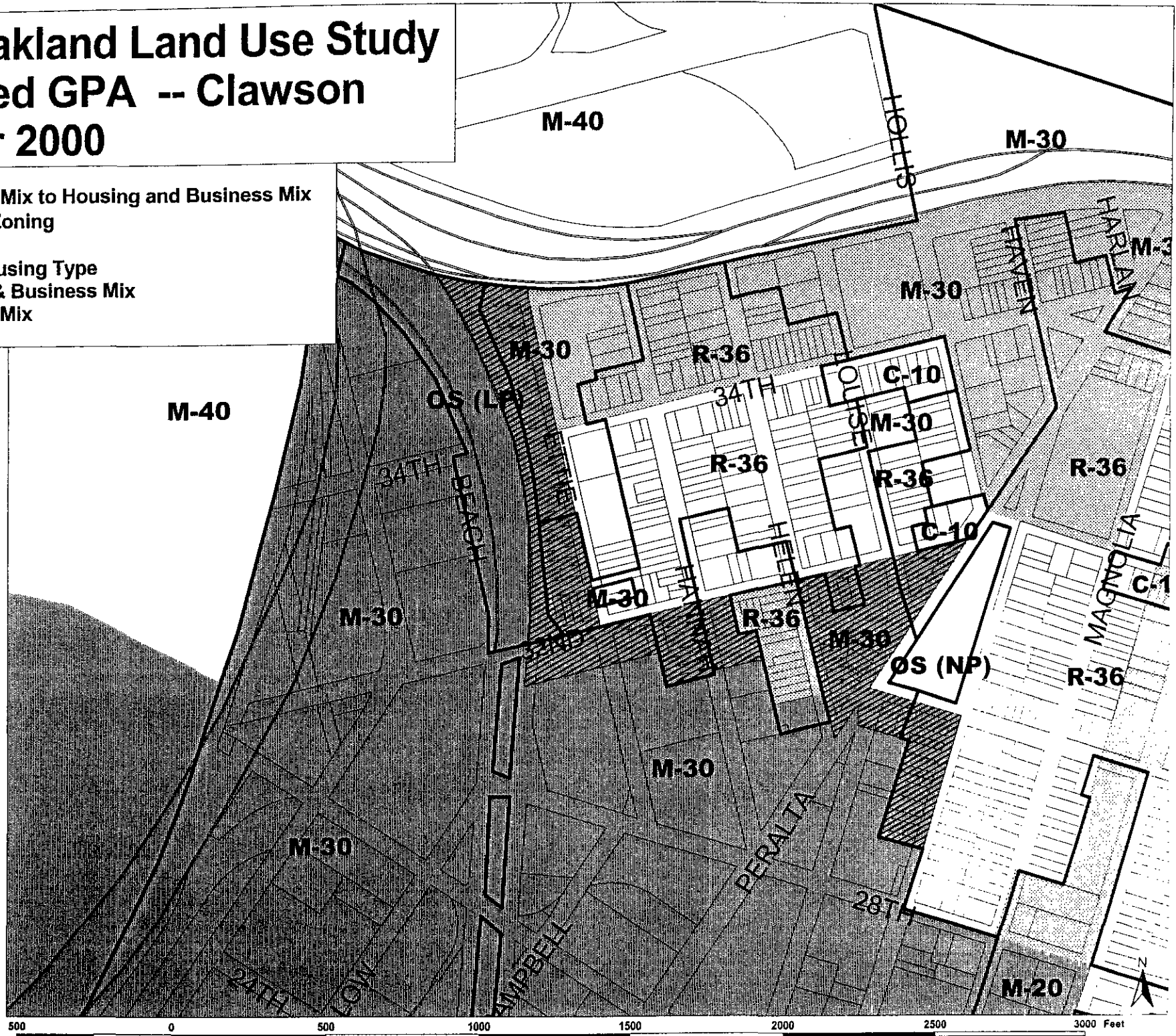
ATTEST: _____

CEDA FLOYD








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

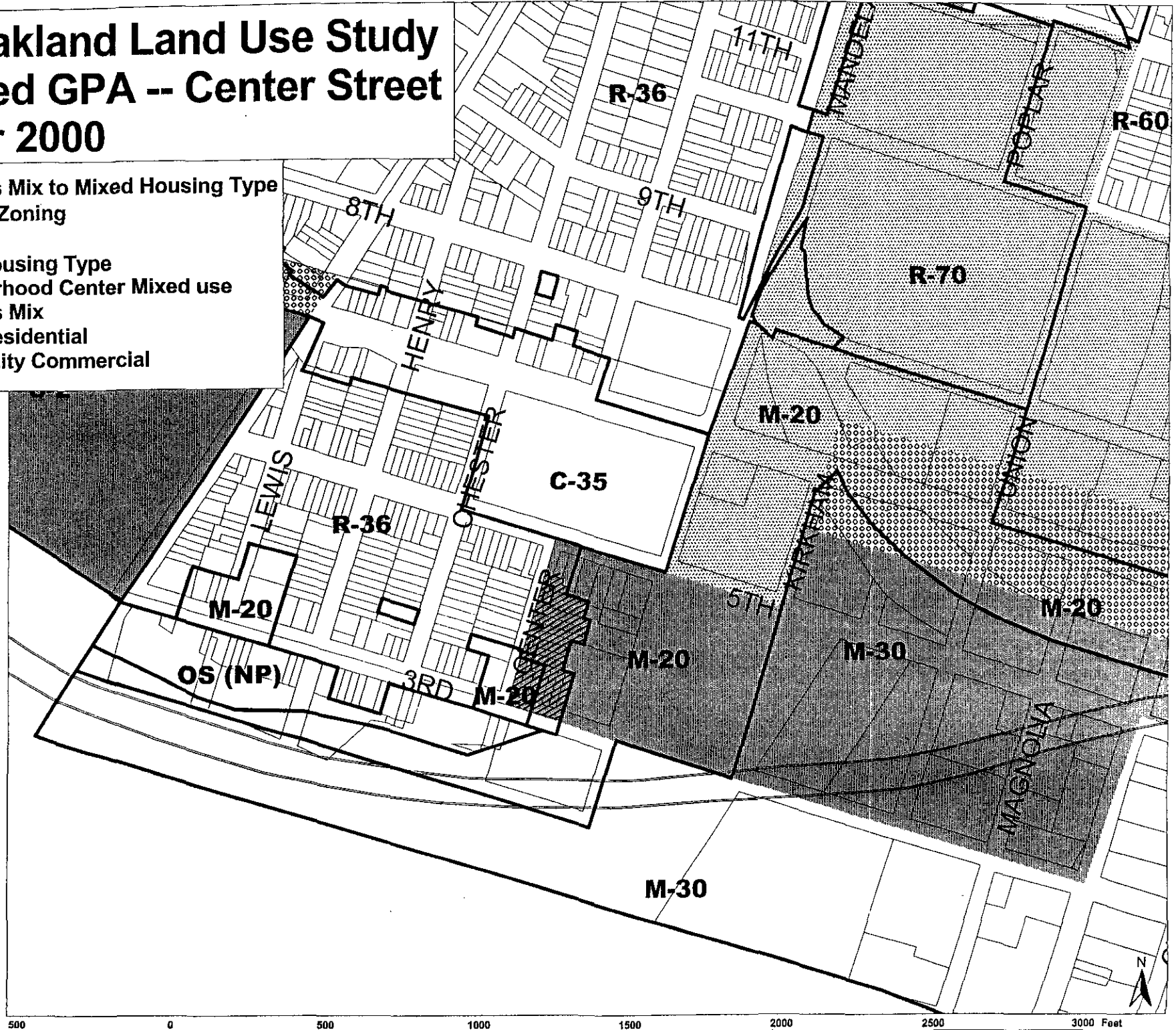
West Oakland Land Use Study Proposed GPA -- Clawson October 2000

-  Business Mix to Housing and Business Mix
-  Existing Zoning
- General Plan:
-  Mixed Housing Type
-  Housing & Business Mix
-  Business Mix

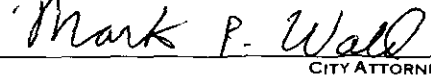


West Oakland Land Use Study Proposed GPA -- Center Street October 2000

-  Business Mix to Mixed Housing Type
-  Existing Zoning
- General Plan:
-  Mixed Housing Type
-  Neighborhood Center Mixed use
-  Business Mix
-  Urban Residential
-  Community Commercial



~~E-1-E-2~~
~~COMMUNITY ECONOMIC~~
~~DEVELOPMENT CMTTEE~~
 10-3-00
 10-17-00
 4-14-1
 14-2



CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE No. 12289 C. M. S.
REVISED by City Council

(Changes shaded)

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO CREATE THE S-16 INDUSTRIAL-RESIDENTIAL TRANSITION OVERLAY ZONE; TO MAP THE S-16 AND S-4 OVERLAY ZONES ON SEVERAL AREAS OF THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT; TO REZONE THE VICINITY OF THE WEST OAKLAND BART STATION TO THE S-15 TRANSIT VILLAGE ZONE; AND TO REQUIRE A CONDITIONAL USE PERMIT FOR ALL TRUCKING ACTIVITIES IN THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT.

WHEREAS, on March 24, 1998, the City Council passed Resolution No. 74129 C.M.S. adopting a new Land Use and Transportation Element of the Oakland General Plan which generally directs the City to protect existing industrial, commercial, and residential activities and includes Objective I/C4 which calls for the City to minimize land use compatibility conflicts; and

WHEREAS, residents, business owners, and other property owners and community groups requested a study of the land use controls in the West Oakland Community Development District; and

WHEREAS, the conflicts between truck-related and other heavy industrial activities with residential activities exist as a result of historical development patterns and later zoning and land use policies which have allowed these uses to locate next to each other; and

WHEREAS, in February 1999 the City Council directed the Community and Economic Development Agency to initiate an analysis to examine appropriate land use controls and other strategies which address the land use compatibility issues and future development of the area; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan also includes Transportation policies which relate to the location of trucking services; and

WHEREAS, on February 2, 1999, the City Council adopted Ordinance No. 12110 C.M.S. which established interim controls on the issuance of building, zoning and other permits for the expansion and/or development of truck repair and truck parking projects; and

WHEREAS, on July 20, 1999, the City Council adopted Ordinance No. 12156.1 C.M.S. amending Ordinance No. 12110 C.M.S. to require additional interim controls on the issuance of building, zoning and other permits for the establishment and/or development of truck repair and truck parking projects; and

WHEREAS, on February 1, 2000, the City Council adopted Ordinance No. 12204 C.M.S. which extended the interim controls for six months or until permanent land use controls were adopted; and

WHEREAS, on July 18, 2000, the City Council adopted Ordinance No. 12265 C.M.S. which extended the interim controls until October 31, 2000 or until permanent land use controls were adopted; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan contains a vision for a West Oakland transit village, and Policy T2.1 specifically calls for transit-oriented development at existing transit nodes; and

WHEREAS, the West Oakland community is in discussions about revitalizing 7th Street and Mandela Parkway in the vicinity of the BART station; and

WHEREAS, Policy T6.2 of the Land Use and Transportation Element of the Oakland General Plan also calls for improving streetscapes, and design review of projects on major arteries such as Mandela Parkway, West Grand Avenue, and 7th Street will contribute to an improved overall image of Oakland and help make it a more livable city; and

WHEREAS, the Citywide Zoning Update project to address the General Plan goals and policies and implement actions that could reduce further expansion of incompatible land use patterns will take at least two years to complete; and

WHEREAS, CEDA staff have worked with the West Oakland community over a period of 18 months, held numerous community meetings and workshops, formed an Ad Hoc Committee composed of residents and business owners to help shape the land use proposals; and

WHEREAS, recommendations have been developed that address the land use conflicts as well as community concerns, Council direction, and General Plan policies; and

WHEREAS, a duly noticed public hearing was held on this matter by the City Planning Commission on July 26, 2000, and continued on September 6, 2000; and

WHEREAS, CEDA staff worked with the community to make further revisions and refinements to the proposed recommendations; and

WHEREAS, on September 6, 2000 the City Planning Commission voted to recommend amending the Oakland Planning Code as set forth below; and

WHEREAS, on October 3, 2000 the Community and Economic Development Committee of the City Council voted to amend the Planning Commission recommendation and forwarded it to the full Council; and

WHEREAS, said amendments to the Oakland Planning Code are exempt from environmental review under Section 15061(b)(3), State CEQA Guidelines, "general rule" (no possibility of significant effect on the environment), Section 15332, in-fill development, and reliance on the previously certified Final Environmental Impact Report for the *General Plan Land Use and Transportation Element*, as detailed in the October 3, 2000 Council Agenda Report, hereby incorporated by reference; and

WHEREAS, said amendments to the Oakland Planning Code do not necessitate amendments to the Master Fee Schedule; and

WHEREAS, the City Council as the legislative body of the City, has an obligation pursuant to the City Charter to protect Oakland's physical environment and to conserve existing neighborhoods and other areas, while encouraging orderly development and in the manner compatible with existing development in these areas; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendments; now, therefore

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

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The City Council finds and determines that the adoption of this Ordinance complies with the California Environmental Quality Act.

SECTION 3. The Oakland Planning Code is hereby amended to add a new Chapter 17.101, entitled "S-16 Industrial-Residential Transition Combining Zone Regulations," to read as follows (all text is new):

“Chapter 17.101

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

Sections:

- 17.101.010 Title, purpose, and applicability.**
- 17.101.020 Zones with which the S-16 may be combined.**
- 17.101.030 Design review for construction or alteration.**
- 17.101.040 Permitted activities.**
- 17.101.050 Conditionally permitted activities.**
- 17.101.060 Prohibited activities.**
- 17.101.070 Conditionally permitted facilities.**
- 17.101.080 Maximum floor area ratio.**
- 17.101.090 Special regulations for activities within the S-16 zone.**
- 17.101.100 Applicable performance standards.**
- 17.101.110 Nonconforming uses.**

17.101.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-16 Industrial-Residential Transition Combining Zone regulations. The intent of the S-16 zone is to provide a compatible transition between residential and industrial zones by limiting the impacts of new nonresidential development, particularly trucking facilities and industrial development, on adjacent residential

zones. It is also intended to promote compatible economic development and provide opportunities for new joint living and working quarters. These regulations shall apply in the S-16 zone and are supplementary to the regulations applying in the zones with which the S-16 zone is combined. Where the standards and regulations contained herein conflict with those of the underlying zoning regulations, then the standards and regulations contained herein shall apply.

17.101.020 Zones with which the S-16 may be combined.

The S-16 zone may be combined with any other zone whose General Plan land use classification is “Business Mix” or “General Industrial/Transportation” and abuts a residential zone, or with any industrial zone that abuts a residential zone.

17.101.030 Design review for construction or alteration.

In the S-16 zone no building, sign, or other facility shall be constructed or established, added to or altered by more than 10 percent of the existing floor or sign area or altered or in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136.

17.101.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

- A. Civic Activities:
 - Essential Service
 - Limited Child-Care
 - Nonassembly Cultural (with less than 10,000 square feet of gross floor area)
 - Administrative (with less than 10,000 square feet of gross floor area)
 - Telecommunications
- B. Commercial Activities:
 - Convenience Sales and Service
 - General Retail Sales
 - General Personal Service
 - Consultative and Financial Service
 - Administrative
 - Business and Communication Service
 - Retail Business Supply
 - Research Service (with less than 10,000 square feet of gross floor area)
- C. Manufacturing Activities:
 - Custom (with less than 10,000 square feet of gross floor area)
 - Light (with less than 10,000 square feet of gross floor area)

17.101.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.101.090:

- A. Civic Activities:
 - Community Assembly
 - Community Education

- Nonassembly Cultural (with more than 10,000 square feet of new gross floor area)
- Administrative (with more than 10,000 square feet of new gross floor area)
- Utility and Vehicular
- B. Commercial Activities:
 - General Food Sales
 - Convenience Market (subject to provisions in Section 17.102.210A)
 - Mechanical or Electronic Games (subject to provisions in Section 17.102.210C)
 - Medical Service
 - Consumer Laundry and Repair Service
 - Group Assembly
 - Research Service (with more than 10,000 square feet of new gross floor area)
 - General Wholesale Sales (with less than 50,000 square feet of gross floor area)
 - Construction Sales and Service
 - Automotive Fee Parking
 - Animal Care
- C. Manufacturing Activities:
 - Custom (with more than 10,000 square feet of new gross floor area)
 - Light (with more than 10,000 square feet of new gross floor area)
- D. Agricultural and Extractive Activities:
 - Plant Nursery
- E. Accessory Activities:
 - Joint Living and Working Quarters (as defined in Section 17.10.040C and subject to the provisions in Section 17.102.190 and the special regulations in Section 17.101.090A.)
 - Open Storage

17.101.060 Prohibited activities.

The following activities, as described in the use classifications in Chapter 17.10, are prohibited:

- A. Commercial Activities:
 - Alcoholic Beverage Sales
 - Automotive Repair and Cleaning
 - Automotive Sales, Rental, and Delivery
 - Automotive Servicing
 - Fast-Food Restaurant
 - Scrap Operation, subject to provisions of Section 17.102.210F
 - Transport and Warehousing, subject to provisions in Section 17.102.210F
- B. Manufacturing Activities:
 - General
 - Industrial Transfer/Storage Hazardous Waste Management
- C. Agricultural and Extractive Activities
 - Crop and Animal Raising
 - Mining and Quarrying

17.101.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.101.090:

- A. Nonresidential Facilities
 - Open
- B. Telecommunications Facilities
 - Macro
 - Monopole

17.101.080 Maximum floor area ratio.

- A. Maximum floor area ratio generally. The maximum floor area ratio of any facility shall be 4.0 unless a lesser floor area ratio is specified by the applicable General Plan land use classification. Any new construction or addition or alteration that results in a total F.A.R. of more than 2.0 on any portion of any lot within 150 feet of a residential zone shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Maximum floor area within 150 feet of a residential zone. The 2.0 floor area ratio shall only apply to the portions of all properties located in the first 150 feet of the S-16 zone. The 150 feet measurement is not measured from the zoning boundary but begins at the nearest property line within the S-16 zone that is adjacent to the residential zone.

17.101.090 Special regulations for activities and facilities.

The following supplemental development standards shall apply to all new development and alterations and additions adding more than 10 percent to existing floor area, unless otherwise indicated:

- A. New Joint Living and Working Quarters. Construction of new joint living and work quarters, subject to the regulations in Section 17.102.190, is allowed subject to the following standards:
 - 1. Size of Units. The average unit size of all joint living and work quarters in a development project shall be a minimum of 1,000 square feet of floor area. No individual unit shall be less than 800 square feet of floor area.
 - 2. Use of Space. Generally, as a guideline and not as a mandate, one-third of the floor area should be used for living space.
 - 3. Minimum Usable Open Space. A minimum of 75 square feet of group usable open space shall be provided for each joint living and working quarters unit. All required group usable open space shall conform with the standards set forth in Section 17.126.030, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.
 - 4. Required Parking. A minimum of one space shall be provided for each 1,000 square feet of floor area. This requirement preempts any conflicting requirement in Chapter 17.116.
 - 5. Buffering. The general buffering requirements of Section 17.110.020 shall apply to joint living and working quarters.
- B. Upper-story Stepback on lots abutting a Residential Zone or on a block with residential activity. On any portion of any lot that:
 - 1. abuts a residential zone, or

4. is on a street where 50% or more of the frontage on the street within 300 feet of the lot has legally established residential activities, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back a minimum of one foot for each foot of additional height. This setback shall be measured from the inner line of the minimum yard required by Subsection C below.

C. Minimum Yards on lots abutting a Residential Zone or on a block with residential activity. On any portion of any lot that:

1. abuts a residential zone, or
2. is directly across a street, alley, or path from a residential zone, or
3. abuts a legally established residential activity, or
4. is on a street where 50% or more of the frontage on the street within 300 feet of the lot has residential activities,

a yard with a minimum depth or width, as the case may be, of ten feet shall be provided along the entire lot line that abuts or is across from said residential zone or residential activity. This yard shall be landscaped and unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. A solid masonry or lumber wall at least six feet high shall be provided along the entire length of any lot line not facing a street. Where the lot in question is 25 feet or less in width, a solid masonry wall at least six feet high may be provided in lieu of any side yard required by this section.

D. Landscaping.

1. Front Yards. All front yards required by Subsection C above shall be landscaped with trees and shrubs, except for driveways serving required parking or loading, and incidental pedestrian access.

2. Minimum Landscaping. For new construction or addition or alteration of more than 10% of existing floor area, a minimum of 10% of the site area must be landscaped.

3. Off-street Parking Facilities. Landscaping shall be provided for off-street parking facilities with more than 10 spaces. A minimum of one tree for every 6 spaces shall be distributed evenly throughout the parking area. Parking rows shall be separated from driveways by a landscaped planter.

4. Required Irrigation. All planting areas shall be provided with an irrigation system that is permanent, below grade, and activated by automatic timing controls.

E. Screening of Parking on a Lot. A concrete or masonry wall at least 3 feet high shall be provided for parking areas located adjacent to a public right-of-way.

F. Minimum Usable Open Space for Nonresidential Activities. For nonresidential activities, a minimum of one square foot of usable group open space shall be provided for every 100 square feet of floor area with a minimum of 100 square feet of usable group open space provided on every lot subject to the applicable Usable Open Space Standards in Section 17.126.030.

G. Loading Berths. No loading berths shall be located within 100 feet of any residential zone except upon the granting of a conditional use permit pursuant to Section 17.102.080 and the conditional use permit procedure in Chapter 17.134.

H. Truck Parking. Any activity that operates or stores three or more Trucks shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 on any lot that:

1. abuts a residential zone, or
2. is directly across a street, alley, or path from a residential zone, or
3. abuts a legally established residential activity, or

4. is on a street where 50% or more of the frontage on the street within 300 feet of the lot has legally established residential activities.

For the purposes of this section, a "Truck" is defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.

I. Access. Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zone boundary, unless all such streets serve as residential zone boundaries.

17.101.100 Applicable performance standards.

The performance standards specified in Chapter 17.120 shall apply in the S-16 zone.

17.101.110 Nonconforming uses.

The requirements regarding substitution of nonconforming uses specified in Chapter 17.114.070 A.3 shall apply in the S-16 zone."

SECTION 4. The Oakland Planning Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**, additions are indicated by underlining, and deletions are indicated by ~~strike-out type~~; portions of the code not cited, or not shown in underlining or strike-out type, are not changed):

"Chapter 17.68

M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

17.68.030 Permitted activities.

B. Commercial Activities:

Automotive Repair and Cleaning, except as provided in Section 17.102.370.

Automotive Fee Parking, except as provided in Section 17.102.370.

Chapter 17.70

M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

17.70.030 Permitted activities.

B. Commercial Activities:

Automotive Servicing, except as provided in Section 17.102.370.

Automotive Repair and Cleaning, except as provided in Section 17.102.370.

Automotive Fee Parking, except as provided in Section 17.102.370.

Transport and Warehousing, except as provided in Section 17.102.210F and subject to provisions in Section 17.102.370.

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

17.102.010 Title, purpose, and applicability.

- 17.102.020 Supplemental zoning provisions.
- 17.102.030 Special regulations for designated landmarks.
- 17.102.040 Effect of prior permits.
- 17.102.050 Revocation of unused prior zoning approvals after one year.
- 17.102.060 Study list—Postponement of demolition.
- 17.102.070 Application of zoning regulations to lots divided by zone boundaries.
- 17.102.080 Permitted and conditionally permitted uses.
- 17.102.090 Conditional use permit for shared access facilities.
- 17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.
- 17.102.110 Conditions for expansion of use into adjacent zones.
- 17.102.120 Restriction on removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS zones.
- 17.102.130 Time limit on operation of subdivision sales offices—Residential zones.
- 17.102.140 Special regulations applying to private stables and corrals.
- 17.102.150 Conditional use permit requirement for accessory heliports and other flying fields.
- 17.102.160 Special regulations applying to adult entertainment activities.
- 17.102.170 Special regulations applying to massage service activities.
- 17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial zones.
- 17.102.190 Joint living and work quarters.
- 17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.
- 17.102.210 Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or electronic games, Sidewalk Cafes, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.
- 17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.
- 17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential zones.
- 17.102.240 Special regulations applying to microwave dishes and energy production facilities in or near residential zones.
- 17.102.250 Maximum density and floor-area ratio during construction.
- 17.102.260 Occupancy of a dwelling unit.
- 17.102.270 Additional kitchens for a dwelling unit.
- 17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.
- 17.102.290 Special regulations for Drive-Through Nonresidential Facilities.
- 17.102.300 Conditional use permit for dwelling units with five or more bedrooms.
- 17.102.310 Special regulations for certain projects with development agreements.
- 17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.

- 17.102.330 Conditional use permit for waiver of certain requirements with parcel division between existing buildings.
- 17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.
- 17.102.350 Regulations applying to tobacco-oriented activities.
- 17.102.360 Use permit standards, criteria and conditions of approval for secondary units.
- 17.102.370 Special regulations applying to truck-related activities in the West Oakland Community Development District.

17.102.190 Joint living and work quarters.

B. Definition. Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. In the S-16 Industrial-Residential Transition Combining Zone, joint living and work quarters may also be allowed in new construction.

17.102.370 Special regulations applying to truck-related activities in the West Oakland Community Development District.

A. Use Permit Required. No Truck and Truck-related activity as described in Sections 17.10.470, 17.10.480, 17.10.490, and 17.10.500 shall be established or expanded in the West Oakland Community Development District except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. "West Oakland Community Development District" is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west and Interstate 580 to the north.

C. The term "Truck" shall be defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.

Chapter 17.114

NONCONFORMING USES

17.114.070 Nonconforming activity—Allowed substitutions and other changes in activity.

A. Activity Nonconforming Because It Is Not a Permitted Activity. The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

1. If the nonconforming activity is itself conditionally permitted where it is located, no substitution or other change shall be made in it which would conflict with, or further conflict

with, any requirement on off-street parking or loading, conduct of activities within enclosed buildings, means of customer access, or total floor area which normally applies to activities. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.)

2. Conversions of dwelling units to use by a nonresidential activity shall be subject, where applicable, to the provisions of Section 17.102.230.

3. If the nonconforming activity is located at ground level on any lot in the C-5, C-27, C-28, C-31, or S-9 zone, or on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets in the S-8 zone, or anywhere in the S-16 zone, no change shall be made in the nature as such of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.

4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.102.210(B)(2), which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.

5. No substitution or other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

6. In cases of discontinuance, damage, or destruction, the pertinent provisions of Sections 17.114.050 or 17.114.060 shall also apply.

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this section.

Chapter 17.116

OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

17.116.090 Off-street parking—Manufacturing Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Manufacturing Activities when located in the

indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)”

SECTION 5. The designation and location of zones and zone boundaries on section maps 200, 201, 202, 218, 219, 220, 235, 236, 237, 238, 250, 251, 252, 266 in Chapter 17.154 of the Oakland Planning Code are hereby amended as indicated in Attachment A.

SECTION 6. The City Manager will cause to be filed the appropriate Environmental Notices with the Alameda County Clerk.

SECTION 7. Ordinances Nos. 12110 C.M.S., 12156.1 C.M.S., 12204 C.M.S., and 12265 C.M.S. (interim controls) are rescinded upon adoption of this Ordinance.

SECTION 8. This Ordinance shall be effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland, but shall not apply to permits already issued or to zoning applications approved by the City for which permits have not been issued.

SECTION 9. If any provisions of this Ordinance or application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

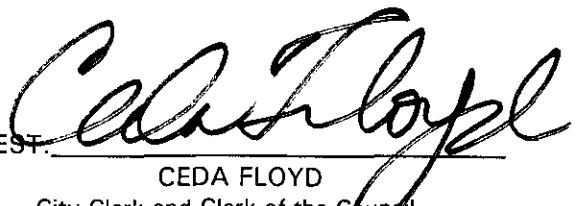
Introduced - OCT 17 2000

OCT 31 2000

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, SPEES AND WAN
PRESIDENT DE LA FUENTE — 8
NOES- *None*
ABSENT- *None*
ABSTENTION- *None*

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

NOTICE AND DIGEST

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO CREATE THE S-16 INDUSTRIAL-RESIDENTIAL TRANSITION OVERLAY ZONE; TO MAP THE S-16 AND S-4 OVERLAY ZONES ON SEVERAL AREAS OF THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT; TO REZONE THE VICINITY OF THE WEST OAKLAND BART STATION TO THE S-15 TRANSIT VILLAGE ZONE; AND TO REQUIRE A CONDITIONAL USE PERMIT FOR ALL TRUCKING ACTIVITIES IN THE WEST OAKLAND COMMUNITY DEVELOPMENT DISTRICT.

THE ORDINANCE CREATES A NEW OVERLAY ZONE, THE S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE, AND MAPS IT IN AREAS DESIGNATED BUSINESS MIX IN WEST OAKLAND WITHIN 300 FEET OF RESIDENTIAL AREAS; MAKES THE INTERIM CONTROLS ON TRUCKING USES, WHICH HAVE BEEN IN EFFECT SINCE FEBRUARY 1999 BY CITY ORDINANCE, A PERMANENT PART OF THE PLANNING CODE; MAPS THE S-4 DESIGN REVIEW COMBINING ZONE ON MAJOR CORRIDORS; AND REZONES THE VICINITY OF THE WEST OAKLAND BART STATION TO THE S-15 TRANSIT-ORIENTED DEVELOPMENT ZONE.