

**CITY OF OAKLAND**  
**SUPPLEMENTAL AGENDA REPORT**

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND  
2009 FEB 26 PM 3: 58

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: March 3, 2009

**RE: Supplemental Report Regarding A Public Hearing and Re-introduction of a Revised Ordinance (Including Changes To The Extent Of The Area For Which Primary Collection Centers Are Responsible For Litter, Garbage And Shopping Cart Removal, And Allowed Parking Areas For Facility-Owned Vehicles) Amending The Oakland Planning Code To:**

- (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones;**
- (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones;**
- (3) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. Section 17.10.586 "Recycling And Waste-Related Industrial Activities"**

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**SUMMARY**

A concern related to the parking of company vehicles owned by existing Primary Collection Centers during business hours on City streets around facilities was raised by Councilmember Nadel on behalf of community constituents. At the December 9, 2008 City Council meeting, Councilmember Nadel introduced proposed language for the performance standards (in the Planning Code) to be applied to Primary Collection Recycling Centers that would limit parking of "facility-owned vehicles" on the street sides immediately adjacent to and located within the block on which the Primary Collection Center is located. Several owners of Primary Collection Recycling Centers supported different language that would allow parking of "facility-owned vehicles" on both sides of the street immediately adjacent to and located within the block on which the Primary Collection Center is located.

There were additional comments received by staff regarding additional restrictions and/or prohibiting Primary Collection Center from accepting materials from the public brought by means of a shopping cart. An additional comment letter received since the publication of the previous supplemental report is attached to this report (**Attachment A**).

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Based on an analysis of information contained in comment letters received from the public by City staff since the publication of the previous report, staff now recommends addressing parking concerns related to commercial vehicles using existing provisions in Chapters 10.32 and 10.52 of Title 10 of the Oakland Municipal Code, Vehicles and Traffic, rather than through performance standards in the Planning Code.

Staff also believes the buy-back of materials by “junk dealers or recyclers” may be better addressed by AB 844, which was adopted on September 30, 2008, and therefore, does not merit additional regulations through the proposed performance standards, as proposed by Councilmember Nadel on February 3, 2009. AB 844 is attached to this report for reference as **Attachment B**.

### **PROPOSED AMENDMENTS TO TEXT INTRODUCED ON DECEMBER 9, 2008**

Staff proposes the following modifications from what was presented for first reading at the December 9, 2008 City Council meeting:

- Modifying the language regarding the geographic area of responsibility for cleanliness and litter management (O.M.C. Section 17.73.035.B.5d) and for abandoned shopping cart management (O.M.C. Section 17.73.035.B.5e). See **Attachment C**;
- Deleting the language for O.M.C. Section 17.73.035.B.7d., regarding parking of facility-owned vehicles during business hours.

The changes described above are proposed to O.M.C. Section 17.73.35.B., as shown below in underline/strikethrough, against the December 9, 2008 text:

5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:
  - a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;
  - b. The public right-of-way shall not be used for storage or processing of materials;
  - c. Graffiti shall be removed within seventy-two (72) hours of application;
  - d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling-related litter and debris in the public right-of-way all materials, within a one block radius of the premises, as well as a graffiti abatement plan; a one block radius of the premises shall comprise all street sides of the nine (9) square block area that includes the block on which the premises is located (as the center block of the nine (9) square block area) within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Attachment B). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to hazardous material, containers of paint or unidentified

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liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Collection Center. In addition, the Primary Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.

- e. ~~The Primary Collection Center shall be responsible for keeping the area within a two-(2) block radius of the premises clear of shopping carts. A site/immediate neighborhood (five-(5) block radius) shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection. If the Primary Collection Center accepts materials from the public brought by means of a shopping cart, it shall be responsible for the retrieval of all shopping carts within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Attachment A). Additionally, a Primary Collection Center shall post signage that includes contact information to report abandoned shopping carts in the vicinity of the facility; if called or notified by a member of the public about abandoned shopping carts located within a two-block radius of the premises, a Primary Collection Center shall retrieve said carts. A two-block radius of the premises shall comprise all street sides of the twenty-five- (25) square block area that includes the block on which the premises is located (as the center block of the twenty-five (25) square block area); a five-(5) block radius of the premises shall comprise all street sides of the one hundred twenty-one (121) square block area that includes the block on which the premises is located (as the center block of the one hundred twenty one (121) square block area).~~

7. Equipment and Facilities. For existing, new or expanded uses:
- a. There shall be no exterior pay telephones located at the site;
  - b. All equipment shall be maintained and kept in good working order;
  - c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.
  - d. ~~During business hours, all facility owned vehicles shall be stored within the facility, at an appropriate alternative off street location, or parked on the street sides immediately adjacent to and located within the block on which the Primary Collection Center is located.~~

## RECOMMENDATION(S) AND RATIONALE

In January 2009, staff met with several Primary Collection Center Recycling business owners and Councilmember Nadel to discuss possible alternatives to consider to the proposed ordinance regarding several outstanding issues. Meeting participants discussed possible compromise language regarding the area of responsibility. Based on the results of that meeting, staff is proposing compromise language regarding litter and shopping cart management.

Regarding the regulation of the parking of commercial vehicles, staff believes that there is existing authority through the Municipal Code that has not been used to date, and should be

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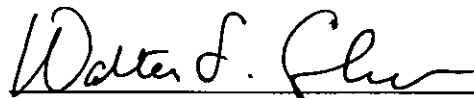
explored prior to pursuing developing new legislation. These options should be explored by staff on a site by site basis. Furthermore, if new regulations are developed, Chapters 10.32 and 10.52 of Title 10 of the Municipal Code is the logical place to address limitations on vehicle parking rather than the Planning Code, since traffic controls are regulated in Title 10 of the Municipal Code.

As noted above, the buy-back of materials by "junk dealers or recyclers" may be better addressed by AB 844, which was adopted on September 30, 2008. Staff believes that it is reasonable to wait and give these regulations a chance to work prior to developing new legislation and therefore does not support Councilmember Nadel's proposed amendments of February 3, 2009.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Council not adopt the proposed ordinance as introduced for first-reading on December 9, 2008, but rather reintroduce the ordinance with changes as proposed by staff relating to 1) modifying the language relating to the geographic area of responsibility regarding cleanliness/litter management, and for shopping cart management, and; 2) deleting provisions regulating parking of facility-owned vehicles.

Respectfully submitted,

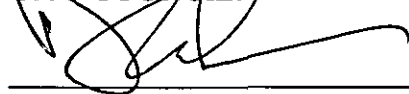


Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Eric Angstadt, Strategic Planning Manager

Prepared by:  
Alisa Shen, Planner III  
Strategic Planning Division, Planning and Zoning

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:



Office of the City Administrator

### **Attachments:**

- A. Public Comment Letter received from E. Christopherson (2/24/09)
- B. AB 844
- C. Illustration of Geographic Extent of Area of Responsibility for Litter/Garbage/Debris Removal and Shopping Cart Retrieval by Primary Collection Recycling Center

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Elin Christopherson  
Pearmain Studios  
10317 Pearmain St. Oakland, CA 94603  
(510) 414-5243 fax: (510) 636-8668  
E-mail: elinchr@pacbell.net  
Website: www.elinchristopherson.com

February 23, 2009

To: Council President Brunner and Council members  
From: Elin Christopherson, industrial neighbor of recyclers  
Re: Recycling Performance Standards, Item 14.1

Dear Council members,

As a neighboring business affected by fallout from primary recycling businesses, I have some comments and recommendations to make:

1. I agree with recyclers, and always have, that they should not be responsible for illegal dumping of material unrelated to their business. I therefore agree with the wording added that states **recyclers shall be responsible for recycling-related litter**. I accept that a 9 block radius to keep clean is a very large area, and I think a more reasonable compromise would be **two blocks from property line of the recycling business**: Please keep in mind that people stripping materials will often do so out of the line of sight from the facility.

2. In regards to abandoned shopping carts: The original staff recommendation (e.) of December 9 was the right one: **Primary Collection Center shall be responsible for a cart collection plan for 5 blocks**. The important thing to understand here is that shopping carts will be used to bring materials to the collection center, and they will be abandoned, whether or not the collection center accepts shopping carts. If they don't accept carts, people abandon the cart a block or two away, and carry the materials in. Please do not make this regulation complaint-based. Recyclers must accept responsibility for this. To reiterate, whether or not shopping carts are accepted by the recycling facility, the result will be the same: abandoned shopping carts in the surrounding blocks.

3. Facility owned vehicles should not congest the surrounding neighborhoods. It is a reasonable compromise to allow these **vehicles to be parked only in front of the facility and only during hours of operation**.

Please remember that on December 9, the Council vote allowed compromises in favor of the recyclers. Now, they want to chip away at the proposed regulations again. Please consider this, and pass regulations that will help the businesses and residents of Oakland.

Thank you for your careful consideration,

Elin Christopherson

BILL NUMBER: AB 844      CHAPTERED  
 BILL TEXT

Attachment B

CHAPTER 731  
 FILED WITH SECRETARY OF STATE SEPTEMBER 30, 2008  
 APPROVED BY GOVERNOR SEPTEMBER 30, 2008  
 PASSED THE SENATE AUGUST 20, 2008  
 PASSED THE ASSEMBLY AUGUST 28, 2008  
 AMENDED IN SENATE AUGUST 19, 2008  
 AMENDED IN SENATE AUGUST 11, 2008  
 AMENDED IN SENATE JUNE 25, 2008  
 AMENDED IN SENATE JUNE 19, 2008  
 AMENDED IN SENATE MAY 29, 2008  
 AMENDED IN SENATE APRIL 30, 2008  
 AMENDED IN SENATE JUNE 26, 2007  
 AMENDED IN SENATE JUNE 19, 2007  
 AMENDED IN ASSEMBLY JUNE 1, 2007  
 AMENDED IN ASSEMBLY MAY 1, 2007  
 AMENDED IN ASSEMBLY APRIL 9, 2007

INTRODUCED BY Assembly Members Berryhill and Maze  
 (Principal coauthors: Assembly Members Galgiani and Garrick)  
 (Principal coauthors: Senators Calderon, Cogdill, and Maldonado)  
 (Coauthors: Assembly Members Adams, Aghazarian, Anderson,  
 Arambula, Benoit, Blakeslee, Cook, DeVore, Emmerson, Fuller, Gaines,  
 Garcia, Horton, Houston, Huff, Jeffries, Keene, La Malfa, Ma, Mullin,  
 Nakanishi, Niello, Parra, Plescia, Sharon?Runner, Salas, Silva,  
 Smyth, Spitzer, Strickland, Tran, Villines, and Walters)  
 (Coauthors: Senators Cedillo, Denham, Florez, Margett, and Yee)

FEBRUARY 22, 2007

An act to amend Sections 21606, 21606.5, 21608, and 21609 of, and to add Sections 21608.3 and 21608.5 to, the Business and Professions Code, relating to junk dealers, and declaring the urgency thereof, to take effect immediately.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 844, Berryhill. Junk dealers and recyclers: nonferrous material.

Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires these records to include, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person selling, purchasing, or transporting the junk. Existing law exempts certain purchases of scrap metals by a junk dealer or recycler from these provisions. A violation of the provisions regulating junk dealers and recyclers is a crime.

This bill would require a junk dealer or recycler to report the information included in those written records to the chief of police or sheriff, as specified, upon request and on a monthly basis. The bill would authorize the chief of police or sheriff to request weekly reports for no more than a 2-month period, except as specified, if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity.

This bill would prohibit a junk dealer or recycler from providing payment for nonferrous material, as defined, unless the payment is made by cash or check, the check is mailed or the cash or check is provided no earlier than 3 days after the date of sale, and the dealer or recycler obtains a photograph or video of the seller and certain other identifying information, as specified, including the thumbprint of a seller, to be retained by the dealer or recycler for a certain period of time. The bill would specify an exception to the payment by cash or check requirement and provide that these requirements do not apply to the redemption of nonferrous materials of a certain value at a recycling center, as specified, or to coin dealers or automobile dismantlers. The bill would also prohibit a city, county, or city and county from adopting an ordinance related to junk dealer or recycler transactions involving nonferrous material, except under specified circumstances.

Under existing law, a knowing and willful violation of the recordkeeping requirements applicable to junk dealers and recyclers is punishable by specified fines, by imprisonment in the county jail for a specified period of time, or by both that fine and imprisonment. Existing law requires that, for a 3rd or subsequent violation, the court order the defendant to stop engaging in business as a junk dealer or recycler for a period of 30 days.

This bill would increase the minimum fines for those violations, as specified, and would also require the court, for a 3rd or subsequent violation, to order the defendant to stop engaging in business as a junk dealer or recycler for a period of not less than one year. The bill would further impose a specified civil fine for the unauthorized disclosure of a seller's personal identification information.

Under existing law, when a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, the peace officer may place a hold on that property. Existing law requires a court, upon conviction of a person for the theft of that property, to order the defendant to pay the reasonable costs for the storage of the property.

This bill would also require the court to order the defendant to pay the victim for the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

Because a violation of this bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute and would provide that its provisions shall become operative on December 1, 2008.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21606 of the Business and Professions Code is amended to read:

21606. (a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:

- (1) The place and date of each sale or purchase of junk made in the conduct of his or her business as a junk dealer or recycler.
- (2) The name, valid driver's license number and state of issue or

California-issued identification card number, and vehicle license number including the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.

(3) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.

(4) A description of the item or items of junk purchased or sold, including the item type and quantity, and identification number, if visible.

(5) A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document.

(b) A person who makes, or causes to be made, a false or fictitious statement regarding any information required by this section is guilty of a misdemeanor.

(c) (1) Every junk dealer and every recycler shall report the information required under subdivision (a) to the chief of police, if the dealer's or recycler's business is located in a city, or to the sheriff, if the dealer's or recycler's business is located in an unincorporated part of a county, upon request of the chief of police or sheriff and on a monthly basis, except as provided in paragraph (2).

(2) The chief of police or sheriff may request the report described in this section on a weekly basis if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity. The chief of police or sheriff may request weekly reports for no more than a two-month period unless the investigation of the junk dealer or recycler continues and the chief of police or sheriff makes a subsequent request for weekly reports for an additional two-month period or part thereof.

(d) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

SEC. 2. Section 21606.5 of the Business and Professions Code is amended to read:

21606.5. Every junk dealer or recycler shall, during normal business hours, allow periodic inspection of any premises maintained and any junk thereon for the purpose of determining compliance with the recordkeeping requirements of this article, and shall during those hours produce his or her records of sales and purchases, except as provided in subparagraph (A) of paragraph (3) of subdivision (a) of Section 21608.5, and all property purchased incident to those transactions which is in the possession of the junk dealer or recycler for inspection by any of the following persons:

(a) An officer holding a warrant authorizing him or her to search for personal property.

(b) A person appointed by the sheriff of a county or appointed by the head of the police department of a city.

(c) An officer holding a court order directing him or her to examine the records or property.

(d) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

SEC. 3. Section 21608 of the Business and Professions Code is amended to read:

21608. (a) A junk dealer or recycler who fails in any respect to keep the written record required by this article, or to set out in that written record any matter required by this article to be set out therein, is guilty of a misdemeanor.

Every junk dealer or recycler who refuses, upon demand pursuant to



Section 21606.5, to exhibit the written record required by this article, or who destroys that record within two years after making the final entry of a purchase or sale of junk therein, is guilty of a misdemeanor.

(b) Any knowing and willful violation of subdivision (a) shall be punishable as follows:

(1) For a first offense, by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment.

(2) For a second offense, by a fine of not less than two thousand dollars (\$2,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court may order the defendant to stop engaging in business as a junk dealer or recycler for a period not to exceed 30 days.

(3) For a third or any subsequent offense, by a fine of not less than four thousand dollars (\$4,000), or by imprisonment in the county jail for not less than six months, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court shall order the defendant to stop engaging in business as a junk dealer or recycler for not less than one year.

(c) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

SEC. 4. Section 21608.3 is added to the Business and Professions Code, to read:

21608.3. (a) Any unauthorized disclosure of personal identification information collected from a seller by a junk dealer or recycler is prohibited, and any such disclosure shall render the violator liable for a civil fine of up to five thousand dollars (\$5,000).

(b) This section shall become operative on December 1, 2008.

SEC. 5. Section 21608.5 is added to the Business and Professions Code, to read:

21608.5. (a) A junk dealer or recycler in this state shall not provide payment for nonferrous material unless, in addition to meeting the written record requirements of Sections 21605 and 21606, all of the following requirements are met:

(1) The payment for the material is made by cash or check. The check may be mailed to the seller at the address provided pursuant to paragraph (3) or the cash or check may be collected by the seller from the junk dealer or recycler on the third business day after the date of sale.

(2) At the time of sale, the junk dealer or recycler obtains a clear photograph or video of the seller.

(3) (A) Except as provided in subparagraph (B), the junk dealer or recycler obtains a copy of the valid driver's license of the seller containing a photograph and an address of the seller or a copy of a state or federal government-issued identification card containing a photograph and an address of the seller.

(B) If the seller prefers to have the check for the material mailed to an alternative address, other than a post office box, the junk dealer or recycler shall obtain a copy of a driver's license or identification card described in subparagraph (A), and a gas or electric utility bill addressed to the seller at that alternative address with a payment due date no more than two months prior to the date of sale. For purposes of this paragraph, "alternative address" means an address that is different from the address appearing on the seller's driver's license or identification card.

(4) The junk dealer or recycler obtains a clear photograph or video of the nonferrous material being purchased.

(5) The junk dealer or recycler shall preserve the information obtained pursuant to this paragraph for a period of two years after the date of sale.

(6) (A) The junk dealer or recycler obtains a thumbprint of the seller, as prescribed by the Department of Justice. The junk dealer or recycler shall keep this thumbprint with the information obtained under this subdivision and shall preserve the thumbprint in either hardcopy or electronic format for a period of two years after the date of sale.

(B) Inspection or seizure of the thumbprint shall only be performed by a peace officer acting within the scope of his or her authority in response to a criminal search warrant signed by a magistrate and served on the junk dealer or recycler by the peace officer. Probable cause for the issuance of that warrant must be based upon a theft specifically involving the transaction for which the thumbprint was given.

(b) Paragraph (1) of subdivision (a) shall not apply if, during any three-month period commencing on or after the effective date of this section, the junk dealer or recycler completes five or more separate transactions per month, on five or more separate days per month, with the seller and, in order for paragraph (1) of subdivision (a) to continue to be inapplicable, the seller must continue to complete five or more separate transactions per month with the junk dealer or recycler.

(c) This section shall not apply if, on the date of sale, the junk dealer or recycler has on file or receives all of the following information:

(1) The name, physical business address, and business telephone number of the seller's business.

(2) The business license number or tax identification number of the seller's business.

(3) A copy of the valid driver's license of the person delivering the nonferrous material on behalf of the seller to the junk dealer or the recycler.

(d) This section shall not apply to the redemption of nonferrous material having a value of not more than twenty dollars (\$20) in a single transaction, when the primary purpose of the transaction is the redemption of beverage containers under the California Beverage Container Recycling and Litter Reduction Act, as set forth in Division 12.1 (commencing with Section 14500) of the Public Resources Code.

(e) This section shall not apply to coin dealers or to automobile dismantlers, as defined in Section 220 of the Vehicle Code.

(f) For the purposes of this section, "nonferrous material" means copper, copper alloys, stainless steel, or aluminum, but does not include beverage containers, as defined in Section 14505 of the Public Resources Code, that are subject to a redemption payment pursuant to Section 14560 of the Public Resources Code.

(g) This section is intended to occupy the entire field of law related to junk dealer or recycler transactions involving nonferrous material. However, a city or county ordinance, or a city and county ordinance, relating to the subject matter of this section is not in conflict with this section if the ordinance is passed by a two-thirds vote and it can be demonstrated by clear and convincing evidence that the ordinance is both necessary and addresses a unique problem within and specific to the jurisdiction of the ordinance that cannot effectively be addressed under this section.

(h) This section shall become operative on December 1, 2008.

SEC. 6. Section 21609 of the Business and Professions Code is amended to read:

21609. (a) Whenever a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, in lieu of seizing the property, the peace officer as defined in subdivision (b) of Section 21606.5, at his or her option, may place a hold on the property for a period not to exceed 90 days. When a peace officer places a hold on the property, the peace officer shall give the junk dealer or recycler a written notice at the time the hold is placed, describing the item or items to be held plus the case number. During that period the junk dealer or recycler shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by a peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member. Except as specifically set forth in this section, a junk dealer or recycler shall not be subject to civil liability for compliance with this section.

(b) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold and the property is required by a peace officer in a criminal investigation, the junk dealer or recycler, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to any peace officer upon the request of any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member.

(c) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold and the property is no longer required for the purpose of criminal investigation, the law enforcement agency that placed the hold on the property shall undertake the following:

(1) With respect to the property being held, if the law enforcement agency has no knowledge of the property on hold being reported as stolen, the property shall be released upon written notice to the junk dealer or recycler. The notice shall be provided in a timely fashion.

(2) If the law enforcement agency has knowledge that the property has been reported stolen, the law enforcement agency shall notify the person who reported the stolen property of the name and address of the junk dealer or recycler holding the property and authorize the release of the property to that person.

The law enforcement agency that placed the property on hold shall release the hold after 60 days has elapsed following the delivery of the notice to the person who reported the property stolen.

(3) If a victim seeks to recover property that is subject to a hold, the junk dealer or recycler shall advise the victim of the name and badge number of the peace officer who placed the hold on the property and the name of the law enforcement agency of which the officer is a member. If the property is not required to be held pursuant to a criminal prosecution the hold shall be released.

(d) Upon conviction of a person for the theft of property placed on hold pursuant to this section, the court shall order the defendant to do both of the following:

(1) Pay the junk dealer or recycler reasonable costs for the storage of the property.

(2) Pay the victim for both the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

(e) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

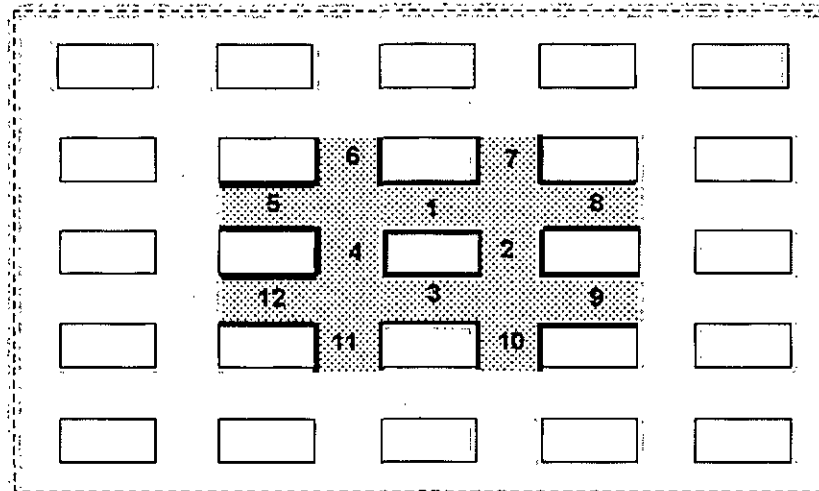
SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

**Attachment B**


the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:


In order to address statewide concerns related to public safety, and to decrease the rising theft of nonferrous materials, it is necessary that this act take effect immediately.



**Figure 1. Illustration of Extent of Area Primary Collection Centers are responsible for Litter/Garbage/Debris Removal and Shopping Cart Retrieval.**

 Area of Responsibility for Cleanliness/litter management plan (Section 17.73.035B.5d) and;

*If Primary Collection Center accepts materials from the public brought by means of a shopping cart retrieval (Section 17.73.035B.5e), area of responsibility for Primary Collection Center to retrieve abandoned shopping carts (the facility monitors area).*

 *If Primary Collection Center accepts materials from the public brought by means of a shopping cart retrieval (Section 17.73.035B.5e), area of responsibility for Primary Collection Center to retrieve abandoned shopping carts **only** if contacted by a member of the public (complaint-based).*

**Note:** The block on which Primary Collection Center is located is in the center, shown in gray.

14.1

ORA/COUNCIL

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INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**DRAFT**

City Attorney

**OAKLAND CITY COUNCIL**

2009 FEB 26 11 35

ORDINANCE No. \_\_\_\_\_ C.M.S.

**AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO: (1) AMEND CHAPTER 17.102 "GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES" TO INCLUDE PERFORMANCE STANDARDS FOR PRIMARY COLLECTION CENTER RECYCLING USES IN ALL ZONES (2) AMEND CHAPTER 17.73 "CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES" TO INCLUDE REGULATIONS CONCERNING PRIMARY COLLECTION CENTER RECYCLING USES IN CIX-1, CIX-2 AND IG ZONES; (2) AMEND CHAPTER 17.10 "USE CLASSIFICATIONS" TO DELETE "INTERMEDIATE PROCESSING FACILITY" AS A LAND USE ACTIVITY TYPE FROM O.M.C. 17.10.586 "RECYCLING AND WASTE-RELATED INDUSTRIAL ACTIVITIES".**

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

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

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

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

**WHEREAS**, the City Council adopted an Ordinance No. 12875 C.M.S. on June 17, 2008 that created four new industrial zones (CIX-1, CIX-2, IG and IO) without including the regulations relating to Primary Collection Centers and Intermediate Recycling Processing Facilities to implement the Business Mix and General Industrial/Transportation LUTE designations; and

**WHEREAS**, the City Council adopted concurrently adopted an Interim Urgency Ordinance No. 12873 C.M.S. establishing a moratorium on any new or expanded Primary Collection Centers and Intermediate Recycling Processing Facilities, in order to ensure that the deletion of regulations relating to these uses would not result in the absence of any regulations regarding these uses after passage and adoption of the new industrial zone regulations and when regulations could be developed and adopted; and

**WHEREAS**, the City Council adopted an extension to the Interim Urgency Ordinance

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(Ordinance No. 12889 C.M.S.) in order to provide staff with adequate time to meet with stakeholders, develop regulations and bring them through the approval process to the Planning Commission, the City Council and their respective committees; and

**WHEREAS**, various community meetings with residents, the recycling industry and other affected stakeholders, and duly noticed meetings before the City Planning Commission were held to develop a set of regulations, such as performance standards, for these uses; and

**WHEREAS**, after a duly noticed public hearing, the City Planning Commission voted unanimously on November 5, 2008 to recommend to the City Council it adopt the proposed regulations and performance regulations for Primary Collection Centers and amendments to the industrial land use classification activity types; and

**WHEREAS**, the proposed regulations serve both to protect surrounding businesses and residential zones from potential off-site impacts of these uses, and do not unnecessarily burden businesses that help support the City's environmental goals, such as those in the City's *Zero Waste Strategic Plan*; and

**WHEREAS**, the proposed regulations came before the Community and Economic Development Committee on December 2, 2008; and

**WHEREAS**, the proposed regulations came before the City Council at a duly noticed public hearing on December 9, 2008; now, therefore;

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

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

**Section 2.** Title 17 of the Oakland Planning Code is hereby amended to: 1) Amend Chapter 17.102 "General Regulations Applicable to All or Several Zones to include regulations concerning Primary Collection Center recycling uses; 2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" to include regulations concerning Primary Collection Center recycling uses in CIX-1, CIX-2 and IG zones; 3) Amend Chapter 17.10 "Use Classifications" to delete "Intermediate Processing Facility" as a land use activity type from O.M.C. 17.10.586 "Recycling and Waste-Related Industrial Activities", as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

**Section 3.** Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the City is relying on previously certified EIRs for the Land Use and Transportation Element of the General Plan (1998); the EIRs for the West Oakland, Central City East, Coliseum and Oakland Army Base Redevelopment Areas, and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. As a separate and independent basis, this Ordinance is consistent with CEQA Guidelines sections 15183 and 15061(b)(3). The Environmental Review Officer is directed to

cause to be filed a Notice of Determination/Exemption with the appropriate agencies.

**Section 4.** Pursuant to Charter Section 216, this Ordinance shall be effective immediately from the date of final passage by the City Council if it receives six or more affirmative votes; if this Ordinance receives five affirmative votes, it shall be effective seven days after the date of final passage by the City Council; notwithstanding, all existing Primary Collection Center recycling uses shall have ninety (90) days from the date of final passage to come into compliance with the applicable performance standards.

**Section 5.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in violation with any federal or state law.

**Section 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall no affect the validity of the remaining portions which shall remain in full effect.

**Section 9.** That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.



**Section 10.** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, CA; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_

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## Title 17

### PLANNING

Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strikethrough~~, which was reviewed by the Community and Economic Development (CED) Committee (December 2, 2008) and the City Council (December 9, 2008). Changes made in response to review by the City Council (December 9, 2008) are shown as follows: new additions, shown in underline and omissions shown as ~~strikethrough~~, are shown in on pp.11-12 of this exhibit.

#### Planning Code Chapters Amended:

17.10 Use Classifications

17.73 CIX-1, CIX-2, IG and IO Industrial Zones

17.102 General Regulations Applicable to All or Several Zones

#### Chapter 17.10

#### USE CLASSIFICATIONS

##### Part 4 Manufacturing Activity Types

##### Sections:

##### 17.10.586 Recycling and Waste-Related Industrial Activities.

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

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

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

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

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

**Chapter 17.73**

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

**Sections:**

<b>17.73.010</b>	<b>Title, Purpose, and Applicability</b>
<b>17.73.020</b>	<b>Permitted and Conditionally Permitted Uses and Facilities</b>
<b>17.73.030</b>	<b>Property Development Standards</b>
<b>17.73.035</b>	<b><u>Special Regulations for Primary Collection Centers in the Industrial Zones</u></b>
<b>17.73.040</b>	<b>Special Regulations for Work/Live Units in the Industrial Zones</b>
<b>17.73.050</b>	<b>Parking and Loading Dock Restrictions</b>
<b>17.73.060</b>	<b>Referral to Other Applicable Regulations</b>

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**17.73.010 Title, Purpose, and Applicability**

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

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

- A. Provide a diversified economic base and a wide range of employment opportunities;
  - B. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
  - C. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
  - D. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;
  - E. Prohibit residential uses and limit commercial uses in General Industrial (IG) areas so that a maximum amount of the City's land base is preserved for industrial uses, and so that industrial uses may operate without impacting those activities;
  - F. Locate high impact industrial uses away from residential areas; and
  - G. Allow heavy-impact or large scale commercial retail uses on sites with direct access to the regional transportation system.
- A. **CIX-1 Commercial Industrial Mix 1 Zone.** The CIX-1 zone is intended to create, preserve, and enhance the industrial areas of West Oakland that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-

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

- B. **CIX-2 Commercial Industrial Mix 2 Zone.** The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.
- C. **IG General Industrial Zone.** The IG zone is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. This zone allows heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.
- D. **IO Industrial Office Zone.** The IO zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

**17.73.020 Permitted and Conditionally Permitted Uses and Facilities**

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

- “P” designates permitted uses and facilities in the corresponding zone.
- “C” designates uses and facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.
- “L” designates uses and facilities subject to certain limitations listed at the bottom of the Table.
- “-” designates uses and facilities that are prohibited in the corresponding zone.

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<b>Residential Uses</b>	All residential uses prohibited in each zone				
<b>Civic Uses</b>					
Essential Service	C	C	C	C	
Limited Child-Care	--	--	--	--	
Community Assembly	P	C	--	C	
Community Education	P	C	--	C	
Nonassembly Cultural	P	C	--	C	
Administrative	P	C	--	C	
Health Care	P	--	--	--	
Special Health Care	C	C	--	--	
Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Telecommunication	P	P	P	P	See Chapter 17.128

**EXHIBIT A**  
(As revised by City Council 12/9/08)

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<b>Commercial Uses</b>					
General Food Sales	P	C (L1)	C (L1)	P (L1)	
Convenience Market	C	C	--	C	See Section 17.102.210
Fast Food Restaurant	C	C	--	C	
Alcoholic Beverage Sales	L2	C	--	--	
Convenience Sales and Service	P	P	--	P	
Mechanical or Electronic Games	L3	--	--	--	See Section 17.102.210
Medical Service	P	C	--	C	
General Retail Sales	P	--	--	--	Retail allowed as an accessory use only in CIX-2 and IO per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
General Personal Service	P	--	--	--	
Consultative and Financial Services	P	--	--	--	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Laundry and Repair Service	P	C	--	--	
Group Assembly	P (L7)	C (L8)	C (L8)	C (L8)	
Administrative	P	P	L9	P	
Business and Communication Service	P	P	P	P	
Retail Business Supply	P	P	P	C	
Research Service	P	P	C	P	
General Wholesale Sales	P	P	P	P	No retail ancillary activities allowed in IG or IO.
Transient Habitation	--	--	--	--	
Construction Sales and Service	L3	L3	--	--	
Automotive Sales, Rental, and Delivery	P	C	--	C	
Automotive Servicing	P	P	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive Repair and Cleaning	L3	L3	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive Fee Parking	L3	P	P	P	
Animal Care	L4	C	C	--	

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
Undertaking Service		P	C	C	--	
<b>Industrial Uses:</b>						
Custom Manufacturing		P	P	P	P	
Light Manufacturing		P	P	P	P	
General Manufacturing		L3	L3	P	--	
Heavy Manufacturing		--	--	C	--	
Research and Development		P	P	P	P	
Construction Operations		L3	L3	L3	C	
Warehousing, Storage and Distribution						
A.	General Warehousing, Storage and Distribution	P	P	P	P	No retail component allowed in IG or IO. See Section 17.73.060
B.	General Outdoor Storage	C	L3	P	P	
C.	Self or Mini Storage	C	C	--	C	
D.	Container Storage	--	L3	P	--	
E.	Automotive Salvage and Junk Yards	--	--	L3	--	
Regional Freight & Transportation:						
A.	Seaport	--	--	P	C	
B.	Rail Yard	--	C	P	--	
Trucking & Trucking-related Activities:						
A.	Freight/Truck Terminal	L5	L3	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
B.	Truck Yard	L5	C	P	C	
C.	Truck Weigh Stations	--	P	P	--	
D.	Truck & Other Heavy Vehicle Sales, Rental & Leasing	L6	P	P	P	
E.	Truck & Other Heavy Vehicle Service, Repair, and Refueling	L5	P	P	--	
Recycling & Waste Related Activities						
A.	Satellite Recycling Collection Centers	C	C	C	C	
B.	Primary Collection Centers	L10	L10	L11	--	
Hazardous Materials Production, Storage & Waste-Related Activities						L11L12 See also Health & Safety Protection Zone (S-19)
A.	Small Scale Transfer and Storage	--	C	C	--	
B.	Industrial Transfer/Storage	--	--	C	--	
C.	Residuals Repositories	--	--	C	--	
D.	Oil and Gas Storage	--	--	L2	--	
<b>Agricultural and Extractive uses</b>						
Plant nursery		P	P	P	--	
Crop and animal raising		--	--	C	--	See Section 17.102.220

**EXHIBIT A**

(As revised by City Council 12/9/08)

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Mining and Quarrying Extractive	--	--	C	--	

Facility Types	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<b>Residential Facilities</b>	All residential uses prohibited in each zone				
<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	C	C	--	--	See Section 17.102.335
Drive-In Nonresidential	--	--	--	--	
Drive-Through Nonresidential	C	C	C	C	See Section 17.102.290
Shopping Center Facility	--	--	--	--	
<b>Telecommunications</b>					
Micro Telecommunications	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	
Macro Telecommunications	C	C	P	P	
Monopole Telecommunications	C	C	P	P	
Tower Telecommunications	--	--	P	P	
<b>Signs</b>					
Residential Signs	--	--	--	--	See Chapter 17.104
Special Signs	P	P	P	P	
Development Signs	P	P	--	--	
Realty Signs	P	P	P	P	
Civic Signs	P	P	P	P	
Business Signs	P	P	P	P	
Advertising Signs	--	--	--	--	

**Limitations:**

- L1. Limited to location on a ground floor in CIX-2, IG and IO. Over 5,000 sf floor area requires a conditional use permit in CIX-2, IG, and IO.
- L2. Prohibited within 300 feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in CIX-2).
- L3. A conditional use permit is required if within 300 feet of a residential zone; Permitted if beyond 300 feet of a residential zone.
- L4. A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.
- L5. Prohibited within 600 feet of a residential zone. A conditional use permit is required elsewhere throughout the zone.
- L6. A conditional use permit is required a) if within 300 feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds 50% of site area.
- L7. A conditional use permit is required for entertainment uses.
- L8. Entertainment, educational and athletic services are not permitted.
- L9. Administrative activities accessory to an existing industrial activity are limited to twenty (20) percent of floor area in IG.

**EXHIBIT A**

(As revised by City Council 12/9/08)

- ~~L10. Prohibited within 300 feet of a residential zone; a conditional use permit is required within 300 to 600 feet of a residential zone; permitted if beyond 600 feet of a residential zone boundary.~~
- L10. Prohibited within 300 feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in 17.73.035 is required if beyond 300 feet of a residential zone boundary.
- L11. Prohibited within 300 feet of a residential zone, permitted outright beyond 300 feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.
- ~~L12. A conditional use permit is required for electroplating activities.~~

**17.73.030 Property Development Standards**

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

**Table 17.73.030: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft	25ft	25ft	100ft	1
Minimum Lot Width	25 ft	25ft	25ft	100ft	1
Minimum Lot Area (square feet)	5,000 sf	10,000 sf	10,000 sf	25,000 sf	1
Floor-Area Ratio (FAR)					
Greater than 300 feet of a residential zone boundary	4.0	4.0	2.0	4.0	
Within 300 feet of a residential zone boundary	2.0	2.0	1.0	2.0	2
Maximum Height	None	55 ft	None	55 ft	3, 4
Minimum Front Yard Setback	0 ft	0 ft	0 ft	20 ft	5
Minimum Rear Yard Setback	0 ft				5
Minimum Interior Side Yard Setback	0 ft				5
Minimum Street Side Yard Setback Of A Corner Lot	10 ft	10 ft	10 ft	20 ft	5
Site Landscaping (% of lot area)	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of lot area)	10%	10%	10%	10%	8
Street Trees	Required	Required	See also note 10	Required	9
Site and Driveway Access – Minimum Distance from any residential or open space boundary	50 ft	50 ft	50 ft	50 ft	11
Driveway Width Maximum	35 ft	35 ft	35 ft	35 ft	12
Pedestrian Walkway	Required	Required	Required	Required	13
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft	8 ft	8 ft	8 ft	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	15 ft	15 ft	15 ft	15 ft	14, 15



**Additional Regulations Noted in Table 17.73.02:**

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.
2. A conditional use permit to exceed the permitted floor area ratio (FAR) may be allowed, as shown in parentheses above in Table 17.31.030, upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134; and to all of the following additional criteria:
  - a. Additional intensity does not subject residentially zoned areas within 300 feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;
  - b. The site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume.
  - c. If adjacent to a residential or open space zone boundary the proposed development has a step back of one foot to every one foot of height, beginning with a maximum height of 30 feet at all required yard setbacks; and
  - d. All new development activities meet the Performance Standards in 17.120.
3. Except as otherwise provided in Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), and Subsection 17.108.010 on lots lying along a boundary of certain residential zones. See Section 17.104.020 for maximum height of signs.
4. The height of materials stored in any outdoor yards may be no higher than eight (8) feet within the required rear or side yard setback along the property line. However, materials may be stacked up to the height of the wall, and may be stacked within the required yard area if a solid masonry wall eight (8) to ten (10) feet in height and buffer planting is installed. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the 10 foot yard requirement, shall be according to the Fire Code regulations.
5. See 17.108.040, 17.108.070, 17.108.090, 17.108.100, 17.108.110, and 17.108.130 for minimum front, side, and rear yards in commercial and industrial zones which may be across from, abut or be adjacent to a residential zone or alley. Accessory structures or other facilities allowed within the yards and setbacks is in sections 17.108.130.
6. All new projects which involve the construction of a new building, or the expansion or replacement of existing building footprint by more than twenty (20%) percent such that the floor area to site ratio exceeds 35%, shall comply with the landscape requirements. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See also 17.124 Landscaping and Screening Standards.
7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.
8. Parking Lot Landscaping applies only to lots associated with new construction with more than 25,000 sf floor area. Shade trees shall be provided at a ratio of 1 tree for every 10 spaces through the parking lot. A minimum of 10 percent of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through Design Review. Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall

- opaque, concrete, or masonry wall. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.
9. For all projects requiring a building permit, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.
  10. The street tree requirement noted above shall apply only to properties in the IG zone that have frontage on San Leandro Street, 98<sup>th</sup> Avenue, 66<sup>th</sup> Avenue, and Hegenberger Road.
  11. Applies to new development; or expansion of industrial or commercial buildings by more than 20 percent floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.
  12. Driveway shall not exceed 35 feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.
  13. A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.
  14. Applies to all property lines in industrial zones, except those fronting a public street, which directly abut a residential or open space zone. All buffering Requirements apply to new development; or expansion of an industrial or commercial building by more than 20 percent floor area or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater.
  15. A reduced buffer requirement may be permitted with the provision of a solid wood or articulated masonry wall of at least 8 feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The planting requirement may be eliminated if appropriate and approved by the Planning Director. The fence or wall design shall be approved by the Planning Director.

**17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones**

A. Applicability. This Section applies to Primary Collection Centers, as defined in 17.10.585 "Recycling and Waste-Related Industrial Activities," that are located in the Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) or General Industrial (IG) zone. Conditional use permits issued for operations in CIX zones must contain conditions no less stringent than the performance standards set out in this Section. Where there is any apparent conflict between these regulations and regulations contained elsewhere in Title 17 of the Oakland Municipal Code, and/or with conditions of approval, the more stringent shall govern.

B. Performance Standards. In addition to the performance standards set forth in Chapter 17.120, the following minimum performance standards shall be uniformly applied, as applicable, to all Primary Collection Centers.

1. Site Design and Layout.

For new and expanded uses, submittal and approval of the following plans, and implementation of approved plans shall be required:

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*(As revised by City Council 12/9/08)*

- a. Site and floor plans, which shall include designated areas for separation and disposal of materials, as well as required fencing/walls, to the Planning and Zoning and Building Services Divisions;
  - b. Building plans to the Fire Services Division;
  - c. Fire safety/emergency plan to the Fire Services Division.
2. Signage. For existing, new or expanded uses: identification, directional and informational signs shall be provided on site in conformance with Chapter 17.104 General Limitation on Signs and with the small project design review procedure in Chapter 17.136. At a minimum, the following information shall be posted near the entrance(s) and/or perimeter of the facility:
- a. Business Identification, 24-hour contact information of facility operator;
  - b. Hours of operation;
  - c. Signage prohibiting the delivery or drop off of material to be recycled after-hours;
  - d. Signage prohibiting illegal dumping, littering loitering or sleeping in proximity of the site's perimeter;
  - e. A map of authorized truck routes to the facility posted at the office or scale house (and available to customers);
  - f. A list of accepted and/or non-accepted materials for recycling.
3. Appearance and Design
- a. Landscaping.
    - i) For existing, new or expanded uses, all required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.
    - ii) For new or expanded uses, submittal and approval of a landscape and irrigation maintenance plan and/or street tree plan, and implementation of approved plan for new and expanded uses, as required by the Planning Director or his/her designee;
  - b. Screening. For existing, new and expanded uses, screening by a solid fences and/or walls shall be required around the entire site;
  - c. Lighting.
    - i) For new or expanded uses, submittal and approval of lighting plans, and implementation of approved plans, to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency shall be required. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector so as to prevent unnecessary glare onto adjacent properties or public streets.
    - ii) For existing uses, lighting shall comply with the performance standards of Section 17.120.100 of the Oakland Planning Code relating to glare. Lighting shall be so operated as to not adversely affect nearby properties or public streets.
4. Noise, Vibration and Other Applicable Health and Safety Regulations. For existing, new or expanded uses:
- a. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning and Building Services Divisions;

- b. Vibration levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code. If vibration levels exceed these standards, the activity causing the vibration shall be abated until appropriate vibration reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services;
  - c. The project operator/applicant shall comply with State and other regional bodies and/or applicable regulations including, but not limited to, the federal Clean Water Act and Occupational Safety and Health Administration (OSHA), the California Penal Code Section 496.(a), the Environmental Protection Agency (EPA), the Bay Area Air Quality Management District (BAAQMD) and Best Management Practices (BMP) for stormwater.
5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:
- a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;
  - b. The public right-of-way shall not be used for storage or processing of materials;
  - c. Graffiti shall be removed within seventy-two (72) hours of application;
  - d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of all materials within a one-block radius of the premises, as well as a graffiti abatement plan; a one-block radius of the premises shall comprise all street sides of the nine- (9) square block area that includes the block on which the premises is located (as the center block of the nine- (9) square block area).
  - e. The Primary Collection Center shall be responsible for keeping the area within a two- (2) block radius of the premises clear of shopping carts. A site/immediate neighborhood (five- (5) block radius) shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection. A two-block radius of the premises shall comprise all street sides of the twenty-five- (25) square block area that includes the block on which the premises is located (as the center block of the twenty-five- (25) square block area); a five- (5) block radius of the premises shall comprise all street sides of the one hundred twenty-one- (121) square block area that includes the block on which the premises is located (as the center block of the one hundred twenty-one- (121) square block area).
  - f. A loitering deterrence plan shall be developed, implemented and maintained, such that is ready for inspection;
6. Circulation. For new or expanded uses submittal and approval of the following plans, and implementation of approved plans are required:
- a. A circulation plan that shows ingress and egress, parking both on-site and off-street, as well as includes provisions for any needed staff to monitor on-site traffic operations, submitted to the Transportation Services Division;
  - b. A plan showing rail loading and unloading within site shall be required (as applicable) submitted to the Transportation Services Division.
7. Equipment and Facilities. For existing, new or expanded uses:
- a. There shall be no exterior pay telephones located at the site;
  - b. All equipment shall be maintained and kept in good working order;
  - c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

- d. During business hours, all facility-owned vehicles shall be stored within the facility at an appropriate alternative off-street location, or parked on the street sides immediately adjacent to and located within the block on which the Primary Collection Center is located.
8. Operations. All existing, new or expanded uses:
- a. Shall have a representative attend Neighborhood Crime Prevention Council meetings— a minimum of two meetings per year or more frequently if items pertaining to their facility are on the agenda—for their community policing beat with the sole purpose of addressing and responding to community complaints. For the purposes of this provision said representative will mean a site or company manager with sufficient authority to address the concerns of neighbors;
  - b. Shall maintain a 24 hour “hotline” where neighbors can log complaints regarding nuisance activity associated with or emanating from the recycling facility. Complaints logs shall be maintained and made available to the City for inspection/copying upon reasonable notice;
  - c. Shall provide staff and training for traffic operations needed on-site, as required by the Transportation Services Division as part of any circulation plan;
  - d. Shall develop, implement and maintain a plan for the disposal and containment of non-recoverable materials that is ready for inspection; submittal and approval of such a plan prior to operation shall be required for new or expanded uses;
  - e. Shall keep all entrance gates closed and locked when the primary recycling collection facility is not open to the public;
  - f. Shall not burn insulation from copper wire as a means to increase the material's value or for any other purpose.

C. Relief from Performance Standards. Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the performance standards within 10 (ten) days of being initially notified of the performance standards. For purposes of this section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code chapter 17.132.

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

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

B. Definition. A “work/live unit” means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and

regularly used by, one or more persons residing therein. A work/live unit accommodates a primary nonresidential activity with an accessory residential component.

C. Conditional use permit required.

1. Establishment of a work/live unit for new construction and conversion of existing buildings is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 on lots that are both: 1) in the CIX-1 or CIX-2 zones and 2) within three-hundred feet of a residential zone.
2. Establishment of a work/live unit through the conversion of an existing building which is rated "A" or "B," by the City's Cultural Heritage Survey, is permitted in all industrial zones with the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

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

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

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

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

Standard	Requirement	Notes
Activities allowed in a work/live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.	
Required parking	One parking space per unit plus one additional unassigned visitor or employee parking space per five work/live units	1, 3

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(As revised by City Council 12/9/08)

Required loading	Square feet of facility	Requirement	
	Less than 10,000 square feet	No berth required	
	10,000--69,999 square feet	One berth	
	70,000--130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Required usable open space	75 square feet of usable open space per unit		2, 3
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.
2. All required usable open space shall meet the usable open standards contained in Chapter 17. 126, except that all usable open space work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.
3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.

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

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

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

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

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

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

J. Each building with a work/live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This devel-

opment contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing.”

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

**17.73.050 Parking and Loading Dock Restrictions**

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

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

**17.73.060 Referral to Other Applicable Regulations**

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

**Table 17.73.03: Referral to Other Regulations**

<b>Subject</b>	<b>Section</b>
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.20 17.104.060
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.66.140A 17.108.040 17.124 17.68.130A
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120
The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	17.108.040
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.210.070
Landmarks	17.05



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(As revised by City Council 12/9/08)

Subject	Section
Special Restrictions on Establishments Selling Alcoholic Beverages (not low or medium residential zones)	17.102.210
Regulations applying to tobacco-oriented activities (not low or medium residential zones)	17.102.350
Microwave dishes and energy production facilities	17.102.240
Special regulations applying to adult entertainment activities (not low or medium residential zones)	17.102.160
Special regulations applying to massage service activities (not low or medium residential zones)	17.102.170
Buffering regulations for lots with three or more required parking space. This includes the screening of parking, loading, glare, and storage from residential properties and zones	17.110.030
Buffer Regulations for commercial and industrial uses next to residential and open space zones	17.110
Special regulations applying to electroplating activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100

**Chapter 17.102**

**GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES**

**Section 17.102.440 Special Regulations for Primary Collection Centers in All Zones.**

- A. Applicability. This Section applies to Primary Collection Centers, as defined in 17.10.585 "Recycling and Waste-Related Industrial Activities," that are located in any zone. Where there is any apparent conflict between these regulations and regulations contained elsewhere in Title 17 of the Oakland Municipal Code, and/or with conditions of approval, the more stringent shall govern.
- B. Performance Standards. In addition to the performance standards set forth in Chapter 17.120, the performance standards specified in 17.73.035B shall be uniformly applied, as applicable, and the relief from the performance standards in 17.73.035C shall apply to all Primary Collection Centers.

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