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2008 DEC -4 PM 6:18

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: December 9, 2008

RE: **Supplemental Report Regarding A Public Hearing and 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;

(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"

SUMMARY

This supplemental report provides a modification to the proposal to amend the Oakland Planning Code related to item #2 listed above. Specifically, the Community and Economic Development Committee (CED) City Council at their December 2, 2008 meeting directed staff to make the following changes to the proposed performance standards for Primary Collection Center recycling uses to be considered by the City Council on December 9, 2008.

Staff recommends the adoption of the attached ordinance (and revised Exhibit A).

CED COMMITTEE AMENDMENTS

Per direction from the CED Committee at their December 2, 2008 meeting, staff has revised Chapter 17.73 "CIX-1, CIX-2, IG and IO Industrial Zones", as shown in **Exhibit A to the attached ordinance**, to include the following changes:

- Revise signage standards (O.M.C. Section 17.73.035.B.2c) to include specifying prohibition of drop off of materials after-hours and of sleeping in proximity of site perimeter;
- Require that the cleanliness/litter management plan include provisions for the disposal of all materials within a two-block, instead of one-block radius (O.M.C. Section 17.73.035.B.5d);

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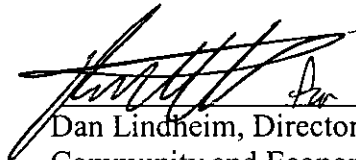
- Specify that the “site or immediate neighborhood” for the required shopping cart management plan consists of the five-block radius around a recycling site (O.M.C. Section 17.73.035.B.5e);
- Add a requirement that all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location (O.M.C. Section 17.73.035.B.7c); a parallel reference to this requirement was included in O.M.C. Section 17.73.035B.6a to specify that the required circulation plan must also show parking (both on-site and off-street).
- Add that a representative of the recycling center shall attend a minimum of two Neighborhood Crime Prevention Council meetings per year “or more frequently if items pertaining to their facility are on the agenda”.

It was also requested of the City Administrator’s Office to ensure that the Police Department is equipped with noise meters and that it has staff trained to use them.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the revised ordinance.

Respectfully submitted,



Dan Lindheim, 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

Item: _____
City Council
December 9, 2008

Mark P. Wald
City Attorney

FILED
INTRODUCED BY COUNCIL MEMBER _____
OFFICE OF THE CLERK
OAKLAND

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OAKLAND CITY COUNCIL

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 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

(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, 1st floor, Oakland, CA; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

Title 17

PLANNING

Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strikethrough~~. Additional changes made in response to review by the Community and Economic Development (CED) Committee (December 2, 2008): 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.

MFW

EXHIBIT A

(As revised by CED Committee 12/2/08)

Chapter 17.73

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

Sections:

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

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-

EXHIBIT A

(As revised by CED Committee 12/2/08)

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	
Residential Uses	All residential uses prohibited in each zone				
Civic Uses					
Essential Service	C	C	C	C	
Limited Child-Care	--	--	--	--	
Community Assembly	P	C	--	C	
Community Education	P	C	--	C	
Nonassembly Cultural	P	C	--	C	
Administrative	P	C	--	C	
Health Care	P	--	--	--	
Special Health Care	C	C	--	--	
Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Telecommunication	P	P	P	P	See Chapter 17.128

EXHIBIT A

(As revised by CED Committee 12/2/08)

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Commercial Uses					
General Food Sales	P	C (L1)	C (L1)	P (L1)	See Section 17.102.210
Convenience Market	C	C	--	C	
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	--	

EXHIBIT A

(As revised by CED Committee 12/2/08)

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	--	
Industrial Uses						
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						L4L12 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	--	
Agricultural and Extractive uses						
Plant nursery		P	P	P	--	
Crop and animal raising		--	--	C	--	See Section 17.102.220

EXHIBIT A

(As revised by CED Committee 12/2/08)

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	
Residential Facilities	All residential uses prohibited in each zone				
Nonresidential Facilities					
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	--	--	--	--	
Telecommunications					
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	
Signs					
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 CED Committee 12/2/08)

~~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.

~~L14~~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, 98th Avenue, 66th Avenue, and Hegenberger Road.
 11. Applies to new development; or expansion of industrial or commercial buildings by more than 20 percent floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.
 12. Driveway shall not exceed 35 feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.
 13. A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.
 14. Applies to all property lines in industrial zones, except those fronting a public street, which directly abut a residential or open space zone. All buffering Requirements apply to new development; or expansion of an industrial or commercial building by more than 20 percent floor area or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent, whichever is greater.
 15. A reduced buffer requirement may be permitted with the provision of a solid wood or articulated masonry wall of at least 8 feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The planting requirement may be eliminated if appropriate and approved by the Planning Director. The fence or wall design shall be approved by the Planning Director.

17.73.035 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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- 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 ~~shall be accepted~~ after-hours;
 - d. Signage prohibiting illegal dumping, littering, ~~or 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 ~~two~~^{one} block radius of the premises, as well as a graffiti abatement plan;
 - e. A site/immediate neighborhood ~~(5 block radius)~~ shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection;
 - 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. ~~All facility owned vehicles shall be stored within the facility or at an appropriate alternative off-street location;~~
8. Operations. All existing, new or expanded uses:
- a. Shall have a representative ~~regularly~~ 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

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- 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.

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

Notes:

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

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

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

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

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

1. The unit is in a nonresidential facility that allows commercial and/or industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
2. Each unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active *City of Oakland Business Tax Certificate* for the operation out of the unit.

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

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

17.73.050 Parking and Loading Dock Restrictions

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

B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX-1, CIX-2, and IO except for drop-off areas, which may be at the entry, except where access to

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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

Subject	Section
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
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.