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CITY OF OAKLAND

AGENDA REPORT

2009 JAN 22 PM 6:04

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: February 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"**

SUMMARY

On December 9, 2008, the City Council voted to introduce (first reading) an ordinance for the regulation of recycling uses, including performance standards for all recyclers.

At the Rules Committee's December 18th meeting, the Committee directed staff to work with Councilmember Nadel and with Primary Collection Center Recycling business owners to try to develop compromise language relating to three issues:

- 1) the extent of the area around the recycling facility for which the business was responsible to maintain free of litter, garbage and debris;
- 2) the area around the recycling facility for which the business was responsible for removing abandoned shopping carts; and
- 3) the extent of the area in which facility-owned vehicles would be allowed to park during business hours.

Item: _____
City Council
February 3, 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. No areas of possible agreement were reached regarding vehicle parking.

Based on the results of that meeting, staff is proposing compromise language for the first two issues. There does not appear to be any compromise language for the third issue so two options are presented for Council consideration.

PROPOSED AMENDMENTS

Staff proposes comprise language for O.M.C. Sections 17.73.035.B.5d. and 5e, regarding litter, debris, graffiti, cleanliness and shopping carts for existing, new or expanded uses is shown below. It is an excerpt from the text that was presented at the December 9, 2008 City Council meeting with proposed compromise language shown in ~~strikeout~~/underline.

- 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 A). 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 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

Item: _____
City Council
February 3, 2009

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).

Some community members who live near existing Primary Collection Centers in West and East Oakland have expressed a preference for the “shopping Cart” language that was presented at the December 9, 2008 City Council meeting, which requires that Primary Collection Centers be responsible for retrieval of all shopping carts within a 2-block radius (or 25 square block area).

Regarding the issue of the parking of facility-owned vehicles during business hours, no compromised language was proposed. Councilmember Nadel supported the amended language as presented at the December 9, 2008 City Council meeting requiring that “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” (O.M.C. Section 17.73.35B.7d).

The Primary Collection Center owners put forth their preferred language as follows:

“During business hours, all facility-owned vehicles shall be stored within the facility, at an appropriate alternative off-street location, or parked on either side of the street sides immediately adjacent to and located within the block on which the Primary Collection Center is located, except on streets adjacent to areas zoned as open space.”

RECOMMENDATION(S) AND RATIONALE

It is staff’s recommendation that the City Council adopt the compromise language developed regarding the revised area of responsibility for litter and garbage clean up and shopping cart retrieval. Staff asks the Council to discuss and consider the options presented for the parking of facility-owned vehicles during business hours.

ALTERNATIVE RECOMMENDATION(S)

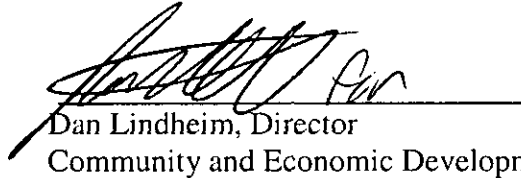
Alternatively, the Council can adopt (for final passage) the ordinance that was introduced on December 9, 2008 with no further modifications.

Item: _____
City Council
February 3, 2009

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the compromise language developed regarding the revised area of responsibility for litter and garbage clean up and shopping cart retrieval, and to discuss and consider the options presented for the parking of facility-owned vehicles during business hours.

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
February 3, 2009

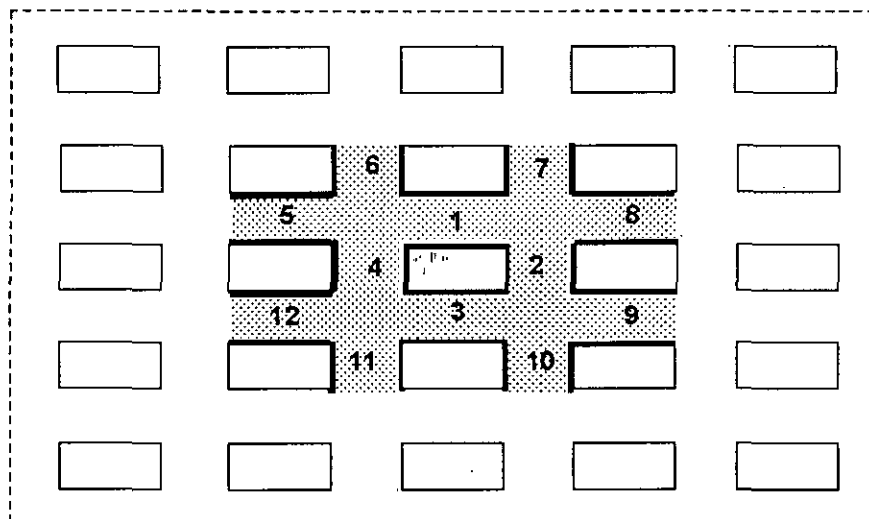




Figure 1. Illustration of Extent of Area Primary Collection Centers are responsible for Litter/Garbage/Debris Removal and Shopping Cart Retrieval.

 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.