

**Zoning Update Committee**

**December 17, 2003**

*Michael Lighty, Chair  
Nicole Franklin  
Anne E. Mudge*

<b>#.</b>	<p><b>Location:</b> Citywide</p> <p><b>Proposal:</b> 1) Consideration of the final draft text and maps for the proposed IG, General Industrial; IBX, Light Industrial Business Mix; and IO, Industrial Office Park industrial zoning districts for Central and East Oakland;</p> <p>2) Consideration of the draft text and maps for the proposed CIX, Commercial and Light Industrial Business Mix zoning district for West Oakland;</p> <p>3) Consideration of the proposed S-21, Health and Safety Protection Overlay Zone;</p> <p>4) Consideration of amendments to Chapter 17.120 Performance Standards;</p> <p>5) Consideration of amendments to Chapter 17.102.230 Demolition of Residential units in Nonresidential Areas.</p> <p><b>Applicant:</b> City Planning Commission</p> <p><b>General Plan:</b> Business Mix, General Industrial and Transportation, Light Industrial 1 (Estuary Policy Plan)</p> <p><b>Action to be Taken:</b> Forward a Recommendation to the Planning Commission</p> <p><b>Finality of Decision:</b> Recommendation to the Planning Commission</p> <p><b>For Further Information:</b> Contact Margot Lederer Prado, Strategic Planning at (510) 238-6766 or by email at <a href="mailto:mprado@oaklandnet.com">mprado@oaklandnet.com</a></p>
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**ZONING UPDATE PROCESS**

This is the final in a series of discussions regarding the Industrial Zoning districts for Central/East Oakland and West Oakland prior to the referral of the new zoning text and maps to the full Planning Commission. The new industrial zoning districts will replace the existing (M) Manufacturing Zoning Districts in West, Central and East Oakland (M-10, M-20, M-30, and M-40) and the S-16 Industrial Residential Transition Combining District. The S-4, Design Review Overlay District, mapped on Mandela Parkway and West Grand Avenue within West Oakland industrial areas will be incorporated into the CIX requirements for the West Oakland Industrial zone. Staff does not propose elimination of the current “M” districts until the zoning update review of the entire Estuary Policy Plan area, as well as a review of the industrial lands within the former Oakland Army Base, is completed. This report also proposes a new Health and Safety Protection Overlay Zone, and revisions to existing policy relating to commercial and industrial Performance Standards, and the conversion and/or demolition of residential units within non-residential areas. Staff proposes to take direction from the ZUC regarding the west Oakland industrial zone, and to return to the ZUC in February with feedback from the community regarding this district. Staff propose to present the entire industrial district zoning regulations (Attachment A) and the proposed draft maps (Attachment B) for West, Central and East Oakland at a February, 2004 Planning Commission meeting.

**BACKGROUND**

Four Zoning Update Committee public meetings have been held regarding the industrial zoning districts: April 17, 2002; March 19, 2003; April 16, 2003; and April 30, 2003. Considerable discussion has been held at these prior meetings regarding the industrial regulations and proposed maps for Central and East Oakland. The goals of the industrial zoning revision are:

1. Support and retain Oakland's industrial economic base and the jobs that industry provides, and support Port of Oakland expansion by preserving existing industrial land for industrial activities;
2. Preserve sites with good freeway, rail, seaport, and/or airport access for industrial uses.
3. Reduce conflicts between industrial and residential uses by locating any new high impact industrial uses away from residential areas.

The first ZUC discussion on industrial zoning was held on April 17, 2002. Substantial changes were made to the text based public testimony and on the recommendations of the Committee. The proposed "Exclusive Industrial (IE) heavy manufacturing zone, proposed by the consultant, was eliminated (integrated into the IG District) and amendments to the permitted land use activities within the IBX were made. Three ZUC meetings on this and related topics followed on March 19, April 16 and April 30<sup>th</sup> 2002. Staff presented the revised industrial district regulations with four zoning districts: Light Industrial Business Mix (IBX); General Industrial (IG); and Industrial Office Park (IO), while leaving a placeholder for a future revised light industrial zone for West Oakland. The current staff proposal (See Attachment A- Industrial District Chapter) is presenting the (CIX) Commercial and Light Industrial Business Mix district for the first time. Draft zoning maps are also presented (See Attachment B).

Staff proposes to continue current practice of mapping the Port industrial lands within the heaviest industrial designation, (IG) General Industrial, while administratively deferring land use decisions within those areas to the Port of Oakland. The majority of the land within the (IO) Office Industrial Park, is under the Port's jurisdiction.

In addition to the discussion about the zoning districts, staff held discussion about the Industrial Land Use Classifications on September 25, October 15, and November 19, 2003. The decisions from these meetings are recorded in minutes from these meetings. Final recommendations regarding the Land Use Classifications can be found in the companion staff report for the December 17, 2003 Zoning Update Committee.

Discussion on the zoning for the West Oakland industrial district in prior ZUC sessions was deferred until the December 17<sup>th</sup> ZUC meeting in order to work with the West Oakland Commerce Association (WOCA) on creating appropriate draft regulations for the district. A community meeting on the new Commercial and Light Industrial Business Mix zone (CIX) district will be held on Monday night, January 26<sup>th</sup>, 2004. Therefore, the December 17<sup>th</sup> discussion will focus on the CIX district, with additional discussion regarding the IBX, IG and IO districts as needed to complete the ZUC's review of the proposed industrial zoning districts and make a final recommendation to the Planning Commission.

The CIX district is proposed as a singular industrial zone for the entire West Oakland Community Development District, and (LL1) Light Industrial 1 area of the Estuary Policy Plan. It replaces the existing S-16 (Industrial Residential Transition Combining Zone District) in West Oakland specifically, with comparable limitations and regulations on trucking activities near residential zones, while broadening the scope of commercial and light industrial activities allowed in that area.

## **SUMMARY OF THE INDUSTRIAL ZONING DISTRICTS**

The CIX, IBX and IO zones are all zones that are consistent with the Business Mix classification of the General Plan. The IG zone is applied to the General Industrial & Transportation classification of the General Plan. Port-related uses including *Seaport* and *Airport* uses are also mapped within the General Industrial and Transportation areas, but are not being discussed in this meeting. Following is a description of the zones and related regulation:

### **CIX (Commercial and Light Industrial Business Mix)**

Intended to allow a wide range of commercial and industrial activities, and conditionally permit commercial Work Live facilities, and to limit the establishment or expansion of general or heavy manufacturing uses. This zone allows a broad range of both general and heavy-service commercial and light industrial activities, while limiting the location of new general manufacturing activities to more than 600 feet from any residential or open space zone, or any community institution or facility. Prohibits residential uses.

### **IBX (Light Industrial Business Mix)**

Intended to create, preserve and enhance areas that are appropriate for lighter industrial activities but which may allow heavier impact activities where they will not impact residential uses. Allows heavy service commercial, custom and light industrial activities. Allows trucking-related uses, with the exception that Truck Terminals must be located more than 150 feet from a residential zone. Conditionally allows new construction commercial Work Live facilities. Prohibits residential uses.

### **IG (General Industrial)**

Intended to create, preserve and enhance areas of the City that can accommodate a wide variety of industrial establishments that may have the potential to generate off-site impacts. Conditionally allows heavy industrial uses which meet citywide performance standards, buffering standards, and other health and safety criteria as determined by the Fire Department. Prohibits residential uses as well as all forms of Work Live and Live Work (both conversions and new construction. (Conversion of the upper floors of Historically-rated (PDHP rating A & B) existing facilities will be exempt from this prohibition.)

### **IO (Industrial Office Park)**

Intended to create and support areas with a wide range of businesses and related commercial and industrial activities on large lots in a campus-like setting. Promotes office business park industrial, warehousing, wholesale, and storage activities. Prohibits residential activity, including commercial Work Live and residential Live Work.

**Additional New Overlay Zone:**

**Health & Safety Protection Zone.** A new overlay zone that requires Fire Department review of businesses using, processing, and storing hazardous materials which are located within 300 feet of a Residential or Open Space zone. To be mapped within all Housing and Business Mix and Commercial and Light Industrial (CIX) zones, and within all Light Industrial Business Mix (IBX) and General Industrial (IG) zones that are within 300 feet of a residential or open space zone.

**COMMUNITY OUTREACH**

In early November of this year, staff sent a mailing of approximately 1,550 notices to industrial property owners and occupants of Central and East Oakland parcels with industrial zoning and/or an industrial general plan designation. The enclosures announced the November 17<sup>th</sup> community meeting and the December 17<sup>th</sup> Zoning Update Committee discussion, and included a full set of eight maps with the current and proposed zoning. There were approximately 50 persons in attendance at the November 17<sup>th</sup> community meeting. Staff described the new districts and answered questions about the maps and the related Health & Safety Protection Overlay Zone, circulated a one-page summary from the present Code about legal non-conforming uses, and described the existing Code section on Performance Standards. In addition, staff received no less than 20 telephone inquiries from various industrial owners. Staff answered questions to the satisfaction of the callers, and forwarded the preliminary draft text of the District Chapter to those requesting it. Furthermore, callers who had specific requests for mapping amendments or text changes were directed to forward written correspondence to staff and the ZUC. These requests are attached and described in the following section on Mapping. (See Attachment C and D).

A community meeting is proposed for Monday night, January 26<sup>th</sup>, 2004 regarding the West Oakland industrial zoning. In addition, staff will present at that meeting the entire revised zoning map for West Oakland, including any revisions to residential and commercial areas which staff is proposing in order to bring the zoning into consistency with the existing general plan designations. A notice of the December 17<sup>th</sup> meeting and an announcement about the January 26<sup>th</sup> meeting is being sent to all industrial property owners and tenants. In addition, staff will announce the meeting in flyers to be distributed through the Library, Senior Center and other local community organizations, and a press release will be sent to the newspapers.

**KEY ISSUES: Commercial and Industrial Land Use Activities in the Industrial Zones**

**Discussion Question #1**

***Does the ZUC agree with the following?***

Most of the issues still outstanding from the March 19, 2003 staff report and draft regulations for (IBX, IG and IO) zoning districts have been resolved through the April 16 and April 30<sup>th</sup> discussions. These include:

Office as a primary use and offices as an accessory use: The April 30<sup>th</sup> ZUC discussion concluded that offices should clearly be ancillary to the primary commercial or industrial use in

the IBX and IG zone and limited to twenty percent (20%) of the overall floor area. However, in subsequent discussions with East Oakland industrial stakeholders, a relaxation of the office percentage restrictions in IBX is recommended. This recommendation is reflected in the draft Section 17.73, Industrial Zoning District regulations.

**Staff is concerned about the retention of viable industrial activities and has reservations about permitting stand-alone office development within industrial land, and believe this warrants further discussion.**

Retail Sales/ General Wholesale Sales: General Retail is a prohibited use in the IBX, IG and IO districts (It is proposed as Permitted in CIX). General Wholesale Sales is a Permitted Use in all districts. General Wholesale Sales by definition restricts the amount of retail sales to no more than 20% of the total floor area. However, staff proposes to deny the ability to allow retail sales on-site within the IG district, thereby deterring consumer pedestrian and vehicle trips within the general to heavy industrial areas, while restricting all such consumer attractions to the light industrial areas.

**Staff recommends prohibit all ancillary retail sales within General Wholesale activities within the IG zone.**

Truck Terminals: Staff has corrected the error in the prior Industrial regulations, confirming that Truck Terminals are prohibited within 150 feet of a residential zone, but otherwise are a permitted use in IBX. WOCA recommends a similar policy, as long as the trucks have direct access from a city designated Truck Route.

**In CIX, staff recommends that Truck Terminals as well as Truck Yards and Truck Repair be prohibited within 600 feet of a residential zone and that a Conditional Use Permit be required beyond that distance with a requirement of the approved being access from a City designated truck route.**

### **KEY ISSUES: West Oakland Industrial Zoning (CIX)**

Staff has been working with the West Oakland Commerce Association as the lead “stakeholders’ group for the rezoning of industrial land in West Oakland. A WOCA committee has been meeting for over one year reviewing staff’s drafts on the (IBX) Light Industrial Business Mix zone and working on customizing this zone for the West Oakland area, due to the different market forces in the industrial areas of West Oakland. The dynamics of the real estate market has already moved the West Oakland industrial area in the direction of a mixed commercial and industrial zone with an escalation of work live facilities and the potential future conversion of substantial acreage of industrial land into mixed-use development. The environmental impact of industrial activities has been a major issue of public concern to residents. In particular, the heavy impact of the trucking and transportation industry upon air quality and residential pedestrian safety of West Oakland residents was a concern.

### **Discussion Question #1**

- *Should the CIX zone allow maximum flexibility for the location of commercial and industrial uses by not restricting the location of uses that may ultimately displace older traditional industries as the real estate market for such locations rises?*

The CIX zone has been crafted to allow and encourage a wide variety of both commercial and industrial uses. The existing multiple patchwork of existing zones has inspired the concept of a singular nonresidential zone for the West Oakland area, which includes the buffering intent of the current S-16 Industrial Residential Transition Combining Zone, while providing more encouragement and clarity for business development in the area. The area can support a wide variety of land uses because of its good access to San Francisco and Emeryville, the regional freeways, and its proximity to rail and the Port of Oakland. In contrast to the IBX Light Industrial Business Mix zone, mapped in Central and East Oakland, the CIX zone flexibly allows the development of stand-alone office, retail and other consumer and individual personal service amenities, otherwise restricted or not permitted in the IBX, IG and IO zones. In contrast, most industrial uses that are permitted or permitted with limitations in the IBX zone (such as Outdoor Storage, Container Storage, Truck Terminals and Truck Yards) are either conditionally permitted or prohibited in CIX. The following table is an excerpt only comparing some of these uses, and highlighting areas that still need to be discussed with the ZUC (See Issues and Decision Chart Attachment C)

<b>LAND USE ACTIVITY TYPE</b>	<b>CIX</b>	<b>WOCA-CIX ALTERNATE PROPOSAL*</b>	<b>IBX</b>
<b>CIVIC ACTIVITIES</b>			
Community Assembly, Community Education, Non Assembly Cultural, Administrative (Civic), Health Care, Utility & Vehicular	Permitted		Conditionally Permitted
<b>COMMERCIAL ACTIVITIES</b>			
Full Service Restaurant, Medical Service, Consumer Laundry, Group Assembly: Training Schools, Building Materials Sales & Service, Auto Sales & Leasing, Animal Care (except Kennels which are Conditional in every zone), Undertaking Service.	Permitted		Conditionally Permitted
Grocery Store, Mechanical Electronic Games, General Personal Service, Consultative Financial Services, Group Assembly: all others, Auto Rental	Permitted		Prohibited
Group Assembly: Live Entertainment	Conditionally Permitted		Prohibited
Auto Repair (B. General Repair and C. Body Work and Painting) (Cleaning permitted in both zones); Taxi and Other Light Fleet	Prohibited within 300 ft of residential zone, Conditionally		Permitted

LAND USE ACTIVITY TYPE	CIX	WOCA-CIX ALTERNATE PROPOSAL*	IBX
	Permitted beyond 300 ft.		
<b>INDUSTRIAL CLASSIFICATIONS</b>			
General Outdoor Storage	Conditionally Permitted		Permitted
Container Storage	Prohibited		Permitted
Rail Yard	Prohibited		Conditionally Permitted
Freight Truck Terminal	Prohibited within 600 ft of a residential zone; Conditionally permitted beyond 600 ft.		Permitted
Truck Sales, Service & Rental,	Prohibited within 300 feet of a residential zone. Conditionally permitted if more than 300 ft of a residential zone. Permitted more than 600 ft but must have direct access to Truck Route/major arterial.	CUP required if within 300 ft of an "R" zone, or if repair & service activity exceeds 30% of floor area. Permitted more than 300 ft.	Permitted
Truck Repair	Prohibited within 600 ft of an "R" zone & requires Design Review.		Prohibited within 150 ft of an "R" zone but permitted otherwise.
Truck Weigh Station	Prohibited		Prohibited
Recycling: Large Collection Center and Intermediate Recycling Processing Facility	Prohibited within 600 ft of an "R" zone, otherwise Conditionally Permitted		Permitted
Hazardous Mat: Small Scale Transfer &	Prohibited		Conditionally

LAND USE ACTIVITY TYPE	CIX	WOCA-CIX ALTERNATE PROPOSAL*	IBX
Storage			Permitted
Crop and Animal Raising	Prohibited	Conditionally Permitted	Prohibited

\* Only noted if it differs from staff recommendation.

Development standards between CIX and IBX vary with the Maximum Height proposed in CIX as 90 feet to reflect the intention to provide as much development flexibility as possible. Development in both CIX and IBX is limited to a conditionally permitted maximum Floor Area Ratio (FAR) of 4.0. However, the maximum FAR permitted in the LL1 area (Estuary area) is 2.0, consistent with that general plan designation.

**Staff recommends allowing the West Oakland industrial area to develop with more commercial land uses in response to market demand, while retaining the city’s industrial land protection policies in Central and East Oakland through the IG zoning district regulations.**

General Manufacturing Activities in the CIX District

**Discussion Question #2**

- *Should General Manufacturing be conditionally allowed within the CIX at a distance of 600 feet or more from any residential (“R”) zone?*

Three factors have influenced the development of new general manufacturing activities in West Oakland, including the Light Industrial 1 district of the Estuary area, in the last five years. They are:

- 1) The underlying general plan designation of Business Mix, which is light industrial but allows some higher impact uses where they may be located away from residential areas;
- 2) Rising land values in West Oakland, which recognized the value of the central city location and the relocation of many businesses and artist facilities which had been pushed out of San Francisco;
- 3) The 1997 Trucking Ordinance and subsequent implementation of the S-16 Industrial Residential Transition Overlay District.

Nevertheless, there are various large transportation and trucking businesses still in operation, large warehouse and distribution companies, and general manufacturers of concrete and other materials that are allowed to continue but not expand, through the Non-Conforming Use section of the Zoning Code (Section 17.114) (Attachment H- excerpt only). In the proposed CIX district, WOCA and staff support the future location of some general manufacturing activities in order to maintain a balance of jobs and a diverse economy, and have proposed specific location criteria and conditions for such uses within the text of the (CIX) Commercial and Light Industrial Business Mix zone.

Specifically, the text limits various activities through a distance requirement, with general manufacturing conditionally allowed only in areas more than 600 feet (approximately two city blocks) from any residential zone. Practically speaking, from a mapping perspective this area is limited to the triangular area delineated by West Grand Avenue on the south, 32<sup>nd</sup> Street on the north, Mandela Parkway on the east; and Wood Street and the adjacent under-freeway areas of I-880 on the west.<sup>1</sup> The LL1 area of the Estuary could conceivably accommodate a general manufacturing or heavier industrial activity such as a large recycling collection center, given its distance from any residential zone. However, the opening of the 3<sup>rd</sup> Street extension, connecting Jack London District to Mandela Parkway could influence such occurrences. (Residential uses are permitted in the adjacent Jack London district, including the off-price retail (ORD) area, however this is considered a commercial/mixed use zone, not a residential zone).

**Staff recommends allowing General Manufacturing activities to encourage a diverse economy while limiting their location to the area above West Grand Avenue and 32<sup>nd</sup> Street, and the area between Mandela Parkway and the I-880 freeway.**

Elimination of the S-16 Industrial-Residential Transition Combining Zoning District

**Discussion Question #3**

- *Should the S-16 Combining Zone be eliminated, and its activity and environmental buffering mechanisms be reviewed and integrated within the CIX zoning district, allowing more flexibility for the location of Light Manufacturing and other appropriate commercial and industrial activities?*

The creation of the S-16 zone (adopted in October 2000), involved the cooperative effort of business and residential leaders in West Oakland. The S-16 Zone was intended to serve as a buffer between the residential areas of West Oakland and the industrial zones. It was an “ultra-light” industrial zone, in which even light manufacturing with over 10,000 square feet of floor area, and any user with three or more trucks (gross vehicle weight of 10,000 pounds), required a conditional use permit. Residential uses are prohibited in S-16, but new work live facilities are permitted with a conditional use permit. The S-16 was mapped as a combining zone, three hundred (300) feet in width, between the boundaries of the residential zones where they met the industrial general plan designation of Business Mix.<sup>2</sup> Besides limiting the location of heavier impact industrial uses including automobile repair, the S-16 had specific landscaping, design review and other regulations intended to limit the impact of business activities on the residential community.

The economic recession has affected the development of higher value uses and lighter commercial activities moving into the S-16 district. While the intent of the district is worthy, the S-16 as a regulatory act in itself, has made a significant impact on the viability of some industrial

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<sup>1</sup> The City’s consultant on the draft mapping had proposed that this area could be mapped as “IG”, however staff and WOCA believe that the distance limitations noted within the zoning chapter itself combined with the CUP requirements for some heavier impact uses will allow such uses to continue in that area without a non-conforming status and insure that some Port-related activities can remain within West Oakland.

<sup>2</sup> Some “M” industrially zoned parcels may remain within a residential or commercial general plan designation but they are nonconforming uses. Staff will propose a rezoning for all such parcels and will present this at the January 26<sup>th</sup> community meeting.

uses in West Oakland, and has caused significant confusion and discouraged some lighter manufacturing and other uses from locating in West Oakland. In some cases the S-16 as a buffer that has been made redundant by the mapping of the Housing and Business Mix zone, which, in effect, serves as a buffer between industrial and residential uses and that allows light manufacturing and other heavy service commercial and light industrial activities up to 25,000 square feet without a use permit.

An informal inventory by planning staff in 2001 found that the S-16 zone currently accommodates a range of industrial users, including nautical engineering/boat repair; truck and auto repair including auto glass services, light manufacturing with limited general manufacturing; container storage (now removed); industrial arts activities; professional architecture and engineering and other office users, churches, computer recyclers, wood workers and construction operations, landscapers and building materials sales and service, and general live work activities among other users. Staff and WOCA have worked together with the proposed CIX regulations to insure that the intended environmental buffering mechanisms provided by the mapped (S-16) Overlay Zone will continue in the new zone through limitations on uses, including actual distance requirements between the location of heavier impact uses and the residentially zoned areas.<sup>3</sup> This includes conditionally permitting new General Manufacturing activities only if they are located on a parcel(s) not less than six hundred feet in distance from any residential zone boundary.

Many uses which were conditionally permitted in the (S-16) Zone, (including Community Assembly and Community Education/Civic Uses; Building Materials Sales and Service, Full Service Restaurants, most Group Assembly Commercial, and all Warehousing activities are permitted in the new proposed CIX zone. This is intended to allow the economic revitalization of the area while creating standards through limitations on how and where some heavier impact business activities, such as auto repair and taxi yards, may conduct their operations.

**Staff recommends eliminating the S-16 zone and revising such buffer mechanisms including requiring use permits for businesses with fleets of three or more “Medium” weight trucks by incorporating such restrictions within the CIX zone.**

Estuary Plan (LL1) Light Industrial Area Rezoning to CIX

**Discussion Question #4**

- ***Should the LLI District of the Estuary Area be rezoned as CIX?***

The completion of the link between the West Oakland Transit Village (Mandela Parkway) and Third Street will be completed in the next year. This area is similar in character and has the same real estate market dynamics as the rest of the West Oakland industrial corridor. The Guidelines for General Plan Conformity document lists M-10 and M-20 as best fit zones for the (LL1) and

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<sup>3</sup> All references to a “residential zone” in the District refer to all “R” residential districts. The (HBX) Housing and Business Mix districts are considered “mixed-use/commercial” zones for the purpose of this and other references in the Code, including but not limited to Section 17.114 Non-Conforming Uses; Section 17.120 “Performance Standards”, Section 17.110 “Buffer Regulations” and proposed Section 17.104 (S-22) Health and Safety Protection Overlay Zone  
A background discussion of this ordinance with more details is available in the March 19, 2002 Zoning Update Committee report on Industrial zoning.

shows the M-30 zones as a possible match to a lesser degree. In regards to land use activities, (LL1) is primarily “silent” on commercial activities, but allows lesser impact industrial activities.

Staff conducted preliminary field work in this area and agreed with WOCA’s recommendation to include this area in the CIX zoning district. Some of the existing warehouses have been converted or could convert to office and custom manufacturing or retail use; however truck trips through the area via the Third Street corridor are, and will continue to be, common. CIX would allow new Work Live facilities or conversions of existing buildings to Work Live with a conditional user permit, and allow the area to be revitalized.

**Staff recommends mapping the (LL1) Light Industrial in the Estuary Plan (Middle of the block west Magnolia to Martin Luther King Jr. Way/ Embarcadero to 6<sup>th</sup> Street) is currently zoned M-40, with the exception of a small area between Brush and Martin Luther King Jr Way; and 5<sup>th</sup> Street to 6<sup>th</sup> Street which is zoned C-40, Community Thoroughfare Commercial Zone, as CIX.**

**Amendments to Existing Regulations applying to Truck-related Activities: Code Section 17.102.380**

**Discussion Question #5**

- *Should Section 17.102.380 be eliminated and its function of regulating and limiting truck-impacts on the residential neighborhoods be integrated into the CIX district?*

In October 2000 the City Council adopted an ordinance which requires a Conditional Use Permit within the West Oakland Community Development District (for any new or expanded Truck and Truck-related activities, including Automotive Servicing (17.10.470), Automotive Repair and Cleaning (17.10.480), Automotive Fee Parking (17.10.490), and Transport and Warehousing (17.10.500). The "West Oakland Community Development District" is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west and Interstate 580 to the north. These referenced Land Use Classifications include all truck and heavy vehicles (boats, buses). The intent of Section 17.102.380 was to mitigate the negative impacts of the extensive use of trucks in West Oakland due to the area’s rail access, proximity to the Port of Oakland and its related history as a heavy industrial area. The Conditional Use Permit process allowed staff to determine whether the proposed truck-activity location had adequate access via city designated truck routes and would not be unsuitably located with proximity to residential activities.

It is proposed that the CIX district require a Conditional Use Permit for any of the following activities which formerly fell within any of the above referenced classifications or their equivalent in the revised land use classifications, except Warehouses, where trucks are an accessory use to the primary activity. These uses (with the exception of Truck Sales) are prohibited from locating within 600 feet of a residential zone. Truck Sales are prohibited within 300 feet of a residential zone (one typical city block) from a residential zone. These activities include Truck Terminals, Truck Yards, Truck and Other Heavy Vehicles Sales, Rental and Leasing, and Truck and Other Heavy Vehicle Service, Repair and Refueling. Truck Weigh Stations (stand-alone facilities) are prohibited in CIX.

The latest draft of the Land Use Classifications (Section 17.10) is also presented at this meeting. These include separate sub-classifications specifically for Truck and Other Heavy Vehicle activities differentiated from auto-related activities. In the current Code, the term "Truck" is defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code. (Ord. 12289 § 4 (part), 2000). As part of the revisions to the Land Use Classifications, staff proposes to raise this weight rating in the definition of a "Truck" throughout the Code to 14,000 pounds. This corresponds to commercial truck classification as "Medium" weight Class 4. (CTEA/Vehicle Classifications). "Light" Weight (those under 14,000 pounds) includes vehicles such as pickup trucks, ambulances, and parcel delivery vans. They also include many sports utility vehicles that are common household vehicles. "Medium" weight trucks include city cargo vans, beverage delivery trucks; while "Heavy" weight trucks of over 33,000 pounds include truck tractors, concrete mixers, dump trucks, fire trucks and city transit buses.

**Staff recommends the deletion of Section 17.102.380 and to integrate the function of this regulation, found in the "General Regulations Applying to All District" section of the zoning code, as follows:**

- 1) Eliminate this regulation and substitute the same regulations for Truck activities by direct limitations for each type of truck related activity, including Truck Terminals, Truck Yards, Truck and Other Heavy Vehicles Sales, Rental and Leasing, and Truck and Other Heavy Vehicle Service, Repair and Refueling within the CIX zone.**
- 2) Amend the weight limit applying to the definition of a "Truck" as a commercial vehicle from 10,000 pounds to 14,000 pounds.**

**KEY ISSUES AND RELATED TOPICS TO INDUSTRIAL ZONING DISTRICTS CITYWIDE**

**Health and Safety Protection (HSP) Overlay Zone**

**Discussion Question #6**

- ***Should the proposed Health and Safety Protection Overlay Zone be applied to***
- a) The entire CIX area of West Oakland***
  - b) The entire Housing and Business Mix zones (HBX-1, 2, &3)***
  - c) All IBX and IG area that fall within 300 feet of any "R" residential zone?***

In 1999 the Certified Uniform Program Agency (CUPA) Ordinance was passed by City Council which enabled the Fire Department to require a local hazards business plan/ local risk management plan for businesses which use hazardous materials but which do not currently require a Risk Management Plan under the State guidelines. The CUPA ordinance has greatly increased the Fire Department's ability to regulate local businesses that are not otherwise regulated through a state-mandated plan. However, it did not provide a tool by which the Fire Department could readily identify new incoming businesses that should be subject to these requirements.

On March 19, 2002 staff proposed the creation of a new “Health and Safety Protection Zone” to the Zoning Update Committee, and was directed to refine the text of this new zone. Staff has reviewed the text of this new proposed zone (S-21 Health and Safety Protection Overlay Zone”) with the Fire Department, community and homeowner representatives, environmental advocacy groups, and the industrial representatives. The proposed language is found in Attachment E). The *Health & Safety Protection Overlay Zone (HSP)* would allow the Fire Department to take a step further in that Planning would require a “sign-off” by Fire prior to issuing a Zoning Clearance (required for any new business or change of ownership in an existing business as part of a Business Tax Certificate).

The new S-21 HSP Overlay Zone is proposed to be mapped over the entire Commercial and Light Industrial (CIX) zone in west Oakland, within the entire Housing and Business Mix districts (HBX 1, 2 & 3) and within all other industrial districts within 300 feet of any residential (“R”) district. It is not proposed to be applied to the commercial districts at this time. It would be mapped in a fashion similar to the process for mapping of the S-16 Industrial Residential Zone in West Oakland, and shown as an overlay zone on all City zoning maps. An incoming business therefore could easily identify if the location they propose to locate in is within this zone.

**Staff recommend adopting the new HSP Overlay Zone and mapping it using the above criteria, thereby referring all potential businesses which use, store, and or process hazardous materials to the Fire Department for a clearance prior to obtaining or renewing a business license in these areas.**

### **Performance Standards**

#### **Discussion Question #7**

- ***Should Planning Code Section 17.120, Performance Standards for Noise and other standards, be amended so that measurements are made at the boundary of the closest residential or open space zone as the receptor, rather than as currently stated in the code “to the closest legal residential facility, school, open space....”***

The current Planning Code Section 17.120 Performance Standard enforces a residential level of noise measurement at any property line of a legal nonconforming residence or school, regardless of where that use was located. While this is intended to protect resident’s rights for environmental quality of life, it also set unrealistic standards for industrial businesses within industrial zoning district. The current proposal is to return to the prior Planning Code standards, which say that measurements are made at the residential zone boundary, and to include the Housing & Business Mix zones as “commercial/mixed use zones) relative to these standards.

**Staff recommends amending Section 17.120 (Attachment F), enabling a clear regulatory standard for industrial businesses that operate within all industrial zones, while enforcing a commercial performance standard for noise (other standards) within the HBX zone.**

### **Restrictions on Demolition of Residential Units within Non-Residential Areas**

#### **Discussion Question #8**

- ***Should Section 17.102.230 be amended to not apply to the demolition (or conversion to a nonresidential use) of a one or two unit residential facility which is not a Potentially Designated Historical Property (PDHP) within a nonresidential (industrial) zone, rather than require a Conditional Use Permit?***

Currently the Zoning Code restricts the demolition of dwelling units, as part of housing retention policy, within nonresidential (industrial) zones via Section 17.102.230 (*Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity-- Nonresidential zones*). The original intent of this section was to prevent any unreasonable decrease in the residential housing stock. However, it conflicts with the intent of the General Plan in regards to separation of higher impact nonresidential uses (industrial/manufacturing activities) from residential uses and increases the burden of perpetuating nuisances. A recent pre-application submission in the High Street and 45<sup>th</sup> Avenue area illustrated the contrariness of this section. In that case, a non-PDHP-rated single family home was denied the ability to be demolished (without an approved Conditional Use Permit) to make way for the construction of a new industrial facility. The applicant therefore proposes to raise the house instead and to build an industrial warehouse below, in order to avoid the delays, associated and uncertainly of the use permit. This case would not require any design review currently does not require design review.

A zoning text amendment to this code section is proposed to allow a property owner to demolish or convert a one or two-unit dwelling, located within a nonresidential zone, to non residential use. This revision to the Zoning Text would encourage the separation of residential and nonresidential uses in the future, and allow the demolition or conversion of non-Potential Designated Historical Property (PDHP) without a use permit application, thereby supporting the retention and expansion of industrial properties in those areas. Attachment G contains the recommended Zoning Text amendment

The separation of non-compatible uses was a goal stated in the 1998 General Plan. Staff proposes that regulations should implement this policy by allowing the gradual reduction of the number of residential housing in the industrial areas. A PDHP contributor (historically-designated property within the City of Oakland's ranking system) would have to follow the stated Conditional Use Permit process as described in the present Code. This will enable property owners in industrial areas to choose to convert or demolish their property through a more expedient, over-the-counter review process to check the PDHP status of the property and the number of units affected, and prevent the cost and delays that the conditional use permit would involve.

**Staff recommends exempting from the applicability of this section, one and two unit properties which are not a PDHP.**

**MAPPING AND REDESIGNATION REQUESTS RECEIVED SINCE 11.17.03  
COMMUNITY MEETING**

Attachment B shows the proposed zoning maps for the industrial zones. These were the maps published for public review in November, 2003. Attachment C includes all exhibits of zoning change requests received by staff since the circulation of the draft maps for Central and East Oakland. Final recommendation on the CIX district maps will be deferred until after the January 26, 2004 Community Meeting to be held by Planning staff.

Most zoning change requests originated from one of the following scenarios:

- 1) Future redevelopment of industrial parcels for residential development, consistent with the zoning of an adjacent residential district (85<sup>th</sup> and E Street).
- 2) Change from the HBX zoning to IBX zoning, where over fifty percent of the land use activities on any one block are industrial and where larger industrial parcel sizes are not in the HBX pattern of lot sizes under 25,000 sf. (Adeline at 30<sup>th</sup> St; Moorpark between Pippin and Permain; 50<sup>th</sup>-52<sup>nd</sup> Avenue and 54<sup>th</sup> Avenue, between E 10<sup>th</sup> and E 12<sup>th</sup> Street
- 3) Change to or within a commercial designation for consistency of existing or future commercial use along a commercial corridor (West Grand at Mandela Parkway; 66<sup>th</sup> to Independent Road at Coliseum Way; former Safeway headquarters at 57<sup>th</sup> Avenue & International (south side); AC Transit and auto-related uses at 105<sup>th</sup> & International)

Inventory of Mapping Requests (details in Attachment D- Letter from Property Owners)

- 1) 150 Mandela Parkway (former Carnation facilities). Request for commercial zoning and general plan. Staff recommends favorable consideration, with further discussion at January 26<sup>th</sup> 2004 Community Meeting.
- 2) West Grand to 18<sup>th</sup> St, Mandela Parkway to Poplar (former Pacific Pipe and American Steel facilities). Request for commercial zoning and general plan. Staff recommends favorable consideration, with further discussion at January 26<sup>th</sup> 2004 Community Meeting.
- 3) E. 12<sup>th</sup> Street between 26<sup>th</sup> Avenue to 30<sup>th</sup> Avenue. Request for C-60 zoning. Staff supports request.
- 4) 50<sup>th</sup> Avenue to 52<sup>nd</sup> Avenue and 54<sup>th</sup> Ave south side/ E. 12<sup>th</sup> St to E. 10<sup>th</sup> St. Request for General Industrial zoning (Light Industrial zoning recommended by staff and ZUC at 11/19 meeting). Staff recommends retention of 11/19 decision for Light Industrial.
- 5) 50<sup>th</sup> Avenue (north side) between International Blvd and E 12<sup>th</sup> Street. Request for Housing and Business Mix zoning and general plan. Staff recommends residential zoning and general plan.
- 6) Independent Way between I-880 and Coliseum Way. Request for extension of C-36 zoning/ Regional Commercial general plan designation across 66<sup>th</sup> Avenue through Independent Way industrial parcels. Staff supports request.
- 7) 968 81<sup>st</sup> Avenue. Request for Housing and Business Mix zoning and general plan/ or residential zoning. Staff recommends residential zoning and general plan.
- 8) 10550 International Blvd and adjacent AC Transit site. Request for C-60 zoning. Staff supports request.
- 9) 750- 105<sup>th</sup> Avenue. Request for General Industrial zoning and general plan. Staff recommends Light Industrial zoning and general plan.

**RECOMMENDATIONS:**

- 1) Review the final zoning text and zoning maps for the Industrial Zoning Districts for Central, East and West Oakland, including the (LL1) "Light Industrial" area of the Estuary Plan as an addition to the Zoning Code, while retaining the existing zoning districts of M-10, M-20, M-30 and M-40 until the Estuary Plan areas designated as such are reviewed; and
- 2) Review the final draft of the Health and Safety Protection Overlay Zone (Zoning Code addition of Section 17.104 ("S-22" Health and Safety Protection Overlay Zone);
- 3) Review the proposed amendments to existing Zoning Code Section 17.120; Performance Standards; and
- 4) Review the proposed amendments to existing Zoning Code Section 17.102.380 Special regulations for Demolition of Residential Units in Nonresidential Areas.

Prepared by:

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MARGOT LEDERER PRADO, AICP  
Planner III  
Strategic Planning

Approved for forwarding to the  
Zoning Update Committee of the  
City Planning Commission

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MARGE STANZIONE  
Strategic Planning Coordinator

Attachments:

- A. Industrial District Chapter
- B. Industrial Zoning Maps- West, Central and East Oakland
- C. Issues and Decision Chart
- D. Property Owner Zoning Requests
- E. Section 17.104 Health and Safety Protection Overlay Zone (S-21) ZT03-611
- F. Section 17.120 Performance Standards-ZT03-614
- G. Section 17.102.230 Special Regulations Applying to the Demolition of a Residential Facility or the Conversion of a Living Unit to a Nonresidential Activity-Nonresidential Zones (ZT03616)
- H. Excerpt from Section 17.114 Non Conforming Uses