

INTRODUCED BY COUNCILMEMBER _____

Mark P. Wald
 CITY ATTORNEY

ORDINANCE No. 11807 C. M. S.

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO ADD SECTIONS 7600 THROUGH 7603 ENTITLED "RECYCLING SPACE ALLOCATION REQUIREMENTS" AND MAKE OTHER RELATED REVISIONS.

WHEREAS, in 1991 State Assembly Bill 1327 was adopted which added Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991; and

WHEREAS, a portion of this Act requires that local agencies adopt regulations pertaining to the provision of adequate areas for the collection and loading of recyclable materials within certain development projects; and

WHEREAS, in response to this mandate adopted by the State, several amendments to the Oakland Planning Code are proposed that would require certain developments to provide space for the collection and loading of recyclable materials, in conformance with the standards established by the Integrated Waste Management Board model ordinance; and

WHEREAS, a duly noticed public hearing was held on this matter by the City Planning Commission on April 5, 1995; and

WHEREAS, thereafter on April 19, 1995, the City Planning Commission voted to recommend amending the Oakland Planning Code as set forth below; and

WHEREAS, said recommendation of the City Planning Commission came regularly on for hearing before the City Council; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied, and in accordance with Section 15061 (b)(3) of the State CEQA Guidelines it can be seen with certainty that there is no possibility that this action on the part of the City Council may have a significant effect on the environment, and therefore this action is not subject to the California Environmental Quality Act; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendments through the provision of adequate and accessible space for the collection and loading of recyclable materials within certain affected development projects; now, therefore,

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

Section 1. Sections 7600, 7601, 7602 and 7603, entitled "RECYCLING SPACE ALLOCATION REQUIREMENTS" are hereby added to the Planning Code to read as follows:

"RECYCLING SPACE ALLOCATION REQUIREMENTS

7600 TITLE, PURPOSE, AND APPLICABILITY: The provisions of Section 7600 through Section 7603, inclusive, shall be known as the RECYCLING SPACE ALLOCATION REQUIREMENTS. The purpose of these provisions is to prescribe standards by which to ensure consistency with the requirements of Chapter 18 of Division 30 of the Public Resources Code, commencing with Section 42900, known as the California Solid Waste Reuse and Recycling Access Act of 1991, and to ensure the provision of adequate, accessible, and convenient locations for the collection and storage of recyclable materials within containers and enclosures which are compatible with surrounding land uses and structures. These standards shall apply to certain affected development projects as specified in Section 7601 of the ZONING REGULATIONS.

7601 AFFECTED PROJECTS

The following development projects shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials:

(a) Any new residential development of five units or more where solid waste is collected and loaded in a location serving five or more living units, or new commercial or industrial development including marinas, for which a building permit is required, and said permit application is submitted on or after the effective date of these regulations.

(b) Any new public facility where solid waste is collected and loaded and any improvements made to areas of an existing public facility used for collecting and loading solid waste.

(c) Any existing residential development project of five units or more where solid waste is collected and loaded in a location serving five or more living units, or existing commercial or industrial development including marinas, for which an application for a building permit is submitted on or after September 1, 1994 for an alteration(s) which adds thirty percent or more to the existing gross floor area of the development project.

(d) Any existing residential development project of five units or more where solid waste is collected and loaded in a location serving five or more living units, or existing commercial or industrial development or marina, for which multiple applications for building permits are submitted within a twelve month period on or after September 1, 1994, which collectively add thirty percent or more to the existing gross floor area of the development project.

(e) Any existing residential development project of five units or more where solid waste is collected and loaded in a location serving five or more living units, or existing

commercial or industrial development or marina, occupied by multiple tenants, one of which submits within a twelve month period an application or a series of applications for building permits for alterations which singly or collectively add thirty percent or more to the existing floor area of that portion of the project which said tenant leases. In such cases, adequate areas for the collection and loading of recyclable materials adequate in number and capacity to serve that portion of the development project said tenant leases shall be provided.

7602 RECYCLING SPACE ALLOCATION REQUIREMENTS

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provisions of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", as they may be amended. In addition, space devoted to the collection and storage of recyclable materials shall be adequate in capacity, number and distribution to serve the affected development.

(a) Space allocated for recycling collection and storage areas within affected residential projects shall be provided in the amount of two cubic feet of storage and collection space per residential unit, with a minimum requirement that not less than ten cubic feet be provided.

(b) Space allocated for recycling collection and storage areas within affected commercial, industrial and public facility projects shall be provided in the amount of two cubic feet of storage and collection space per each one thousand square feet, or portion thereof, of the total gross building square footage, with a minimum requirement that not less than ten cubic feet be provided.

7603 REVIEW PROCEDURES

Plans indicating the proposed design, size and location of both new and existing recycling and trash enclosures shall be submitted to the Director of City Planning to be reviewed concurrently during the appropriate review procedure required for the proposed development. For those development projects not requiring Planning applications but for which building permits are required, plans indicating the design, size and location of recycling and trash enclosures shall be submitted to the Building Official, to be included with the building permit plan check submittal for the proposed development project."

Section 2. Sections 2116, 2118, 2125 and 2126 of the Oakland Planning Code, entitled "DEFINITIONS", are hereby amended to read as follows (additions are underlined, deletions are denoted with ~~strikeouts~~):

"2116

(g) Floor Area of a Marina. The floor area of a marina shall be defined as the space dedicated to the docking or mooring of

marine vessels.

(gh) Floor-Area Ratio. (See illustration I-3) The number resulting from division of the floor area on a lot by the lot area.

(hi) Footprint. The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes residences, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck and balcony less than 30 inches from finished grade.

2118

(g) Improvement. For the purposes of implementation of the Recycling Space Allocation Requirements an improvement shall be defined as one which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

(gh) Independent Parking Space. A parking space which can be accessed without driving across another parking space. [See also "Dependent Parking Space" at Section 2113 (d) and "Tandem Parking" at Section 2130(b)]

2125

(d) Public Facility. The definition of a public facility includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency, as defined by the California State Government Code.

(de) Rapid Transit. A system of high-speed mass transit operating on exclusive rights-of-way, including but not limited to the Bay Area Rapid Transit system.

(ef) Rear Lot Line. (See illustration I-2.) The lot line which is opposite and most distant from the front lot line, and which is parallel to the front lot line or, if extended, would intersect with it at an angle of less than 45 degrees.

2126

(b) Recyclable Materials. Residential, commercial and industrial materials or by products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products.

(c) Recycling Area. Space allocated for collecting and loading recyclable materials. Such areas shall have the ability to accommodate receptacles for recycling materials.

(d) Recycling Receptacles. Bins or containers that allow storage of recyclable materials.

(be) Regular Dwelling Unit. Any dwelling unit other than an efficiency dwelling unit.

(ef) Residential Zone. Any zone the name of which begins with the letter "R."

Section 3. Sections 3274, 3374, 3474, 3574, 3599, 3624, 3674, 3774, 3824, 3874, 3924, 4224, 4274, 4324, 4374, 4424, 4449, 4474, 4499, 4524, 4549, 4574, 4624, 4849, 4874, 4899, and 4924 within each of the RESIDENTIAL ZONE REGULATIONS and COMMERCIAL ZONE REGULATIONS portion of the Oakland Planning Code, entitled "OTHER ZONING PROVISIONS", are hereby amended to include the following (additions are underlined):

"OTHER ZONING PROVISIONS.

(f) Recycling Space Allocation Requirements. The regulations set forth in Section 7600 through Section 7603, inclusive, shall apply in the R-10 Zone."

Section 4. Sections 5424, 5624, 5724, and 5824 within each of the INDUSTRIAL ZONE REGULATIONS portion of the Oakland Planning Code, entitled "OTHER ZONING PROVISIONS", are hereby amended to include the following (additions are underlined):

"OTHER ZONING PROVISIONS.

(d) Recycling Space Allocation Requirements. The regulations set forth in Section 7600 through Section 7603, inclusive, shall apply in the M-10 Zone."

Section 5. Sections 6124, 6174, and 6224 within the S-1 MEDICAL CENTER ZONE REGULATIONS, S-2 CIVIC CENTER ZONE REGULATIONS, and S-3 RESEARCH CENTER ZONE REGULATIONS portion of the Oakland Planning Code, entitled "OTHER ZONING PROVISIONS", are hereby amended to include the following (additions are underlined):

"OTHER ZONING PROVISIONS.

(f) Recycling Space Allocation Requirements. The regulations set forth in Section 7600 through Section 7603, inclusive, shall apply in the S-1 Zone."

Section 6. That this Ordinance shall become effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland.

INTRODUCED: 6/6/95

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 27 1995, 19 _____

PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, ^{RUSSO CHANG}~~MOORE, OGAWA~~, SPEES, ~~WOODS-JONES~~, and PRESIDENT HARRIS — 8

NOES— **NONE**

ABSENT— Woods-Jones - 1

ABSTENTION— **NONE**

ATTEST: _____

Karen Smeigel
for CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

The Oakland Tribune

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(510) 208-6300

LEGAL NO. 4286

ORD # 11807

PUBLIC NOTICE

NOTICE AND DIGEST

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO ADD SECTIONS 7800 THROUGH 7803 ENTITLED "RECYCLING SPACE ALLOCATION REQUIREMENTS" AND MAKE OTHER RELATED REVISIONS.

THIS ORDINANCE ESTABLISHES REGULATIONS PERTAINING TO THE PROVISION OF ADEQUATE AREAS FOR THE COLLECTION AND LOADING OF RECYCLABLE MATERIALS WITHIN CERTAIN DEVELOPMENT PROJECTS.

This Ordinance was introduced at the regular council meeting, Tuesday evening, June 6, 1995, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at the Lakeside Park Garden Center, 888 Bellevue Avenue, Oakland, California, Tuesday, June 20, 1995, at 7:30 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at 505 14th Street, Suite 809, Oakland, California.

CEDA FLOYD,
City Clerk

Oakland Tribune, Legal No. 4286
June 15, 1995

→ actual date
6/27/95

PROOF OF PUBLICATION

Case No.

In the matter of
City of Oakland

Samantha Allen deposes and says that he/she was the Public Notice Advertising Clerk of THE OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the
Notice & Digest

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

..... June 15, 1995

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

Date June 15, 1995
at Oakland, California.

Samantha Allen

Public Notice Advertising Clerk