

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator

ATTN: Dan Lindheim

FROM: Community and Economic Development Agency

DATE: March 1, 2011

RE: A Supplemental Report And Ordinance, Recommended By The Planning Commission, To: (a) Amend The Oakland Planning Code To Create New Zones For The City's Commercial And Residential Areas And Make Related Text Amendments; (b) Amend The Zoning Maps To Include The New Commercial And Residential Zones; (c) Amend The Zoning Maps To Include Height Areas For The New Commercial Zones And Other New Zones On The City's Major Transportation Corridors; And (d) Amend The Document "Guidelines For Determining Project Conformity With The General Plan And Zoning Regulations" To Reflect The Above Changes.

SUMMARY

This ordinance provides new zoning regulations and maps for the City's commercial and residential neighborhoods. The Community and Economic Development (CED) Committee requested changes to the proposal at its February 22, 2011 meeting. This supplemental report presents the changes requested by the Committee and other minor text changes proposed by staff.

KEY ISSUES AND IMPACTS

Changes requested by the CED Committee

The CED Committee unanimously recommended that the proposal be presented to the full City Council with the changes summarized in this section. The full text of the proposed new zones, subsequent to the actions of the CED Committee on February 22, 2011, is contained in *Attachment A*. These changes have been incorporated in the proposal. The requested amendments as distributed by Councilmembers Brunner, Kernighan, and Brooks and adopted by the CED Committee are included as *Attachment B*. Amendments proposed by Councilmember Nadel and adopted by the Committee were not distributed in writing, but are instead described below. Changes to the proposed zoning maps are contained in *Attachment C*.

Councilmember Brunner requested several changes to the height map on Broadway, Telegraph Avenue, and other areas of Temescal. These include the following:

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- On Telegraph Avenue north of State Route 24 to the Berkeley border, decrease the height limit to 45 feet where the Planning Commission had recommended 60 feet.
- On Telegraph Avenue south of State Route 24, establish a 45 foot height limit except at major intersections, where the height limit shall be 60 feet, with the exception of the historic core commercial area between 49th and 52nd Streets.
- Place 45 foot height limits on Shattuck Avenue from 47th Street to State Route 24;
- Reduce height limits on the east side of Broadway from the 4900 block to the 5100 block from 60 feet to 75 feet;
- Increase the height limit on the east side of Broadway at the 4000 block from 45 feet to 60 feet;
- Decrease the height limit at the 5200 block of the west side of Broadway from 60 to 45 feet;
- Decrease the height limit on one parcel on the 4900 block of the west side of Broadway from 60 to 45 feet;
- Decrease the height limit from 75 feet to 60 feet on one-half of the 4000 block of the west side of Broadway;
- Change the proposed zoning on the eastern half of Birch Court from RM-2 to RM-1; and
- Only allow Monopole Telecommunications Facilities in the RH zone when there are no existing structures upon which to place the antenna.

Councilmember Kemighan requested the following changes on and near Telegraph Avenue, E. 12th Street, and 13th Avenue:

- Increase proposed height from 75 feet to 90 feet on various blocks or portions thereof between 1st Avenue and 4th Avenue, and between International Blvd and E.11th Street;
- Reduce proposed height from 60 feet to 45 feet on various blocks along International Blvd and E.12th Street between 7th Avenue and 13th Avenue;
- Reduce proposed height from 75 feet to 60 feet on the block between E.12th Street and International Blvd and between 14th Avenue and 15th Avenue, and on a portion of the block between International Blvd and E.15th Street and between 14th Avenue and 15th Avenue;
- Reduce proposed height from 60 feet to 45 feet on the four blocks on either side of International Blvd from mid block between 17th Avenue and 18th Avenue to mid block between 21st and 22nd Avenue on the north side of International Blvd, and to 22nd Avenue on the south side of International Blvd.; and
- Change proposed zones along 13th Avenue between E. 12th Street and E. 17th Street and on the south side of E.12th Street between 12th Avenue and 13th Avenue as shown on the map in **Attachment C**.

Councilmember Brooks requested the following changes:

- Change the proposed zoning on Foothill Boulevard between 60th and 61st Avenues to CN-3 from RU-5;

- Change the proposed zoning on Foothill Boulevard from between Avenal Avenue and the parcels near the southeast corner of 57th Street and Foothill Boulevard to CN-3 from RU-5;
- Change the proposed zoning on parcels facing Foothill midblock between 57th Street and Trask from RU-4 to RU-5.

Councilmember Nadel requested the following changes:

- Reduce heights on San Pablo Avenue between Filbert and 32nd Streets from 75 to 60 feet.
- Require a conditional use permit for Automobile and Other Light Vehicle Sales and Rental Commercial Activities on Telegraph Avenue from 28th Street to I-580.

Changes requested by staff

The following is a summary of staff's request to make minor and nonsubstantive changes to the proposal. A comprehensive list is contained in ***Attachment D***.

Staff is proposing changes to the proposed text amendments to coordinate with the changes made to the Planning Code from new telecommunications regulations in the HBX zones that are scheduled for final adoption by the City Council on March 1, 2011. The changes to the rezoning proposal include the following:

- The HBX telecommunications ordinance removes several sections of the Planning Code, but the previously proposed revisions showed changes to those sections. Therefore, staff proposes to remove those sections from the proposed rezoning text changes.
- The HBX telecommunications ordinance also adds language so that the telecommunications facilities in HBX zone are regulated the same as in residential zones. The text for the rezoning proposal incorporates this language.

Other changes include improving the format and language consistency of the proposal. For instance, staff proposes changing the name of the Community Commercial zones to be consistent with the names of the other commercial zones. Language was also added to the RM zones clarifying that facility regulations in the "C" commercial overlay zone supersede those of a location's base zone.

RECOMMENDATIONS AND RATIONALE

The staff recommends the proposed rezoning of the City's residential and commercial neighborhoods, including new text in the Planning Code and the accompanying change to the General Plan Guidelines. This zoning update proposal will implement the land use policies of the General Plan and create a more transparent and consistent development review process.

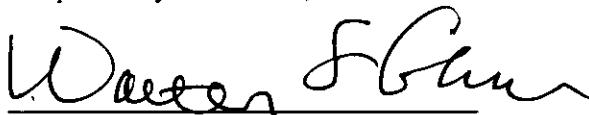
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ACTION REQUESTED OF THE CITY COUNCIL

The Planning Commission and staff recommend adoption of the attached ordinance that:

- Amends the Oakland Planning Code to create new zones for the City's commercial and residential areas and make related text amendments;
- Amends the Zoning Maps to include the new commercial and residential zones;
- Amends the Zoning Maps to include height areas for the new commercial zones and other new zones on the City's major transportation corridors; and
- Amends the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the above changes.

Respectfully submitted,

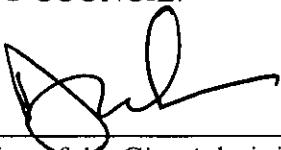


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Deputy Director

Prepared by:
Neil Gray, Planner III
Planning and Zoning

APPROVED AND FORWARDED TO THE CITY COUNCIL:



Office of the City Administrator

Attachments:

- A. Text of proposed zones showing changes since the 2/22/11 meeting
- B. Memoranda from Councilmembers Kernighan, Brunner, and Brooks describing changes proposed by the CED Committee at its 2/22/11 meeting
- C. Zoning Maps of changes since the 2/22/11 meeting
- D. List of additional changes to the Planning Code proposed by staff since the 2/22/11 meeting

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ATTACHMENT A

This attachment contains the text of the proposed new commercial and residential zones with the changes since the February 22, 2011 Community and Economic Development Committee meeting.

Deletions since the February 22, 2011 Community and Economic Development Committee meeting are in ~~strikeout~~; additions are underlined.

ATTACHMENT A

3/1/11 City Council

Chapter 17.13

RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

- | | |
|------------------|--|
| 17.13.010 | Title, Intent, and Description |
| 17.13.020 | Required Design Review Process |
| 17.13.030 | Permitted and Conditionally Permitted Activities |
| 17.13.040 | Permitted and Conditionally Permitted Facilities |
| 17.13.050 | Property Development Standards |
| 17.13.060 | Special Regulations for Mini-lot and Planned Unit Developments |
| 17.13.070 | Other Zoning Provisions |
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17.13.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this Chapter shall be known as the Hillside Residential (RH) regulations. The intent of the RH regulations is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.
- B. **Description of Zones.** This Chapter establishes land use regulations for the following four zones:
1. **RH-1 Hillside Residential Zone - 1.** The intent of the RH-1 zone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
 2. **RH-2 Hillside Residential Zone - 2.** The intent of the RH-2 zone is to create, maintain, and enhance areas for single-family living on lots of at least 25,000 square feet, and is appropriate in portions of the Oakland Hills.
 3. **RH-3 Hillside Residential Zone - 3.** The intent of the RH-3 zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least 12,000 square feet and is appropriate in portions of the Oakland Hills.
 4. **RH-4 Hillside Residential Zone - 4.** The intent of the RH-4 zone is to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet and is typically appropriate in already developed areas of the Oakland Hills.

17.13.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.13.030 Permitted and Conditionally Permitted Activities

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates activities subject to certain limitations or notes listed at the bottom of the table.

“--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.13.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Activities					
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	--	--	--	--	
Service-Enriched Permanent Housing	--	--	--	--	
Transitional Housing	--	--	--	--	
Emergency Shelter	--	--	--	--	
Semi-Transient	--	--	--	--	
Bed and Breakfast	--	--	--	--	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	--	--	--	--	
Special Health Care	--	--	--	--	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities (all)	--	--	--	--	17.112
Industrial Activities (all)	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	C(L2)	C(L2)	C(L2)	C(L2)	
Plant nursery	C	C	C	C	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations on Table 17.13.01:

- L1. No state licensed residential care facility shall be located closer than three hundred (300) feet from any other state licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;

2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.13.040 Permitted and Conditionally Permitted Facilities

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

- “P” designates permitted facilities in the corresponding zone.
“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
“L” designates facilities subject to certain limitations listed at the bottom of the table.
“--” designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	17.102.360
Two-Family Dwelling	--	--	--	--	
Multifamily Dwelling	--	--	--	--	
Rooming House	--	--	--	--	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Café	--	--	--	--	
Drive-In Nonresidential	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C(L1)	C(L1)	C(L1)	C(L1)	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104

Table 17.13.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	--	--	--	--	17.104
Advertising Signs	--	--	--	--	17.104

Limitations on Table 17.13.01:

L1. Monopole Telecommunication Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

1. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

17.13.050 Property Development Standards

A. Zone Specific Standards. Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Width mean	100 ft	100 ft	90 ft	45 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	43,560 sf	25,000 sf	12,000 sf	6,500 sf or 8,000 sf	1, 2, 3
Maximum Density	1 primary unit per lot				4
Minimum Setbacks					
Minimum front ($\leq 20\%$ street-to-setback gradient)	25 ft	25 ft	20 ft	20 ft	5
Minimum front ($> 20\%$ street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	5, 6
Minimum interior side $\leq 20\%$ footprint slope	6 ft/15%	6 ft/15%	6 ft/10%	5 ft	7, 8
Minimum interior side $> 20\%$ footprint slope	6 ft/15%	6 ft/15%	6 ft/10%	5 ft/10%	7, 8
Minimum street side	6 ft	6 ft	6 ft	5 ft	9
Rear	35 ft	35 ft	25 ft	20 ft	7, 10, 11
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$					
Maximum wall height primary building	25 ft	25 ft	25 ft	25 ft	12, 13

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	30 ft	12, 13
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	12, 13
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	14
Minimum Parking					
Minimum parking spaces required per unit	2	2	2	2	15
Additional parking spaces required for secondary unit	1	1	1	1	15, 16

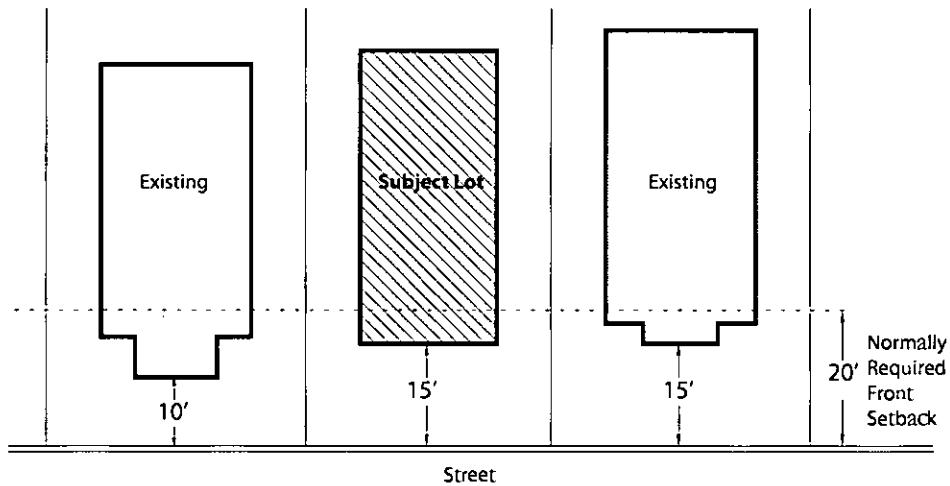
Additional Regulations for Table 17.13.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. In the RH-3 zone, the minimum average lot width of all lots within a subdivision shall be ninety (90) feet, and the minimum lot width of any individual lot within such subdivision shall be seventy-five (75) feet.
2. In the RH-4 Zone, for Subdivision Maps of 4 or fewer lots where each lot created has a buildable area slope of less than or equal to 20%, the minimum lot size is 6,500 square feet. For Subdivision Maps where any one lot buildable area slope is greater than 20% or for Subdivision Maps of 5 or more lots, the minimum lot size is increased to 8,000 square feet.
 - a. In order to determine buildable area slope of a subdivision, each lot shown on the Subdivision Map shall indicate the buildable area in dashed lines. The buildable area slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
3. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot size. In the RH-3 zone, the minimum average lot area of all lots within a subdivision shall be 12,000 square feet, and the minimum lot area of any individual lot within such subdivision shall be 10,000 square feet.
4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

5. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03[Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 5]

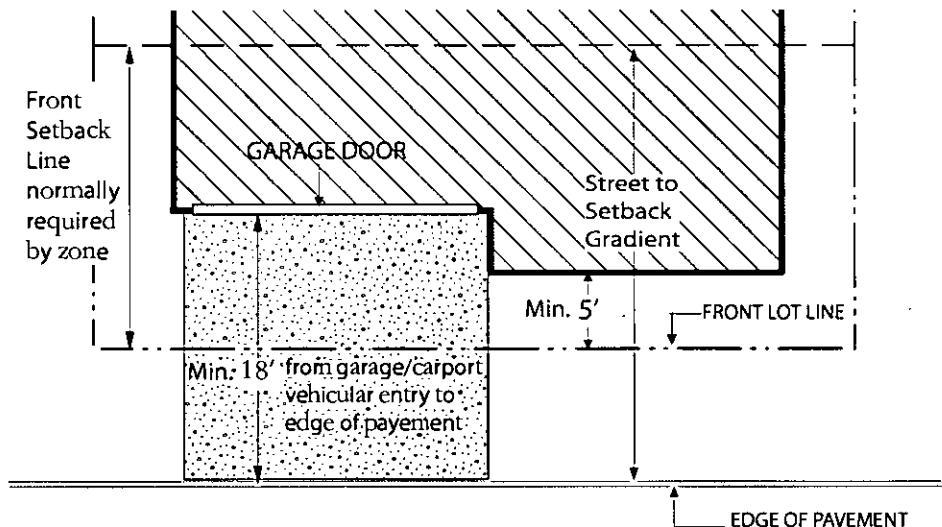
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6. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03[Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 6]

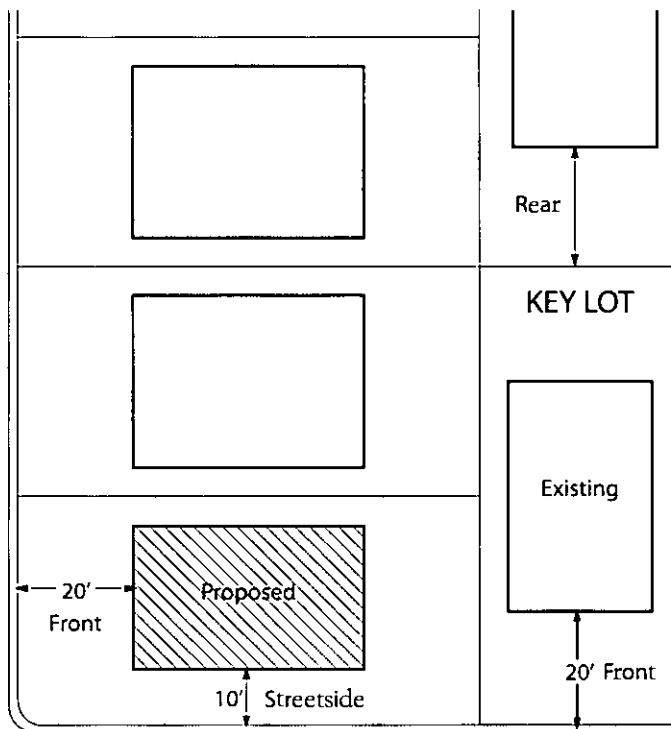
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7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
8. The minimum interior side setback is the greater of the two listed setbacks. Also, see Section 17.108.130 for allowed projections into setbacks.
9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03[Additional Regulation 9], below). See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 9]

*for illustration purposes only



10. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ($\frac{1}{2}$) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
13. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Additional parking standards apply within the S-11 Zone, as prescribed in Section 17.92.

16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.

- B. Floor Area Ratio (FAR) and Lot Coverage.** Table 17.13.04 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.04 Floor Area Ratio (FAR) and Lot Coverage						
Regulation	Lot Size in Square Feet					
	< 5,000	≥ 5,000 and <12,000	≥ 12,000 and <25,000	≥ 25,000 and < 43,560	≥ 43,560	Additional Regulations
Maximum FAR	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.13.04:

1. Lots with less than 5,000 square feet in area may have a dwelling with at least 2,000 square feet, regardless of FAR listed.
2. Lots with less than 5,000 square feet in area may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

- C. Height.** Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.05 Height Regularions for all Lots with a Footprint Slope of >20%					
Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			> 20%	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%		
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	18 ft	18 ft	18 ft	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

Additional Regulations for Table 17.13.05:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

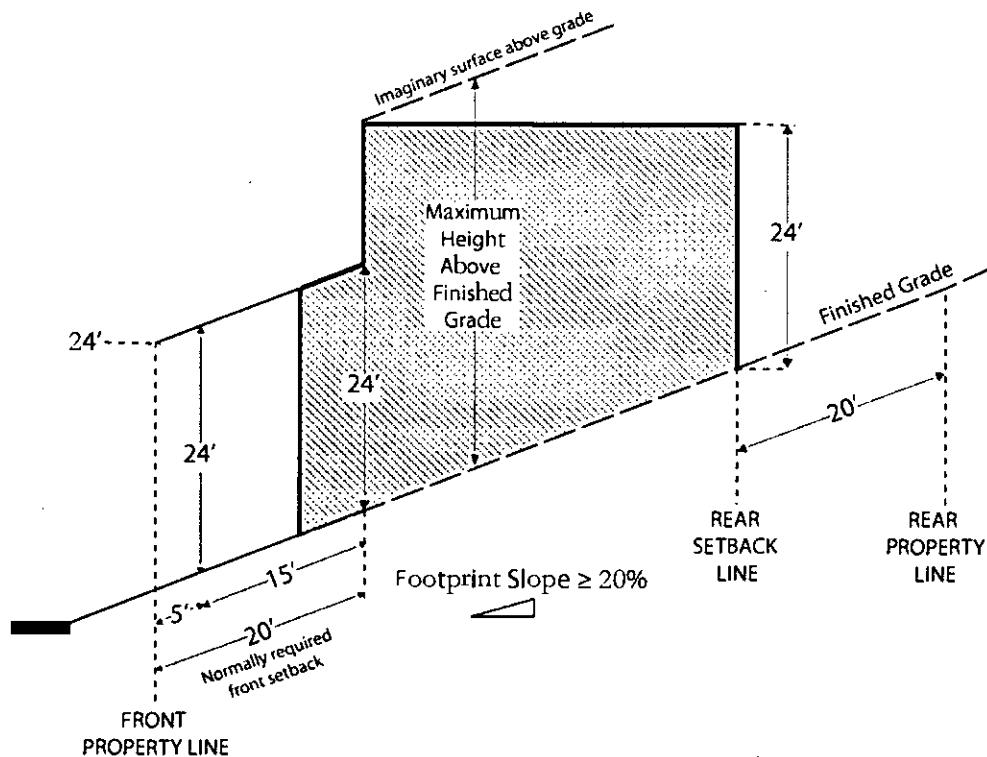
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.
- See Illustration for Table 17.13.03[Additional Regulation 1], below.

3. The building height is measured from finished or existing grade, whichever is lower.

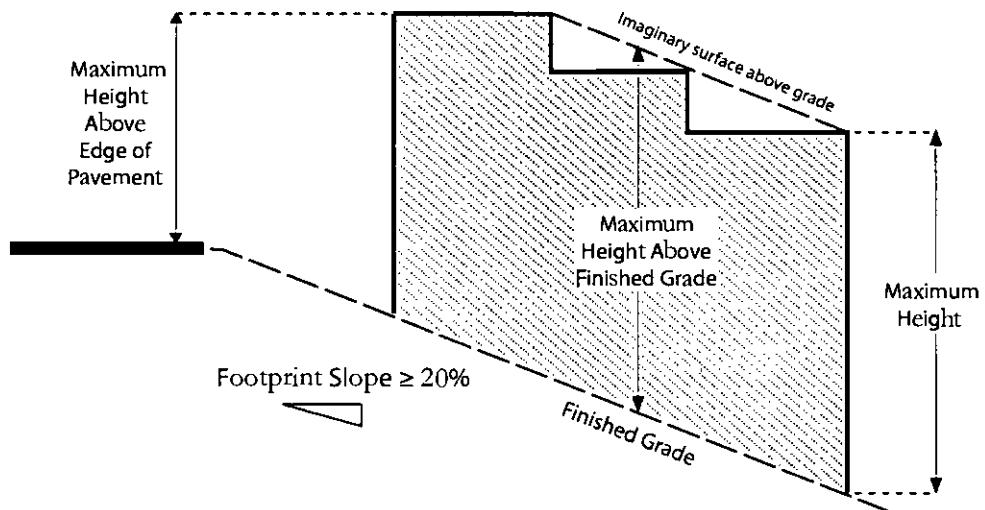
Illustration for Tables 17.13.05[Additional Regulation 1]

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Upslope



Downslope



17.13.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RH zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RH zones, and certain of the other regulations applying in said zone may be waived or modified.

17.13.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RH zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RH zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

3/1/11 City Council

Chapter 17.15

RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

SECTIONS:

- 17.15.010 Title, Intent, and Description
 - 17.15.020 Required Design Review Process
 - 17.15.030 Permitted and Conditionally Permitted Activities
 - 17.15.040 Permitted and Conditionally Permitted Facilities
 - 17.15.050 Property Development Standards
 - 17.15.060 Special Regulations for Mini-lot and Planned Unit Developments
 - 17.15.070 Other Zoning Provisions
-

17.15.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this Chapter shall be known as the Detached Unit Residential (RD) regulations. The intent of the RD regulations is to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures.
- B. **Description of Zones.** This Chapter establishes land use regulations for the following two zones:
 1. **RD-1 Detached Unit Residential Zone - 1.** The intent of the RD-1 zone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.
 2. **RD-2 Detached Unit Residential Zone - 2.** The intent of the RD-2 zone is to create, maintain, and enhance areas with detached, single unit structures, with allowances for two-family structures on lots larger than 6,000 square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.

17.15.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.15.030 Permitted and Conditionally Permitted Activities

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P” designates permitted activities in the corresponding zone.
 - “C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
 - “L” designates activities subject to certain limitations or notes listed at the bottom of the table.
 - “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.
-

Table 17.15.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Activities			
Permanent	P(I.1)	P(I.1)	17.102.212
Residential Care	--	C(I.1)	17.102.212
Service-Enriched Permanent Housing	--	C(I.1)	17.102.212
Transitional Housing	--	C(i.1)	17.102.212
Emergency Shelter	--	--	
Semi-Transient	--	--	
Bed and Breakfast	C	C	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	--	--	
Special Health Care	--	--	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	C (I.2)(I.3)	C (I.2)(I.3)	
Full Service Restaurants	C (I.2)(I.3)	C (I.2)(I.3)	
Limited Service Restaurant and Café	C (I.2)(I.3)	C (I.2)(I.3)	
Fast-Food Restaurant	--	--	
Convenience Market	--	--	
Alcoholic Beverage Sales	--(I.4)	--(I.4)	
Mechanical or Electronic Games	--	--	
Medical Service	--	--	
General Retail Sales	C (I.2)(I.3)	C (I.2)(I.3)	
Large-Scale Combined Retail and Grocery Sales	--	--	
Consumer Service	--	--	
Consultative and Financial Service	--	--	
Check Cashier and Check Cashing	--	--	
Consumer Cleaning and Repair Service	--	--	
Consumer Dry Cleaning Plant	--	--	
Group Assembly	--	--	
Personal Instruction and Improvement Services	--	--	
Administrative	P(I.3)(I.5)	P(I.3) (I.5)	
Business, Communication, and Media Services	--	--	
Broadcasting and Recording Services	--	--	
Commercial Activities	--	--	
Research Service	--	--	
General Wholesale Sales	--	--	
Transient Habitation	--	--	
Wholesale and Professional Building Material Sales	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	

Table 17.15.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	RD-1	RD-2	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	
Taxi and Light Fleet-Based Services	--	--	
Automotive Fee Parking	--	--	
Animal Boarding	--	--	
Animal Care	--	--	
Undertaking Service	--	--	
Industrial Activities (all)	--		
Agriculture and Extractive Activities			
Crop and animal raising	C(4-5L6)	C(L6)	
Plant nursery	C	C	
Mining and Quarrying	--	--	
Accessory off-street parking serving prohibited activities	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	17.102.110

Limitations on Table 17.15.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (place date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.
- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (place date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L4. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.
- L5. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (place date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).
- L6. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;

2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.15.040 Permitted and Conditionally Permitted Facilities

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD zones. The descriptions of these facilities are contained in Chapter 17.10.

- “P” designates permitted facilities in the corresponding zone.
“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
“L” designates facilities subject to certain limitations listed at the bottom of the table.
“--” designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Facilities			
One-Family Dwelling	P	P	
One-Family Dwelling with Secondary Unit	P	P	17.102.360
Two-Family Dwelling	--	C (I.1)	
Multifamily Dwelling	--	--	
Rooming House	--	--	
Mobile Home	--	--	
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	
Sidewalk Café	P (L2)	P (L2)	17.102.335
Drive-In Nonresidential	--	--	
Drive-Through Nonresidential	--	--	
Telecommunications Facilities			
Micro Telecommunications	C	C	17.128
Mini Telecommunications	C	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	C	17.128
Tower Telecommunications	--	--	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104

Table 17.15.02: Permitted and Conditionally Permitted Facilities			
Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Civic Signs	P	P	17.104
Business Signs	P (L3)	P (L3)	17.104
Advertising Signs	--	--	17.104

Limitations on Table 17.15.02:

- L1. See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.
- L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in Section 17.102.335.
- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (effective date here); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.15.050 Property Development Standards

- A. **Zone Specific Standards.** Table 17.15.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.15.03: Property Development Standards			
Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Lot Dimensions			
Width mean	45 ft	45 ft	1
Frontage	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	1, 2
Maximum Density			
Permitted density	1 primary unit per lot	1 primary unit per lot	3, 4
Conditionally permitted density	--	2 units on lots 6,000 sf or greater	3, 5

Table 17.15.03: Property Development Standards			
Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Setbacks			
Minimum front (\leq 20% street-to-setback gradient)	20 ft	20 ft	6
Minimum front ($>$ 20% street-to-setback gradient)	5 ft	5 ft	6, 7
Minimum interior side \leq 20% footprint slope	5 ft	5 ft	8, 9
Minimum interior side $>$ 20% footprint slope	5 ft/10%	5 ft	8, 9, 10
Minimum street side	5 ft	5 ft	8, 11
Rear	20 ft	15 ft	8, 12, 13
Side and Rear Setbacks for Smaller Lots	See Table 17.15.04 for setbacks for smaller lots		
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of \leq20%			
Maximum wall height primary building	25 ft	25 ft	14, 15
Maximum pitched roof height primary building	30 ft	30 ft	14, 15
Maximum height for accessory structures	15 ft	15 ft	14, 15
Height Regulations for all Lots With a Footprint Slope of $>$ 20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of $>$ 20%		
Maximum Wall Length Before Articulation Required	40 ft	40 ft	16
Minimum Parking			
Minimum parking spaces required per unit	2	1.5	17
Additional parking spaces required for secondary unit	1	1	17, 18
Minimum Open Space			
Group open space per unit	N/A	300 sf	19
Group open space per unit when private open space substituted	N/A	100 sf	19

Additional Regulations for Table 17.15.03:

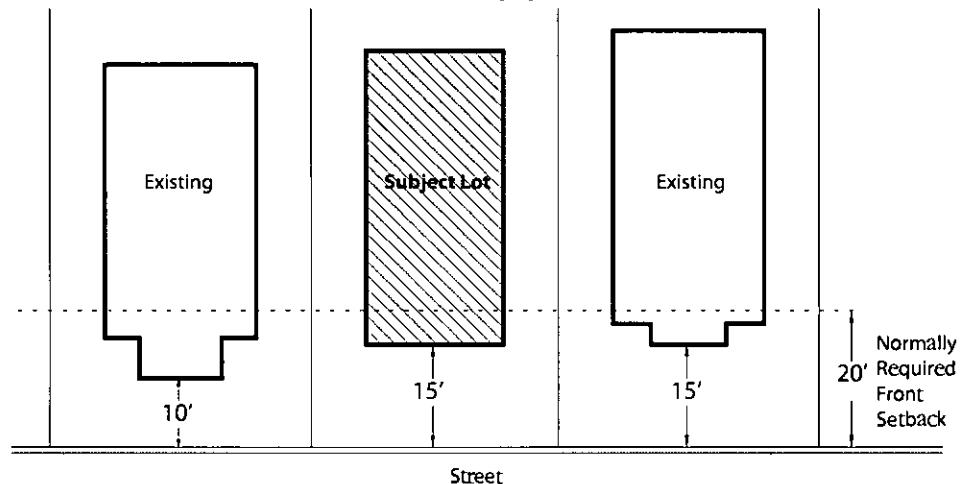
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot area.
3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360.
5. A minimum lot size of 6,000 square feet is required in order to apply for a conditional use permit for a second primary dwelling in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria:
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
 - b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
 - d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to ensure privacy;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and

extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.15.03[Additional Regulations 6], below).

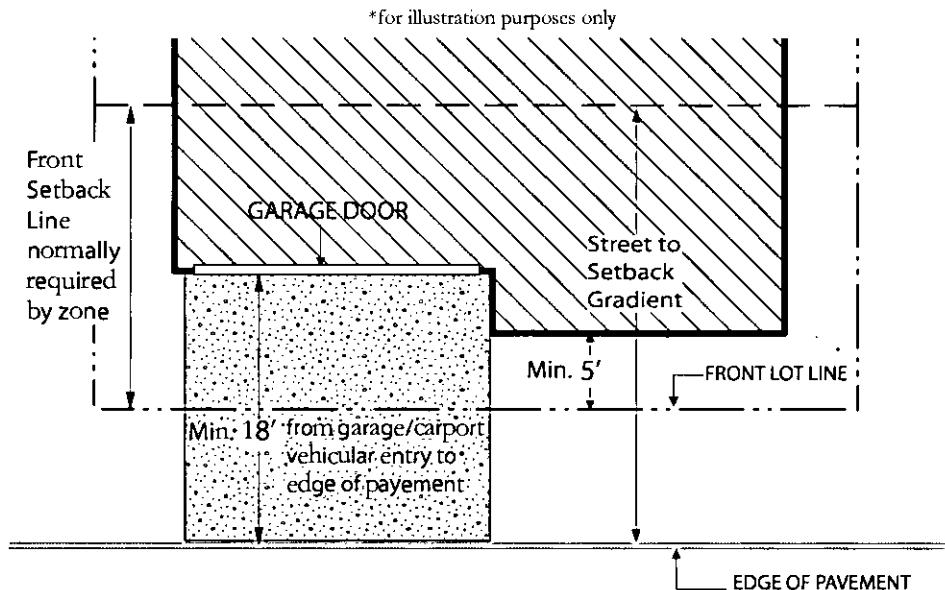
Illustration for Table 17.15.03[Additional Regulation 6]

*for illustration purposes only



7. In all Detached Residential zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.15.03[Additional Regulations 7], below). See Section 17.108.130 for allowed projections into setbacks.

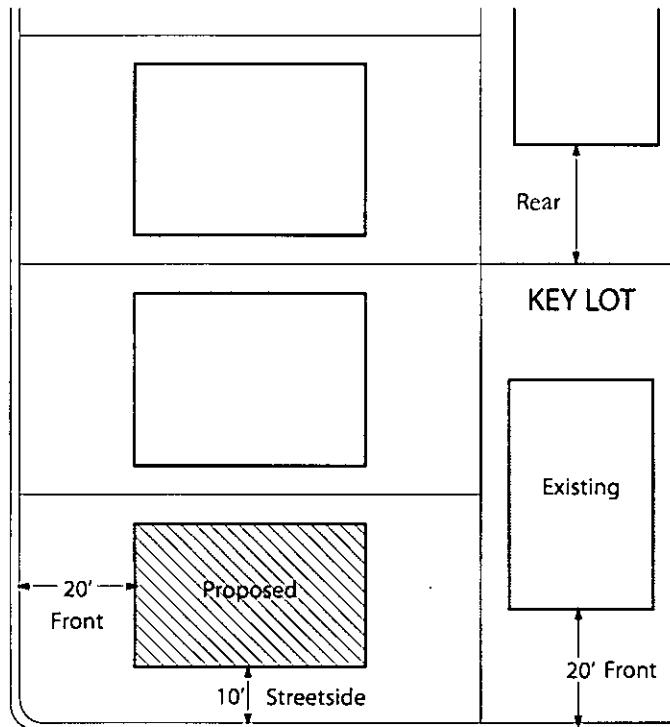
Illustration for Table 17.15.03[Additional Regulation 7]



8. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
9. See Section 17.108.080 for the required interior side and rear setback on a lot containing two or more living units and opposite a legally-required living room window.
10. For RD-1, the minimum interior side setback is the greater of the two listed setbacks, either five (5) feet or ten (10) percent of the lot width, whichever is greater.
11. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration Table 17.15.03[Additional Regulations 11], below). Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.15.03[Additional Regulation 11]

*for illustration purposes only



12. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be so reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
13. In the RD-1 zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ($\frac{1}{2}$) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
14. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
15. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
16. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
17. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking

- regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.
18. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.
 19. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that acmal group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.
- B. **Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots less than 4,000 square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04 Setbacks for Smaller Lots

Regulation	Lot Size		Additional Regulations
	$\leq 4,000 \text{ sf or } \leq 40 \text{ feet wide}$	$\leq 3,000 \text{ sf or } \leq 35 \text{ feet wide}$	
Minimum Setbacks			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

- C. **Floor Area Ratio (FAR) and Lot Coverage.** Table 17.15.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.05 Floor Area Ratio (FAR) and Lot Coverage

Regulation	Lot Size in Square Feet					Additional Regulations
	$< 5,000$	$\geq 5,000 \text{ and } < 12,000$	$\geq 12,000 \text{ and } < 25,000$	$\geq 25,000 \text{ and } < 43,560$	$\geq 43,560$	
Maximum FAR for Lots with a Footprint Slope $> 20\%$	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

1. FAR only applies to lots that have a footprint slope of greater than 20%. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
2. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of: > 20%	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%		
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	18 ft	18 ft	18 ft	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

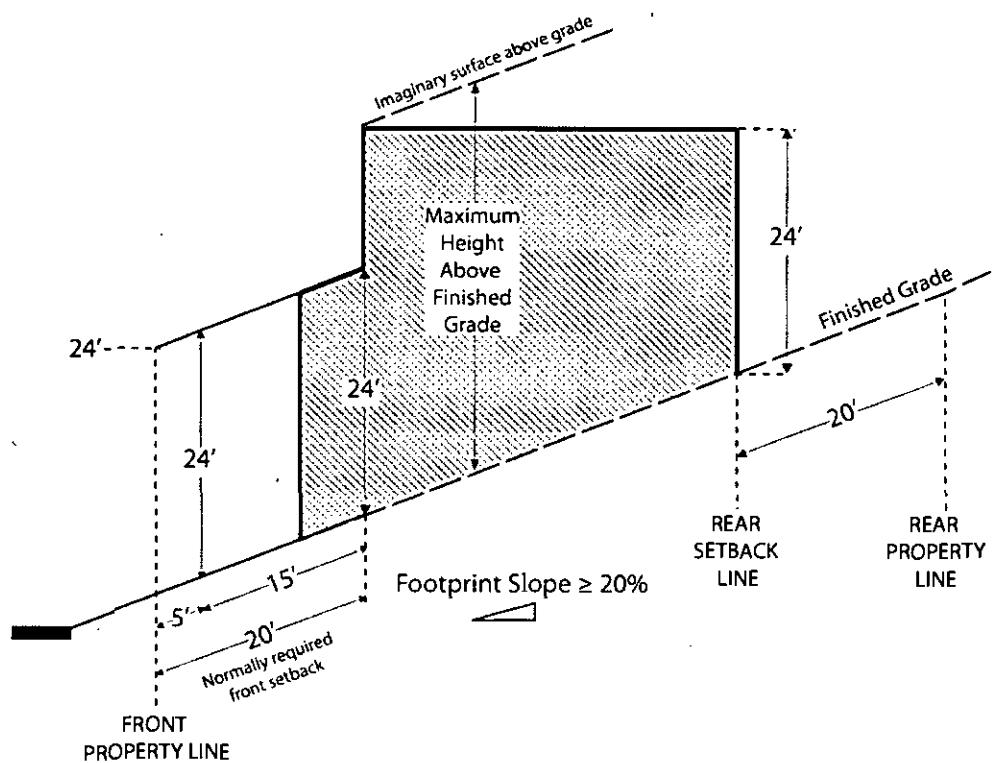
Additional Regulations on Table 17.15.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06[Additional Regulations 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

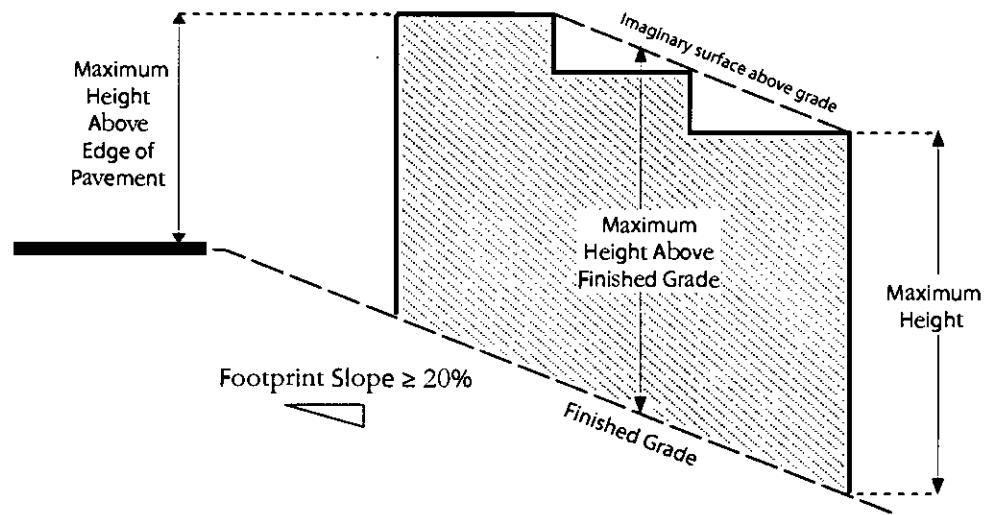
Illustrations for Table 17.15.06

*for illustration purposes only

Upslope



Downslope



17.15.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RD zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RD zones, and certain of the other regulations applying in said zone may be waived or modified.

17.15.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RD zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RD zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RD zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

3/1/11 City Council

Chapter 17.17

RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.17.010	Title, Intent, and Description
17.17.020	Required Design Review Process
17.17.030	Permitted and Conditionally Permitted Activities
17.17.040	Permitted and Conditionally Permitted Facilities
17.17.050	Property Development Standards
17.17.060	Special Regulations for Mini-lot and Planned Unit Developments
17.17.070	Other Zoning Provisions

17.17.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this Chapter shall be known as the Mixed Housing Type Residential (RM) regulations. The intent of the RM regulations is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- B. **Description of Primary Zones.** This Chapter establishes land use regulations for the following four primary zones:
 1. **RM-1 Mixed Housing Type Residential Zone - 1.** The intent of the RM-1 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate.
 2. **RM-2 Mixed Housing Type Residential Zone - 2.** The intent of the RM-2 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
 3. **RM-3 Mixed Housing Type Residential Zone - 3.** The intent of the RM-3 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.
 4. **RM-4 Mixed Housing Type Residential Zone - 4.** The intent of the RM-4 zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate.
- C. **Description of Combining Zone.** This Chapter establishes land use regulations for the following combining zone:
 1. **C Residential Commercial Combining Zone.** The intent of the C combining zone is to allow for expanded commercial uses, as well as new commercial uses within certain areas of the Mixed Housing Type Residential (RM) zones. When an above primary zone is combined with the C combining zone, the C Residential Commercial Combining Zone permitted activities-uses supersede those of the primary zone.

17.17.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.17.030 Permitted and Conditionally Permitted Activities

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates activities subject to certain limitations or notes listed at the bottom of the table.
- “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L3)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Emergency Shelter	--	--	--	--	--	
Semi-Transient	--	--	--	--	--	
Bed and Breakfast	C	C	C	C	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly Cultural	C	C	C	C	C	
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L1)(L3)	P(L4)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Limited Service Restaurant and Caf�	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Fast-Food Restaurant	--	--	--	--	--	
Convenience Market	--	--	--	--	--	
Alcoholic Beverage Sales	-(L5)	-(L5)	-(L5)	-(L5)	-(L5)	
Mechanical or Electronic Games	--	--	--	--	--	

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Medical Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L6)	
General Retail Sales	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	
Consumer Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L6)	
Consultative and Financial Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Check Cashier and Check Cashing	--	--	--	--	--	
Consumer Cleaning and Repair Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Consumer Dry Cleaning Plant	--	--	--	--	--	
Group Assembly	--	--	--	--	C(L6)	
Personal Instruction and Improvement Services	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Administrative	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L4)	
Business, Communication, and Media Services	--	--	C(L2)(L3)	C(L2)(L3)	P(L4)	
Broadcasting and Recording Services Commercial Activities	--	--	--	--	--	
Research Service	--	--	--	--	--	
General Wholesale Sales	--	--	--	--	--	
Transient Habitation	--	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	--	
Automotive Fee Parking	--	--	--	--	--	
Animal Boarding	--	--	--	--	--	
Animal Care	--	--	--	--	--	
Undertaking Service	--	--	--	--	--	
Industrial Activities (all)	--	--	--	--	--	
Agriculture and Extractive Activities						
Crop and animal raising	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	--	--	--	--	--	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110

Limitations on Table 17.17.01:

* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities may only be located on the ground floor of an existing Nonresidential Facility that was both built prior the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.
- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (staff to insert effective date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L4. These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L5. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.
- L6. These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00am and 10:00pm.
- L7. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).
- L8. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.17.040 Permitted and Conditionally Permitted Facilities

Table 17.17.02 lists the permitted, conditionally permitted, and prohibited facilities in the RM zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

- “L” designates facilities subject to certain limitations listed at the bottom of the table.
 “--” designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Residential Facilities					
One-Family Dwelling	P	P	P	P	P
One-Family Dwelling with Secondary Unit	P	P	P	P	P 17.102.360
Two-Family Dwelling	C (L1)	P	P	P	N/A
Multifamily Dwelling	--	C (L1)	C (L1)	C (L1)	N/A
Rooming House	--	--	--	--	--
Mobile Home	--	--	--	--	--
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	P
Open Nonresidential	P	P	P	P	C
Sidewalk Café	P (L2) 17.102.335				
Drive-In Nonresidential	--	--	--	--	--
Drive-Through Nonresidential	--	--	--	--	--
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	C 17.128
Mini Telecommunications	C	C	C	C	C 17.128
Macro Telecommunications	C	C	C	C	C 17.128
Monopole Telecommunications	C	C	C	C	C 17.128
Tower Telecommunications	--	--	--	--	-- 17.128
Sign Facilities					
Residential Signs	P	P	P	P	P 17.104
Special Signs	P	P	P	P	P 17.104
Development Signs	P	P	P	P	P 17.104
Realty Signs	P	P	P	P	P 17.104
Civic Signs	P	P	P	P	P 17.104
Business Signs	P(1.3)	P(L3)	P(L3)	P(1.3)	P(1.4) 17.104
Advertising Signs	--	--	--	--	-- 17.104

Limitations on Table 17.17.02:

* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

L1. See Table 17.17.03, Property Development Standards, for additional regulations on this conditionally permitted density.

L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed.

If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.

- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (staff to insert effective date here); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.
- L4. Business Signs are allowed in the C combining zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

17.17.050 Property Development Standards

- A. **Zone Specific Standards.** Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Lot Dimensions					
Width mean	45 ft	45 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	4,000 sf	4,000 sf	1
Maximum Density					
Permitted density	1 primary unit per lot	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; For 1 – 4 units, 1 unit per 1,100 sf of lot area; only on lots 4,000 sf or greater	2
Conditionally permitted density (only for lots 4,000 sf or greater)	2 units	For 3 or more units, 1 unit per 2,500 sf of lot area	For 3 or more units, 1 unit per 1,500 sf of lot area	For 5 or more units, 1 unit per 1,100 sf of lot area;	2, 3
Minimum Setbacks					

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum front ($\leq 20\%$ street-to-setback gradient)	20 ft	20 ft	15 ft	15 ft	4
Minimum front ($> 20\%$ street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	4, 5
Minimum interior side	5 ft	5 ft	4 ft	4 ft	6, 7, 8
Minimum street side	5 ft	5 ft	4 ft	4 ft	6, 7, 9
Rear	15 ft	15 ft	15 ft	15 ft	10
Side and Rear Setbacks for Smaller Lots	See Table 17.17.04 for setbacks for smaller lots				
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$					
Maximum wall height primary building	25 ft	25 ft	30 ft	35 ft	11, 12, 13
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	35 ft	11, 12, 13
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	11
Height Regulations for all Lots with a Footprint Slope of $> 20\%$	See Table 17.17.06 for Height regulations for all lots with a footprint slope of $> 20\%$				
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	14
Minimum Parking					
Minimum parking spaces required per unit	1.5	1.5	1	1	15, 16
Additional parking spaces required for secondary unit	1	1	1	1	15, 17
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Minimum Open Space					
Group open space per unit	300 sf	300 sf	200 sf	175 sf	18
Group open space per unit when private open space substituted	100 sf	100 sf	85 sf	70 sf	18
Courtyard Regulations	See Section 17.108.120				

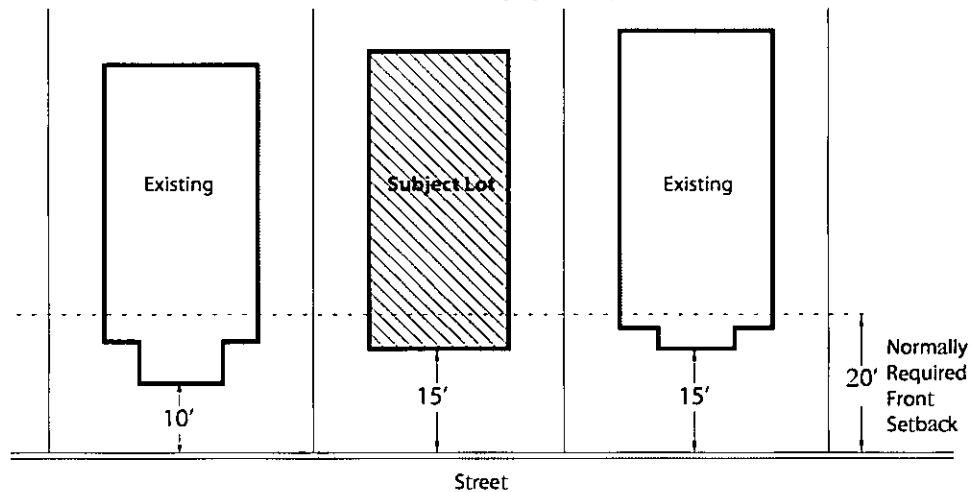
Additional Regulations for Table 17.17.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

3. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms additional criteria a, d, and e.
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
 - b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
 - d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

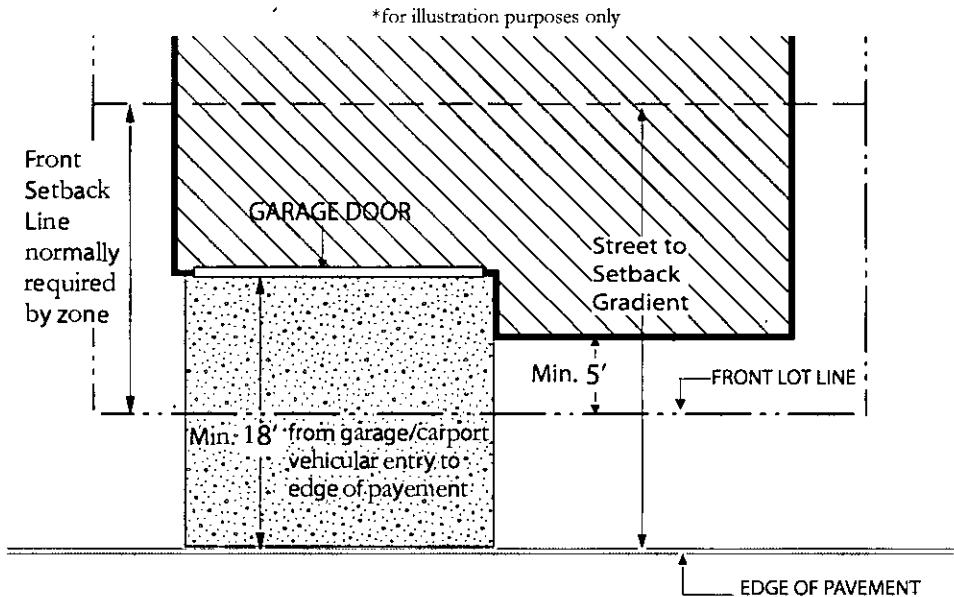
Illustration for Table 17.17.03[Additional Regulation 4]

*for illustration purposes only



5. In all residential zones the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03[Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03[Additional Regulation 5]

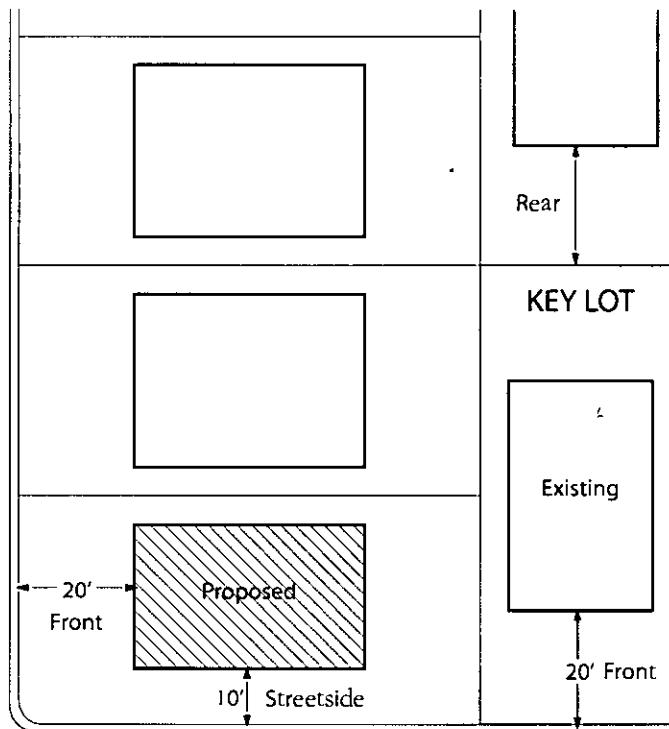


6. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in an C combining zone or commercial zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.
7. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
8. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.

9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C Combining Zone (see Illustration for Table 17.17.03[Additional Regulation 9], below). See also Section 17.110.040(C) for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.17.03[Additional Regulation 9]

*for illustration purposes only



10. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
12. In the RM-1 and RM-2 Zones if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special

zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

13. In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:
 - a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and
 - b. In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.
14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.
16. In the RM-2 Zone when the lot is less than 4,000 square feet in size or forty-five (45) feet in width only one (1) parking space is required per unit.
17. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than 4,000 square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Setbacks for Smaller Lots

Regulation	Lot Size		Additional Regulations
	$\leq 4,000 \text{ sf or } \leq 40 \text{ feet wide}$	$\leq 3,000 \text{ sf or } \leq 35 \text{ feet wide}$	
Minimum Setbacks			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks

C. Floor Area Ratio (FAR) and Lot Coverage for One and Two-Family Dwelling Units Only. Table 17.17.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One and Two-Family Dwelling Units Only						
Regulation	Lot Size in Square Feet					
	< 5,000	≥ 5,000 and < 12,000	≥ 12,000 and < 25,000	≥ 25,000 and < 43,560	≥ 43,560	Additional Regulations
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.17.05:

1. Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty (20) percent. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
2. Regulation does not apply in the C Combining zone.
3. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%					
Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%	> 20%	
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	18 ft	18 ft	18 ft	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

Additional Regulations for Table 17.17.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs.

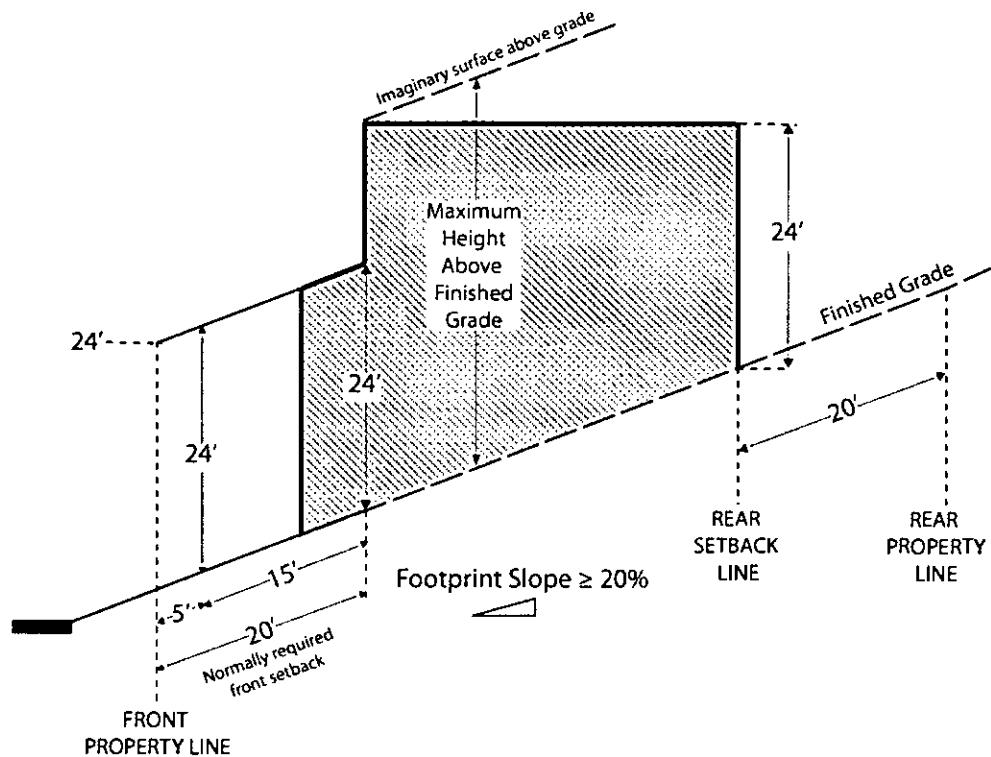
See Illustration for Table 17.17.06[Additional Regulation 2], below.

3. The building height is measured from finished or existing grade, whichever is lower.

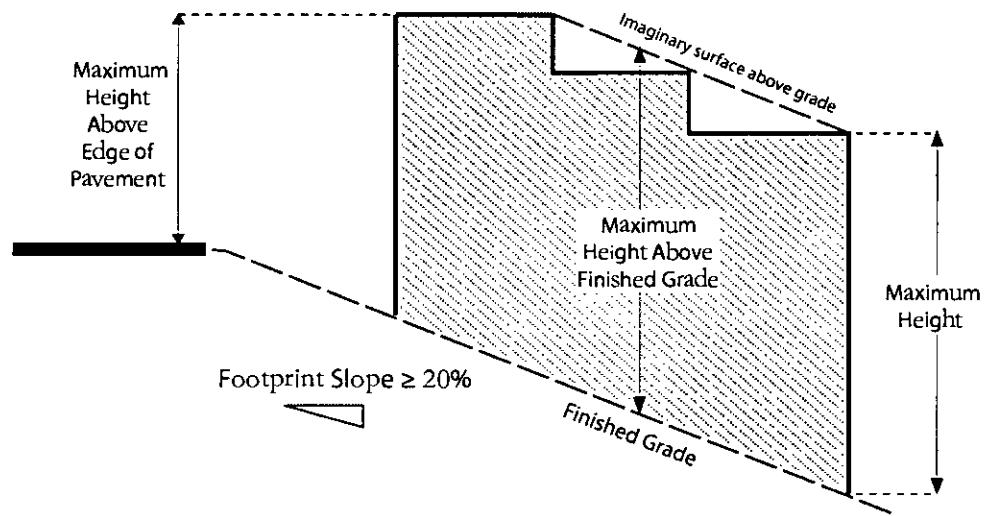
Illustration for Table 17.17.06

*for illustration purposes only

Upslope



Downslope



17.17.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RM zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RM zones, and certain of the other regulations applying in said zone may be waived or modified.

17.17.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RM zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RM zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RM zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

2/8/11 CED Committee

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.19.010	Title, Intent, and Description
17.19.020	Required Design Review Process
17.19.030	Permitted and Conditionally Permitted Activities
17.19.040	Permitted and Conditionally Permitted Facilities
17.19.050	Property Development Standards
17.19.060	Special Regulations for Mini-lot and Planned Unit Developments
17.19.070	Other Zoning Provisions

17.58.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this Chapter shall be known as the Urban Residential (RU) regulations. The intent of the RU regulations is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.
- B. **Description of Zones.** This Chapter establishes land use regulations for the following five zones:
 - 1. **RU-1 Urban Residential Zone - 1.** The intent of the RU-1 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 2. **RU-2 Urban Residential Zone - 2.** The intent of the RU-2 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 3. **RU-3 Urban Residential Zone - 3.** The intent of the RU-3 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 4. **RU-4 Urban Residential Zone - 4.** The intent of the RU-4 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures on the City's major corridors.
 - 5. **RU-5 Urban Residential Zone - 5.** The intent of the RU-5 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors.

17.19.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.19.030 Permitted and Conditionally Permitted Activities

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- "P"** designates permitted activities in the corresponding zone.
- "C"** designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- "L"** designates activities subject to certain limitations or notes listed at the bottom of the table.
- designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Transitional Housing	C(L1)	C(L1)	C(i.1)	C(L1)	C(L1)	17.102.212
Emergency Shelter	--	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Semi-Transient	--	--	--	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L2)	P(L2)	
Nonassembly Cultural	P(i.2)	P(i.2)	P(i.2)	P(L2)	P(L2)	
Administrative	C	C	C	P(L2)(i.3)	P(L2)(i.4)	
Health Care	C	C	C	P(L2)(i.3)	P(L2)(i.4)	
Special Health Care	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(1.5)(L6)	C(1.5)(L6)	C(1.5)(L6)	P(L2)(i.3)	P(L2)(i.4)	
Full Service Restaurants	C(1.5)(L6)	C(1.5)(L6)	C(1.5)(L6)	P(L2)(i.3)	P(L2)(i.4)	
Limited Service Restaurant and Café	C(1.5)(L6)	C(1.5)(L6)	C(1.5)(L6)	P(L2)(i.3)	P(L2)(i.4)	
Fast-Food Restaurant	--	--	--	--	C(L4)	17.102.210
Convenience Market	--	--	--	--	C(L4)	17.102.210
Alcoholic Beverage Sales	--(L7)	--(L7)	-(L7)	C(L3)	C(L4)	17.102.210 and

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Mechanical or Electronic Games	--	--	--	--	C(I.A)	17.102.040 17.102.210
Medical Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
General Retail Sales	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	
Consumer Service	C(L5)(L6)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Consultative and Financial Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Check Cashier and Check Cashing	--	--	--	--	--	
Consumer Cleaning and Repair Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Consumer Dry Cleaning Plant	--	--	--	C(L3)	C(I.A)	
Group Assembly	--	--	C(L5)(L6)	C(L3)	C(I.A)	
Personal Instruction and Improvement Services	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Administrative	P(L6)(L9)	P(L6)(L9)	P(L6)(L9)	P(L2)(L3)	P(L2)(L4)	
Business, Communication, and Media Services	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Broadcasting and Recording Services Commercial Activities	--	--	--	P(L2)(L3)	P(L2)(L4)	
Research Service	--	--	--	P(L2)(L3)	P(L2)(L4)	
General Wholesale Sales	--	--	--	--	--	
Transient Habitadon	--	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	--	
Automotive Fec Parking	--	--	--	--	--	
Animal Boarding	--	--	--	--	--	
Animal Care	--	--	--	--	--	
Undertaking Service	--	--	--	--	--	
Industrial Activities (all)	--	--	--	--	--	
Agriculture and Extractive Activities						
Crop and animal raising	C(L10)	C(L10)	C(L10)	C(L10)	C(L10)	
Plant nursery	C	C	C	C	C	

Table 17.19.01: Permitted and Conditionally Permitted Activities						Additional Regulations	
Activities	Zones						
	RU-1	RU-2	RU-3	RU-4	RU-5		
Mining and Quarrying	--	--	--	--	--		
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.102.100	
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110	

Limitations on Table 17.19.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L3. In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (staff to insert effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L4. In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (staff to insert effective date here) or in an existing nonresidential facility that was built prior to the effective date of this chapter (staff to insert effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L5. In the RU-1, RU-2, and RU-3 zones, these activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effect date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 am and 10:00 pm.
- L6. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (staff to insert effective date here) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L7. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.
- L8. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L9. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not

originally used for a Civic Activity. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit is required if the facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

- L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.19.040 Permitted and Conditionally Permitted Facilities

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P”** designates permitted facilities in the corresponding zone.
- “C”** designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L”** designates facilities subject to certain limitations listed at the bottom of the table.
- “--”** designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Facilities						
One-Family Dwelling	P	P	P	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	--	C	C	P	P	
Mobile Home	--	--	--	--	--	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	
Open Nonresidential	P	P	P	P	P	
Sidewalk Café	P(LA)	P(LA)	P(LA)	P	P	17.102.335
Drive-In Nonresidential	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	P(L5)C	P(L5)C	17.128

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Mini Telecommunications	C	C	C	P(1.5)C	P(1.5)C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	--	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(1.56)	P(L56)	P(1.56)	P	P	17.104
Advertising Signs	--	--	--	--	--	17.104

Limitations on Table 17.19.02:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.
- L3. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.
- L4. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.
- L5. Any Telecommunications Facility shall not be permitted in or within one-hundred-(100)-feet of the boundary of any RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three-hundred-(300)-feet of the boundary of an RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134.
- L6L5: Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (staff to insert effective date here); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property.

See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.19.050 Property Development Standards

A. Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. “--” indicates that a standard is not required in the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
Width mean	25 ft	25 ft	25 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	25 ft	1
Lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf	4,000 sf	1
Maximum Density						
Permitted density for regular dwelling units	1 unit per 1,100 sf	1 unit per 800 sf	1 unit per 450 sf	Sec Table 17.19.04	Sec Table 17.19.04	2
Permitted density for rooming units	N/A	1 unit per 800 sf	1 unit per 450 sf	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks						
Minimum front (<20% street-to-setback gradient) for residential facilities	15 ft	10 ft	10 ft	5 ft	0 ft	3, 4, 5
Minimum front (>20% street-to-setback gradient) for residential facilities	5 ft	5 ft	5 ft	5 ft	5 ft	3, 4, 5
Minimum front for commercial facilities	15 ft	10 ft	10 ft	0 ft	0 ft	3
Minimum interior side	4 ft	4 ft	0 ft	0 ft	0 ft	3, 6, 7
Minimum street side	4 ft	4 ft	4 ft	0 ft	0 ft	3, 6, 8
Rear (Residential Facilities)	15 ft	15 ft	15 ft	10/15 ft	10/15 ft	3, 6, 9, 10
Rear (Nonresidential Facilities)	15 ft	15 ft	15 ft	0/10/15 ft	0/10/15 ft	3, 9, 10
Setbacks for Smaller Lots ≤ 3,000 sf or ≤ 35 ft wide						
Minimum interior side	3 ft	3 ft	0 ft	NA	NA	3, 7
Minimum street side	3 ft	3 ft	3 ft	NA	NA	3, 7
Height Regulations						
Minimum height of ground floor nonresidential facilities	0 ft	0 ft	0 ft	45-12 ft	45-12 ft	11
Minimum separation between the grade and ground floor living space	0 ft	0 ft	0 ft	2.5 ft	2.5 ft	12
Maximum height primary building	40 ft	50 ft	60 fr	See Table 17.19.04	See Tabic 17.19.04	13, 14
Maximum height for accessory structures	15 ft	15 ft	15 ft	See Table 17.19.04	See Table 17.19.04	

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Parking Requirements						
Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	15
Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	15, 16
Parking and driveway location requirements	No	No	No	Yes	Yes	17
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					
Minimum Usable Open Space						
Group usable open space per regular unit	175 sf	175 sf	150 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per regular unit when private open space is substituted	50 sf	30 sf	30 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per rooming unit	85 sf	85 sf	75 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per rooming unit when private open space substituted	15 sf	15 sf	15 sf	See Table 17.19.04	See Table 17.19.04	18
Courtyard Regulations	See Section 17.108.120					

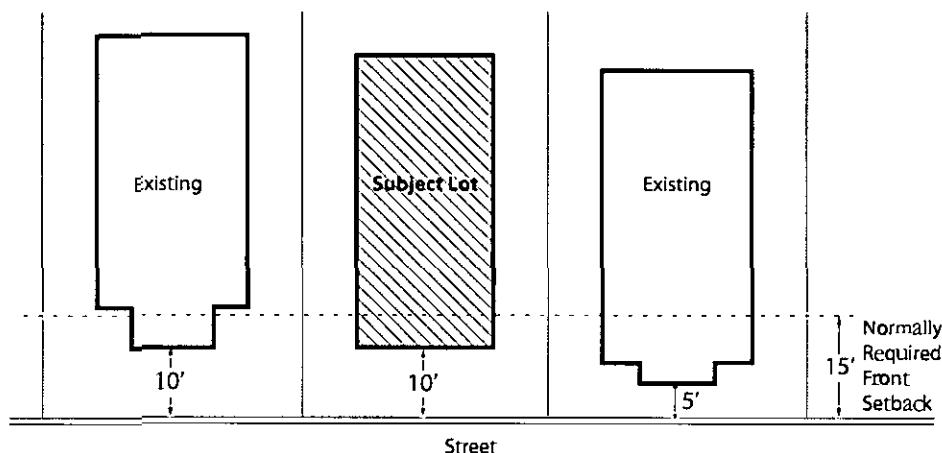
Additional Regulations for Table 17.19.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
3. See Section 17.108.130 for allowed projections into setbacks.

4. In the RU-1 zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03, [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

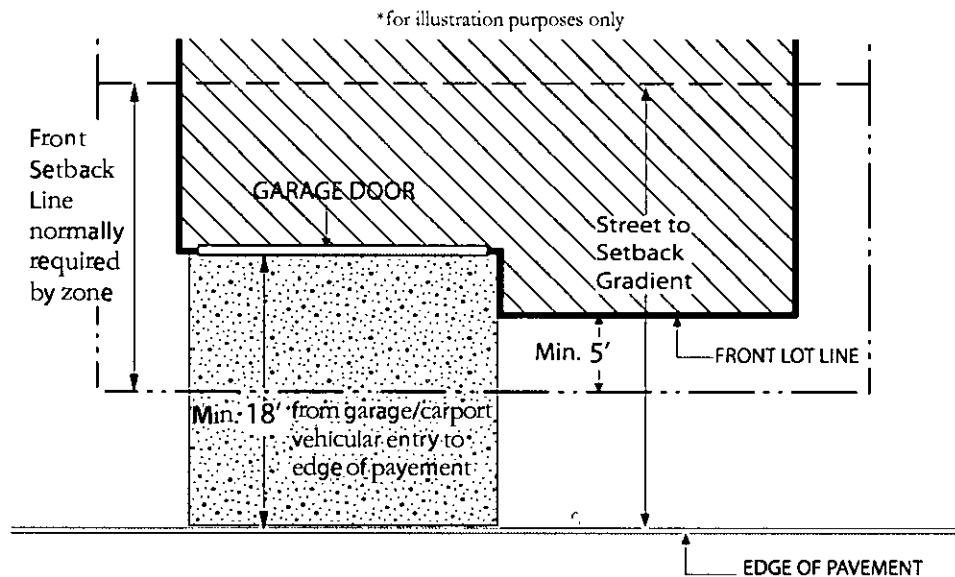
Illustration for Table 17.19.03 [Additional Regulation 4]

*for illustration purposes only



5. In all residential zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03, [Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 5]



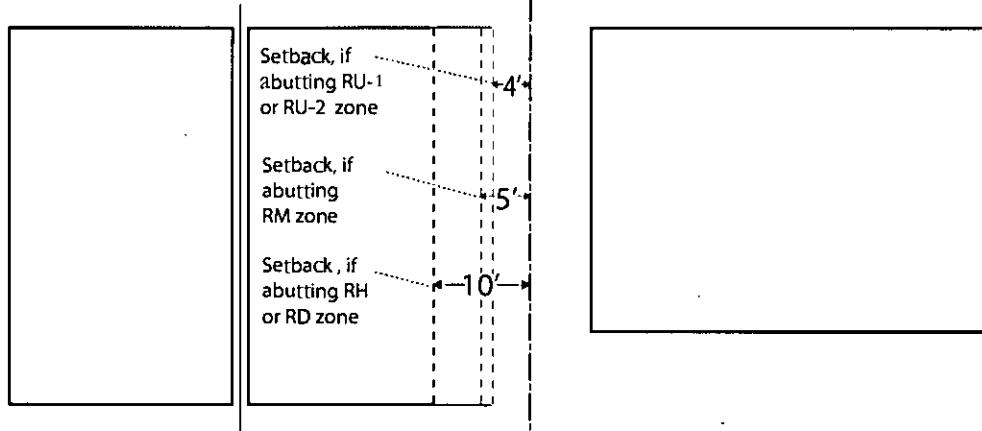
6. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
7. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03, [Additional Regulation 7], below).

Illustration for Table 17.19.03 [Additional Regulation 7]

*for illustration purposes only

RU-3, RU-4 or RU-5 Zone

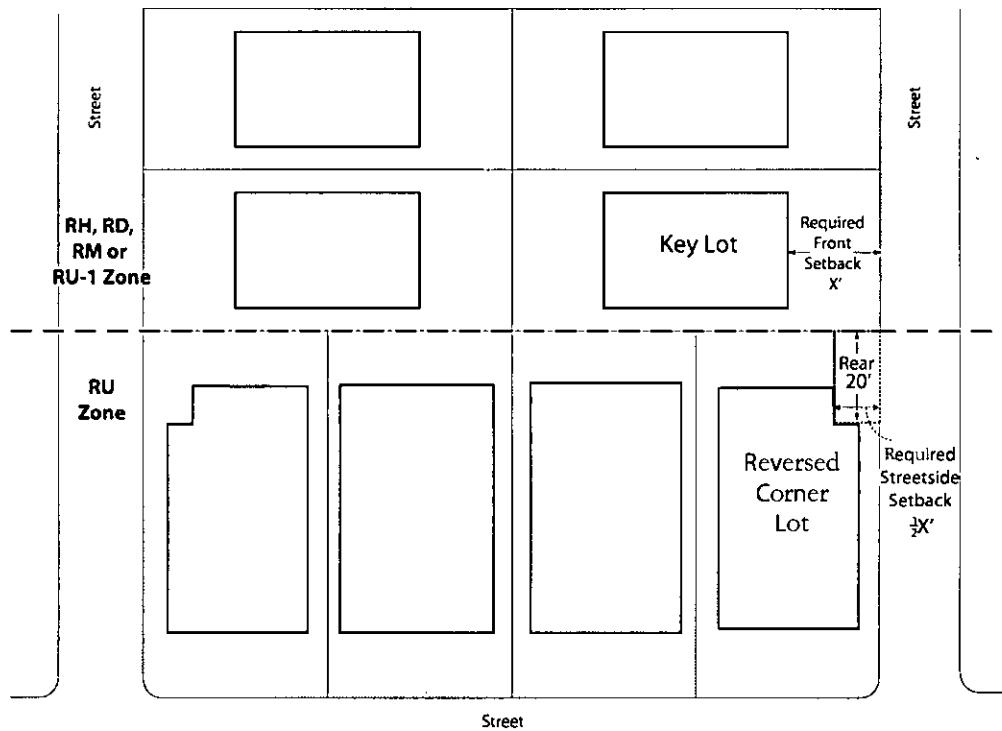
RU-1, RU-2, RM, RH or RD Zone



8. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.19.03, [Additional Regulation 8], below).

Illustration for Table 17.19.03 [Additional Regulation 8]

*for illustration purposes only

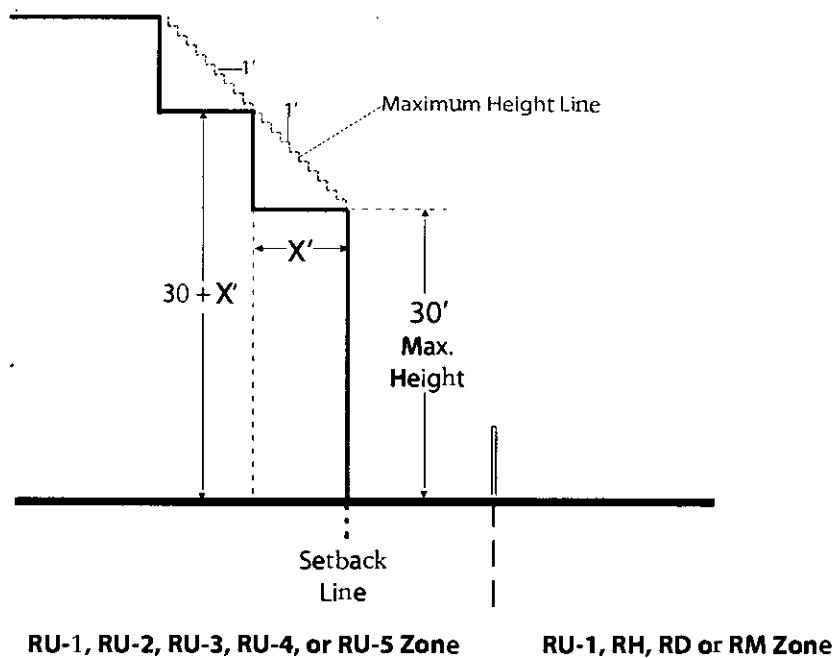


9. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
10. When a rear lot line in the RU-4 or RU-5 zone is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
11. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling. This height is only required for new principal buildings and is measured from the sidewalk grade to the second-story floor.
12. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.

13. Buildings in the RU-1, RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RU-1 zone or an RH, RD, or RM zone; this maximum height may increase one foot for every foot of distance from this setback line (see Illustration for Table 17.19.03, [Additional Regulation 13], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.19.03 [Additional Regulation 13]

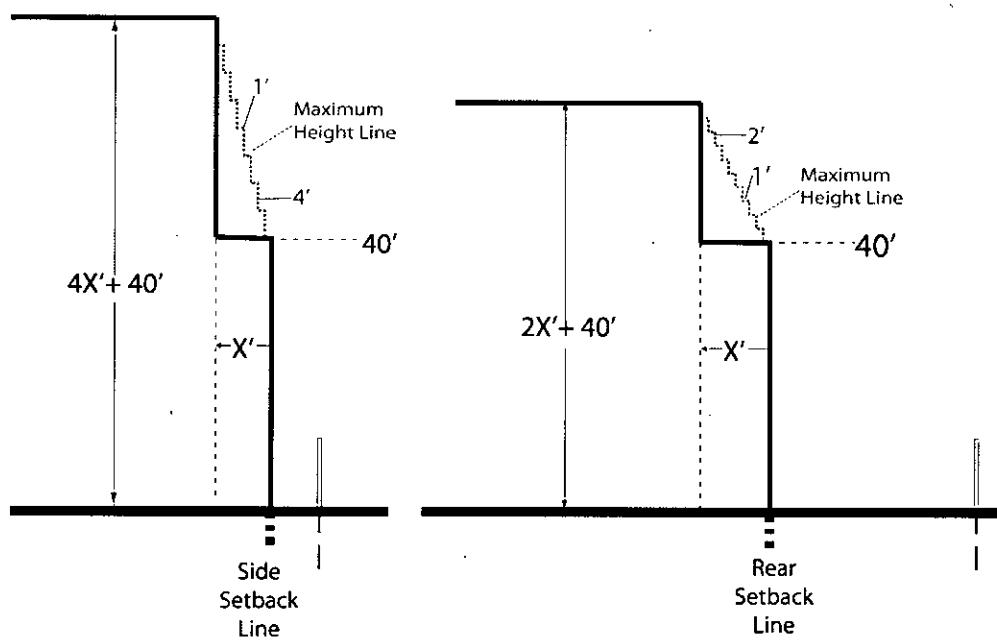
*for illustration purposes only



14. In the RU-2 and RU-3 zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Section 17.28.150(C)(1) a minimum horizontal distance equal to one foot for each four feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Section 17.28.150D a minimum horizontal distance equal to one foot for each two feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03, [Additional Regulation 14], below).

Illustration for Table 17.19.03 [Additional Regulation 14]

*for illustration purposes only



X = distance from setback line

15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 zones, as prescribed in Section 17.92 and Section 17.94.
16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
17. For the new construction of principal buildings in the RU-4 and RU-5 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only. Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the “Additional Regulations” column refer to regulations below the table.

Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only

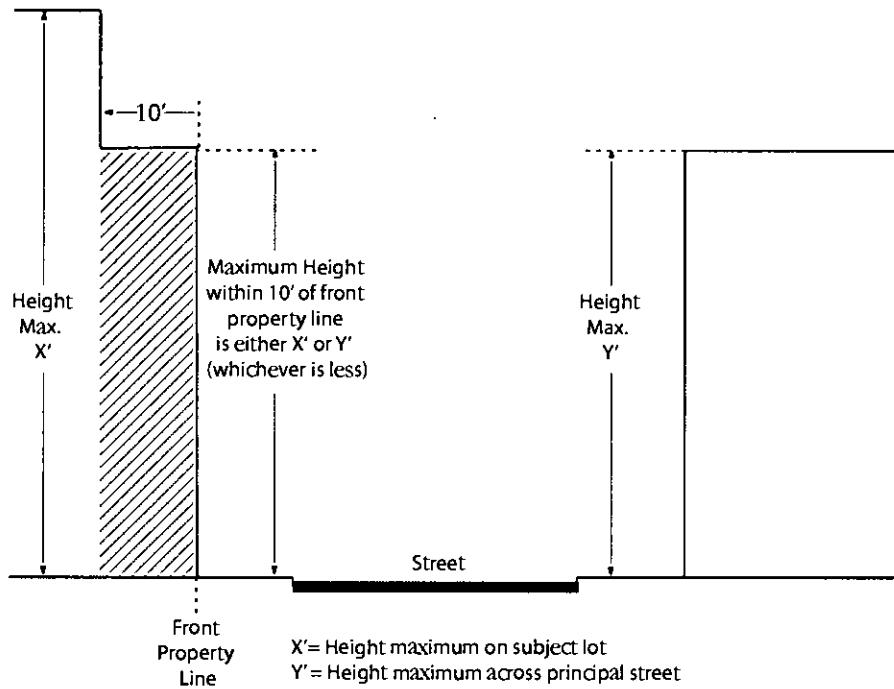
Regulation	Height Area					Additional Regulations
	35	45	60	75	90	
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	1,2
Height Minimum						
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf	450 sf	375 sf	275 sf	225 sf	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4, 5
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	
Minimum Usable Open Space						
Group usable open space per regular unit	150 sf	150 sf	150 sf	150 sf	100 sf	6
Group usable open space per regular unit when private open space substituted	30 sf	30 sf	30 sf	30 sf	20 sf	6
Group usable open space per rooming unit	75 sf	75 sf	75 sf	75 sf	50 sf	6
Group usable open space per rooming unit when private open space is substituted	15 sf	15 sf	15 sf	15 sf	10 sf	6

Additional Regulations for Table 17.19.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.19.04, below).

Illustration for Table 17.19.04[Additional Regulation 1]

*for illustration purposes only



2. Buildings in the RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, RM, or RU-1 zone; this maximum height may increase one foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.19.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. **Mini-lot Developments.** In mini-lot developments, certain regulations that apply to individual lots in the RU zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RU zones, and certain of the other regulations applying in said zone may be waived or modified.

17.19.070 Other Zoning Provisions.

- A. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. 17.104, 17.106, and 17.108 shall apply in the RU zones.
- D. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in RU-1, RU-2, RU-3, RU-4, and RU-5 zones.
- E. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RU zones.
- F. **Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

3/1/11 City Council

Chapter 17.33

CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

SECTIONS:

- 17.33.010 Title, Intent, and Description**
 - 17.33.020 Required Design Review Process**
 - 17.33.030 Permitted and Conditionally Permitted Activities**
 - 17.33.040 Permitted and Conditionally Permitted Facilities**
 - 17.33.050 Property Development Standards**
 - 17.33.060 Special regulations for Mini-lot and Planned Unit Developments**
 - 17.33.070 Other Zoning Provisions**
-

17.33.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this Chapter shall be known as the Neighborhood Center Commercial (CN) Zones Regulations. The intent of the CN zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN zones.
- B. **Description of Zones.** This Chapter establishes land use regulations for the following four zones:
 1. **CN-1 Neighborhood Commercial Zone - 1.** The intent of the CN-1 zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
 2. **CN-2 Neighborhood Commercial Zone - 2.** The intent of the CN-2 zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 3. **CN-3 Neighborhood Commercial Zone - 3.** The intent of the CN-3 zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 4. **CN-4 Neighborhood Commercial Zone - 4.** The intent of the CN-4 zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

17.33.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.33.030 Permitted and Conditionally Permitted Activities

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates activities subject to certain limitations or notes listed at the bottom of the table.
- “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(I.1)(I.2)(I.3)	P(I.1)(L3)(L3)	P(I.1)(I.3)	P(I.1)(L3)	
Residential Care	P(I.1)(I.2)(I.3)	P(I.1)(I.2)(I.3)	P(I.1)(I.3)	P(I.1)(I.3)	17.102.212
Service-Enhanced Permanent Housing	C(I.1)(I.3)(I.4)	C(I.1)(L3)(I.4)	C(I.1)(I.3)(I.4)	C(I.1)(L3)	17.102.212
Transitional Housing	C(I.1)(I.3)(I.4)	C(I.1)(L3)(I.4)	C(I.1)(I.3)(I.4)	C(I.1)(I.3)	17.102.212
Emergency Shelter	C(I.1)(I.3)(I.4)	C(I.1)(I.3)(I.4)	C(I.1)(I.3)(I.4)	C(I.1)(I.3)	17.102.212
Semi-Transient	--	--	--	--	
Bed and Breakfast	C(I.3)(I.4)	C(I.3)(I.4)	C(I.3)(I.4)	C(I.3)	17.10.125
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(I.2)	P(I.2)	P(I.5)	P(I.5)	
Community Assembly	C(I.4)	C(I.4)	C(I.4)	C	
Recreational Assembly	P(I.2)	P(I.2)	P(I.5)	P(I.5)	
Community Education	C(I.4)	C(L3)	C(I.4)	C	
Nonassembly Cultural	P(I.5)	P(I.5)	P(I.5)	P(I.5)	
Administrative	P(I.2)	P(I.2)	P(L5)	P(I.5)	
Health Care	C(I.4)	C(I.4)	C(I.4)	C	
Special Health Care	C(I.4)	C(I.4)	C(I.4)	C	17.102.410
Utility and Vehicular	C(I.4)	C(I.4)	C(I.4)	C	
Extensive Impact	C(I.4)	C(I.4)	C(I.4)	C	
Commercial Activities					
General Food Sales	P(I.5)	P(I.5)	P(I.7)	P(I.7)	
Full Service Restaurants	C(I.4)	P(I.5)	P(I.5)	P(I.5)	
Limited Service Restaurant and Café	C(I.4)	P(I.5)	P(I.5)	P(I.5)	
Fast-Food Restaurant	C(I.4)	C(I.4)	C(I.4)	C	17.102.210 and 8.09
Convenience Market	C(I.4)	C(I.4)	C(I.4)	C	17.102.210
Alcoholic Beverage Sales	C(I.4)	C(I.4)	C(I.4)	C	17.102.210

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
					and 17.102.040
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	17.102.210
Medical Service	P(L2)	P(L6)	P(L6)	P(L5)	
General Retail Sales	P(L5)	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P(L5)	P(L5)	P(L5)	P(L5)	
Consultative and Financial Service	P(L2)	P(L8)	P(L5)	P(L5)	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Cleaning and Repair Service	P(L5)	P(L2)	P(L5)	P(L5)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)	C(L4)	C(L4)	C	
Personal Instruction and Improvement Services	P(L2)	P(L5)	P(L5)	P(L5)	
Administrative	P(L2)	P(L2)	P(L5)	P(L5)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L5)	P(L5)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L5)	P(L5)	
Research Service	C(L4)	C(L4)	P(L5)	P(L5)	
General Wholesale Sales	--	--	--	--	
Transient Habitation	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	C	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	--	--	--	--	
Animal Care	C(L4)	C(L4)	P(L5)	P(L5)	
Undertaking Service	--	--	--	--	
Industrial Activities					
Custom Manufacturing	C(L4)(L9)	C(L4)(L2)	C(L4)	C	17.102.040
Light Manufacturing	--	--	--	--	

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
General Manufacturing	--	--	--	--	
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	--	--	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	--	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	--	--	
B. Primary Recycling Collection Centers	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	C (L10)	C (L10)	C (L10)	C (L10)	
Plant nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria

- contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.
- L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.
- L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:
1. That the proposal will not detract from the character desired for the area;
 2. That the proposal will not impair a generally continuous wall of building facades;
 3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
 4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
 5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.
- L5. The total floor area devoted to these acivities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these condionally permitted ground floor activities must also meet the criteria contained in L4, above.
- L6. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.
- L7. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen-thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.
- L8. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.
- L9. Not permitted on the Ground Floor except when associated with a full service restaurant or retail store.
- L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and

3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.33.040 Permitted and Conditionally Permitted Facilities

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN zones. The descriptions of these facilities are contained in Chapter 17.10.

- “P” designates permitted facilities in the corresponding zone.
- “C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates facilities subject to certain limitations listed at the bottom of the table.
- “--” designates facilities that are prohibited.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	--(I.1)	--(I.1)	--(I.1)	--(I.1)	
One-Family Dwelling with Secondary Unit	--(I.1)	--(I.1)	--(I.1)	--(I.1)	17.102.360
Two-Family Dwelling	P(I.2)	P(I.2)	P(L3)	P	
Multifamily Dwelling	P(I.2)	P(I.2)	P(L3)	P	
Rooming House	P(I.2)	P(I.2)	P(L3)	P	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(I.4)	C(I.4)	C(I.4)	C(I.4)	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In	--	--	--	C	
Drive-Through	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	P(I.5)	P(I.5)	P(I.5)	P(L5)	17.128
Mini Telecommunications	P(I.5)	P(I.5)	P(I.5)	P(I.5)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Advertising Signs	--	--	--	--	17.104

Limitations on Table 17.33.02:

- L1. See Chapter 17.114 -- Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor residential facilities is not permitted on a corner lot.
- L4. No conditional use permit is required for seasonal sales and special event activities.
- L5. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

17.33.050 Property Development Standards

- A. **Zone Specific Standards.** Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. “--“ indicates that a standard is not required in the specified zone.

Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum Lot Dimensions					
Width Mean	25 ft	25 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf	1
Minimum/Maximum Setbacks					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front	10 ft	10 ft	10 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations					
Minimum ground floor nonresidential façade transparency	65%	65%	65%	None	9
Minimum height of ground floor nonresidential facilities	12 ft	12 ft	12 ft	12 ft	10
Minimum separation between the grade and ground floor living space	--	--	2.5 ft	2.5 ft	11

Table 17.33.03: Property Development Standards

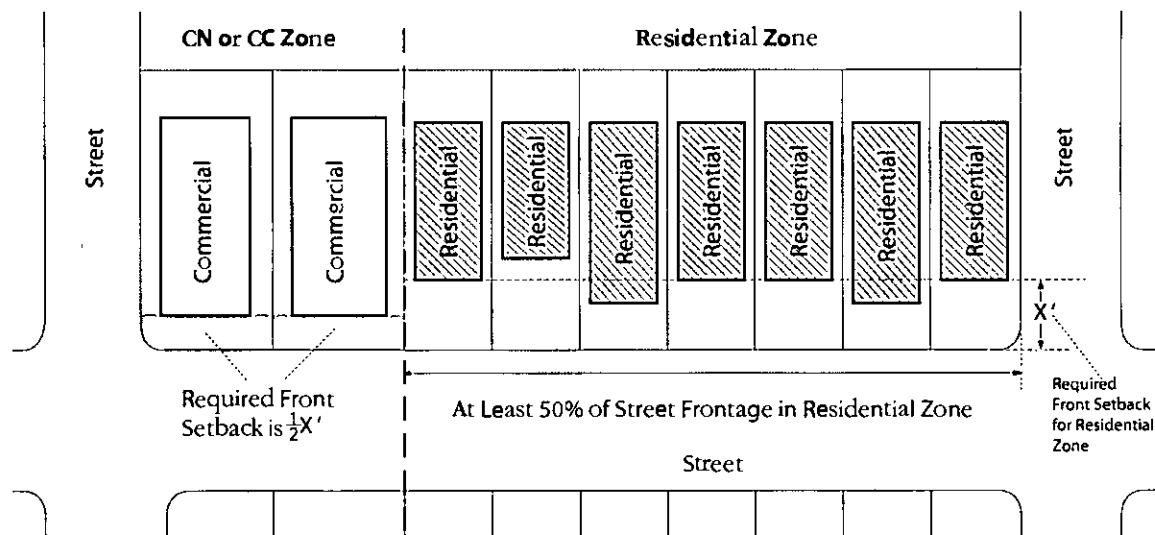
Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.33.04				
Minimum required parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Courtyard regulations	See Section 17.108.120				

Additional Regulations for Table 17.33.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.33.03 [Additional Regulation 2], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 2]

*for illustration purposes only

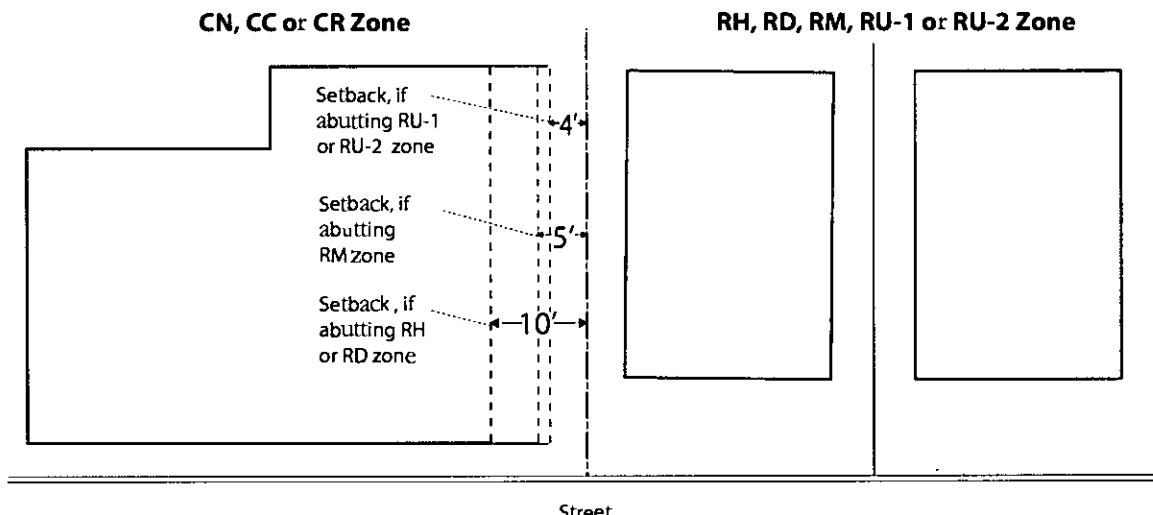


3. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings.

- b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
- c. Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in Section 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 4]

*for illustration purposes only

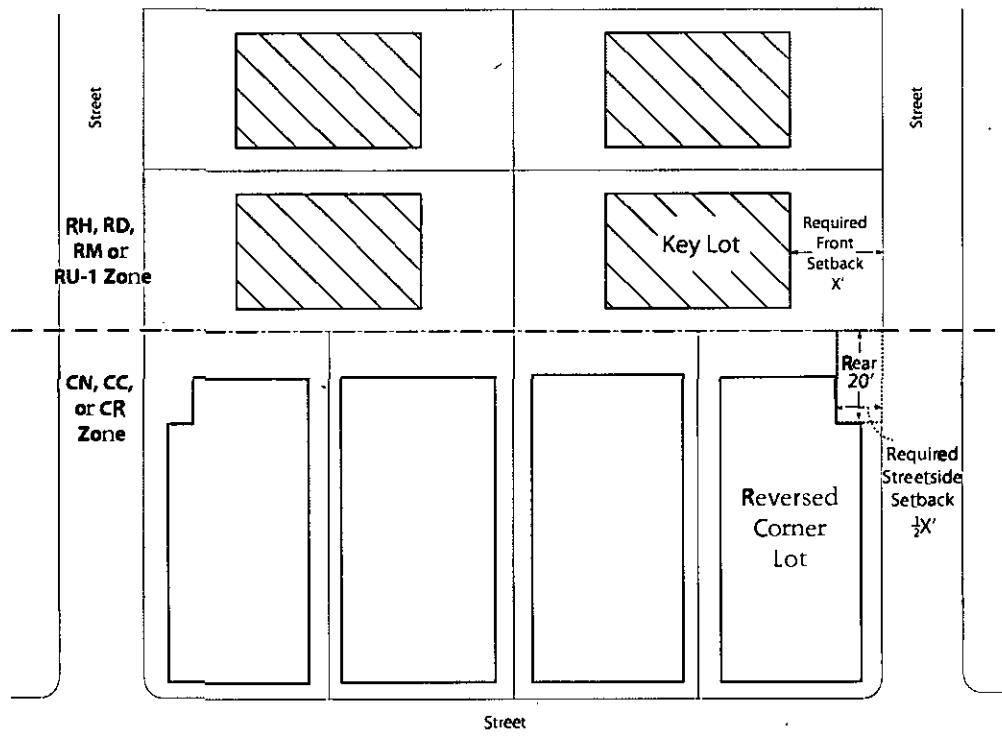


5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 6]

*for illustration purposes only

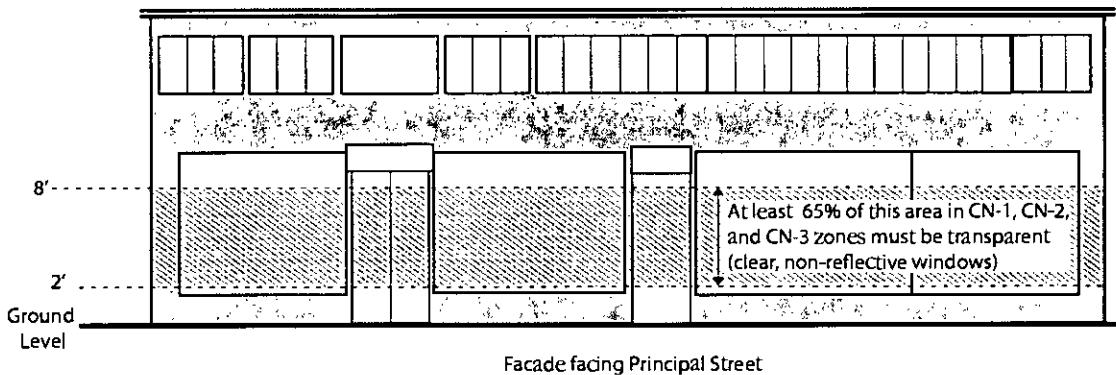


7. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (8) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.33.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of façade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gyms, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.33.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
11. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.
12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking

and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the “Additional Regulations” column refer to regulations below the table.

Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

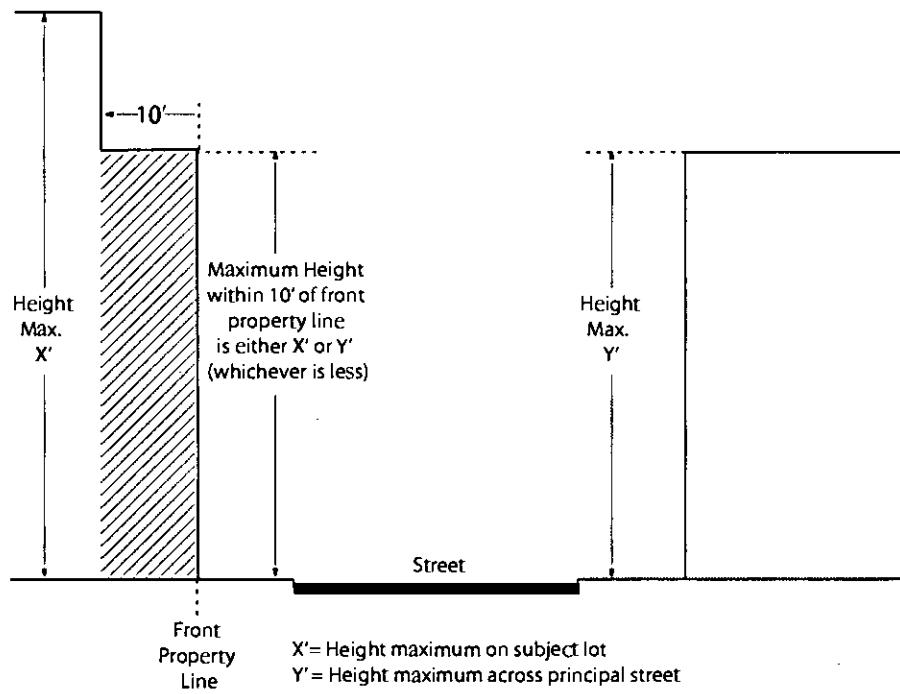
Regulation	Height Area						
	35	35*	45	60	75	90	Additional Regulations
Maximum Height	35 ft	35 ft	45 ft	60 ft	75 ft	90 ft	1, 2
Height Minimum							
Permitted height minimum	0 ft	0 ft	0 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	NA	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular units	550	Same density regulations as abutting RH, RD, or RM zone	450	375	275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM zone	225	185	135	110	4, 5, 6
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per regular unit	150	Same open space regulations as abutting RH, RD, or RM zone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same open space regulations as abutting RH, RD, or RM zone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same open space regulations as abutting RH, RD, or RM zone	75	75	75	50	6, 7
Group usable open space per rooming unit when private open space is substituted	15	Same open space regulations as abutting RH, RD, or RM zone	15	15	15	10	6, 7

Additional Regulations for Table 17.33.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04 [Additional Regulation 1], below).

Illustration for Table 17.33.04[Addiuional Regulation 1]

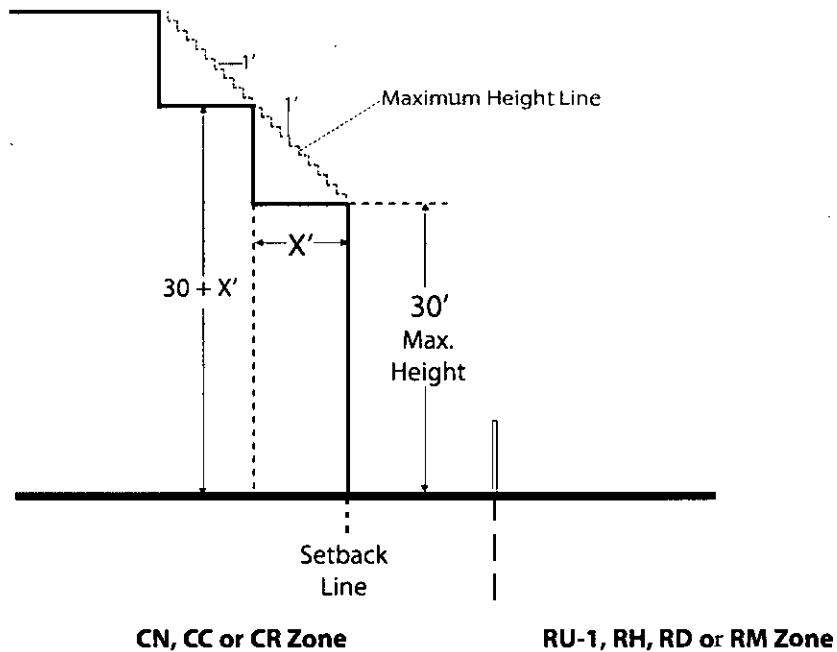
*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04[Additional Regulation 2]

*for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect

to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the abutting RH, RD, or RM zone. When there is more than one of these adjacent zones, then the regulations of the zone allowing the greatest density shall apply.
7. Each square foot of private usable open space equals two square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.33.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the CN zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CN zones, and certain of the other regulations applying in said zone may be waived or modified.

17.33.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CN zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in CN zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CN zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

3/1/11 City Council

Chapter 17.35

CC COMMUNITY COMMERCIAL ZONES REGULATIONS

SECTIONS:

- 17.35.010 Title, Intent, and Description**
 - 17.35.020 Required Design Review Process**
 - 17.35.030 Permitted and Conditionally Permitted Activities**
 - 17.35.040 Permitted and Conditionally Permitted Facilities**
 - 17.35.050 Property Development Standards**
 - 17.35.060 Special Regulations for Mini-lot and Planned Unit Developments**
 - 17.35.070 Other Zoning Provisions**
-

17.35.010 Title, Intent, and Description

- A. **Intent.** The provisions of this Chapter shall be known as the Community Commercial (CC) Zones Regulations. The intent of the CC zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. These regulations shall apply to the CC zones.
- B. **Description of Zones.** This Chapter establishes land use regulations for the following four zones:
 1. **CC-1 Shopping-CenterCommunity Commercial Zone - 1.** The CC-1 zone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.
 2. **CC-2 Corridor-Community Commercial Zone - 2.** The CC-2 zone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.
 3. **CC-3 Service-and-HeavyCommunity Commercial Zone - 3.** The CC-3 zone is intended to create, maintain, and enhance areas with heavy commercial and service activities.

17.35.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.35.030 Permitted and Conditionally Permitted Activities

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates activities subject to certain limitations or notes listed at the bottom of the table.

-- designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.35.01: Permitted and Conditionally Pennitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.102.212
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Emergency Shelter	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Semi-Transient	--	--	--	
Bed and Breakfast	C	C	C	17.10.123
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Café	P	P	P	
Fast-Food Restaurant	C	C	C	17.102.210 and 8.09
Convenience Market	C	C	C	17.102.210
Alcoholic Beverage Sales	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C	C	C	17.102.430

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C	C	C	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	--	--	P	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L4)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L4L5)	C(L4L5)	P	
Taxi and Light Fleet-Based Services	--	--	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	--	--	--	
Industrial Activities				
Custom Manufacturing	C	C	P	17.102.040
Light Manufacturing	--	C	P(L5L6)	17.102.040
General Manufacturing	--	--	--	
Heavy/High Impact	--	--	--	
Research and Development	--	--	--	
Construction Operations	--	--	--	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	--	--	P	
B. General Outdoor Storage	--	--	--	
C. Self- or Mini Storage	--	--	--	
D. Container Storage	--	--	--	
E. Salvage/Junk Yards	--	--	--	

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Regional Freight Transportation	--	--	--	
Trucking and Truck-Related	--	--	--	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	--	--	--	17.10.040
B. Primary Recycling Collection Centers	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	
Agriculture and Extractive Activities				
Crop and animal raising	C(1-6L7)	C(1-6L7)	C(1-6L7)	
Plant nursery	C	C	C	
Mining and Quarrying	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	17.102.110

Limitations on Table 17.35.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.
- L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.
- L4. Automobile and Other Light Vehicle Sales and Rental is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on Telegraph Avenue between 28th Street and 1-580.
- L4L5. This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:
 1. That all repair and servicing is performed in an enclosed building;
 2. That a minimum six-foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH-, RD- or RM-zone;
 3. That a landscape buffering is at all parcels lines adjacent to an RH-, RD- or RM-zone; and
 4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week;
- L5L6. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within 300 feet of an RH, RD, or RM zone.

L6L7. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.35.040 Permitted and Conditionally Permitted Facilities

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC zones. The descriptions of these facilities are contained in Chapter 17.10.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the Table.

“--” designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P(L2)	P(L3)	--	
Multifamily Dwelling	P(L2)	P(L3)	--	
Rooming House	P(L2)	P(L3)	--	
Mobile Home	--	--	--	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P	P	P	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	
Telecommunications Facilities				
Micro Telecommunications	P(L4)	P(L4)	P(L4)	17.128
Mini Telecommunications	P(L4)	P(L4)	P(L4)	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	--	--	--	17.128

Table 17.35.02: Permitted and Conditionally Permitted Facilities				
Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

Limitations on Table 17.35.02:

- L1. See Chapter 17.114 -- Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of total floor area is devoted to commercial activities.
- L3. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L4. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

17.35.050 Property Development Standards

- A. **Zone Specific Standards.** Table 17.xx.03 below prescribes development standards specific to individual zones. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. “--“ indicates that a standard is not required in the specified zone.

Table 17.35.03: Property Development Standards				
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Width mean	50 ft	25 ft	25 ft	1
Frontage	50 ft	25 ft	25 ft	1
Lot area	7,500 sf	4,000 sf	4,000 sf	1
Minimum/Maximum Setbacks				
Minimum front	0 ft	0 ft	0 ft	2
Maximum front	N/A	10 ft	N/A	3
Minimum interior side	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/ 15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations				

Table 17.35.03: Property Development Standards

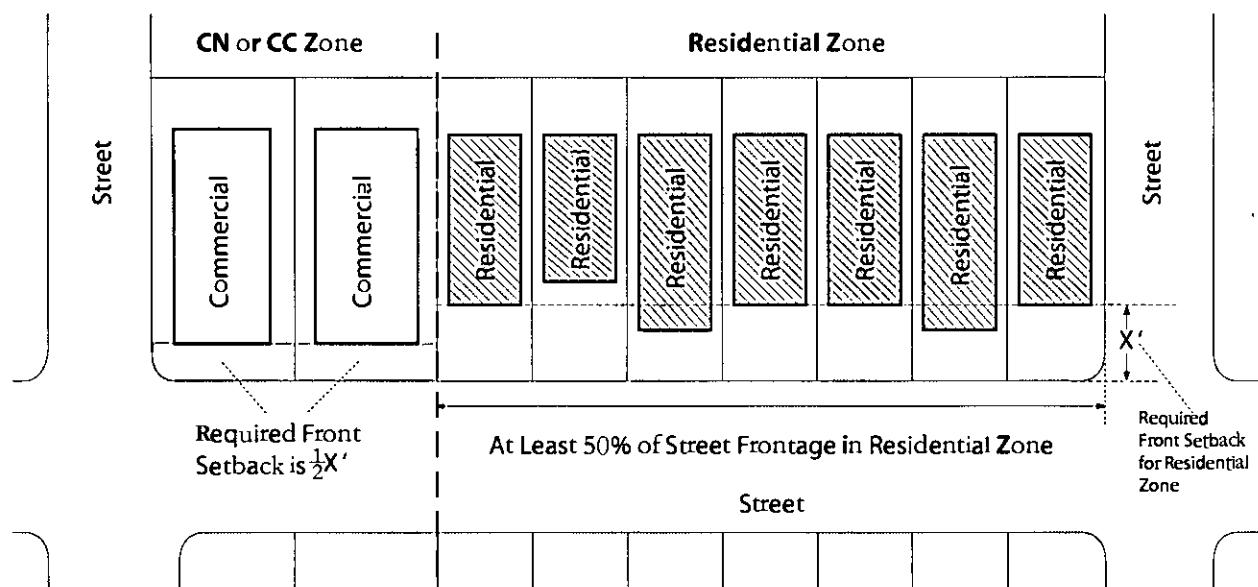
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum ground floor nonresidential façade transparency	N/A	55%	N/A	9
Minimum height of ground floor nonresidential facilities	N/A	12 ft	N/A	10
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
Courtyard Regulations	See Section 17.108.120			

Additional Regulations for Table 17.35.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.35.03 [Additional Regulation 2], below).

Illustration for Table 17.35.03[Additional Regulation 2]

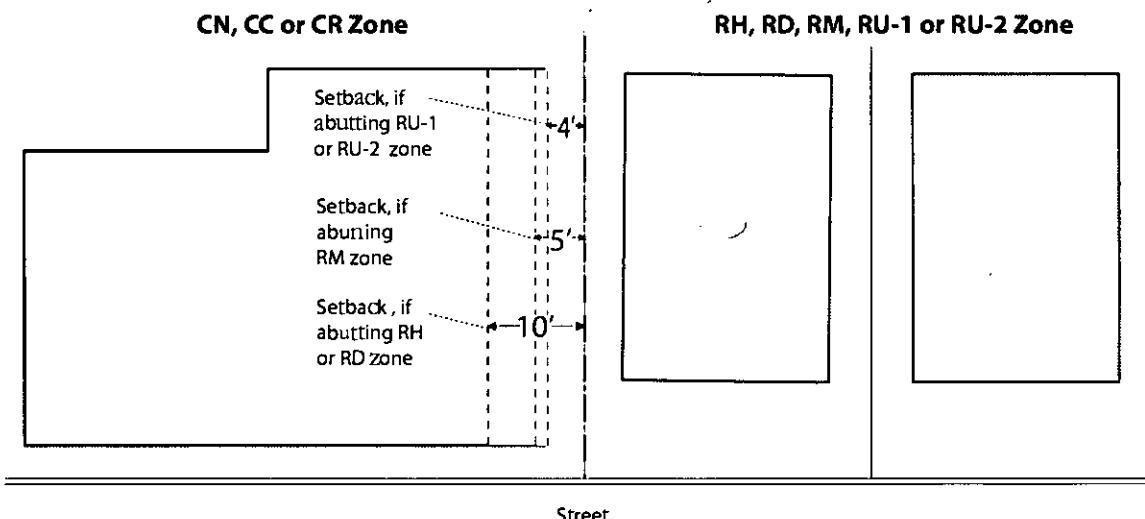
*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings.
 - b. The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of Regular Design Review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.35.03[Additional Regulation 4]

*for illustration purposes only

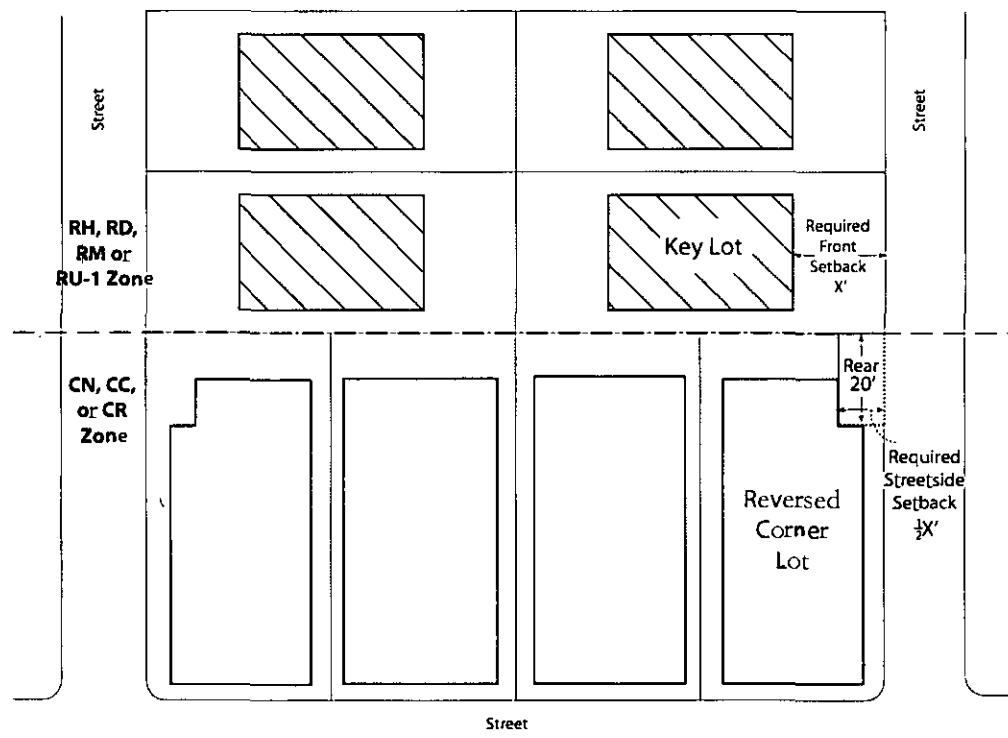


5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.35.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.35.03[Additional Regulation 6]

*for illustration purposes only

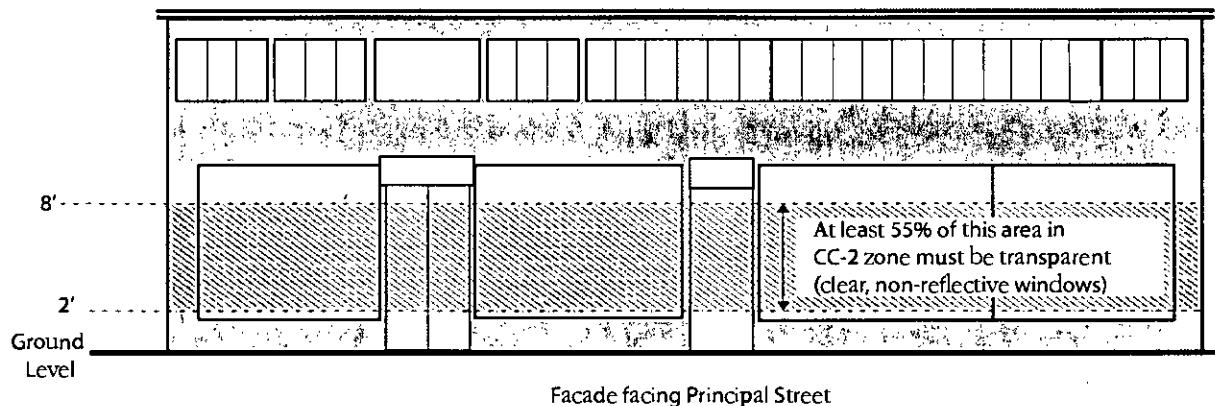


7. Wherever a rear lot hue abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (8) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of façade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gyms, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.35.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
11. For the new construction of principal buildings in the CC-2 zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
12. For the new construction of principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 10, above.

C. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the “Additional Regulations” column refer to regulations below the table.

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

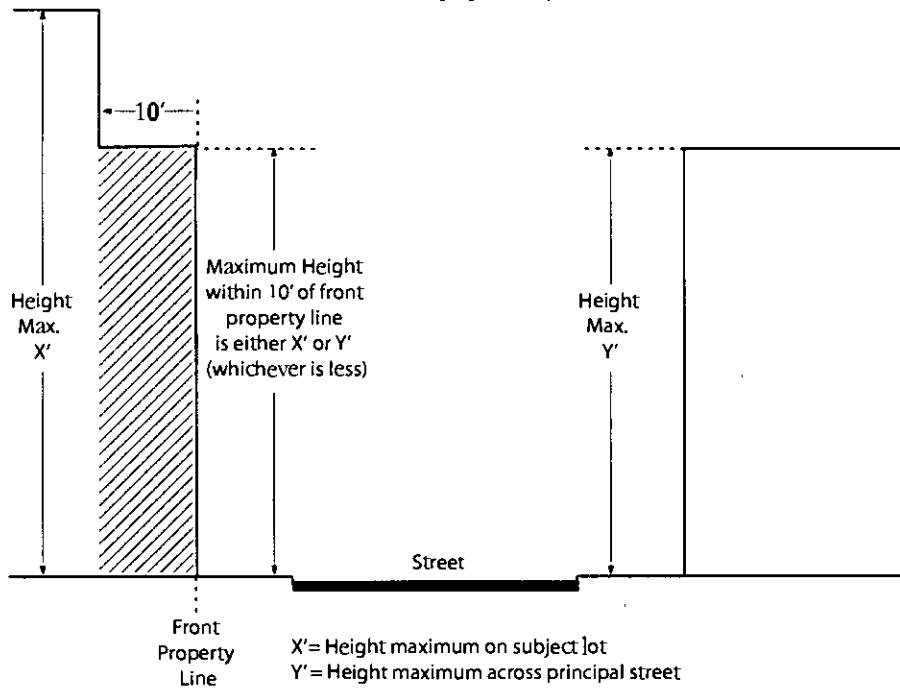
Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	120 ft	160 ft	1, 2
Height Minimum								
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per dwelling unit)								
Regular units	550	450	375	275	225	225	225	4, 5
Rooming units	275	225	185	135	110	225	225	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	7	8	11	15	
Minimum Usable Open Space								
Group usable open space per regular unit	150	150	150	150	100	100	100	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per rooming unit	75	75	75	75	50	50	50	6
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	10	6

Additional Regulations for Table 17.35.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustrauion for Table 17.35.04 [Addiuional Regulation 1], below).

Illustrauion for Table 17.35.04[Additional Regulation 1]

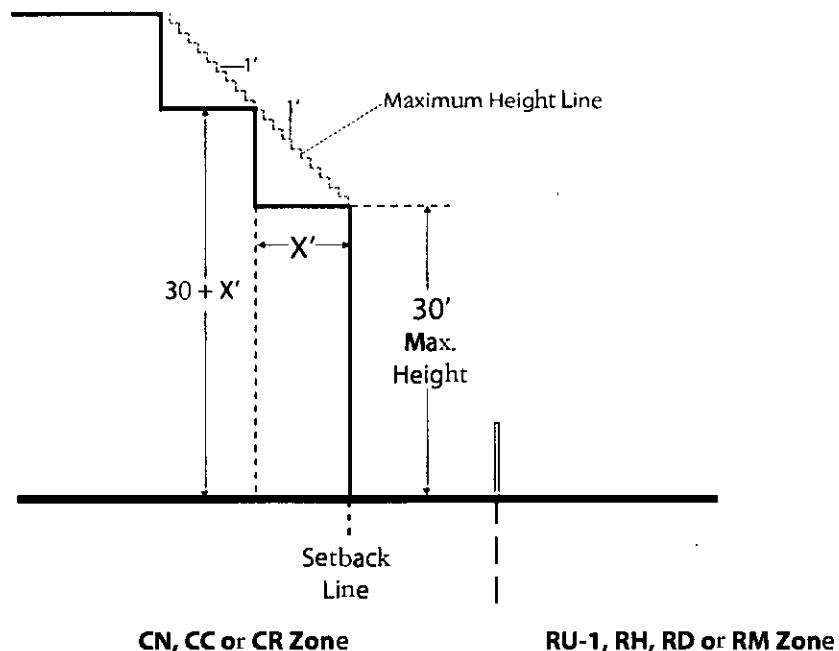
*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback hue associated with any rear or interior side lot line that abut a lot in an RH, RD, RM, or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustrauion for Table 17.35.04 [Additional Regulation 2], below). . Also, see Section 17.108.030 for allowed projections above height limits and Secuion 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.35.04[Addiuional Regulaauon 2]

*for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings in the CC-1 zone and buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to addiuional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. Each square foot of private usable open space equals two square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.35.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. **Mini-lot Developments.** In mini-lot developments, certain regulations that apply to individual lots in the CC zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CC zones, and certain of the other regulations applying in said zone may be waived or modified.

17.35.070 Other Zoning Provisions.

- A. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CC zones.
- D. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the CN zones.
- E. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CC zones.
- F. **Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT A

3/1/11 City Council

Chapter 17.37

CR REGIONAL COMMERCIAL ZONE REGULATIONS

SECTIONS:

- 17.37.010 Title, Intent, and Description**
 - 17.37.020 Required Design Review Process**
 - 17.37.030 Permitted and Conditionally Permitted Activities**
 - 17.37.040 Permitted and Conditionally Permitted Facilities**
 - 17.37.050 Property Development Standards**
 - 17.37.060 Special Regulations for Mini-lot and Planned Unit Developments**
 - 17.37.070 Other Zoning Provisions**
-

17.37.010 Title, Intent, and Description

The provisions of this Chapter shall be known as the CR-1 Regional Commercial (CR) Zone Regulations. The intent of the CR-1 zone is to maintain, support and create areas of the City that serve as region-drawing centers of activities.

17.37.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.37.030 Permitted and Conditionally Permitted Activities

Table 17.37.01 lists the permitted, conditionally permitted, and prohibited activities in the CR-1 zone. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P”** designates permitted activities in the corresponding zone.
- “C”** designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L”** designates activities subject to certain limitations or notes listed at the bottom of the table.
- “--”** designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.37.01: Permitted and Conditionally Permitted Activities		
Activities	Zones	Additional Regulations
	CR-1	
Residential Activities		
Permanent	--	

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zones	Additional Regulations
	CR-1	
Residential Care	--	
Service-Enriched Permanent Housing	--	
Transitional Housing	C(L1)	17.102.212
Emergency Shelter	C(L1)	17.102.212
Semi-Transient	C(L1)	
Bed and Breakfast	--	17.10.125
Civic Activities		
Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C	17.102.410
Utility and Vehicular	C	
Extensive Impact	C	
Commercial Activities		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Café	P	
Fast-Food Restaurant	C	17.102.210 and 8.09
Convenience Market	C	17.102.210
Alcoholic Beverage Sales	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C	17.102.210
Medical Service	P	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	--	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	--	
Consumer Cleaning and Repair Service	P(L2)	
Consumer Dry Cleaning Plant	C	
Group Assembly	C	
Personal Instruction and	P	

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zones	Additional Regulations
	CR-1	
Improvement Services		
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.102.370
Wholesale and Professional Building Material Sales	P(L2)	
Automobile and Other Light Vehicle Sales and Rental	P(L2)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L2)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L2)	
Taxi and Light Fleet-Based Services	P(L2)	
Automotive Fee Parking	--(L3)	
Animal Boarding	C	
Animal Care	P	
Undertaking Service	--	
Industrial Activities		
Custom Manufacturing	P(L2)	17.102.040
Light Manufacturing	P(L2)	17.102.040
General Manufacturing	C(L2)	17.102.040
Heavy/High Impact	--	
Research and Development	P	
Construction Operations	--	
Warehousing, Storage, and Distribution		
A. General Warehousing, Storage and Distribution	P(L2)	
B. General Outdoor Storage	C(L2)	
C. Self- or Mini Storage	C(L2)	
D. Container Storage	C(L2)	
E. Salvage/Junk Yards	--	
Regional Freight Transportation	C(L2)	
Trucking and Truck-Related	C(L2)	
Recycling and Waste-Related		

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zones	Additional Regulations
	CR-1	
A. Satellite Recycling Collection Centers	C(I 2)	17.10.040
B. Primary Recycling Collection Centers	C(I.2)	
Hazardous Materials Production, Storage, and Waste Management	--	
Agriculture and Extractive Activities		
Crop and animal raising	C(I.2)(I.4)	
Plant nursery	C(I.2)	
Mining and Quarrying	--	
Accessory off-street parking serving prohibited activities	P	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	17.102.110

Limitations on Table 17.37.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities are not permitted within 300 feet of a lot line adjacent to the Hegenberger Road right-of-way.
- L3. Existing fee parking lots may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.
- L4. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following criteria:
 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.37.040 Permitted and Conditionally Permitted Facilities

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR-1 zone. The descriptions of these facilities are contained in Chapter 17.10.

- “P” designates permitted facilities in the corresponding zone.
- “C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates facilities subject to certain limitations listed at the bottom of the Table.
- “--” designates facilities that are prohibited

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones	Additional Regulations	
		CR-1	
Residential Facilities			
One-Family Dwelling	--(L1)		
One-Family Dwelling with Secondary Unit	--(L1)		
Two-Family Dwelling	--(L1)		
Multifamily Dwelling	--(L1)		
Rooming House	--(L1)		
Mobile Home	--(L1)		
Nonresidential Facilities			
Enclosed Nonresidential	P		
Open Nonresidential	P		
Sidewalk Café	P	17.102.335	
Drive-In	C		
Drive-Through	C		
Telecommunications Facilities			
Micro Telecommunications	P(L2)	17.128	
Mini Telecommunications	P(L2)	17.128	
Macro Telecommunications	C	17.128	
Monopole Telecommunications	C	17.128	
Tower Telecommunications	--	17.128	
Sign Facilities			
Residential Signs	P	17.104	
Special Signs	P	17.104	
Development Signs	P	17.104	
Realty Signs	P	17.104	
Civic Signs	P	17.104	
Business Signs	P	17.104	
Advertising Signs	--	17.104	

Limitations for Table 17.37.02:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming residential facilities.
- L2. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

17.37.050 Property Development Standards

- A. **Zone Specific Standards.** Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.37.03: Property Development Standards

Development Standards	CR-1 zone	Additional Regulations
Minimum Lot Dimensions		
Width mean	50 ft	1
Frontage	50 ft	1
Lot area	7,500 sf	1
Minimum/Maximum Setbacks		
Minimum front	20 feet on parcels facing a right of way of 100 ft or more; 10 feet on parcels facing a right of way that is less than 100 feet wide.	2
Minimum interior side	0 ft	3
Minimum street side	0 ft	4
Rear	0/10/15 ft	5
Height and Floor Area Ratio Regulations	See Table 17.37.04	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking	

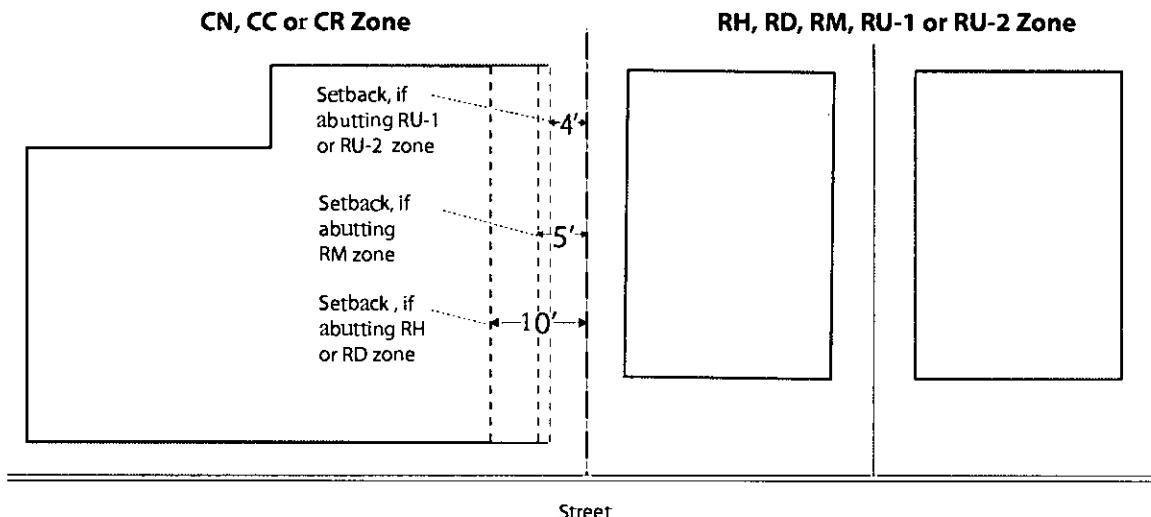
Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one-hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback.
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the

abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03[Additional Regulation 3]

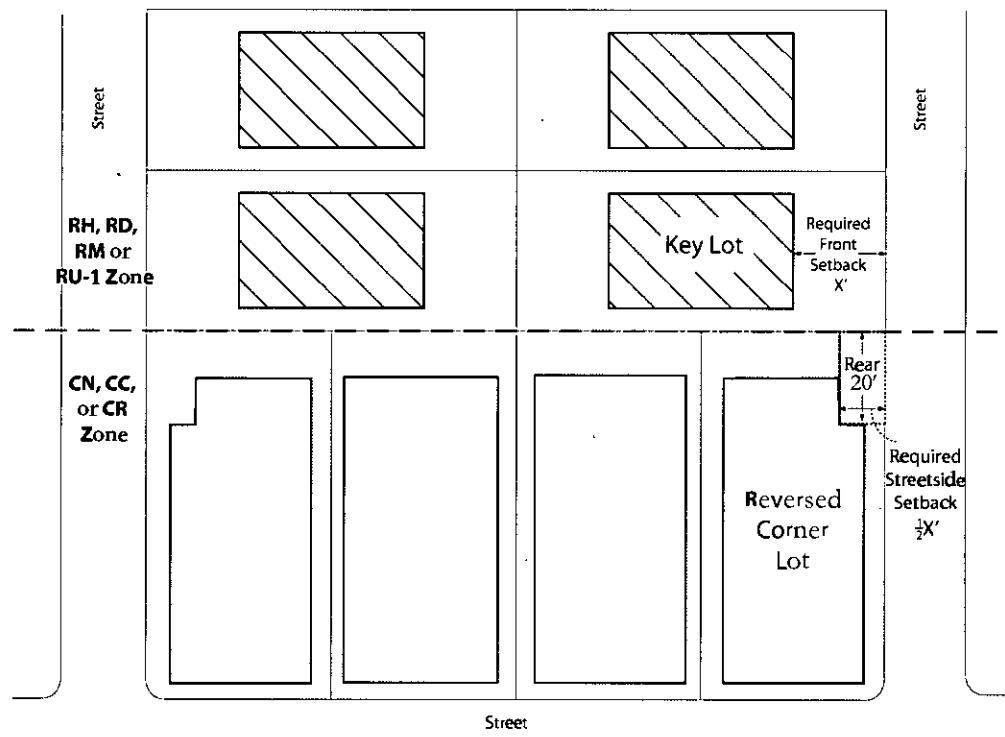
*for illustration purposes only



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.37.03 [Additional Regulation 4, below]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03[Additional Regulation 4]

*for illustration purposes only



5. When a rear lot line is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM zone or the RU-1 zone, there is no required setback.

B. Height and Floor Area Ratio (FAR). Table 17.37.04 below prescribes height and FAR standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

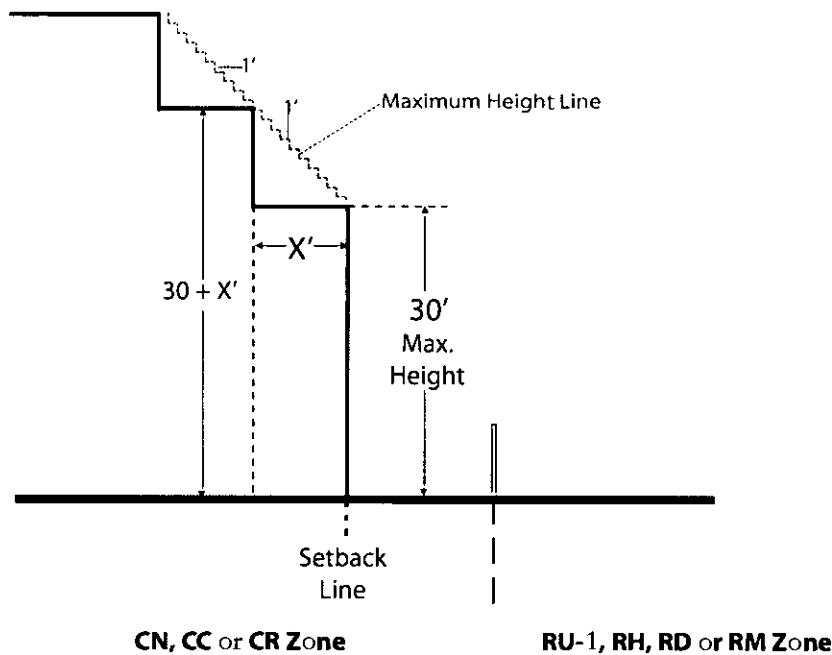
Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations								
Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 feet	45 feet	60 feet	75 feet	90 feet	120 feet	160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	15	

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM, or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.37.04 [Additional Regulation 1, below]). See Illustration 17.137.03, below. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.37.04[Additional Regulation 1]

*for illustration purposes only



17.37.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the CR zone may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CR zone, and certain of the other regulations applying in said zone may be waived or modified.

17.33.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CR zone.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CN zones.

- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CR zone.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

ATTACHMENT B

Amendments adopted at the 2/22/11 Community and Economic Development Committee Meeting as proposed by Councilmembers Brooks, Kemighan, and Brunner

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Desley A. Brooks
Vice Mayor
Councilmember - District 6
e-mail: dbrooks@oaklandnet.com

(510) 238-7006
FAX (510) 238-6129
TDD (510) 839-6451

To: Chair Brunner and members of the Community & Economic Development Committee

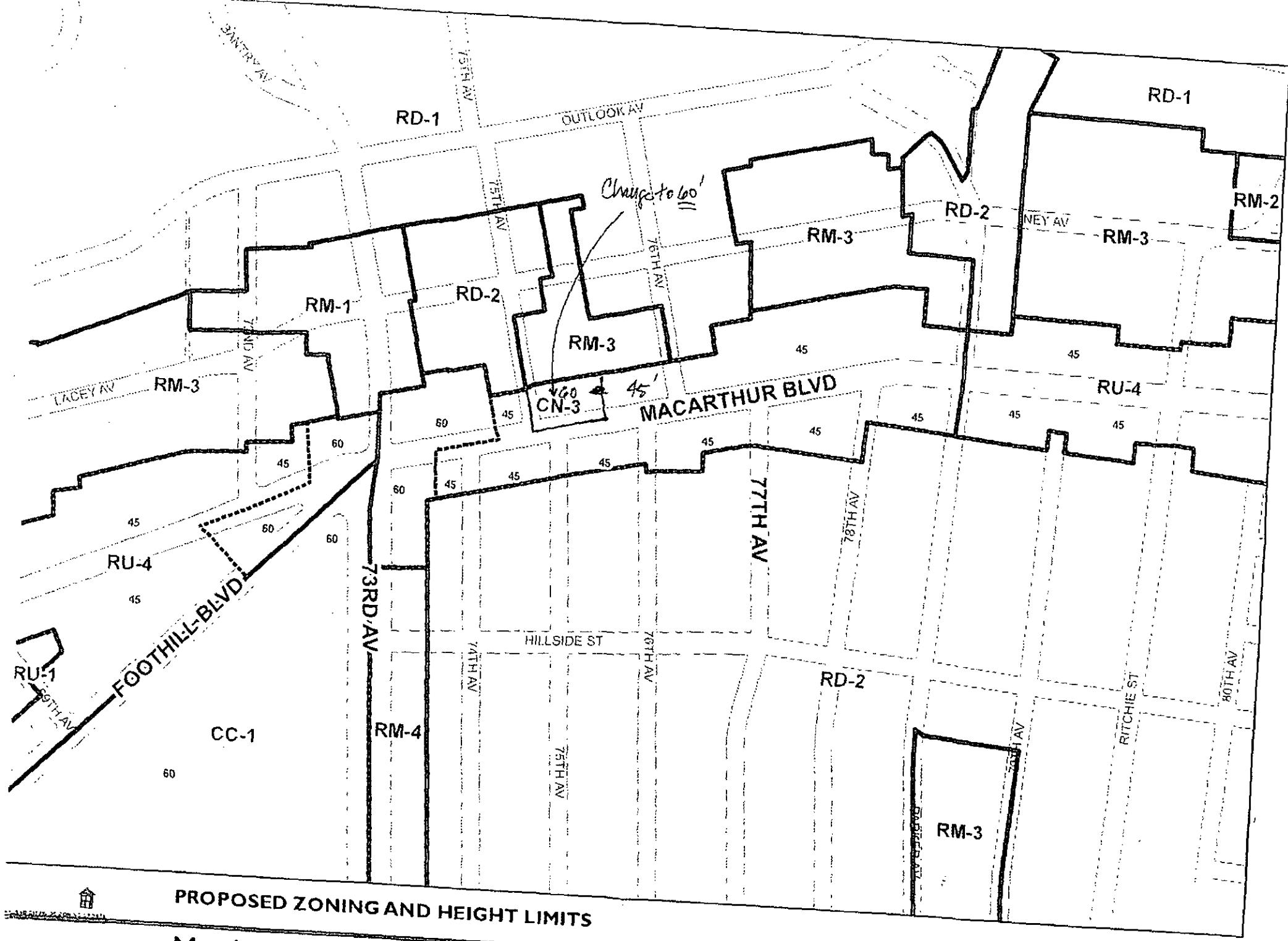
From: Vice Mayor Desley Brooks

Date: February 22, 2011

Subject: Item #5 – Commercial And Residential Zoning Amendments

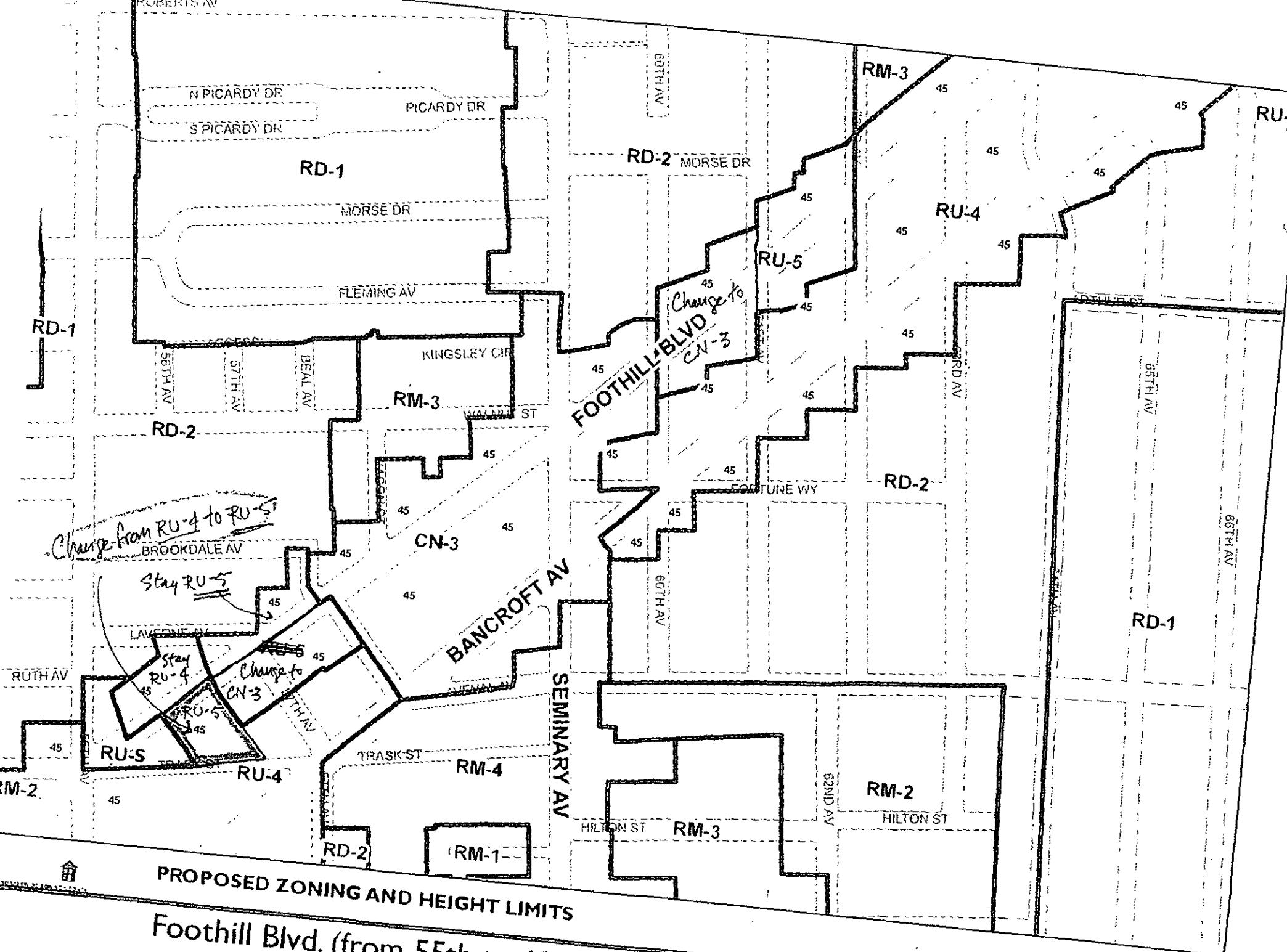
Chairperson Brunner and members of the Community & Economic Development Committee, I propose the following amendments to the proposed Foothill Commercial Zone:

1. Delete staff recommendations for RU-5 designation on Foothill Blvd. around 57th Avenue and the block between 60th and 61st Avenues on Foothill; and instead designate these areas CN-3 and stretch the current Neighborhood Center mix use designation along this commercial corridor. (Attachment 1)
2. Change the designation at _____ and Foothill from RU-5 to RU-4 on Foothill Blvd. (Attachment 1)
3. Where possible, on MacArthur Blvd., between 74th to 78th Avenues, increase the height limit to 60 feet. (Attachment 2)



PROPOSED ZONING AND HEIGHT LIMITS

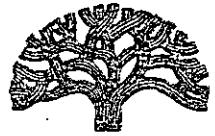
MacArthur (from 73rd Ave. to Parker Ave.)



PROPOSED ZONING AND HEIGHT LIMITS

Foothill Blvd. (from 55th to 63rd Ave.)

CITY OF OAKLAND



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PATRICIA KERNIGHAN
Councilmember
District 2

(510) 238-7002
FAX (510) 238-6910
TDD (510) 839-6451

To: Chair Brunner and Members of the Community & Economic Development Committee
Date: February 22, 2011
Re: Item 5, Report and Ordinance to Amend the Oakland Planning Code

Motion by Councilmember Kemighan to amend Exhibit B as follows:

1/ Increase proposed height from 75' to 90' on various blocks or portions thereof between 1st Ave and 4th Ave, and between International Blvd and E.11th St

2/ Reduce proposed height from 60' to 45' on various blocks along International Blvd and E.12th St between 7th Ave and 13th Ave

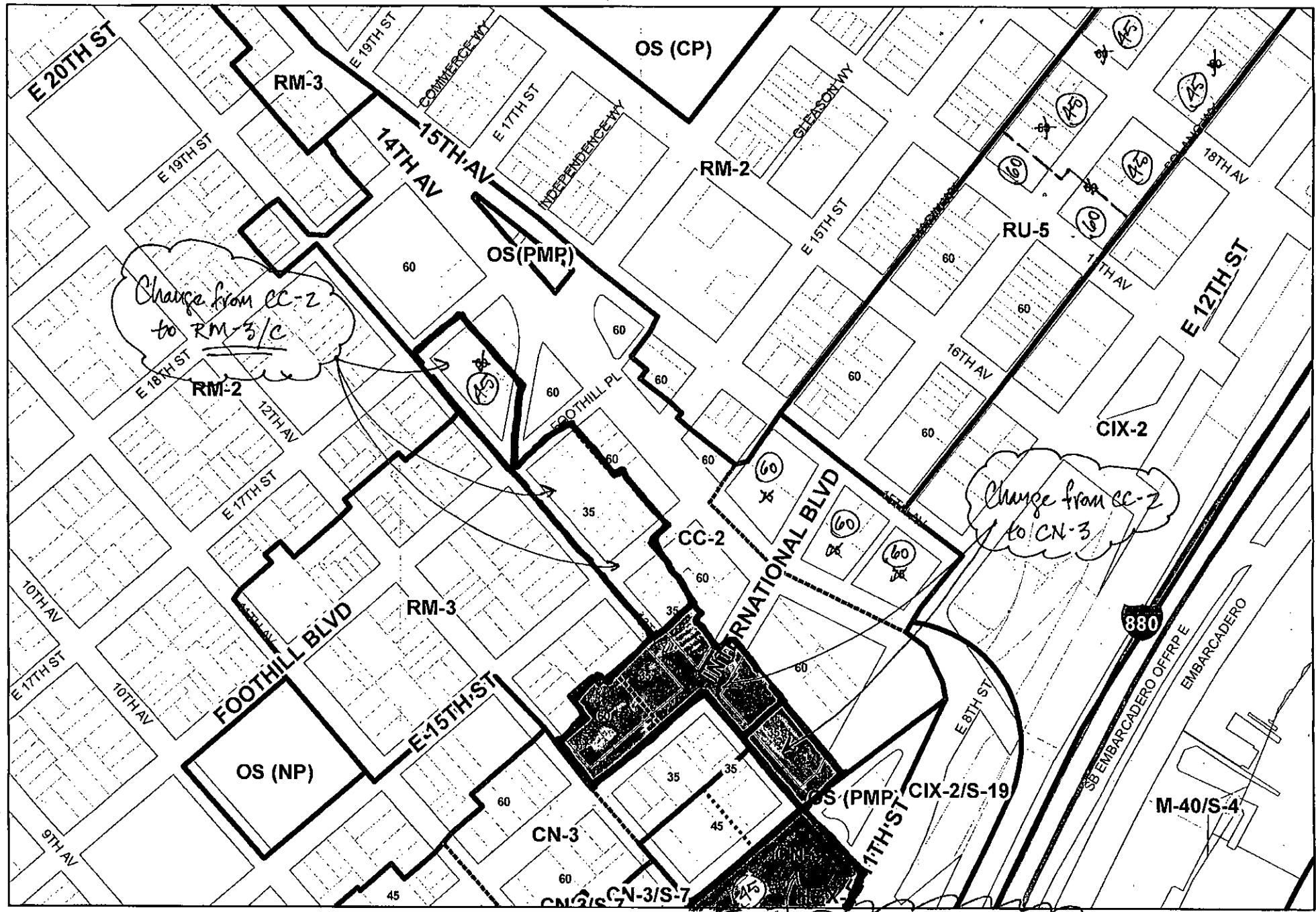
4/ Reduce proposed height from 75' to 60' on the block between E.12th St and International Blvd and between 14th Ave and 15th Ave, and on a portion of the block between International Blvd and E.15th St and between 14th Ave and 15th Ave

5/ Reduce proposed height from 60' to 45' on the four blocks on either side of International Blvd from mid block between 17th Ave and 18th Ave to mid block between 21st and 22nd Ave on the north side of International Blvd, and to 22nd Ave on the south side of International Ave

6/ Change proposed zones along 13th Ave between E. 12th St and E. 17th St and on the south side of E.12th St between 12th Ave and 13th Ave as shown on the map on the reverse side

Map on reverse side

CED Com
Feb 22, 2011
Item 5



PROPOSED ZONING AND HEIGHT LIMITS

14th Avenue

0 200 400
Feet

CITY OF OAKLAND



CITY HALL · ONE FRANK H. OGAWA PLAZA · OAKLAND, CALIFORNIA 94612

JANE BRUNNER
Council/member
District 1

(510) 238-7001
FAX (510) 238-6910
TTD (510) 238-7413

To: Members of the CED Committee
From: Chair Brunner
Date: February 22, 2011
Re: Item 5

I support the item with the following changes:

1. Accept staff's proposed Option #2 for Telegraph Avenue/Temescal, with the following addition (underlined) and the changes shown on Attachment A (table):

"Provide a 45-foot height limit north of Highway 24 where it is a "Maintain and Enhance area and 60 feet height limits south of Highway 24 at major intersections with the exception of the historic core commercial area."

2. Change a number of the height designations on Telegraph, Broadway and Shattuck from the staff proposed heights. The tables in Attachment A detail the proposed changes from the height map presented by staff.

3. Change the zoning on Birch Court on the eastern half of the street from the staff proposed "RM-2" to "RM-1".

4. Change the telecommunications permitting requirements in RH zones in table 17.13.02:

- Change Monopole communications from "C", which designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone to "C (LI)" which designates facilities subject to certain limitations listed at the bottom of the page.
- "LI: New monopoles shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing structure can accommodate the applicant's proposed antenna."

Item #5
CED Committee
Feb 22, 2011

Attachment A: Proposed Height Limits

Telegraph Avenue (East Side)

Block	Staff Recommendation	District 1 Recommendation
5500	60	45
5400	60	Same
5300	60	Same
5200	60	Same
5100	60 (45 interior)	Same
5000	35	Same
4900	35	Same
4800	35	45
4700	60	Same
4600	60	Same
4500	60	Same
4400	60	Split 60 north/45 south
4300	60	45
4200	45	Same
4100	60	45
4000	75	60
3900	60	Same
3800	60	Same
3700	60	Same

Telegraph Avenue (West Side)

Block	Staff Recommendation	District 1 Recommendation
5500	60	Same
5400	60	Same
5300	60	Same
5200	45	Same
5100	60	Same
5000	60	Same
4900	60	45
4800	45	Same
4700	45	60
4600	60	Same
4500	60	Same
4400	60	Split 60 north/45 south
4300	60	45
4200	60	45
4100	60	45 (60 at north corner)
4000	75	60 (45 at north corner)
3900	75	Same
3800	75	Same

Shattuck Avenue East Side

Block	Staff Recommendation	District 1 Recommendation
5300	45	Same
5200	45	Same
5100	35	45
5000	35	45
4900	35	45
4800	35	45
4700	45	Same
4600	60	Same

Shattuck Avenue West Side

Block	Staff Recommendation	District 1 Recommendation
5300	45	Same
5200	45	Same
5100	45	Same
5000	35	45
4900	35	45
4800	35	45
4700	45	Same
4600	45	Same
48 th Street	Bring into conformance with approved plans	
42 nd -51 st Between Freeway and Shattuck/Telegraph	RM-3 (35 ft)	RU-4 (45 ft)

Broadway East Side

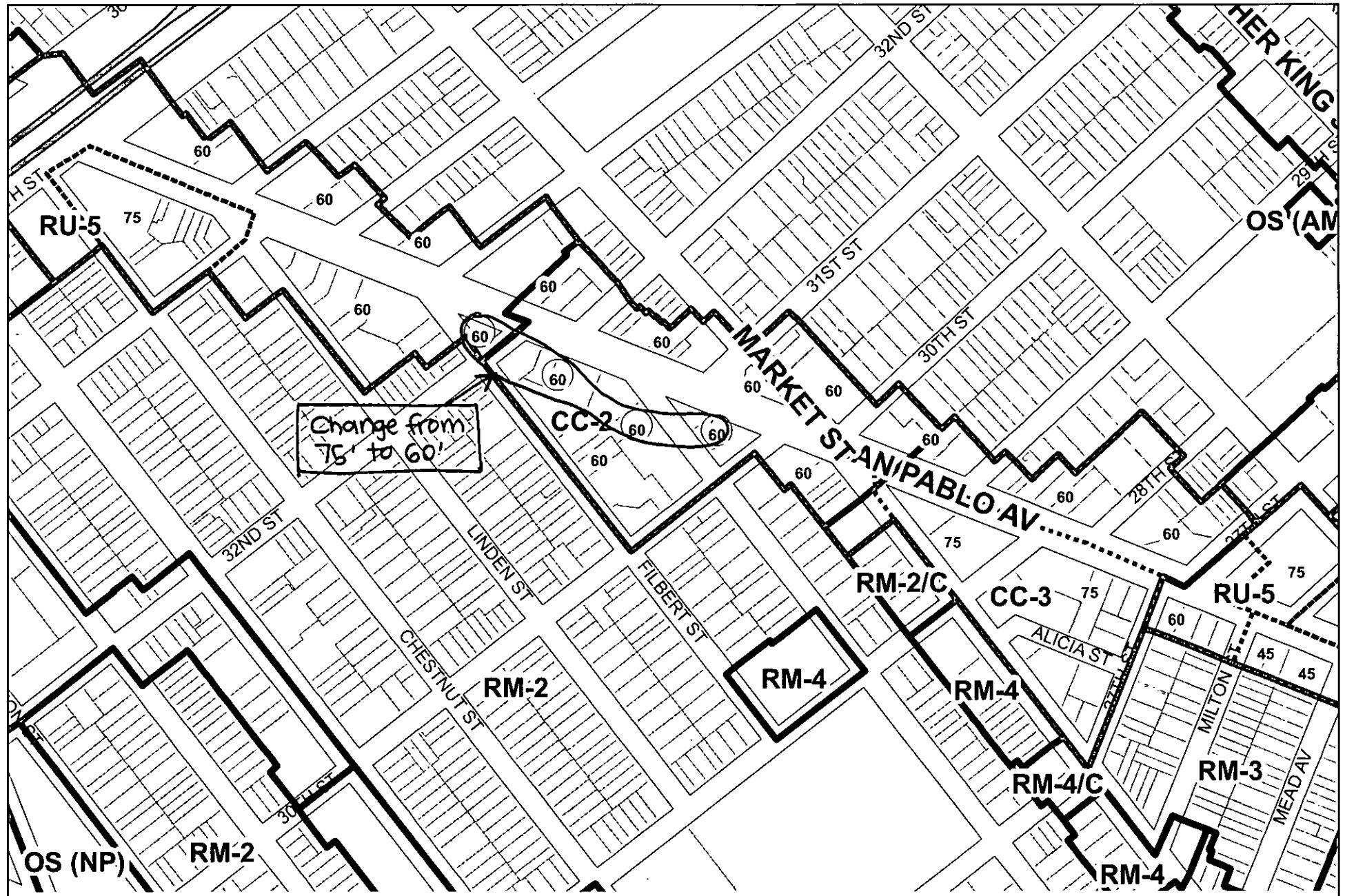
Block	Staff Recommendation	District 1 Recommendation
5200	35	Same
5100	75	60 (75 in back of lot)
5000	75	60
4900	75	60
4500	60	Same
4400	45	Same
4300	45	Same
4200	45	Same
4100	45	Same
4000	45	60
3900	60	Same
3800	60	Same
3700	K-DP-3	Same

Broadway West Side

Block	Staff Recommendation	District 1 Recommendation
5200	60	45
5100	60	Same
5000	60	Same
4900	60	45 (last parcel to south only)
4500	60 <i>(Back of parcel zoned 45)</i>	Same
4400	School	Same
4300	School	Same
4200	School	Same
4100	45	Same
4000	45/75	45/60
3900	75	60
3800	60	Same
3700	K-DP-1	Same

ATTACHMENT C

Changes to the proposed zoning maps made since the 2/22/11 CED meeting



CC 3/1/2011

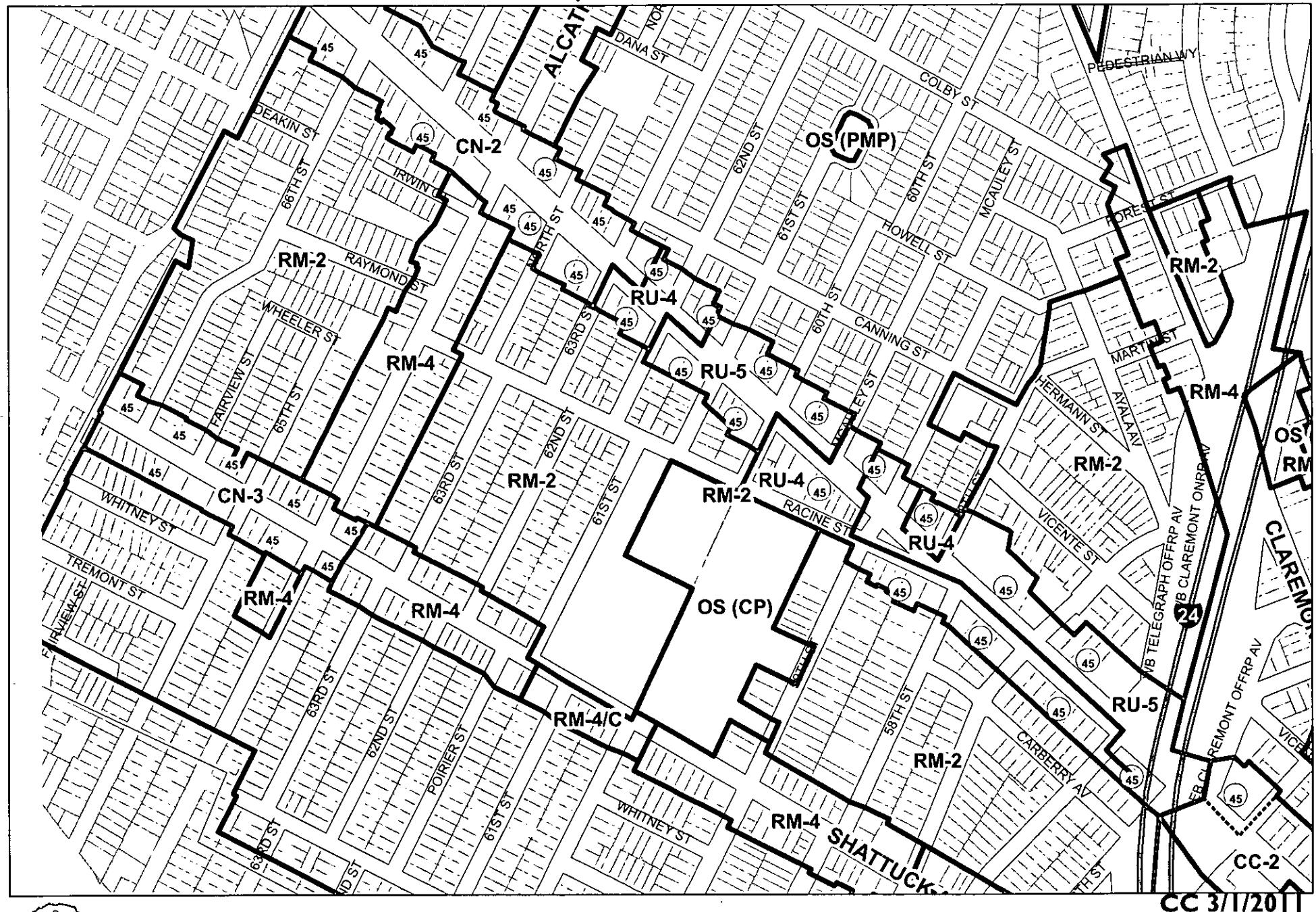


PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - San Pablo

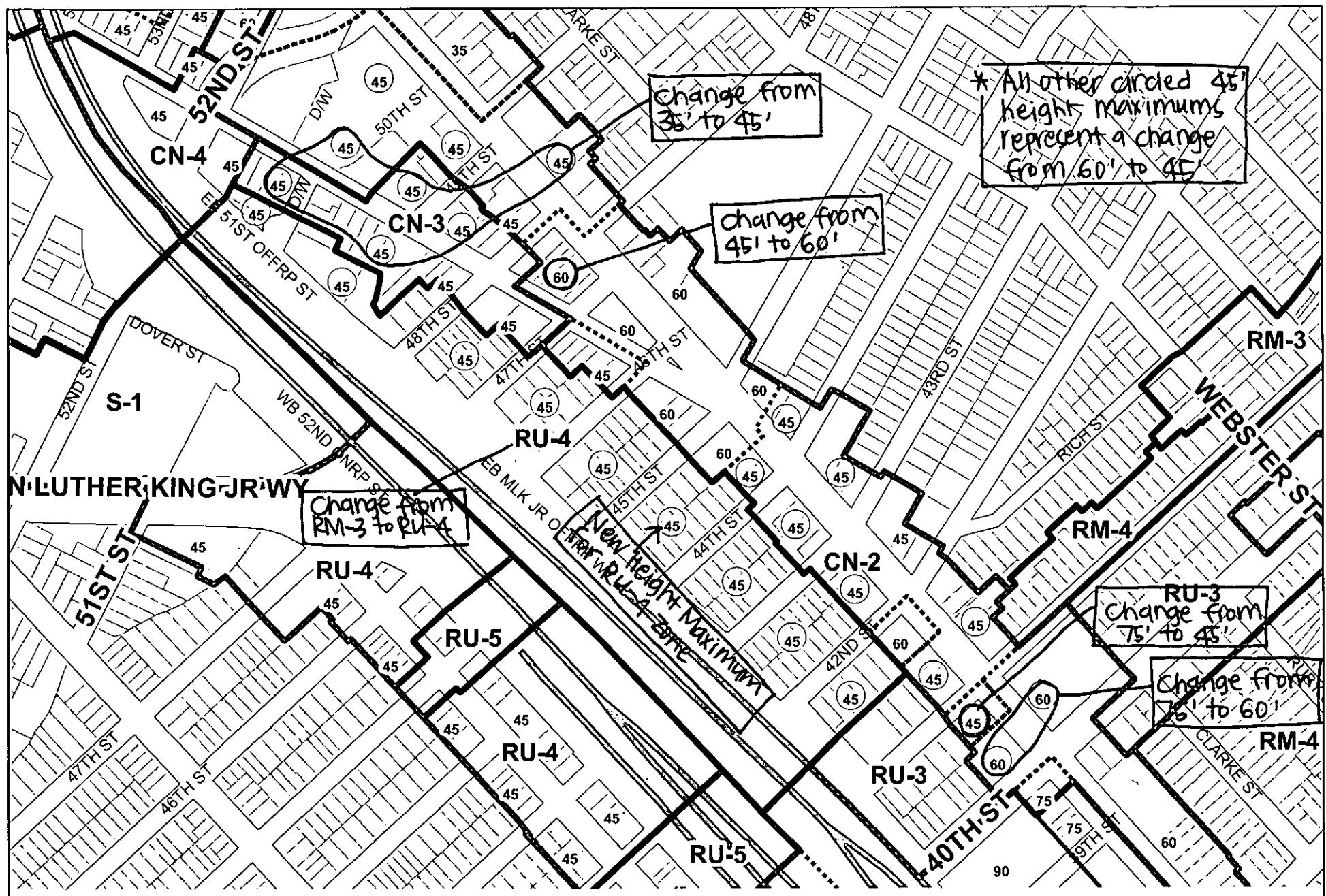
* All circled numbers represent a change from 60' to 45'

Attachment C-2



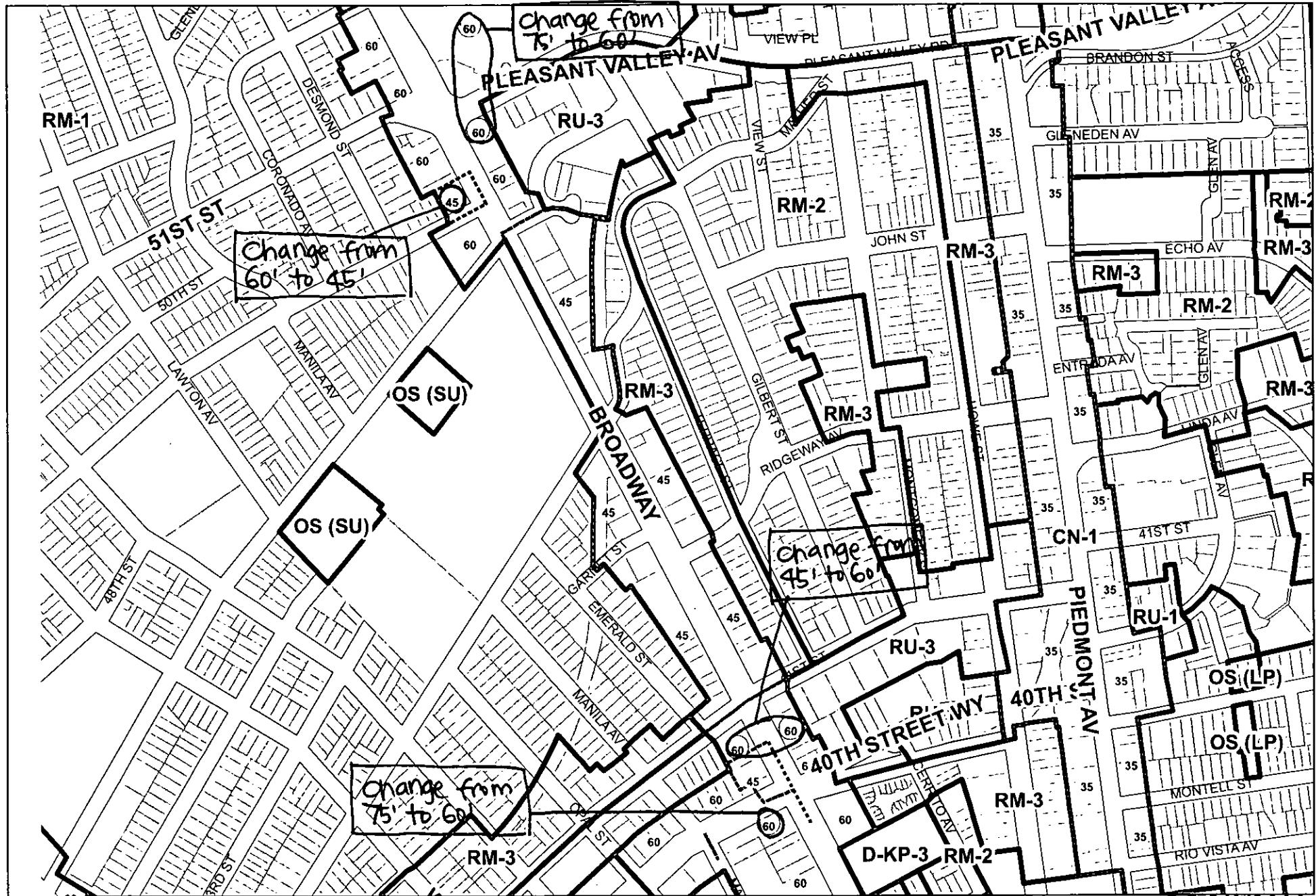
PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - Telegraph Avenue, Above Interstate 580



PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - Telegraph Avenue, Below Interstate 580



CC 3/1/2011

PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

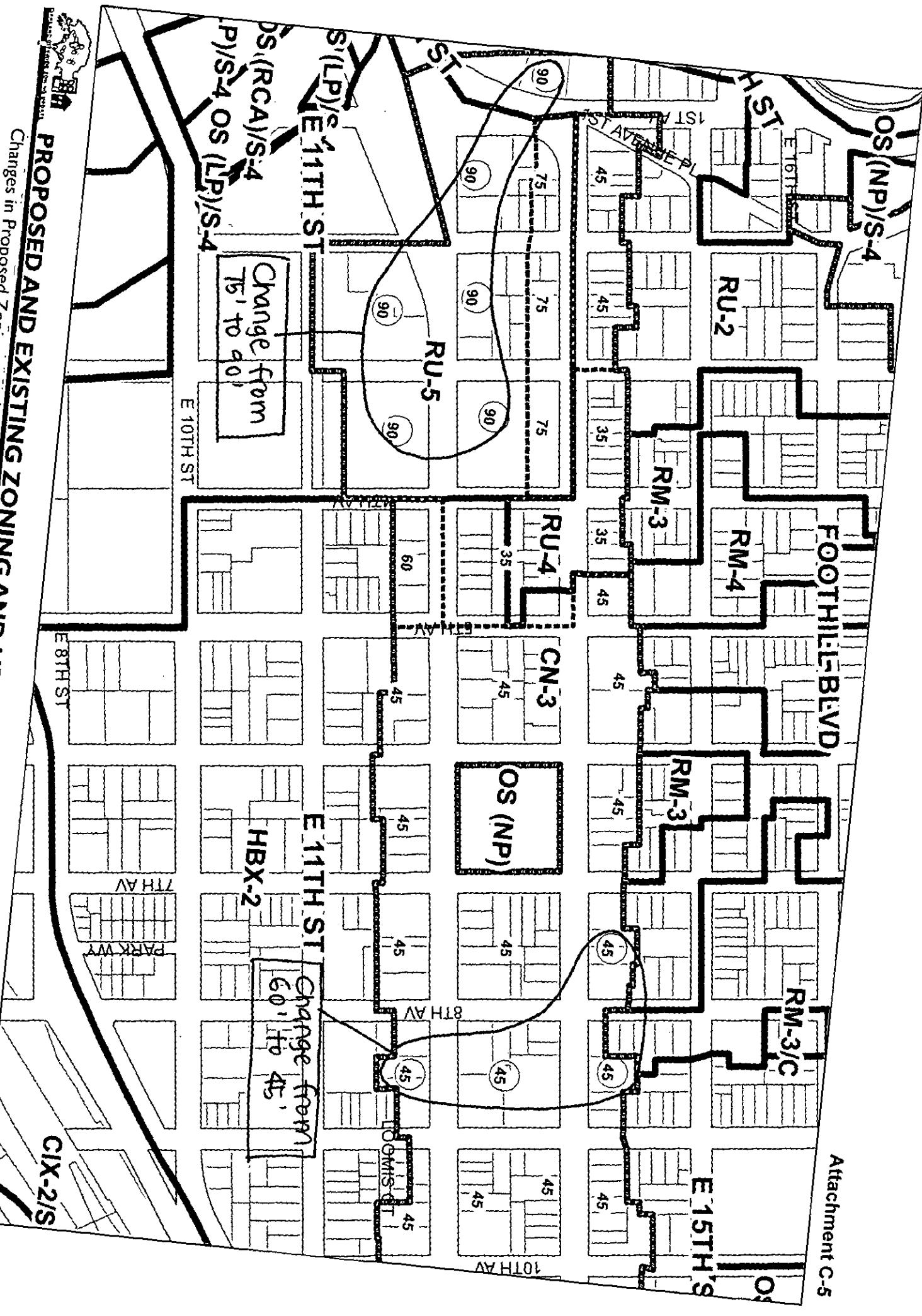
Changes in Proposed Zoning and/or Height Limits - Broadway

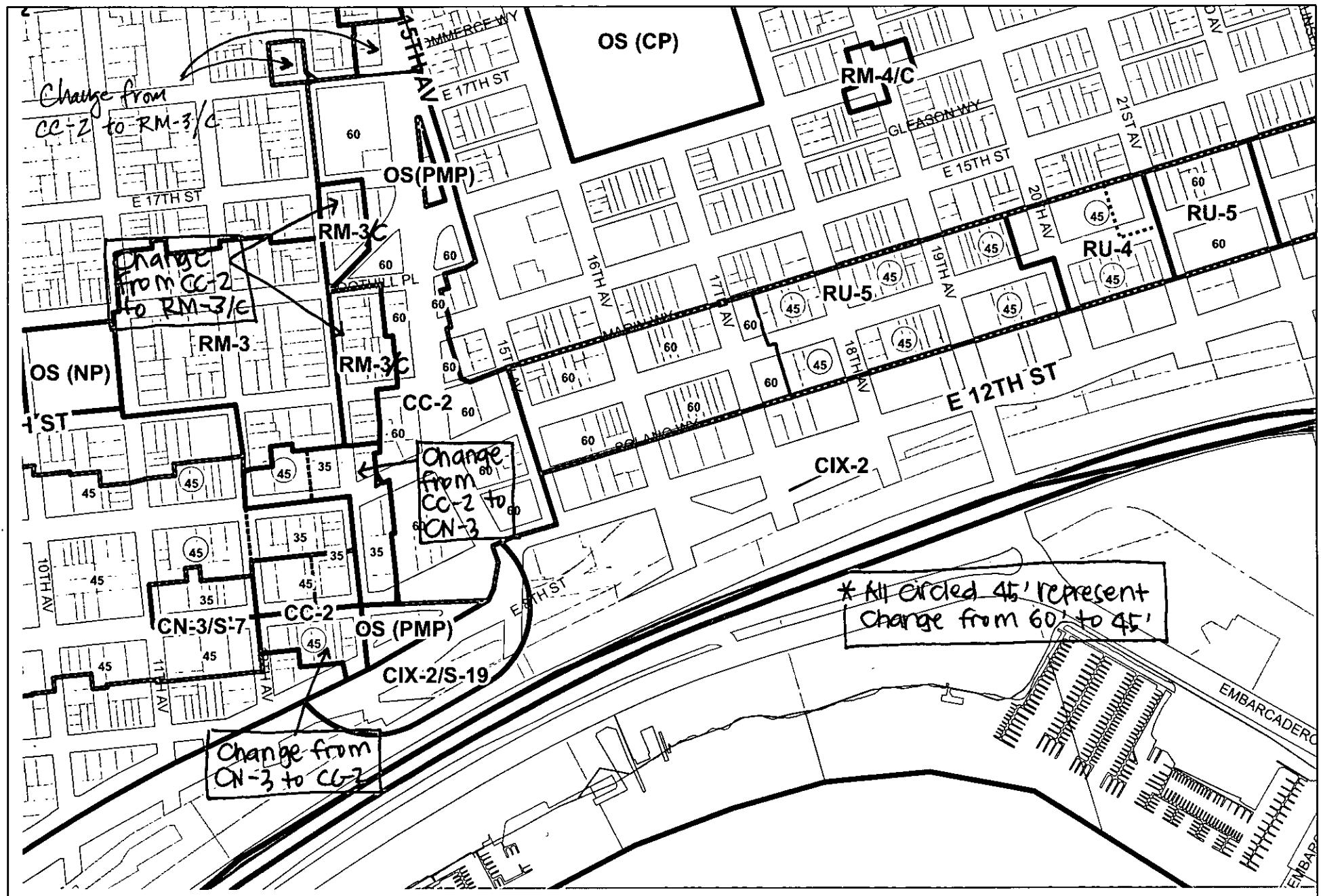


PROPOSED AND EXISTING

SILVER BIRCH
BARK BEETLE

Proposed Zoning and/or Height Limiting AND HEIGHT LIMITS





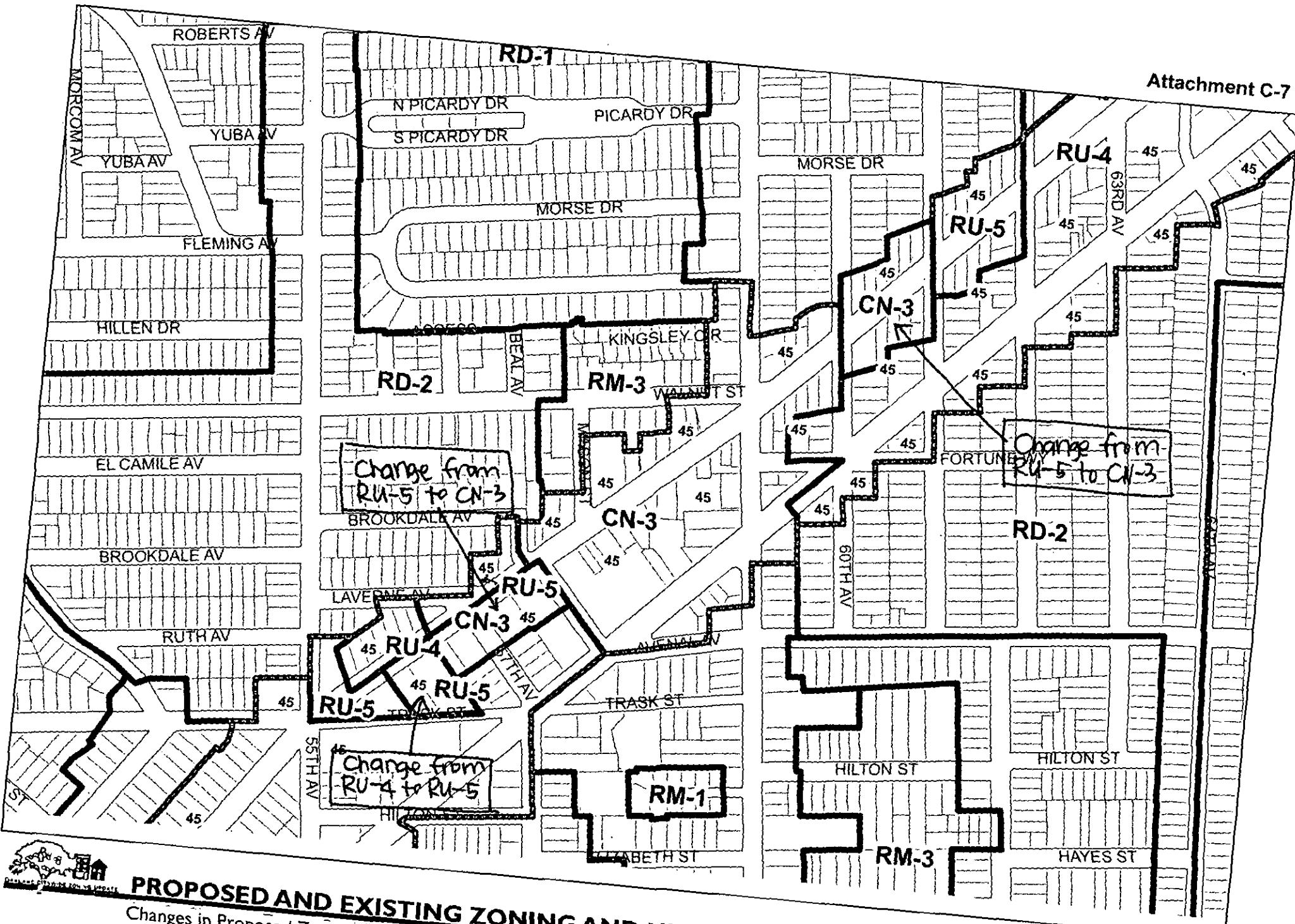
CC 3/1/2011



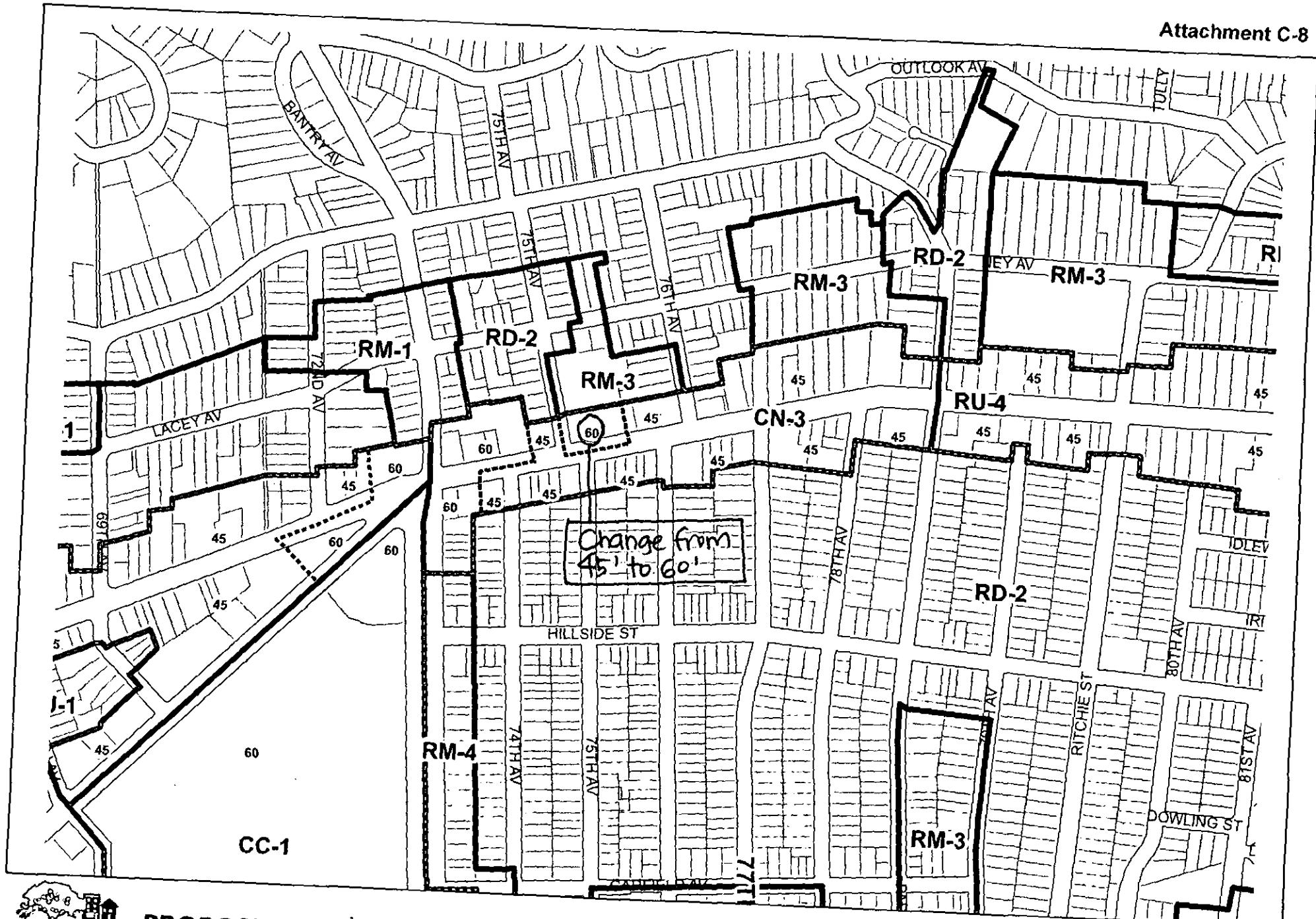
PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - International Blvd from 14th Avenue to 22nd Avenue

Attachment C-7



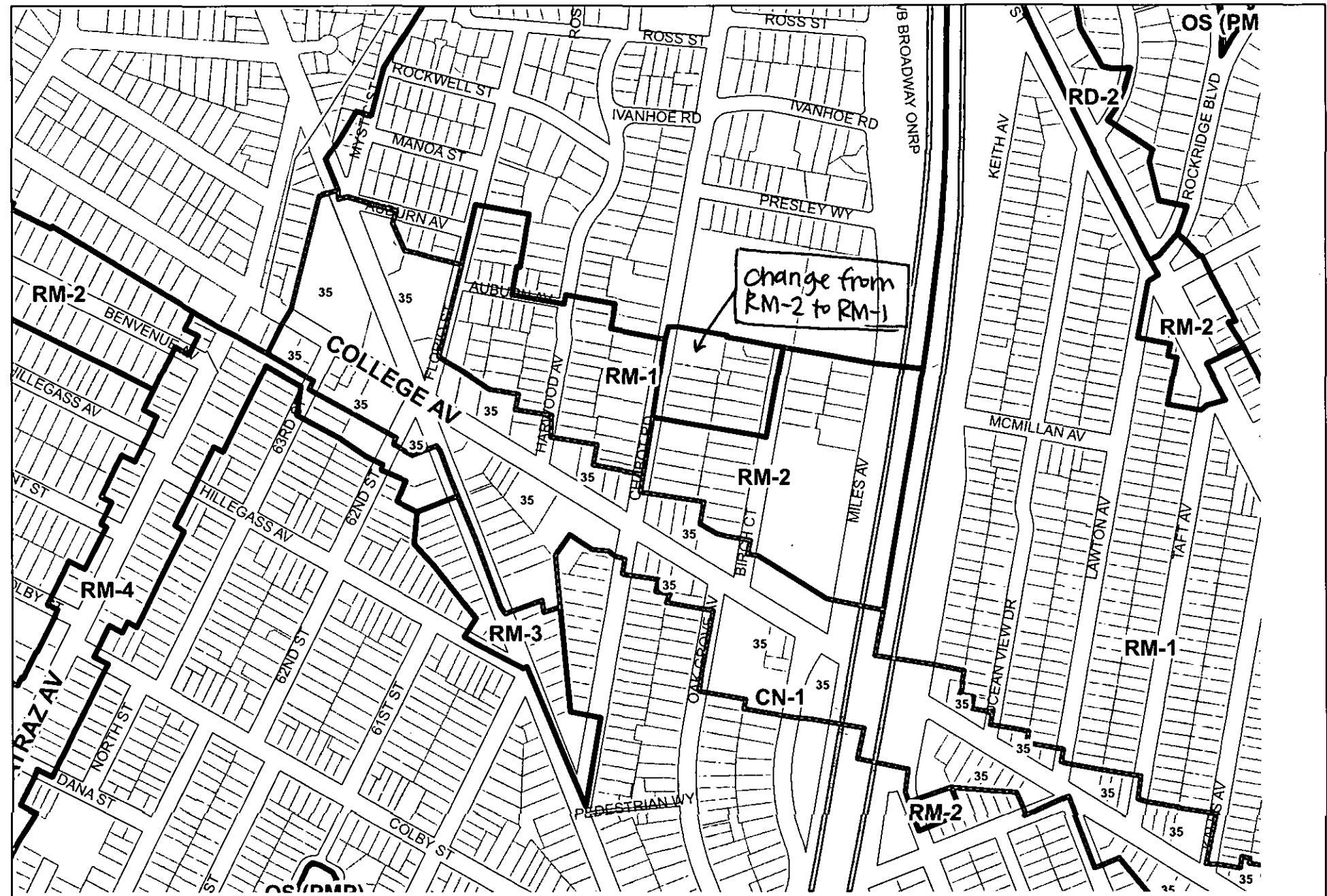
PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS
Changes in Proposed Zoning and/or Height Limits - Foothill Blvd



PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - MacArthur Blvd

CC 3/1/2011



CC 3/1/2011



PROPOSED AND EXISTING ZONING AND HEIGHT LIMITS

Changes in Proposed Zoning and/or Height Limits - Chabot Rd at College Ave

Attachment D

Changes to Planning Code text proposed by staff since the 2/22/11 City Council Meeting.

This attachment lists the additional changes to the Planning Code proposed by staff since the 2/22/11 CED Committee meeting. These changes are proposed to provide format and language consistency and clarification and are not substantial changes to the proposal.

1. The following sections were removed from the list of proposed changes to the Planning Code in Exhibit A of the ordinance to be consistent with the new restrictions on Telecommunications Facilities in HBX zones. The new telecommunications restrictions are expected to be adopted by the City Council on March 1, 2011.

17.54.095 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of ~~residential-zones-R-1-through-R-60-inclusive-a RH, RD, RM, RU-1, or RU-2 residential zone~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.56.105 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of ~~residential-zones-R-1-through-R-60-inclusive a RH, RD, RM, RU-1, or RU-2 residential zone~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.74.075 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of ~~residential-zones-R-1-through-R-60-inclusive-a RH, RD, RM, RU-1, or RU-2 residential zone~~ except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.76.095 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential-zones-R-1-through-R-60-inclusive RH, RD, RM, RU-1, or RU-2 residential zones, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.78.065 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential-zones-R-1-through-R-60-inclusive the RH, RD, RM, RU-1, or RU-2 residential zones except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.97.085 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential-zones-R-1-through-R-60-inclusive a RH, RD, RM, RU-1, or RU-2 residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

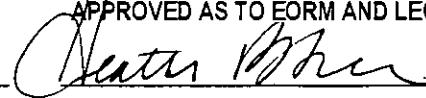
2. The following limitation was removed from the Mini- and Macro- Telecommunications Facilities in the RU-4 and RU-5 residential zones (Table 17.19.02). These facilities were also changed from “permitted” with the L5 limitation to “conditionally permitted” in these zones. These changes are consistent with the HBX Telecommunication restrictions scheduled for adoption at the March 1, 2011 City Council meeting.

L5. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of an RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134.

Attachment D
List of Additional Changes
3/1/11 City Council

3. Special Situations. Any project that involves any of the following situations:
 - a. Any project that requires development of an Environmental Impact Report (EIR);
 - b. Any single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, and S-2 zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;
 - f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.134.040(B)(1);
 - i. Any Telecommunications Facility in, or within one hundred (100) feet of the boundary of, any residential zone;
 - j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 zones residential-zones-R-l-through-R-60-inclusive, or any HBX zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in subsection A of this section.
4. Language was added to Section 17.17.010 and Table 17.17.02 clarifying that the facility regulations in the "C" overlay zones supersede those of the base zone. This change is shown in Attachment xx.
5. The CC zones were renamed to be consistent with the format and language of the rest of the proposed zones. This change is shown in Attachment xx.
6. The minimum ground floor height of nonresidential facilities was changed from 15 feet to 12 feet in the RU-4 and RU-5 zones to be consistent with the regulation in the commercial zones. The limitation associated with this regulation has also been changed to state that the height is measured from the grade to the ground floor ceiling instead of to the floor of the second story.
7. Two illustrations in the RH, RD, and RM chapters have been updated to accurately reflect how to measure front setbacks.

INTRODUCED BY COUNCILMEMBER _____

Heather Brown
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, TO: (A) AMEND THE OAKLAND PLANNING CODE TO CREATE NEW ZONES FOR THE CITY'S COMMERCIAL AND RESIDENTIAL AREAS AND MAKE RELATED TEXT AMENDMENTS; (B) AMEND THE ZONING MAPS TO INCLUDE THE NEW COMMERCIAL AND RESIDENTIAL ZONES; (C) AMEND THE ZONING MAPS TO INCLUDE HEIGHT AREAS FOR THE NEW COMMERCIAL ZONES AND OTHER NEW ZONES ON THE CITY'S MAJOR TRANSPORTATION CORRIDORS; AND (D) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE ABOVE CHANGES.

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

WHEREAS, the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE; and

WHEREAS, Hillside Residential, Detached Unit Residential, Mixed Housing Type Residential, Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Regional Commercial, are the commercial and residential land use classifications in the LUTE; and

WHEREAS, the existing residential and commercial zoning districts have not been updated to implement the LUTE's commercial and residential LUTE land use classifications.

WHEREAS, City Planning staff has proposed adding eight new commercial zones and fifteen new residential zones and changes associated to the new zones throughout the Planning Code to implement the commercial and residential LUTE classifications; and

WHEREAS, City Planning staff has proposed adding eight new commercial zones and fifteen new residential zones and changes associated to the new zones throughout the Planning Code to implement the commercial and residential LUTE classifications; and

WHEREAS, City Planning staff has proposed mapping the new commercial and residential zones and associated height areas on the City's height maps;

WHEREAS, the proposed amendments to the zoning maps are based on the designations on the LUTE land use map;

WHEREAS, the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (hereafter “Guidelines”) was adopted by the City Council on May 6, 1998 and subsequently amended November 3, 1999, August 8, 2001, December 5, 2001, July 15, 2003, January 4, 2006 and extended December 4, 2007 and December 8, 2009; and

WHEREAS, the Guidelines describe the procedure for deciding whether a project is consistent with the LUTE and the procedure to follow when the Planning Code and LUTE conflict; and

WHEREAS, various community meetings, and duly noticed meetings before the City Planning Commission’s Zoning Update Committee, Landmarks Preservation Advisory Board, and City Planning Commission were held; and

WHEREAS, after a duly noticed public hearing on December 15, 2010 , the City Planning Commission voted 4-0 to recommend the proposal to the City Council; and

WHEREAS, after a duly noticed public meeting on February 22, 2011, the Community and Economic Development Committee voted to recommend the proposal to the City Council with certain changes; and

WHEREAS, the City Council held a duly noticed public hearing on March 1, 2011 to consider the proposal; 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 (a) amend the Oakland Planning Code to create new zones for the City’s commercial and residential areas and make related text amendments; as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. The Oakland Zoning Map is hereby amended to (a) map the new commercial and residential zones; and (b) amend the zoning maps to include height areas for the new commercial zones and other new zones on the City’s major transportation corridors, as indicated in **Exhibit B**, attached hereto and hereby incorporated herein by reference.

Section 4. The document “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” is hereby amended to the new zoning as indicated in **Exhibit C**, attached hereto and hereby incorporated herein by reference.

Section 5. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (certified on November 17, 2010), and various Redevelopment Plan Final EIRs. On a separate and independent basis, the

proposal is also exempt from CEQA pursuant to, without limitation, CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or Section 15061(b)(3).

Section 6. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so. Staff is hereby authorized to insert the effective date into the text of the Planning Code following Council Action on this Ordinance.

Section 7. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict 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 not affect the validity of the remaining portions which shall remain in full effect.

Section 9. The City Council finds and determines that the existing zoning for the commercial and residential districts is inadequate and contrary to public interest and that the proposed zoning will implement the policies presented in the General Plan and create certainty for the developers and the public regarding the City's expectations for new development.

Section 10. 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 11. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

Exhibit A

This attachment contains the proposed amendments to the Planning Code (Title 17 of the Oakland Municipal Code).

Deletions to the code are in ~~strikeout~~; additions are underlined.

Title 17

PLANNING

Chapters:

- 17.01 General Provisions of Planning Code and General Plan Conformity**
17.03 City Planning Commission
17.05 Landmarks Preservation Advisory Board
17.07 Title, Purpose and Scope of the Zoning Regulations
17.09 Definitions
17.10 Use Classifications
17.11 OS Open Space Zoning Regulations
17.13 RH Hillside Residential Zones Regulations
17.15 RD Detached Unit Residential Zones Regulations
17.17 RM Mixed Housing Type Residential Zones Regulations
17.19 RU Urban Residential Zones Regulations
17.11A — R-1 One-Acre Estate Residential Zone Regulations
17.12R-10 Estate Residential Zone Regulations
17.14R-20 Low-Density Residential Zone Regulations
17.16R-30 One-Family Residential Zone Regulations
17.18R-35 Special One-Family Residential Zone Regulations
17.20R-36 Small Lot Residential Zone Regulations
17.22R-40 Garden Apartment Residential Zone Regulations
17.24R-50 Medium-Density Residential Zone Regulations
17.26R-60 Medium-High-Density Residential Zone Regulations
17.28R-70 High-Density Residential Zone Regulations
17.30R-80 High-Rise Apartment Residential Zone Regulations
17.32R-90 Downtown Apartment Residential Zone
17.34C-5 Neighborhood Commercial Zone Regulations
17.36C-10 Local Retail Commercial Zone Regulations
17.38C-20 Shopping Center
17.40C-25 Office Commercial Zone Regulations
17.42C-27 Village Commercial Zone Regulations
17.44C-28 Commercial Shopping District Zone Regulations
17.46C-30 District Thoroughfare Commercial Zone Regulations
17.48C-31 Special Retail Commercial Zone Regulations
17.50C-35 District Shopping Commercial Zone Regulations
17.52C-36 Gateway Boulevard Service Commercial Zone Regulations
17.32CN Neighborhood Center Commercial Zones Regulations
17.34CC Community Commercial Zones Regulations
17.36CR Regional Commercial Zone Regulations
17.54C-40 Community Thoroughfare Commercial Zone Regulations
17.56C-45 Community Shopping Commercial Zone Regulations
17.58 CBD Central Business District Zones Regulations
17.60C-51 Central Business Service Commercial Zone
17.62C-55 Central Core Commercial Zone
17.64C-60 City Service Commercial Zone Regulations
17.65 HBX Housing and Business Mix Commercial Zones Regulations
17.66 M-10 Special Industrial Zone Regulations
17.68 M-20 Light Industrial Zone Regulations

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- 17.70 M-30 General Industrial Zone Regulations
- 17.72 M-40 Heavy Industrial Zone Regulations
- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones Regulations
- 17.74 S-1 Medical Center Zone Regulations
- 17.76 S-2 Civic Center Zone Regulations
- 17.78 S-3 Research Center Zone Regulations**
- 17.80 S-4 Design Review Combining Zone Regulations
- 17.82 S-6 Mobile Home Combining Zone Regulations
- 17.84 S-7 Preservation Combining Zone Regulations
- 17.86—S-8-Urban-Street-Combining-Zone-Regulations
- 17.88—S-9-Retail-Frontage-Combining-Zone-Regulations
- 17.90 S-10 Scenic Route Combining Zone Regulations
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations
- 17.94 S-12 Residential Parking Combining Zone Regulations
- 17.96—S-13-Mixed-Use-Development-Combining-Zone-Regulations
- 17.97 S-15 Transit Oriented Development Zone Regulations
- 17.98—S-16-Industrial-Residential-Transition-Combining-Zone-Regulations
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations
- 17.100A S-19 Health and Safety Protection Overlay Combining Zone Regulations
- 17.100B S-20 Historic Preservation District Combining Zone Regulations
- 17.101A D-WS Wood Street District Commercial Zone Regulations
- 17.101B D-OTN Oak To Ninth District Zone Regulations
- 17.101C D-BR Broadway Retail Frontage District Interim Combining Zone Regulations
- 17.101D D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations-
- 17.102 General Regulations Applicable to All or Several Zones
- 17.104 General Limitations on Signs
- 17.106 General Lot, Density, and Area Regulations
- 17.107 Density Bonus and Incentive Procedure
- 17.108 General Height, Yard, Court, and Fence Regulations
- 17.110 Buffering Regulations
- 17.112 Home Occupation Regulations
- 17.114 Nonconforming Uses
- 17.116 Off-Street Parking and Loading Requirements
- 17.117 Bicycle Parking Requirements
- 17.118 Recycling Space Allocation Requirements
- 17.120 Performance Standards
- 17.122—Planned-Unit-Development-Regulations
- 17.124 Landscaping and Screening Standards
- 17.126 Usable Open Space Standards
- 17.128 Telecommunications Regulations
- 17.130 Administrative Procedures Generally
- 17.132 Administrative Appeal Procedure
- 17.134 Conditional Use Permit Procedure
- 17.135 Special Use Permit Review Procedure for the OS Zone
- 17.136 Design Review Procedure
- 17.138 Development Agreement Procedure

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17.140 Planned Unit Development Procedure

17.142 Planned Unit Development Regulations

17.144 Rezoning and Law Change Procedure

17.148 Variance Procedure

17.150 Fee Schedule

17.152 Enforcement

17.154 Zoning Maps

17.156 Deemed Approved Alcoholic Beverage Sale Regulations

17.157 Deemed Approved Hotel and Rooming House Regulations

17.158 Environmental Review Regulations

—Illustrations for Title-17

Chapter 17.01

GENERAL PROVISIONS OF PLANNING CODE AND GENERAL PLAN CONFORMITY

17.01.080 Appeal of Director's determination.

A. Within ten calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of such determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the city master fee schedule, and shall be processed in accordance with the administrative appeal procedure in Chapter 17.132.

B. Within ten (10) calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.120 C. an appeal of such determination may be taken to the City Council by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the city master fee schedule. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Director and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After the hearing date is set, the Planning Director shall refer the matter to the Planning Commission for its review and advice. The Planning Commission shall consider the matter at its next available meeting. Such referral shall be only for the purpose of issue clarification and advice to the City Council. The City Clerk shall not less than seventeen (17) days prior to the Council hearing, give to the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate; written notice of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the provisions of Section 17.01.120.C., and may approve or disapprove the proposed determination. The decision of the City Council shall be made by resolution and shall be final.

(Ord. 12514 § 2 (part), 2003: Ord. 12054 § 2 (part), 1998)

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17.01.100 Proposals clearly in conformance with General Plan.

A. If Permitted or Conditionally Permitted by Zoning and/or Subdivision Regulations (No “Express Conflict”). Any proposal determined to clearly conform with the General Plan and which is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations shall be processed in accordance with such code and/or regulations.

B. If Not Permitted by Zoning and/or Subdivision Regulations (“Express Conflict”). Any proposal determined to clearly conform with the General Plan and which is not permitted by the Zoning and/or Subdivision Regulations may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Such use permit shall be processed as a minor conditional use permit or a major conditional use permit in conformance with the provisions of Chapter 17.134. A conditional use permit for such proposal may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to the following additional use permit criteria:

1. That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area;
2. That the proposal is clearly consistent with the intent and desired character of the relevant land use classification or classifications of the General Plan and any associated policies;

3. That the proposal will clearly promote implementation of the General Plan. Any such proposal shall be subject to the provisions of the “best fit zone” corresponding to the land use classification in which the proposal is located, as determined in accordance with the guidelines adopted pursuant to Section 17.01.060. If there is more than one “best fit zone,” the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.

C. Optional Rezoning in Lieu of Conditional Use Permit (“Express Conflict”). At his or her option, in lieu of the conditional use permit provided for by subsection B of this section, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the “best fit zone” or other possible zone corresponding to the land use classification in which the proposal is located, as determined in accordance with the guidelines adopted pursuant to Section 17.01.060. If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to any required conditional use permit.

(Ord. 12054 § 2 (part), 1998)

Chapter 17.03

CITY PLANNING COMMISSION

A. City Planning Commission And Landmarks Preservation Advisory Board. The membership and organization of the City Planning Commission and Landmarks Preservation Advisory Board, shall be as prescribed in this code and Ordinance Nos. 192 and 8883 C.M.S., as amended respectively, including, but not limited to the amendments made by Ordinance No. 6485 C.M.S., and their powers shall be as prescribed in said ordinances and in this code. Unless expressly stated therein, neither the adoption of this code nor any amendments thereto, nor the repeal of any ordinance, shall in any manner affect the organization of the City Planning Commission or Landmarks Preservation Advisory Board as existing on the effective date hereof. Unless expressly stated otherwise, all persons holding office on said Commission or Board under any provision repealed by the ordinance codified in this title shall continue to hold such office according to the former tenure thereof.

B. Abolition of Board of Adjustments. The Board of Adjustments is abolished; provided, however, that all matters pending before the Board of Adjustments on the effective date of this section shall be heard and determined by the Board, or by the City Council in cases of appeal, in the same manner in effect prior to the effective date.

C. Affirmative Action. To the extent practicable, Commission and Board appointments shall be made in accordance with the city's affirmative action policies.

D. Geographic Diversity. To the extent practicable, Commission and Board appointments shall reflect the geographical diversity of the city.

E. Councilmember Recommendations. In making Commission and Board appointments, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least thirty (30) days prior to expiration of an existing Commission or Board member's term.

F. Staggered Terms. Commencing with the effective date of the ordinance codified in this section, Commission and Board members shall be appointed to staggered terms, such terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be only for the unexpired portion of the term.

G. Length of Terms. Except for the initial appointments made immediately following passage of the ordinance codified in this section, which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection F of this section, all appointments shall be for a period of three (3) years.

H. 1. Limit on Consecutive Terms. Commencing with the effective date of the ordinance codified in this section, no person shall serve more than two consecutive terms as a member of the Commission or Board. Members of the Commission or Board sitting on the effective date of the ordinance codified in this section shall not be appointed to serve more than one additional consecutive term as a member of the Commission or Board.

2. In the event an appointment to fill a vacancy has not occurred by the conclusion of a Commission or Board member's term, that member may continue to serve as a member of the Commission or Board during the following term in a holdover capacity for a period not to exceed one year, to allow for the appointment of a Commission or Board member to serve the remainder of such following term.

I. Removal. To assure participation of Commission and Board members, attendance by the members of the Commission and Board at all regularly scheduled and special meetings of the Commission and Board shall be recorded, and such record shall be provided semiannually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Cause for removal shall include, among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, absence from three consecutive regular meetings, or, for members of the

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Commission's Residential Appeals Committee, absence from three consecutive regular meetings of the Committee, except, in the case of absences, on account of illness or when absent from the city by permission of the Commission or Board. (Ord. 12376 § 3 (part), 2001; Ord. 12054 § 1(d), 1998; Ord. 11776 §§ 1--3, 1995; prior planning code § 2)

Chapter 17.07

TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS

17.07.030 Purposes of zoning regulations.

The general purposes of the zoning regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:

- A. To promote the achievement of the proposals of the Oakland General Comprehensive Plan;
- B. To advance Oakland's position as a regional center of commerce, industry, recreation, and culture;
- C. To protect residential, commercial, industrial, and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services;
- D. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space;
- E. To ensure preservation of adequate space for commercial, industrial, and other activities necessary for a healthy economy;
- F. To promote safe, fast, and efficient movement of people and goods, and the provision of adequate off-street parking and loading;
- G. To achieve excellence and originality of design in all future developments and to preserve the natural beauty of Oakland's setting;
- H. To promote the growth of productivity of the Oakland economy;
- I. To stabilize expectations regarding future development of Oakland, thereby providing a basis for wise decisions with respect to such development;
- J. To secure equity among individuals in the utilization of their property;
- K. To promote an attractive urban environment which will enhance the city's economic potential and encourage decisions to make investments, do business, shop, and live within Oakland;
- L. To especially protect and improve the appearance and orderliness of major trafficways and transit lines and views therefrom, thereby increasing the enjoyment of travel, reducing traffic hazards, and enhancing the image of Oakland derived by residents, businesspeople, commuters, visitors, and potential investors;
- M. To protect the very substantial public investment in, and the character and dignity of, public buildings, open spaces, thoroughfares, and rapid transit lines;
- N. To encourage a maximum of planting and other amenities, and a minimum of excessively intrusive signs, overhead utility lines, and other environmental clutter;
- O. To encourage Signs which are in scale and harmony with surrounding uses, which are visually subordinate to the on-site and nearby buildings, which are themselves well designed, and which have good spacing and design relationships to other Signs;
- P. To prevent the unnecessary destruction or impairment of structures, other physical features, sites, and areas of special character or special historical, cultural, educational, architectural, aesthetic, or environmental interest or value and to achieve the following purposes:
 - 1. The protection, enhancement, perpetuation, and use of structures and other physical features, sites, and areas that are reminders of past eras, events, and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived,
 - 2. The development and maintenance of appropriate settings and environment for such structures, and other physical features, on such sites, and in such areas,

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3. The enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic and financial benefits to the city and its inhabitants, and the promotion of tourist trade and interest,

4. The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its cultural, social, economic, political, and architectural history,

5. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the past. (Ord. 12054 § 1(a), 1998; prior planning code § 2002)

17.07.040 - Applicability of zoning regulations.

A. To Which Property Applicable. The zoning regulations shall apply, to the extent permissible under other laws, to all property within the city of Oakland, and to property outside Oakland to the extent provided in subsection B of this section, regardless of whether such property is in private or public ownership.

B. Prezoning of Land Outside City Limits. Pursuant to the applicable procedures set forth in Chapters 17.130 through 17.152, territory outside the city limits may be placed in appropriate zones, may be included on development control maps, or facilities thereon may be designated landmarks and landmark sites, and proposed planned unit developments or uses may be considered and action taken thereon. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective.

C. Duplicated or Conflicting Regulation or Restriction. Where any provision, condition or requirement imposed by, or pursuant to, the zoning regulations and any other provision of any other applicable law, ordinance, resolution, rule or regulation, Whenover any provision of the zoning regulations-and-any-other-provision-of-law, whether set forth in, or pursuant to, this code, in the Oakland Building Code or Oakland Housing Code, or in any other law, ordinance, or resolution, rule, regulation, term, or requirement-of-any-kind,-imposes overlapping or contradictory regulations, or contains restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the zoning regulations or elsewhere in the Oakland Municipal Code. No provision of this code shall be construed to abrogate, annul or impair any restriction covering any of the same subject matter that is more restrictive or imposes higher development standards except as otherwise expressly provided in the zoning regulations.

D. Private Agreements. The zoning regulations are not intended to abrogate, annul, or impair any easement, covenant, or other agreement between parties. However, where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control, except as otherwise authorized under Section 17.102.310 and the development agreement procedure.

Chapter 17.09

DEFINITIONS

17.09.040 Definitions.

“Access facility width” means the width of the paved roadway surface curb-to-curb or edge-to-edge, exclusive of shoulders.

“Accessory activity” means an activity which is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in Section 17.10.040.

“Accessory facility” means a facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable conditions set forth in Section 17.10.070.

“Accessory structure” means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code.

“Activity” means the performance of a function or operation.

“Activity type” means a type of activity which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

“Adult entertainment activity” means any commercial activity, whether conducted intermittently or full-time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by emphasis on male or female genitals, buttocks, or female breasts.

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“Alcoholic beverage license overconcentrated areas” means a police beat with crime rates that exceed the city median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median.

“Alley” means a dedicated public way intended primarily to provide secondary vehicular access to abutting properties.

“Alteration” means any enlargement; addition; demolition; removal; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for Signs, and ordinary maintenance for which no building permit is required.

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

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“A’ weighted sound level” means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the ‘A’ weighted network (scale) at slow response. The unit of measurement shall be defined as dBA or dB(a).

“Area Damaged by the 1991 Firestorm” means all of that area situated: beginning at the intersection of Claremont Avenue and the westerly line of the University of California, Berkeley campus, thence southerly along said westerly property line of the University of California campus to Grizzly Peak Boulevard; thence southeasterly on Grizzly Peak Boulevard to the most westerly line of the Robert Sibley Volcanic Regional Preserve; thence due south to Skyline Boulevard; thence westerly on Skyline Boulevard to Broadway Terrace; thence southwest on Broadway Terrace to Farallon Way; thence southwest on Farallon Way and the extension of Farallon Way to Pinehaven Road; thence westerly on Pinehaven Road to Broadway Terrace; thence southerly on Broadway Terrace to Uranus Avenue; thence east on Uranus Avenue to Sherwood Drive; thence south on Sherwood Drive to Taurus Avenue; thence west on Taurus Avenue approximately six hundred fifty (650) feet to a path connecting Taurus Avenue and Capricorn Avenue; thence south along said path to Capricorn Avenue; thence south on Capricorn Avenue to Florence Terrace; thence north and west on Florence Terrace and an extension of Florence Terrace across Highway 13 to Estates Drive; thence west on Estates Drive to Masonic Avenue; thence south on Masonic Avenue to Amy Drive; thence southwest on Amy Drive to Harbord Drive; thence southeast on Harbord Drive to Maxwelton Road; thence southwest on Maxwelton Road to the Oakland-Piedmont border; thence northwest along said Oakland-Piedmont border to Clarewood Drive; thence northwest on Clarewood Drive to Broadway Terrace; thence west on Broadway Terrace to Margarido Drive; thence north and east on Margarido Drive to Rockridge Boulevard South; thence west on Rockridge Boulevard South to Rockridge Boulevard; thence west on Rockridge Boulevard to Broadway; thence north on Broadway to Golden Gate Avenue; thence north on Golden Gate Avenue to Chabot Road; thence along the extension of Golden Gate Avenue to the Oakland-Berkeley border; thence along said Oakland-Berkeley border to the intersection of said Oakland-Berkeley border with Claremont Avenue; thence northeast on Claremont Avenue to the point of beginning.

“Area of Primary Importance” or “API” means an area as defined by the Historic Preservation Element of the General Plan.

“Area of Secondary Importance” or “ASI” means an area as defined by the Historic Preservation Element of the General Plan.

“Attic” means a space between the roof framing and the floor of such space and which is excluded from the definition of “story.”

“Base of a building” or “building base” means that portion of a building immediately above finished grade to the maximum total base height as described in an individual zoning designation.

“Basement” means the area below the lowest level of a building and which is excluded from the definition of “story.”

“Bedroom” means any habitable room, regardless of its designation on building plans, which meets both of the following criteria:

1. The room may legally function as a bedroom in that it complies with, or is required by the Building Official to comply with, all applicable laws and regulations pertaining to sleeping rooms, including, but not limited to, the requirements of the Oakland Building Code for light and ventilation in habitable rooms and emergency egress from sleeping rooms; and the Oakland Housing Code definition of “sleeping room.”

2. The room may logically function as a bedroom, with consideration given to its function and physical relationship to the remainder of the living unit.

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“Berth” means an area, exclusive of docks, designated to accommodate a motor vehicle during loading or unloading of goods.

“Buildable area” means the portions of a lot on which a building can be located as defined by the minimum setbacks, if any, and as per all other applicable the-provisions of this code.

“Buildable envelope” means the volume of space for buildings and other structures as defined by the minimum setbacks and the maximum allowable height.

“Building” means a structure having a roof supported by columns or walls.

“Building Envelope” means the exterior surface of a building, consisting of such elements as the foundation, walls, windows, roof, doors, floors, and other attached features. An increase in the building envelope shall be defined as an increase in the exterior size, footprint, or height of a building; or the enclosure or conversion into living area of any open balcony, deck, porch, or unenclosed understory.

“Building Facility” means any structure, open area, or object which accommodates or is intended to accommodate Residential, Civic, Commercial, Industrial and/or Mixed Use Activities. Building Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential, Civic, Commercial, Industrial and/or Mixed Use Activities.

“Building Front” see front of building.

“Buildable-envelope” means the volume of space for buildings and other structures as defined by the minimum-setbacks, and the maximum-allowable-height;

“Building length” means a plan dimension parallel to an exterior wall or walls. This measurement is equal to the horizontal dimension of the corresponding elevation of the building or structure at a given level.

“Character-defining elements” means those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

“Collective household” means a group of at least two, but not more than five, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

“Commercial zone” means any zone with a name that ends-contains with the words “Commercial Zone Regulations.”

“Common driveway” means a driveway having a width of no less than twelve (12) feet and providing a shared access alternative to, and across existing legal lots which have street frontage, regardless of lot ownership. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the common driveway may be located within the public right-of-way. In calculating aggregate residential density, the area of the common driveway shall be excluded from the total area of the lots crossed by the common driveway.

“Corner lot” (see illustration I-1) means a lot bounded on two or more adjacent sides by streets, by private ways described in Section 17.106.020, or by portions of such streets or ways, having an angle of intersection of one hundred thirty-five (135) degrees or less.

“Court” means an area between two walls on the same lot, measured for a specified distance, in a horizontal plane, perpendicularly from either of such walls; located on the same lot as said walls; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

“Day” means calendar day.

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“Decibel (dB)” means a unit for measuring the amplitude of sounds, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Dependent parking space” means a parking space which can only be accessed by driving across another parking space. (See also “Independent parking space” and “Tandem parking” in this section.)

“Designated Historic Properties” means landmarks, contributors or potential contributors to Preservation Districts, or Heritage Properties.

“Designated landmark” means a facility, portion thereof, or group of facilities which has a special character, interest, or value and which has been established as a landmark pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

“Designated landmark site” means a lot or other site which contains a designated landmark and which has been established pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

“Development control map” means a map or set of maps, with supporting text, regulating the precise location, height, bulk, design, or nature of activities or facilities.

“Display surface (area of)” means the area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display. With respect to multifaced Signs, the area of all such faces shall be included except where the context refers to only one face.

“Diagonal length” means a horizontal plan dimension between the two most separated points on the exterior walls at a given level of a building or structure.

“Dormer” means a roofed structure projecting from a sloping roof and containing a window or ventilating louver.

“Driveway” means the way or means of vehicular access from that portion of a street used for vehicular travel to the parking, loading, or other vehicular activity on the adjacent property, including the portion of the sidewalk lying within said way or means of access. (Note that this differs from the definition of “Driveway” at Section 12.04.240 of the Oakland Municipal Code, which only includes that portion lying within the street right-of-way.)

“Dwelling unit” means a room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one of the persons or groups specified in Section 17.102.260.

“Earthen berm” means a mound or embankment of earth, together with necessary retaining structures.

“Edge of the pavement” means the edge of that part of a street, alley, or private access easement described in Section 17.106.020, having an improved surface used for vehicle travel and parking, including gutters, but not including a raised curb or sidewalk.

“Efficiency dwelling unit” means a dwelling unit containing only a single habitable room other than a kitchen, or containing a total of less than five hundred (500) square feet of floor area.

“Electroplating activity” means the electrochemical process of depositing a thin metallic coating of one metal on top of a different metal by passing an electrical current into a piece of metal immersed in chemical solutions comprised of caustics, acids, cyanides or other bonding chemicals, and causing a

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metallic coating to bond with the object to be plated. Such activities are classified as General Manufacturing Industrial Activities and are subject to the provisions of Section 17.102.340.

“Enclosed retaining wall” means a retaining wall located on a lot such that it is visually shielded by other permanent structures and cannot be seen from public streets and adjacent lots.

“Existing grade” means the natural grade or the revised grade due to prior development of a lot.

“Facility” means a structure, open area, or other physical contrivance or object.

“Facility type” means a type of facility which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

“Family” means one person, or a group of people living together as a single housekeeping unit, together with any incidental domestic servants and temporary nonpaying guests.

“Family foster care home” means a residential activity providing twenty-four (24) hour care for six (6) or fewer foster children in a residential facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

“Finished grade” means:

1. Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by subsection 2 of this definition;

2. A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a city grading permit, subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.

“Flashing illumination (of a Sign)” means illumination of a Sign wherein such illumination is not maintained constant in intensity, color, and pattern during all times the Sign is activated.

“Floor Area”

1. “Floor area,” for all projects except those with one or two dwelling units on a lot, means the total of the gross horizontal areas of all floors, including usable basements, below the roof and within the outer surfaces of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portion thereof without walls, but excluding the following:

a. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto;

b. Areas which qualify as usable open space under the standards for required usable open space in Chapter 17.126;

c. In the case of Nonresidential Facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

2. “Floor area,” for all projects with one or two dwelling units on a lot, means the total square footage of all levels of all buildings on the lot. Levels shall be measured horizontally from the outside surface of exterior walls and supporting columns. The amount of floor area in each building shall be determined by the following criteria:

a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and

b. Floor area shall not include:

- i. Unenclosed living areas such as balconies, decks and porches;
- ii. Carports that are unenclosed on two or more sides;

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- iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three or more sides;
- iv. Nonhabitable accessory structures of less than one hundred twenty (120) square feet;
- v. ~~A~~Unfinished-understories, attics and basements, as defined-as in the Oakland Planning Code, and not qualifying as a story; and
- vi. Finished and unfinished understories and basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point.

“Floorplate” means the total area of a single floor of a building.

“Floor Area of a marina” means the space dedicated to the docking or mooring of marine vessels.

“Floor-area ratio” (see-illustration-I-3)-means the number resulting from division of the floor area on a lot by the lot area.

“Footprint” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“Footprint slope” means the deviation of the ground surface from the horizontal, expressed as a percentage, measured at the steepest point between opposite sides of the building footprint. For additions, the ground surface slope is measured at the steepest point between opposite sides of the existing building footprint, plus the footprint of the addition.

“Frequency” means the number of oscillations per second, or pitch, of a sound, with a greater frequency corresponding to a higher pitch.

“Frontage” means a front lot line; also the length thereof

“Front of building” or “building front” means that part of the façade oriented towards and visually prominent to the principal street.

“Front lot line” (see-illustration-I-2)-means:

1. On an interior lot: any abutting street line, except where an interior lot has more than one abutting street line, the Director of City Planning shall select one of the street lines as the front lot line; such selection shall conform with any neighborhood patterns.
2. On a corner lot: the shorter of any adjacent two abutting street lines, or portions thereof, which intersect at an angle of not less than forty-five (45) degrees but not more than one hundred thirty-five (135) degrees; except that the Director of City Planning may select either as the front lot line to conform with any neighborhood patterns. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than forty-five (45) degrees, both such street lines or portions thereof shall be deemed front lot lines.

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“Front yard” (see illustration I-2) means a yard measured into a lot from its front lot line or lines equal to the depth of the required front yard. Except where a front yard is prescribed only for certain kinds of facilities, a required front yard shall extend the full width of the lot between its side lot lines.

“Front setback” or **“Front yard setback”** means the setback from the front lot line.

“Full-service restaurant” means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

“Gable end” (see illustration I-0) means the end of a gable, gambrel, gablet, jerkinhead, shed, or similar roof consisting of a generally triangular shaped wall or vertical plane at the end of the roof and inscribed by the edges of the roof planes and a line connecting the bases of the roof planes.

“Gradient” means the difference in elevation between defined reference points divided by the horizontal distance between these points.

“Habitable room” means a space in a living unit intended for living, sleeping, eating, or cooking, including, but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, finished recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are bathrooms, water closets, hallways, foyers, storage closets, pantries, laundries, utility rooms, unfinished attics and basements, balconies, open porches, garages, and other unfinished spaces used for storage. See Section 17.102.280 for rules for determining the number of habitable rooms in a Residential Facility.

“Height” (see illustration I-2a) means the vertical distance of any structure, building, fence, sign, retaining wall, or other facility measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade on the outside perimeter of the facility.

1. The height of any portion of a facility within six (6) feet of a retaining wall shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower, subject to the following exceptions:

a. The height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall shall be measured from finished grade at the perimeter of the fence.

b. The height of any facility abutting a light well, depressed landing, or similar facility that extends entirely below surrounding finished grade and no more than five (5) feet from the perimeter of the abutting facility shall be measured from the surrounding finished grade at the perimeter of the facility, not including the light well, depressed landing, or similar facility.

“High-density zones” means the R-60 through and including the R-80 zones and the CBD-R zone.

- **“Home occupation”** means an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefore, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

“Hotel” means a facility, other than a motel, designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common interior hallways.

“Illegal use” means an activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in the zoning regulations. A minor illegal use is an illegal use that can be legalized by any means other than by major variance.

“Improvement” means, for the purposes of implementation of the recycling space allocation requirements, an “improvement” shall be defined as work 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.

“Independent parking space” means a parking space which can be accessed without driving across another parking space. (See also “Dependent parking space” and “Tandem parking” in this section.)

“Indirect illumination (of a Sign)” means illumination of a Sign by means only of light cast upon it from a concealed source outside the Sign itself.

“Industrial zone” means any zone with a name that ends-withcontains the words “Industrial Zone Regulations.”

“Interior lot” (see-illustration-I-I)-means any lot other than a corner lot.

“Interior side lot line” means any side lot line which is not a street line.

“Interior side setback” or “Interior side yard setback” means the setback from the interior side lot line.

“Introductory service” means an activity the primary purpose of which is, for compensation, promoting friendships between or introducing for social purposes persons of the opposite sex.

“Key lot” (see-illustration-I-I)-means the first interior lot to the rear of a reversed corner lot, with its front lot line being substantially a continuation of a side lot line of the reversed corner lot.

“Kitchen” means any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

“Legally required window” means a window or portion thereof which serves to meet the requirements of the Oakland Housing-Building Code with respect to area, number, or location of windows.

“Living room” means the principal room designed for general living purposes in living unit. Every living unit shall be deemed to have a living room.

“Living unit” means a dwelling unit or a rooming unit.

“Local Register Property” means any building, object, property or district listed in the City of Oakland’s Local Register of Historical Resources, which includes all Landmarks, Designated Historic Properties, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties; and those Potential Designated Historic Properties (PDHPs) that are determined by the City’s Cultural Heritage Survey to have an existing rating of “A” or “B”, or to contribute or potentially contribute to an Area of Primary Importance (API).

“Landmark” means a property that has been designated as a Landmark by the City Council pursuant to Section 17.136.070.

“Lot” means a parcel of contiguous land which is or may be developed or utilized, under one ownership, as a unit site for a use or group of uses.

“Lot area” means the area of a lot measured horizontally between bounding lot lines.

“Lot coverage” means the total land area covered by all of the structures on a lot measured from outside of all exterior walls and supporting columns, including all projections, except that the following shall not be considered in determining lot coverage:

1. The portions of any uncovered and unenclosed decks, porches, landings or patios;[;] not including railings, which are less than thirty (30) inches above finished grade;

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2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;

3. Eaves and roof overhangs up to four (4) feet from a wall;

4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition; and

5. Nonhabitable accessory structures of less than one hundred twenty (120) square feet.

“Lot depth” (see ~~illustration I-4~~) means the horizontal distance between the rear lot line, or some other lot line in cases where there is no rear lot line, and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines; also the line so described.

“Lot line” means any boundary of a lot.

“Lot width” is the horizontal distances between the side lot lines measured at right angles to the side lot lines at all points between the front lot line and the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Lot width mean” (see ~~illustration I-4~~) is the mean of the horizontal distances between the side lot lines measured at right angles to the lot depth at points distant thereon twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Major conditional use permit” means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

“Major variance” means a variance which involves any of the provisions listed in Section 17.148.020A.

—“~~Medium-density zones~~” means the ~~R-40-through-and-including-the R-50-zones~~.

“Mini-lot development” means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

“Minor conditional use permit” means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

“Minor variance” means a variance which does not involve any of the provisions listed in Section 17.148.020A.

“Mixed use development” means an integrated development containing residential, commercial and/or industrial activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

“Motel” means a facility designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common exterior corridors or where off-street parking is in sufficiently close proximity to the units as to facilitate direct baggage handling by guests.

“Moving (of a Sign)” means rotation or any other movement of any portion of a Sign, except for normal movement of hands on a clock.

“Natural grade” means the surface of the ground prior to grading for development.

“Nonconforming activity” means an activity which, under the zoning regulations, is not itself a permitted activity where it is located or does not conform to the off-street parking or loading

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requirements, performance standards, or other requirements applying to activities. However, an activity of the character described above shall not be deemed a nonconforming activity to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming facility” means a facility which, under the zoning regulations, is not itself a permitted facility where it is located or does not conform to the density, floor-area ratio, height, yard, court, landscaping or screening, or usable open space requirements; limitations on Signs; or other requirements applying to facilities. However, a facility of the character described above shall not be deemed a nonconforming facility to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming use” means a nonconforming activity or a nonconforming facility.

“Non-taxable merchandise” means products, commodities, or items not subject to California state sales tax.

“Oakland Hills Fire” means the fire of October 20, 1991 in the hill area of the city of Oakland, which is the subject of local, state and federal emergency declarations and disaster proclamations. Said term includes the words “the fire.”

“Path” means a dedicated public way intended for pedestrian movement.

“Paved surface” means an nonpermeable, all-weather surface covered by concrete, asphalt, masonry, or a similar material and includes surfaces used for driveways, walkways, patios, and structures.

“Pawnbroking activity” means a commercial activity which features both the making of loans and the holding of jewelry, clothing, or other articles as security and which is conducted by a pawnbroker as defined in the Oakland Municipal Code.

“Performance standards” means regulations prescribed in the performance standards in Chapter 17.120 with respect to the emission by activities of noise, vibration, smoke, and other dangerous or objectionable matter or phenomena.

“Pitched roof” means any roof with one or more non-horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than three to twelve (3:12).

“Plan Dimension” means the linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls.

“Planned unit development” means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way.

“Planning official” means the Planning Official, or his or her designee.

“Poolroom activity” means the commercial operation of a public pool- or billiard room which has more than one pool table or billiard table.

“Potential Designated Historic Property” means any building or property that is determined by the City’s Cultural Heritage Survey to have an existing or contingency rating of “A”, “B”, or “C”, or to contribute or potentially contribute to an Area of Primary Importance (API) or an Area of Secondary Importance (ASI).

“Preservation District” means an area that has been included in the City’s S-7 Preservation Combining Zone or the S-20 Historic Preservation District Combining Zone.

“Primary activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

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“Primary dwelling unit” means a main building, room, or suite of rooms, including only one kitchen except as otherwise provided in Section 17.102.270, which is designed or occupied as the principal dwelling unit on a lot.

“Primary facility” means a main building or other facility which is designed for or occupied by a primary activity.

“Principal activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

“Principal building” means a main building that is occupied a principal activity.

“Principal facility” means a main building or other facility which is designed for or occupied by a principal activity.

“Principal street” means on interior lots, the street that abuts a lot. On corner lots, the principal street is the street that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element of the General Plan. Where streets have the same street hierarchy, the principal street shall be determined by the Zoning Administrator based on the street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and control of intersections.

“Private access easement” means a privately owned and maintained right-of-way which provides vehicular access to each of not more than four lots. A private access easement allows the creation of no more than four lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easements shall not be named. Addresses for the living units served by the easement shall conform to the address range of the street upon which the easement abuts.

“Public facility” means and 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.

“Rapid transit” means a system of high-speed mass transit operating on exclusive rights-of-way, including but not limited to the Bay Area Rapid Transit system.

“Rear lot line” (see illustration I-2) means 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 forty-five (45) degrees.

“Rear setback” or “Rear yard setback” means the setback from the rear lot line.

“Rear yard” (see illustration I-2) means a yard measured into a lot from its rear lot line, provided that in cases where there is no rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth, parallel to said lot depth. Except where a rear yard is prescribed only for certain kinds of facilities or along only a portion of a lot line, a required rear yard shall extend the full width of the lot between its side lot lines.

“Recyclable materials” means 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.

“Recycling area” means space allocated for collecting and loading recyclable materials. Such areas shall have the ability to accommodate receptacles for recycling materials.

“Recycling receptacles” means bins or containers that allow storage of recyclable materials.

“Regular dwelling unit” means any dwelling unit other than an efficiency dwelling unit.

“Residential facility” means any structure, open area, or object which accommodates or is intended to accommodate Residential Activities. Residential Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential Activities.

“Residential zone” means any zone with a name that ends-containswith the words “Residential Zone.”Regulations.”

“Reversed corner lot” (see illustration I-1)means a corner lot a side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

“Ringelmann number” means a number on the Ringelmann Chart, as standardized by the United States Bureau of Mines, used to measure the light-obscuring capacity of smoke, with a higher Ringelmann number corresponding to darker smoke.

“Rooming unit” means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

“Safety rail” means a guard rail, safety barrier, protective railing, or combination thereof

“Sales Floor Area” means interior building space devoted to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single business establishment, the aggregate square footage of all adjacent stores that share common check stands, management, a controlling ownership interest, warehouses, or distribution facilities shall be considered a single business establishment.

“Secondary unit” means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.102.360.

“Secondhand merchandise activity” means any commercial activity which consists primarily of retail sale or rental from the premises of secondhand goods, other than secondhand jewelry, art objects, coins, stamps, motor vehicles, aircraft parts, or scrap.

“Setback” means the horizontal distance between a facility and the lot lines of the lot on which it is located.

“Setback line” (see illustration I-2)means a line located inside the boundaries of a lot and parallel to a front, side, or rear lot line and set back from the front, side, or rear lot line a distance equal to the depth of the required front, side, or rear yard.

“Shared access facility” means a common driveway as defined in this section or a private access easement as defined in this section.

“Side lot line” (see illustration I-2)means any lot line which is not a front lot line or a rear lot line.

“Side yard” (see illustration I-2)means a yard measured into a lot from one or more of its side lot lines. Except where a side yard is prescribed only for certain kinds of facilities or along only a portion of a side lot line, a required side yard shall extend between the required front yard and rear yard, or the front or rear lot lines in cases where no front yard or rear yard is required.

“Single housekeeping unit” means one or more people living together as a relatively permanent household and bearing the character of a generic family such as sharing household activities, expenses, experiences, and responsibilities.

“Slope” means the deviation of a surface from the horizontal, expressed as a percentage.

“Slope, Down” (Downslope) means a downhill angle or slant of a surface in relation to the elevation of the edge of pavement of the abutting street or equivalent access facility. ~~line.~~

“Slope, Up” (Upslope) means an uphill angle or slant of a surface in relation to the elevation of the edge of pavement of the abutting street or equivalent access facility. ~~line.~~

“Sound pressure level” means the level of intensity of a sound.

“Special zone” means any zone the name of which begins with the letter “S-” or “D”.

“Story” means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

1. A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point;

2. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

“Street” means a dedicated public way, other than an alley or path, having a right-of-way not less than forty (40) feet in width, which is intended to afford the principal means of vehicular access to abutting properties, provided that any such way which was of record on October 6, 1953 shall be deemed a street regardless of width.

“Street line” means a lot line dividing a lot from an abutting street, or private way described in Section 17.106.020.

“Street side (of a corner lot)” means the side of a corner lot along any side lot line thereof which is a street line.

“Street side setback” or “Street side yard setback” means the setback from the street side lot line.

“Street to setback gradient” means the difference in topographic elevation along a perpendicular line that connects from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement, to the normally required front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes, as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line, or the closest point to the midpoint excluding any driveways, stairs and other built structures.

“Structure” means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

“Substitution (of activities)” means the replacement of an existing activity by a new activity, or a change in the nature of an existing activity, but not including a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

“Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space which can only be accessed by driving across another space is called a dependent parking space. A space which can be accessed without driving across another space is called an independent parking space. (See also “Dependent parking space” and “Independent parking space” in this section.)

“Through lot” means a lot that is bounded on two opposite sides by generally parallel streets. Any lot that meets the definition of both a through lot and a corner lot shall be deemed to be a corner lot.

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“Tobacco oriented activities” are defined as activities devoting any floor area or display area to or deriving any gross sales receipts from, the sale or exchange of tobacco-related products with the exception of (a) stores with over ten thousand (10,000) square feet of total sales area, provided the floor area devoted to tobacco sales does not exceed twenty (20) percent of the overall store area or display area or seventy-five (75) percent of gross sales receipts from, the sale or exchange of tobacco-related products, or (b) activities selling tobacco-related products in conjunction with Automotive Servicing Commercial Activities defined in Section 17.10.470 (Gasoline Stations), provided the floor area devoted to tobacco sales does not exceed twenty (20) percent of the overall store area or display area or seventy-five (75) percent of gross sales receipts from the sale or exchange of tobacco-related products.

“Tobacco-related products” are defined as any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

“Tower” means any building area constructed over the building base.

“Unfinished understories, attics and basements” means the portions of a building that have not been converted or improved into “Habitable Space”, as defined in the Oakland Building Code, and are located above and below the highest and lowest habitable story or stories.

“Upper story” means either:

1. Any story located above the bottommost story of a building; or
2. Any story with finished floor located at least twelve (12) feet above finished grade at any point along the building perimeter.

“Use” means an activity or a facility.

“Working day” means a day when city offices are open for conducting of city business.

“Yard” means an area between a facility and some lot line, measured for a specified distance, in a horizontal plane, perpendicularly between such facility and lot line; located on the same lot as said facility; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

(Ord. 12675 § 3 (part), 2005; Ord. 12547 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 3 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 12138 § 4 (part), 1999; Ord. 12054 § 1(c), 1998; Ord. 11895 §§ 3–5, 1996; Ord. 11831 § 2, 1995; Ord. 11807 § 2, 1995; prior planning code §§ 2110–2130)

17.09.050 Special definitions for projects in the open space (OS) zone.

A. “Change in use” means any activity which is not already established in the particular park or open space, or the significant expansion of any existing use. Changes in the ongoing, regularly-scheduled recreational programs offered by the city of Oakland, regional park district, and similar agencies shall not be considered “changes in use” unless they involve permanent structural changes to parks or park facilities. Conditionally permitted changes in use are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

B. “Improvement” means any project which, if proposed by a private applicant, would require issuance of a building, grading, or demolition permit by the city of Oakland. Parking lots shall also be included. Routine building and grounds maintenance where there is no change in the size, height, or external appearance of structures or grounds; and routine landscaping and/or landscape improvements, including irrigation systems, are not included. Conditionally permitted improvements are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

C. “Impervious surface” means any surface through which water does not easily pass. Impervious surface specifically includes all structures; paving materials such as brick, concrete, asphalt, or stone; swimming pools; and patios and terraces. impervious surface does not include landscaping or furniture, play equipment, kiosks, or other individual articles used in conjunction with landscaping which

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individually do not cover more than ten (10) square feet and cumulatively do not cover more than one hundred (100) square feet.

D. "Open space of comparable value" means land acquired or improved by the city that is approximately equal in its potential for recreational use to land elsewhere in the city proposed for coverage by a structure or impervious surface. For the purposes of this definition, comparable value shall be based on slope, total area, dimensions, vegetation, and proximity to water features.

E. "Caretaker's quarters" means a single living unit occupied on a weekly or longer basis on public parkland where the primary occupant of the residence is employed to maintain the grounds and facilities of the associated park.

F. "Street furniture" means furnishings used to enhance the aesthetic and functional value of a park or open space, including benches, tables, planter boxes, flagpoles, water fountains, decorative trash bins, ornamental fixtures, and similar features. Map boards and kiosks are excluded. For zoning purposes, street furniture is classified into projects whose individual components sum to more than one hundred (100) square feet and those whose components sum to less than one hundred (100) square feet.

G. "No net loss" means a state in which the square footage of useable parkland added to the city's park inventory since July 28, 1998, is equal to or greater than the square footage of urban parkland covered by structures since that date. Lands within the jurisdiction of the Port of Oakland and lands classified as "Resource Conservation Areas" are excluded from this calculation. Structures smaller than one hundred (100) square feet shall also be exempt from this calculation.

H. "Urban parkland" means any parkland in the city of Oakland that is not designated a "Resource Conservation Area," excluding those lands within the jurisdiction of the Port of Oakland. (Ord. 12078 § 7, 1998)

Chapter 17.10

USE CLASSIFICATIONS

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Article I

General Classification Rules

17.10.030 Listing of activity classifications.

All activities are classified into the following activity types, which are described in Article II of this chapter. (See Section 17.10.050 for classification of combinations of activities resembling different types.) The names of these activity types start with capital letters throughout the zoning regulations.

A. Residential Activities:

- Permanent
- Residential Care
- Service-Enriched Permanent Housing
- Transitional Housing
- Emergency Shelter
- Semi-Transient
- Bed and Breakfast

B. Civic Activities:

- Essential Service
- Limited Child-Care
- Community Assembly
- Recreational Assembly
- Community Education
- Nonassembly Cultural
- Administrative
- Health Care
- Special Health Care
- Utility and Vehicular
- Extensive Impact

C. Commercial Activities:

- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café

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Fast-Food Restaurant

Convenience Market

Fast-Food-Restaurant

Alcoholic Beverage Sales

Mechanical or Electronic Games

Medical Service

General Retail Sales

Large-Scale Combined Retail and Grocery Sales

Consumer Service

Consultative and Financial Service

Check Cashier and Check Cashing

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

General Wholesale Sales

Transient Habitation

Building Material Sales

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Taxi and Light Fleet-Based Service

Automotive Fee Parking

Transport and Warehousing

Animal Boarding

Animal Care

Undertaking Service

(Ord. 12138 § 4 (part), 1999; Ord. 12072 § 4, 1998; Ord. 11904 § 5.02, 1996; prior planning code § 2210)

17.10.110 Permanent Residential Activities.

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed residential care facilities for six (6) or fewer residents including family foster care homes. However, such residential care facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.102.212B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12138 § 4 (part), 1999; prior planning code § 2260)

17.10.112 Residential Care Residential Activities.

Residential Care Residential Activities include all residential care facilities that require a state license or are state licensed for seven or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections, are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.102.212(B). (Ord. 12138 § 4 (part), 1999)

17.10.140 Essential Service Civic Activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

- A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
- B. Community and botanical gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by more than one person for personal consumption and/or donation. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;
- C. Botanical Gardens;
- GD. Private streets;
- DE. Public polling places;
- EF. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
- FG. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the city;
- FH. Police and Fire stations;
- GI. Post offices, but excluding major mail processing centers;
- HJ. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. (Ord. 11904 § 5.05, 1996; prior planning code § 2323)
- IK. All activities not classified elsewhere in the use regulations that are conducted on city and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council. (Ord. 12078 § 5 (part), 1998; prior planning code § 2310)

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.160 Community Assembly Civic Activities.

Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:

- churches, temples, synagogues, and other similar places of worship;
- public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
- community, cultural, and performing arts centers;
- public and nonprofit gymnasiums and indoor swimming pools,

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.170 Recreational Assembly Civic Activities.

Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:

- ~~1.● food service and other concessions located within public parks;~~
- ~~17.● public and parochial playgrounds and playing fields;~~
- ~~18.● temporary nonprofit festivals;~~
- ~~19.● basketball courts, tennis courts, handball courts, lawn bowling, and similar outdoor park and recreational facilities;~~
- ~~20.● community outdoor swimming and wading pools, and other water play features;~~
- ~~21.● picnic areas,~~

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.190 Nonassembly Cultural Civic Activities.

Activities that are primarily engaged in the display or preservation of objects of interest in the arts or sciences, for public, or private non-profit purposes. Examples of activities in this classification include but are not limited to the following:

- publicly owned and nonprofit art galleries;
- plant conservatories;
- libraries;
- museums;
- observatories,

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.270 General Food Sales Commercial Activities.

General Food Sales Commercial Activities includes the retail sales of food or beverages for off-site preparation and consumption. This classification includes, but is not limited to, the following:

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A. Supermarkets or grocery stores that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, grocery stores are a minimum five thousand (5,000) square feet and have a minimum twenty 20-percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables/and or fresh meats, whichever is greater.

B. Stores specializing in particular or distinctive food items, including, but not limited to retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include but are not limited to the following:

- gourmet food stores;
- bakeries;
- butchers;
- specialty food stores;
- fish and poultry shops;
- produce markets;
- delicatessens (may include sandwich shops in conjunction with the sale of other delicatessen products);
- health food stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.272 Full Service Restaurant Commercial Activities.

Restaurants providing food or beverage services to patrons who order and are served while seated (table service), and pay after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods. Also, see 17.102.~~180~~210 and 17.156.070 for definitions of a full-service restaurant in relation to Alcoholic Beverage Sales. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.274 Limited Service Restaurant and Cafe.

Restaurants that generally provide food or beverage services to patrons that order and pay before eating. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may not be provided. Examples of these activities include, but are not limited to, cafés and restaurants that do not fall under 17.10.270-272 Full Service Restaurant or 17.10.290~~17.10.280~~ Fast-food Restaurant Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.280 Fast-Food Restaurant Commercial Activities.

A. Fast-Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: (A) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040.

B. The sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:

- Food is ordered and served from a take-out counter that is integral to the eating truck;
- Food is paid for prior to consumption;
- Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;
- Food and beverages are served in disposable wrappers, plates or containers; and
- Food and beverages are prepared and sold for off-site consumption.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.2890 Convenience Market Commercial Activities.

Convenience Market Commercial Activities include the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building; but exclude delicatessens and other specialty food shops, establishments that have a sizeable amount of highly perishable items such as fresh fruits and vegetables, fresh-cut meat. In general, "late hours of operation" means businesses that stay open until or after 10:00 PM or at or before 7:00 AM; "relatively small building" means a building that is less than five thousand (5,000) square feet; and "a sizeable amount of highly perishable items" means at least twenty 20-percent (20%) of net retail floor area devoted to fresh fruits and vegetables and/or fresh meats, whichever is greater, devoted to these products. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2361)

17.10.290 Fast-Food-Restaurant-Commercial-Activities.

A. Fast-Food-Restaurant-Commercial-Activities include the retail sale of ready-to-eat prepared foods and beverages, for on-or-off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food-Restaurants may also exhibit other design and operating characteristics, including: (A) a limited-menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040

B. The sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:

- Food is ordered and served from a take-out counter that is integral to the eating truck;
- Food is paid for prior to consumption;
- Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;
- Food and beverages are served in disposable wrappers, plates or containers; and
- Food and beverages are prepared and sold for off-site consumption.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

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17.10.320 Mechanical or Electronic Games Commercial Activities.

Mechanical or Electronic Games Commercial Activities include the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, where the games can be played or operated by the public or by customers; but exclude the provision of such games in a pool- or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the Municipal Code and from which persons under eighteen (18) years of age are barred at all times by the owner or operator, or in premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2365)

17.10.340 General Retail Sales Commercial Activities.

General Retail Sales Commercial Activities include the sales of items generally for personal or household use, but excludes activities more specifically described in other classifications. This activity does not include establishment where more than five percent of net retail floor area is devoted to food products. Examples of activities in this classification include but are not limited to the following:

- book and magazine, music, and video stores;
- pharmacy that sells prescription and non-prescription drugs along with miscellaneous retail items;
- florists;
- news stand;
- new and used clothing and shoes stores;
- department stores;
- electronics and appliance stores;
- furniture and home furnishing stores;
- gift shops;
- hardware and paint stores;
- hobby supply stores;
- auto parts stores, excluding service or installation;
- jewelry stores;
- luggage and leather goods stores;
- office supply and stationary stores;
- sporting goods stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.

Large-Scale Combined Retail and Grocery Sales Commercial Activities include the retail sale from the premises of goods and merchandise, primarily for personal or household use, from stores whose total sales floor area exceeds one hundred thousand (100,000) square feet, and which devote more than ten percent (10%) of sales floor area to the sale of non-taxable merchandise, but exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee. This classification excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware. This classification

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also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12547 § 3 (part), 2003)

17.10.350 Consumer Service Commercial Activities.

Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include but are not limited to the following:

- ~~a. barber shops;~~
- ~~b. beauty salons;~~
- ~~c. laundromats~~laundromats~~;~~
- ~~d. nail salons;~~
- ~~e. full service laundry service and dry cleaners (not including dry cleaning plants);~~
- ~~f. shoe shine stands;~~
- ~~g. tailors;~~
- ~~h. tanning salons;~~
- ~~i. tattoo parlors;~~
- ~~j. a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical related products.~~

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.365 Check Cashier and Check Cashing Activity.

Check cashier and check cashing activity includes:

A. A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A "check cashier" also includes the business of deferred deposits whereby the check cashier refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code ~~Section~~ 1789.33, as amended.

B. "Check cashier" or "check cashing activity" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashier" or "check cashing activity" also does not include a retail seller engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cashes checks or issues money orders for a minimum flat fee, not exceeding two (2) dollars, as a service to its customers that is incidental to its main purpose or business. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12626 § 3, 2004)

17.10.380 Group Assembly Commercial Activities.

Group Assembly Commercial Activities include the provision of instructional, amusement, or similar services of a nature to group assemblages of people. This classification does not include any activity classified in 17.10.480-160 Community Assembly Civic Activities, 17.10.170 Recreational Assembly Civic Activities, or 17.10.180 Community Education Civic Activities. Examples of activities in this classification include but are not limited to the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with two thousand (2,000) square feet or more of classroom or instructional space;
- drive-in theaters;
- theaters or venues with three thousand (3,000) square feet or more of floor area;

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- temporary carnivals, fairs, and circuses;
- cabarets, night clubs, dance halls, and pool halls;
- banquet halls;
- fitness clubs with two thousand (2,000) square feet or more of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.385 Personal Instruction and Improvement and Small Scale Entertainment Commercial Activities.

The provision of informational, instructional, personal improvement and similar services of a nature. This classification also includes theaters where less than three hundred (300) people are viewing an individual stage or screen. This classification does not include any activity classified as 17.10.180 Community Education Civic Activities or 17.10.380 Group Assembly Civic Activities. Examples of activities in this classification include but are not limited to the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than two thousand (2,000) square feet of classroom or instructional space;
- Fitness clubs with less than two thousand (2,000) square feet of floor area;
- Theaters or venues with less than three thousand (3,000) square feet of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.390 Administrative Commercial Activities.

Administrative Commercial Activities include the professional, executive, management, administrative, and clerical activities of private firms, other than public utility firms. This classification includes, but is not limited to, administrative corporate headquarter offices, business offices, and the offices of investment firms. Examples of activities in this classification include but are not limited to the following:

- cultural and advocacy offices;
- law firms;
- accounting;
- advertising;
- architectural and engineering consulting firms;
- management consulting firms;
- computer consulting;
- software design;
- data management and billing services offices;
- administrative offices of non-profit organizations,

17.10.440 Transient Habitation Commercial Activities.

Transient Habitation Commercial Activities include the provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2379)

17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Activities.

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Automobile and Light Truck Sales, Rental, and Delivery Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of small passenger vehicles and light trucks that have a gross vehicle weight less than fourteen thousand (14,000) pounds such as cars, sports utility vehicles, motorcycles, pickup trucks, vans, light trucks, boats and RVs. This classification also includes the retail or wholesale sale or rental, from the premises, of any type of goods where orders are placed predominantly by telephone or mail order with delivery being provided by motor vehicle. Delivery activities that include use of more than two on-site tow trucks are excluded from this classification and included in the *Warehousing, Distribution and Storage* or *Outdoor Storage* classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.

Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities include the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of minor repairs. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities.

Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities include the major repair or painting of motor vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.485 Taxi and Light Fleet-Based Service Commercial Activities.

Passenger transportation services, local delivery services, and other businesses that rely on fleets of three or more vehicles with a rated capacity of less than twelve thousand five hundred (12,500) pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, airport shuttles, medical transport, local messenger and document delivery services, janitorial services, and similar businesses. This classification does not include towing operations except for tow truck services where vehicles are taken to off-site locations. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Part 4

Manufacturing Industrial Activity Types

17.10.550 Custom Manufacturing Industrial Activities.

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious

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emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production of:

- Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with less than ten thousand (10,000) square feet of floor area;
- Cameras and photographic equipment;
- Custom sign-making;
- Custom clothing;
- Custom furniture building and refinishing;
- Professional, scientific, measuring, and controlling instruments;
- Musical instruments;
- Medical, dental, optical and orthopedic instruments and appliances, and similar items;
- Handicraft, art objects, and jewelry.

17.10.560 Light Manufacturing Industrial Activities.

Light Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production or assembly of:

- Production apparel manufacturing;
- Computer and electronic products;
- Pharmaceutical production;
- Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or more of floor area;
- Electrical equipment, appliances, and components;
- Furniture and related products;
- Pharmaceutical production;
- Sporting and athletic goods,

17.10.570 General Manufacturing Industrial Activities.

General Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted, raw, recycled or secondary materials; they may have some or all activities conducted outdoors. This classification excludes all activities under Intermediate Recycling Processing Facilities. The Zoning Administrator or his/her designee may place an activity that otherwise fits this description, but does not produce noise, vibration, air pollution, fire hazard, or noxious emission that will violate standard in Chapter 17.120, or an other federal, State or local standards into the Light Manufacturing Industrial Activities classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include but are not limited to the following:

- Chemical manufacturing (except for the chemical products listed under Heavy/High/Impact Manufacturing);
- Glass manufacturing;
- Metal foundries;
- Wood product manufacturing;
- Heavy equipment and manufacturing;
- Paper finishing;
- Pipe production facilities;
- Textile mills;

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Tire retreading and recapping;
Wood product manufacturing.

17.10.580 Heavy/High Impact Manufacturing Industrial Activities.

Heavy/High Impact Manufacturing Industrial Activities include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include but are not limited to the following:

Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4");
Battery manufacturing and storage;
Lime and gypsum products manufacturing;
Non-ferrous metals production, processing, smelting and refining;
Painting, coating and adhesive manufacturing;
Synthetic dye and pigment manufacturing;
Urethane and other open-cell foam product manufacturing;
Petroleum and coal products manufacturing and refining;
Primary metal smelting;
Vinegar, yeast and other pungent, odor-causing items production;
Leather tanning;
Cement and asphalt manufacturing;
Explosives manufacturing;
Fertilizer and other agricultural chemical manufacturing.

17.10.583 Warehousing, Storage, and Distribution Industrial Activities.

This classification includes five (5) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

A. General Warehousing, Storage and Distribution. The warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

B. General Outdoor Storage. Outdoor Storage Activities includes principal outdoor storage of items for more than 24 hours where such storage activities occupy more than thirty percent (30%) of the site area. The principal storage of goods and materials, equipment or vehicles; as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification excludes outdoor storage uses that are more specifically described in this chapter, including, but not limited to container storage, salvage and junk yards and oil and gas storage. This classification includes but is not limited to construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site.

C. Self- or Mini Storage. Self- or mini storage consist of storage in small individual spaces, on average of 400 square feet or less that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public.

D. Container Storage. Container Storage includes the storage, repair, and "pre-tripping" of shipping containers, including refrigerated shipping containers, on open lots. Includes minor repair and cleaning of containers, and may include the rehabilitation of containers for other uses.

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E. Automotive Salvage/Junk Yards. Storage and dismantling of vehicles and equipment for sale of parts.

17.10.584 Regional Freight Transportation Industrial Activities.

Regional Freight Transportation Activities include the provision of freight handling and shipping services by water and rail. They include the inter- and intra-regional transportation of goods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Seaport. The accommodation of freight service and operations by ship. This classification includes piers, wharves & docks, marine terminals, container and break-bulk storage areas (where container storage is an accessory, rather than principal activity), related inter-modal facilities, and support services such as port and harbor operations and navigational services.

B. Rail yard. Accommodation of freight service and operations by rail.

17.10.585 Trucking and Truck-Related Industrial Activities.

Trucking and Truck-Related Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Freight/Truck Terminal. The accommodation of local or worldwide freight by truck. This classification includes facilities used primarily for transfer, breaking-down, and/or consolidation of freight, as well as parking and dispatch of trucks.

B. Truck Yard. Parking, dispatch, refueling, and incidental repair of trucks, buses, or other fleets of heavy vehicles, where there is no on-site freight storage or transfer. This classification includes corporation yards operated by public and private towing operations. This classification does not include local courier and delivery services; towing operations as an accessory activity to Automotive and Other Light Vehicle Repair and Cleaning (Section 17.10.480)

C. Truck Weigh Stations. The weighing of commercial trucks in truck weighing facilities.

D. Truck and Other Heavy Vehicle Sales, Rental, and Leasing. Sales, rental, and leasing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, commercial boats, heavy equipment, and other commercial vehicles that have gross vehicle weight ratings greater than fourteen thousand (14,000) pounds, including the sale, installation, accessory repair and servicing of related equipment and parts. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping (See Salvage/Junk Yards, Section 17.10.620583).

E. Truck and Other Heavy Vehicle Service, Repair, and Refueling. Repair, fueling, and other servicing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, boats, heavy equipment, and similar vehicles that generally have gross vehicle weights greater than fourteen thousand (14,000) pounds, including the sale, installation, and servicing of related equipment and parts. This classification includes fueling stations, repair shops, body and fender shops, wheel and brake shops, engine repair and rebuilding, welding, major painting service, tire sales and installation, and upholstery shops for trucks and other heavy vehicles. This classification does not include vehicle dismantling or salvage (See Salvage/Junk Yards, Section 17.10.640E583E).

17.10.670 Two-Family Dwelling Residential Facilities.

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Two-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains two (2) dwelling units; but exclude the facilities described in Section 17.10.650. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2561)

17.10.680 Multifamily Dwelling Residential Facilities.

Muhifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains three (3) or more dwelling units. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2562)

17.10.710 General description of Nonresidential Facilities.

Nonresidential Facilities include principal facilities, or portions thereof, which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agricultural or Extractive Activities. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2600)

17.10.720 Enclosed Nonresidential Facilities.

Enclosed Nonresidential Facilities include principal buildings, or portions thereof other than those described in Section 17.10.740, which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agricultural or Extractive Activities and which are separated from adjacent areas on all sides by walls pierced only by windows, vents, or customary entrances and exits. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2610)

17.10.740 Drive-In Nonresidential Facilities.

Drive-In Nonresidential Facilities include principal buildings, open areas, and other facilities which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agricultural or Extractive Activities and which are so designed or operated as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2612)

17.10.770 Drive-Through Nonresidential Facilities.

A Drive-Through Nonresidential Facility is a vehicular access system designed to enable persons to receive a service or purchase goods by driving through the property and conducting the transaction while remaining within the vehicle. The system consists of a vehicular stacking/queuing lane(s) and one or more service locations/windows. Drive-Through Facilities are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agriculture or Extractive Activities. They also include certain other facilities accessory to the above as specified in Section 17.10.070. (Prior planning code § 2615)

17.10.840 Business Signs.

Business Signs are any of the following:

A. A Sign directing attention to, or otherwise pertaining to, a commodity, service, business, or profession which is sold, produced, conducted, or offered as one of the major functions of a Commercial, ~~Industrial~~Manufacturing, or Agricultural or Extractive Activity on the same lot;

B. A Sign, or portion thereof, directing attention to or otherwise pertaining to a commodity or service which is sold, produced, or offered by a Commercial, ~~Industrial~~Manufacturing, or Agricultural or Extractive Activity on the same lot but which does not constitute a major function thereof, whenever:

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1. Such Sign is located behind a display window, or
2. Such Sign has a display surface not greater than twelve (12) square feet on any one face, or
3. Such advertising is incidental to a Sign pertaining to a major function and does not occupy more than one-half of the area of display surface thereof;

C. A Sign giving notice of the address or conditions of use of a parking area or other facility serving a Commercial, IndustrialManufacturing, or Agricultural or Extractive Activity. (Prior planning code § 2667)

17.10.850 Advertising Signs.

Advertising Signs are any of the following:

- A. A Sign directing attention to, or otherwise pertaining to, a commodity, service, business, or profession which is not sold, produced, conducted, or offered by any activity on the same lot;
- B. A Sign directing attention to, or otherwise pertaining to, a commodity or service which is sold, produced, conducted, or offered by a Commercial, IndustrialManufacturing, or Agricultural or Extractive Activity on the same lot but which does not constitute a major function thereof, whenever such Sign is not classified as a Business Sign under Section 17.10.840B. (Prior planning code § 2668)

17.10.870 Micro.

A Micro Facility is an attached wireless communication facility consisting of no more than three (3) antennas whose height is no more than four (4) feet and whose width is no more than one (1) foot and the antennas are concealed from view. If the antennas are visible, they may be no more than two (2) feet tall and the width and depth of the antennas may be no more than four (4) inches. The associated equipment cabinets are not to exceed four (4) feet high by three (3) feet wide by two (2) feet deep if they are visible. If the equipment cabinets are concealed in an existing building, there is no limit on size of equipment. (Ord. 11904 § 5.06 (part), 1996: prior planning code § 2710)

17.10.880 Mini.

A Mini Facility is an attached wireless communication facility consisting of no more than twelve (12) antennas projecting no more than fifteen (15) feet above the roof line. The associated equipment cabinets are either concealed in an existing building, or no more than six (6) feet in height and occupy an area of no more than thirty (30) square feet. Construction of a separate structure to enclose the equipment serving the antennas is not allowed under the Mini Facility definition. (Ord. 11904 § 5.06 (part), 1996: prior planning code § 2711)

Chapter 17.11

OS OPEN SPACE ZONING REGULATIONS

17.11.020 Designation and mapping of parks by category.

A. All parks and public open space lands in the city of Oakland shall be classified using the categories listed below:

RCA	Resource Conservation Area
RSP	Region-Serving Park
CP	Community Park
NP	Neighborhood Park
AMP	Active Mini-Park
PMP	Passive Mini-Park
LP	Linear Park
SU	Special Use Park
AF	Athletic Field Park

B. Designation of each park on the zoning maps at Chapter 17.154 shall be followed by the two or three letter abbreviation corresponding to each park type in parentheses.

C. If a new park is developed or acquired or if an existing park is to be changed to a new category, the Parks and Recreation Advisory Commission shall make a recommendation on the designation to the City Council, consistent with the park type definitions contained in the Open Space Conservation and Recreation (OSCAR) Element of the Oakland General Plan. The City Council shall hold a noticed public hearing prior to making a decision on the recommendation. (Ord. 12078 § 3 (part), 1998)

17.11.030 Activities and facilities deemed approved or legal nonconforming.

All activities and facilities that are existing or have been legally approved on the effective date of the ordinance codified in this chapter shall be deemed approved, provided that they appear in the list of conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090. These activities and facilities shall not be subject to the provisions of Chapter 17.114 on nonconforming uses. Those existing activities and facilities that are not listed as conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090 shall be deemed legal nonconforming uses and shall be subject to the provisions of Chapter 17.114. (Ord. 12078 § 3 (part), 1998)

17.11.050 Conditionally permitted activities.

The following activities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in 17.11.060, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service

Limited Child Care

Community Assembly

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Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Extensive Impact

C. Commercial Activities:

Animal Care
Animal Boarding
General Food Sales

Full Service Restaurant
Limited Service Restaurant and Café
Alcoholic Beverage Sales (in restaurants only)

D. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Agricultural-Raising

E. Accessory Activities

(Ord. 12078 § 3 (part), 1998)

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
ACTIVITY TYPES									
PERMANENT RESIDENTIAL ACTIVITIES									
Caretaker's Quarters	●	●	●			●	●		●
ESSENTIAL SERVICE/CIVIC ACTIVITIES									
Botanical Gardens	☆	☆	☆	☆	☆	☆	☆		☆
Trails and Paths	☆	☆	☆	☆	☆	☆	☆	☆	☆
Electric, gas, and telephone distribution lines and poles	☆	☆	☆	☆	☆	☆	☆	☆	☆
Water, storm drainage, and sewer lines	☆	☆	☆	☆	☆	☆	☆	☆	☆
Park, recreational, and civic uses, consistent with a Master Plan adopted by the City Council (pursuant to Section 17.135.050), whether or not they are listed in this table.	☆	☆	☆	☆	☆	☆	☆	☆	☆
Park, recreational, and civic uses on land owned by the East Bay Regional Park District (EBRPD), consistent with a Master Plan adopted by the EBRPD Board (pursuant to Section 17.135.050), whether or not they are listed in this table.	P					P	P	P	

Legend: ● = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required;
P = Permitted; RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

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USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
LIMITED CHILD CARE ACTIVITIES									
Child Care Centers for 12 or fewer children	○	○	○				○		
COMMUNITY ASSEMBLY/CIVIC ACTIVITIES									
Athletic Fields	☆	☆	☆				☆		☆
Basketball Courts	☆	☆	☆	☆		☆	☆		☆
Boathouses	○					○	○		
Bocce Ball	☆	☆	☆				☆		
Carousels and Similar Amusement Rides	○						○		
Clubhouse, lodge, meeting hall	○	○	○				○		
Dog Play Area (fenced)	☆	☆	☆			☆	☆		
Fishing Ponds	☆	☆	☆				☆		
Food Service and Other Concessions	☆	☆	☆				☆		☆
Gymnasium	○	○	○				○		
Handball Courts	○	○	○				○		
Horseback Riding	○						○	○	
Horseshoe Pit	☆	☆	☆	☆			☆		
Lawn Bowling	☆	☆	☆				☆		
Miniature Golf	○	○					○		
Picnic Areas	☆	☆	☆	☆	☆	☆	☆	○	☆
Playgrounds/ Tot Lots/ Children's Play Equipment (more than 1,000 square feet)	☆	☆	☆	○		☆	☆		☆
Playgrounds/ Tot Lots/ Children's Play Equipment (less than 1,000 square feet)	☆	☆	☆	☆	☆	☆	☆	☆	☆
Recreation Center	○	○	○				○		

Legend: ○ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
 RSP (Region-Serving Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP);
 Passive Mini-Park (PMP); Unear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA);
 Athletic Field Park (AF)

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
COMMUNITY ASSEMBLY CIVIC ACTIVITIES (Continued)									
Skateboard Play Area	☆	☆	☆				☆		☆
Swim Centers (pools)	○	○	○				○		
Temporary Uses (i.e., fairs and carnivals)	☆	☆	☆	☆	☆	☆	☆		☆
Tennis Courts	☆	☆	☆				☆		☆
Wading Pools	☆	☆	☆	☆			☆		
Water Play Feature (water park)	○	○					○		
COMMUNITY EDUCATION CIVIC ACTIVITIES									
Child Care Centers (for 13 or more children)	○	○	○				○		
NON-ASSEMBLY CULTURAL CIVIC ACTIVITIES									
Conservatory	○	○					○		
Historic Residence Converted for Museum/Recreational Purposes	○	○	○				○		
Museum	○	○					○		
Planetarium/Observatory	○						○		
ADMINISTRATIVE CIVIC ACTIVITIES									
Park Offices	○	○	○				○		○
EXTENSIVE IMPACT CIVIC ACTIVITIES									
Auditoriums	○	○					○		
Bandstand	○	○					○		
Campsites (improved)	○						○		
Campsites (unimproved)	○						○	○	
Docks/ Wharves/ Piers	○						○	○	○

Legend: ○ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
 RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP);
 Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA);
 Athletic Field Park (AF)

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USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
EXTENSIVE IMPACT CIVIC ACTIVITIES (continued)									
Driving Range	○						○		
Electric Transmission Lines	○						○	○	
Equestrian Arena	○						○		
Golf Course							○		
Outdoor Performance Area/ Stage/ Amphitheater	○	○	○				○		
Stadium or Sports Arena	○						○		
Stormwater Detention/ Water Quality Facilities	○	○					○	○	
Reservoirs and Water Supply Tanks	○	○	○				○	○	○
Wildlife Preserve	○	○					○	○	
Zoological Gardens (Zoos)	○						○		
ANIMAL CARE COMMERCIAL ACTIVITIES									
Horse Stables	○						○		
GENERAL FOOD SALES COMMERCIAL ACTIVITIES									
Full-service restaurant, within a publicly-owned building	○						○		
ALCOHOLIC BEVERAGE SALES									
Only in General Food Sales Commercial Activities that do not qualify as Full-Service Restaurants	○						○		
PLANT NURSERY AGRICULTURAL ACTIVITIES									
Nurseries (Botanical)	○						☆		

Legend: ○ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
 RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP);
 Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA);
 Athletic Field Park (AF)

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USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
CROP AND AGRICULTURAL RAISING ACTIVITIES									
Community Gardens	☆	☆	☆	☆	☆	☆	☆	☆	☆
ACCESSORY ACTIVITIES									
Accessory Buildings	☆	☆	☆	☆		☆	☆		☆
Benches and street furniture, the sum of which is more than 100 square feet	☆	☆	☆	☆	☆	☆	☆	☆	☆
Benches and street furniture, the sum of which is less than 100 square feet	P	P	P	P	P	P	P	P	P
Fences, walls, or gates	☆	☆	☆	☆	☆	☆	☆	☆	☆
Irrigation Systems	P	P	P	P	P	P	P	P	P
Kiosks/ Map Boards	☆	☆	☆	☆	☆	☆	☆	☆	☆
Landscaping, including hedges	P	P	P	P	P	P	P	P	P
Lighting (Athletic Field)	○	○					○		○
Lighting (General)	☆	☆	☆	☆	☆	☆	☆		☆
Maintenance Sheds	☆	☆	☆			☆	☆	○	☆
Parking for use within park	☆	☆	☆			☆	☆	☆	☆
Public Art	☆	☆	☆	☆	☆	☆	☆	○	☆
Pullouts and Scenic Overlooks	P	P				P	P	P	
Rest Room Building	☆	☆	☆			☆	☆	○	☆

Legend: ○ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required;
P = Permitted

RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP);
Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA);
Athletic Field Park (AF)

(Ord. 12078 § 3 (part), 1998)

17.11.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.090, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

A. Residential Facilities:

One-Family Dwelling

B. Nonresidential Facilities:

Enclosed

Open

C. Telecommunications Facilities:

Mini

Micro

Macro

Monopole

D.—Accessory Facilities

(Ord. 12350 § 3 (part), 2001; Ord. 12078 § 3 (part), 1998)

17.11.090 Special provisions for permitted and conditionally permitted facilities and facilities allowed by variance in the OS zone.

A. Business and Advertising Signs. Business and Advertising Signs are allowed only when a city agency enters into an agreement with a private enterprise to enhance public park facilities and/or programs, and the private enterprise is a principal provider of cash and or in-kind contribution toward the enhancements. Such signs will refer either to the name of the donor company and/or products for sale on site. The size and content of such signs is further limited to the following:

1. No signage may advertise alcohol, tobacco, drugs, pharmaceuticals or firearms.
2. Signage may only advertise products sold on-site or show the name of a private enterprise acting as a principal provider as a part of an agreement with a city agency.
3. Signs shall generally be consistent with the limitations established for Business and Advertising Signs in Sections 17.10.840 and Chapter 17.104.010, but some departure from these requirements may be considered on a case-by-case basis.

B. The following table shall apply to certain classes of facilities that are permitted and conditionally permitted within the OS zone. The specified facilities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a minor conditional use permit are indicated with a star. Uses requiring a major conditional use permit are indicated with a solid circle and star. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

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USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
FACILITY TYPES									
ONE-FAMILY RESIDENCE									
Caretaker's Quarters	★	★	★			★	★		★
TELECOMMUNICATIONS FACILITIES									
Mini	★	★	★	★	★	★	★	★	★
Micro	★	★	★	★	★	★	★	★	★
Macro	★	★	★	★	★	★	★	★	★
Monopole	★	★	★	★	★	★	★	★	★
Lattice Tower									
SIGNS									
Residential	★	★	★	★	★	★	★	★	★
Special	★	★	★	★	★	★	★	★	★
Civic	★	★	★	★	★	★	★	★	★
Business*	★	★	★	★	★	★	★		★
Advertising*	★	★	★	★	★	★	★		

* Limited to the circumstances outlined in 17.11.090A.

Legend: ★ = Requires Major Conditional Use Permit; ★ = Requires Minor Conditional Use Permit
RSP (Region-Seeking Park); CP (Community Park); NP (Neighborhood Park); AMP (Active Mini-Park);
PMP (Passive Mini-Park); LP (Linear Park); SU (Special Use Park); RA (Resource Conservation Area);
AF (Athletic Field)

(Ord. 12350 § 3 (part), 2001: Ord. 12078 § 3 (part), 1998)

17.11.120 Limitation on signs.

All signs shall be subject to the applicable limitations set forth in Section 17.104.030. (Ord. 12078 § 3 (part), 1998) Chapter 17.104.

17.11.130 Maximum height.

A. General. Except as otherwise provided in Sections 17.108.020 and 17.108.030, the maximum height of buildings and other facilities shall be thirty-five (35) feet in parks classified as RCA, NP, AMP, PMP, or LP, and forty-five (45) feet in parks classified as RSP, CP, or AF. No general maximum height limit is prescribed for Special Use Parks.

B. Height Restrictions Along More Restrictive Zone Boundary. Where the OS zone abuts a zone with a more restrictive height limit, the maximum height of buildings and other facilities shall not exceed the maximum height of the abutting zone unless each portion above that height is set back from the minimum yard required by Section 17.11.140 a minimum horizontal distance equal to two (2) feet for each one (1) foot by which it extends above such maximum height. This requirement shall apply at the property line in the event that no minimum yard is required in the abutting district. (Ord. 12078 § 3 (part), 1998)

17.11.150 Maximum impervious surface.

The following table sets forth the maximum permitted impervious surface standards, as defined in Section 17.09.050. Exceedances of the Impervious Surface limits shall require a Minor Variance, as specified in Section 17.148.020(B).

Park Acreage	Maximum % Impervious Surface
Plazas and Active Mini-Parks	No limit
Passive Mini-Parks	10%
Resource Conservation Areas	One percent (1%) of total park area or 2500 square feet, whichever is smaller, excluding parking areas which meet requirements in Section 17.116.260 for "durable, dustless, all-weather surface parking"
All other park classes	
Less than 1.0 acre	35%
1.0--5.0 acres	25%
5.0--10.0 acres	15%
Greater than 10.0 acres	10%

(Ord. 12078 § 3 (part), 1998)

17.11.170 Other zoning provisions.

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements at Chapter 17.116, except that reduced parking requirements may be allowed by the Director of City Planning through the conditional use permit procedure required by Sections 17.11.050, 17.11.060 and 17.11.090 for activities and facilities in either of the following instances:

1. The project's primary service area is one-quarter mile or less; or
2. A portion of the project's parking demand is to be met through reciprocal agreements for shared parking on the same site or an adjacent site or sites.

In both cases, the extent of the reduction shall be determined by the Director of City Planning pursuant to Section 17.116.040.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations at Chapter 17.114.

D. **General Provisions.** Unless otherwise indicated, the general exceptions and other regulations set forth in Chapter 17.102 shall apply in the OS zone.

(Ord. 12078 § 3 (part), 1998)

Chapter 17.11A

R-1 ONE ACRE ESTATE RESIDENTIAL ZONE REGULATIONS

Sections:

- ~~17.11A.010~~ Title, purpose, and applicability.
- ~~17.11A.030~~ Required design review process.
- ~~17.11A.040~~ Permitted activities.
- ~~17.11A.050~~ Conditionally permitted activities.
- ~~17.11A.060~~ Permitted facilities.
- ~~17.11A.070~~ Conditionally permitted facilities.
- ~~17.11A.080~~ Limitations on Signs.
- ~~17.11A.090~~ Minimum lot area, width, and frontage.
- ~~17.11A.100~~ Maximum residential density.
- ~~17.11A.110~~ Maximum height.
- ~~17.11A.120~~ Minimum yards.
- ~~17.11A.130~~ Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.
- ~~17.11A.140~~ Building length along side lot lines.
- ~~17.11A.150~~ Buffering.
- ~~17.11A.160~~ Special regulations for large developments.
- ~~17.11A.170~~ Other zoning provisions.

~~17.11A.010~~ Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-1 one acre estate residential zone regulations. The R-1 zone is intended to create, preserve, and enhance areas for single family estate living at very low densities on lots of one acre, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-1 zone.

(Ord. 12272 § 3 (part), 2000)

~~17.11A.030~~ Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. 12272 § 3 (part), 2000)

~~17.11A.040~~ Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service

Limited Child Care

Telecommunications

(Ord. 12272 § 3 (part), 2000)

Exhibit A: Code Amendments

3/11 CED

17.11A.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Residential Care
Utility and Vehicular
Extensive Impact

B. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising
Mining and Quarrying

C. Off street parking serving activities other than those listed above or in Section 17.12.040, subject to the conditions set forth in Section 17.102.100.

D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.410.
(Ord. 12272 § 3 (part), 2000)

17.11A.060 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civie

(Ord. 12501 § 6, 2003; Ord. 12272 § 3 (part), 2000)

17.11A.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.434:

Telecommunications Facilities:

Micro
Mini
Macro
Monopole

Exhibit A: Code Amendments

3/1/11 CED

(Ord. 12501 § 7, 2003; Ord. 12272 § 3 (part), 2000)

17.11A.080 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~

(Ord. 12272 § 3 (part), 2000)

17.11A.090 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of one acre (forty three thousand five hundred sixty (43,560) square feet) and a minimum lot width of one hundred (100) foot, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) foot upon a street, except as this requirement is modified by Section 17.106.020.~~

(Ord. 12272 § 3 (part), 2000)

17.11A.100 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

(Ord. 12501 § 8, 2003; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

17.11A.110 Maximum height.

~~A. General. Except as otherwise provided in Sections 17.108.020, where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, and in Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten foot of an interior side lot line, pitched upward from such lot line for a distance of at least ten foot from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) foot within the front twelve (12) foot of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) foot in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~

(Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

Exhibit A: Code Amendments

3/1/11 CED

17.11A.120 Minimum yards.

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.11A.110.

- A. Front Yard. The minimum front yard depth on every lot shall be twenty-five (25) foot, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.
- B. Side Yard - Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.
- C. Side Yard - Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be the greater of:
 - 1. Six feet; or
 - 2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see Illustration I-4c).
- B. Rear Yard. The minimum rear yard depth on every lot shall be thirty-five (35) foot, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

17.11A.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed fifteen (15) percent or two thousand (2,000) square feet, whichever is greater. (Ord. 12376 § 3 (part), 2001)

17.11A.140 Building length along side lot lines.

Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:

- A. Ten feet of the side lot line; or
- B. The distance from the side lot line equal to twenty (20) percent of the lot width. (See illustration I-4d). (Ord. 12376 § 3 (part), 2001)

17.11A.150 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination, and other matters specified therein. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

17.11A.160 Special regulations for large developments.

Large, integrated developments shall be subject to the planned-unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, in the R-1 zone certain of the regulations applying in said zone may be waived or modified. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

17.11A.170 Other zoning provisions.

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

Exhibit A: Code Amendments

3/1/11 CED

~~B. Bicycle Parking.~~ Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

~~G. Home Occupations.~~ Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

~~D. Nonconforming Uses.~~ Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.111.

~~E. General Provisions.~~ The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-1 zone.

~~F. Recycling Space Allocation Requirements.~~ The regulations set forth in Chapter 17.118 shall apply in the R-1 zone.

~~G. Landscaping and Screening Standards.~~ The regulations set forth in Chapter 17.121 shall apply in the R-1 zone. (Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)

Chapter 17.12

R-10 ESTATE RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.12.010** Title, purpose, and applicability.
- 17.12.030** Required design review process.
- 17.12.040** Permitted activities.
- 17.12.050** Conditionally permitted activities.
- 17.12.060** Permitted facilities.
- 17.12.070** Conditionally permitted facilities.
- 17.12.080** Limitations on Signs.
- 17.12.090** Minimum lot area, width, and frontage.
- 17.12.100** Maximum residential density.
- 17.12.110** Maximum height.
- 17.12.120** Minimum yards.
- 17.12.130** Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.
- 17.12.140** Building length along side lot lines.
- 17.12.150** Buffering.
- 17.12.160** Special regulations for large developments.
- 17.12.170** Other zoning provisions.

17.12.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-10 estate residential zone regulations. The R-10 zone is intended to create, preserve, and enhance areas for single family estate living at very low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-10 zone.

(Prior planning code § 3350)

17.12.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. 11901 § 5.60 (part), 1996; prior planning code § 3352)

17.12.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent Residential Care occupying a One Family Dwelling Residential Facility

B. Civic Activities:

Essential Service
Limited Child Care
Telecommunications

Exhibit A: Code Amendments

3/1/11 CED

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3253)

~~17.12.050 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Civic Activities:~~

~~Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Utility and Vehicular
Extensive Impact~~

~~B. Agricultural and Extractive Activities:~~

~~Plant Nursery
Crop and Animal Raising
Mining and Quarrying~~

~~C. Off-street parking serving activities other than those listed above or in Section 17.12.040, subject to the conditions set forth in Section 17.102.100.~~

~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

(Ord. 12138 § 5 (part), 1999; prior planning code § 3254)

~~17.12.060 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~

~~One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in
Section 17.102.360~~

~~B. Nonresidential Facilities:~~

~~Enclosed
Open~~

~~C. Signs:~~

~~Residential
Special
Development
Realty
Civic~~

(Ord. 12501 § 10, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3255)

~~17.12.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~

~~Micro
Mini
Macro
Metropole~~

Exhibit A: Code Amendments

3/1/11 CED

(~~Ord. 12501 § 11, 2003; Ord. 12199 § 4A, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3256~~)

17.12.080 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. (Prior planning code § 3263)~~

17.12.090 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of twenty-five thousand (25,000) square feet and a minimum lot width of one hundred (100) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3264)~~

17.12.100 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

(~~Ord. 12501 § 12, 2003; Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3265~~)

17.12.110 Maximum height.

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, and in Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-1a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (42) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-1b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~

Exhibit A: Code Amendments

3/1/11 CED

(Ord. 12376 § 3 (part), 2001; Ord. 11901 § 5.12, 1996; prior planning code § 3269)

17.12.120 Minimum yards.

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.12.110.

- A. Front Yard. The minimum front yard depth on every lot shall be twenty-five (25) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.
- B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.
- C. Side Yard—Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be the greater of:
 - 1. Six feet; or
 - 2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see illustration I-1e).
- D. Rear Yard. The minimum rear yard depth on every lot shall be thirty-five (35) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3270)

17.12.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed twenty (20) percent or two thousand (2,000) square feet, whichever is greater.

(Ord. 12376 § 3 (part), 2001)

17.12.140 Building length along side lot lines.

Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:

- A. Ten feet of the side lot line; or
- B. The distance from the side lot line equal to twenty (20) percent of the lot width.
(See illustration I-4d).

(Ord. 12376 § 3 (part), 2001)

17.12.150 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination, and other matters specified therein.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3272)

17.12.160 Special regulations for large developments.

Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.112 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, in the R-10 zone certain of the regulations applying in said zone may be waived or modified.

Exhibit A: Code Amendments

3/11 CED

(Ord. 12376 § 3 (part), 2001; prior planning code § 3273)

17.12.170 Other zoning provisions.

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

~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~

~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-10 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the R-10 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-10 zone.~~

(Ord. 12376 § 3 (part), 2001; Ord. 11807 § 3 (part), 1995; prior planning code § 3274)

Chapter 17.14

R-20 LOW DENSITY RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.14.010 Title, purpose, and applicability.**
- 17.14.030 Required design review process.**
- 17.14.040 Permitted activities.**
- 17.14.050 Conditionally permitted activities.**
- 17.14.060 Permitted facilities.**
- 17.14.070 Conditionally permitted facilities.**
- 17.14.080 Limitations on Signs.**
- 17.14.090 Minimum lot area, width, and frontage.**
- 17.14.100 Maximum residential density.**
- 17.14.110 Maximum height.**
- 17.14.120 Minimum yards.**
- 17.14.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**
- 17.14.140 Building length along side lot lines.**
- 17.14.150 Buffering.**
- 17.14.160 Special regulations for large developments.**
- 17.14.170 Other zoning provisions.**

17.14.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-20 low density residential zone regulations. The R-20 zone is intended to create, preserve, and enhance areas for single family dwellings at low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-20 zone.
(Prior planning code § 3350)

17.14.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed-Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.101.
(Ord. 11901 § 5.60 (part), 1996; prior planning code § 3352)

17.14.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

Residential Care occupying a One Family Dwelling Residential Facility

B. Civic Activities:

Essential Service

Limited Child Care

Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11901 § 5.07 (part), 1996; prior planning code § 3353)

Exhibit A: Code Amendments

3/1/11 CED

17.14.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Utility and Vehicular
Extensive Impact

B. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising
Mining and Quarrying

C. Off-street parking serving activities other than those listed above or in Section 17.14.040, subject to the conditions set forth in Section 17.102.400.

D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.440.
(Ord. 12138 § 5 (part), 1999; prior planning code § 3354)

17.14.060 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civic

(Ord. 12501 § 14, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3355)

17.14.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

Telecommunications Facilities:

Micro
Mini
Macro
Monopole

Exhibit A: Code Amendments

3/11 CED

(Ord. 12504 § 15, 2003; Ord. 12199 § 4B, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 336)

17.14.080 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.
(Prior planning code § 3363)~~

17.14.090 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of twelve thousand (12,000) square feet and a minimum lot width of ninety (90) feet, except as a lesser area or width is allowed by Section 17.106.010 and except as provided hereafter in this section. Whenever land is divided in such a way that the real estate subdivision regulations apply, the minimum average lot area of all lots intended for improvement within the subdivision shall be twelve thousand (12,000) square feet; the minimum average lot width of all such lots shall be ninety (90) feet; the minimum lot area of any individual lot within the subdivision shall be ten thousand (10,000) square feet; and the minimum lot width of any individual lot within the subdivision shall be seventy-five (75) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3364)~~

17.14.100 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

(Ord. 12501 § 16, 2003; Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3365)

17.14.110 Maximum height.

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

Exhibit A: Code Amendments

3/1/11 CED

~~B. Accessory Structures.~~ Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.

~~C. Other Provisions.~~ See Section 17.12.080 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001; prior planning code § 11901 § 5.13, 1996; prior planning code § 3369)

17.11.120 Minimum yards.

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.11.110.~~

~~A. Front Yard.~~ The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.

~~B. Side Yard - Street Side of Corner Lot.~~ The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.

~~C. Side Yard - Interior Lot Line.~~ The minimum side yard width along each interior side lot line of every lot shall be the greater of:

~~1. Six feet; or~~

~~2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see illustration I-1c).~~

~~D. Rear Yard.~~ The minimum rear yard depth on every lot shall be twenty-five (25) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half (0.5) foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet. (Ord. 12376 § 3 (part), 2001; prior planning code § 3370)

17.14.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed twenty-five (25) percent or two thousand (2,000) square feet, whichever is greater.~~ (Ord. 12376 § 3 (part), 2001)

17.14.140 Building length along side lot lines.

~~Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:~~

~~A. Ten feet of the side lot line; or~~

~~B. The distance from the side lot line equal to twenty (20) percent of the lot width.~~

~~(See illustration I-1d).~~ (Ord. 12376 § 3 (part), 2001)

17.11.150 Buffering.

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~ (Ord. 12376 § 3 (part), 2001; prior planning code § 3372)

17.11.160 Special regulations for large developments.

~~Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.112 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, in the R-20 zone certain of the other regulations applying in said zone may be waived or modified.~~ (Ord. 12376 § 3 (part), 2001; prior planning code § 3373)

Exhibit A: Code Amendments

3/1/11 CED

Exhibit A: Code Amendments

3/1/11 CED

17.11.170 Other zoning provisions.

- A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as proscribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-20 zone.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-20 zone.
- G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.121 shall apply in the R-20 zone. (Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3374)

Chapter 17.16

R-30 ONE FAMILY RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.16.010 Title, purpose, and applicability.**
- 17.16.030 Required design review process.**
- 17.16.040 Permitted activities.**
- 17.16.050 Conditionally permitted activities.**
- 17.16.060 Permitted facilities.**
- 17.16.070 Conditionally permitted facilities.**
- 17.16.080 Limitations on Signs.**
- 17.16.090 Minimum lot area, width, and frontage.**
- 17.16.100 Maximum residential density.**
- 17.16.110 Maximum height.**
- 17.16.120 Minimum yards.**
- 17.16.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**
- 17.16.140 Building length along side lot lines.**
- 17.16.150 Buffering.**
- 17.16.160 Special regulations for large developments.**
- 17.16.170 Other zoning provisions.**

17.16.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-30 one family residential zone regulations. The R-30 zone is intended to create, preserve, and enhance areas for single family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city. These regulations shall apply in the R-30 zone.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3.150)

17.16.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.101.

(Ord. 11901 § 5.60 (part), 1996; prior planning code § 3452)

17.16.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

Residential Care occupying a One Family Dwelling Residential Facility

B. Civic Activities:

Essential Service

Limited Child Care

Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11901 § 5.07 (part), 1996; prior planning code § 3.153)

Exhibit A: Code Amendments

3/1/11 CED

17.16.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Utility and Vehicular
Extensive Impact

B. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising
Mining and Quarrying

C. Off street parking serving activities other than those listed above or in Section 17.16.040, subject to the conditions set forth in Section 17.102.100.

D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.
(Ord. 42138 § 5 (part), 1999; prior planning code § 3454)

17.16.060 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in
Section 17.102.360

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civie

(Ord. 12501 § 18, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3455)

17.16.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

Telecommunications Facilities:

Micro
Mini
Macro
Monopole

Exhibit A: Code Amendments

3/1/11 CED

(Ord. 12501 § 19, 2003; Ord. 12199 § 1C, 2000; Ord. 11901 § 5.10 (part), 1996; prior planning code § 3465)

17.16.080 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.10.1.010.~~
~~(Prior planning code § 3-163)~~

17.16.090 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of five thousand (5,000) square foot and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) foot upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3-164)~~

17.16.100 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

(Ord. 12501 § 20, 2003; Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3465)

17.16.110 Maximum height.

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) foot, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) foot if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten foot from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~

(Ord. 12376 § 3 (part), 2001; Ord. 11901 § 5.11, 1996; prior planning code § 3-169)

Exhibit A: Code Amendments

3/1/11 CED

17.16.120 Minimum yards.

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.16.110.

A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) foot, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See Illustration I-4e).

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.

C. Side Yard—Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be five feet except that for lots where the site area to be covered by the structure has a gradient over twenty (20) percent based on the existing grade, the minimum side yard width shall be the greater of:

1. Five feet; or
2. Ten (10) percent of the lot width at any point between the front and back of any structure on the lot (see illustration I-4c).

D. Rear Yard. The minimum rear yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one half (0.5) foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet.

(Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; prior planning code § 3470)

17.16.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater.

(Ord. 12376 § 3 (part), 2001)

17.16.140 Building length along side lot lines.

Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:

- A. Ten (10) feet of the side lot line; or
- B. The distance from the side lot line equal to twenty (20) percent of the lot width.
(See illustration I-4d).

(Ord. 12376 § 3 (part), 2001)

17.16.150 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.140 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3472)

Exhibit A: Code Amendments

3/1/11 CED

17.16.160 Special regulations for large developments.

Large, integrated developments shall be subject to the planned-unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-30 zone, and certain of the other regulations applying in said zone may be waived or modified.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3473)

17.16.170 Other zoning provisions.

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

B. ~~Bicycle Parking~~. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. ~~Home Occupations~~. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. ~~Nonconforming Uses~~. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. ~~General Provisions~~. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-30 zone.

F. ~~Roofing Space Allocation Requirements~~. The regulations set forth in Chapter 17.118 shall apply in the R-30 zone.

G. ~~Landscaping and Screening Standards~~. The regulations set forth in Chapter 17.124 shall apply in the R-30 zone.

(Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3474)

Chapter 17.18

R-35 SPECIAL ONE FAMILY RESIDENTIAL ZONE REGULATIONS

Sections:

- ~~17.18.010 Title, purpose, and applicability.~~
- ~~17.18.030 Required design review process.~~
- ~~17.18.040 Permitted activities.~~
- ~~17.18.050 Conditionally permitted activities.~~
- ~~17.18.060 Permitted facilities.~~
- ~~17.18.070 Conditionally permitted facilities.~~
- ~~17.18.080 Limitations on Signs.~~
- ~~17.18.090 Minimum lot area, width, and frontage.~~
- ~~17.18.100 Maximum residential density.~~
- ~~17.18.110 Use permit criteria for second dwelling unit.~~
- ~~17.18.120 Maximum height.~~
- ~~17.18.130 Minimum yards and courts.~~
- ~~17.18.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~
- ~~17.18.150 Minimum usable open space.~~
- ~~17.18.160 Buffering.~~
- ~~17.18.170 Special regulations for mini-lot and planned-unit developments.~~
- ~~17.18.180 Other zoning provisions.~~

~~17.18.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-35 special one family residential zone regulations. The R-35 zone is intended to create, preserve, and enhance areas containing a mixture of single and two family dwellings in desirable settings for urban living, and is typically appropriate to areas of existing lower or lower medium density residential development. These regulations shall apply in the R-35 zone.~~

~~(Prior planning code § 3550)~~

~~17.18.030 Required design review process.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.101.~~

~~(Ord. 11901 § 5.60 (part), 1996; prior planning code § 3552)~~

~~17.18.040 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care occupying a One Family Dwelling Residential Facility~~

~~B. Civic Activities:~~

~~Essential Service~~

~~Limited Child Care~~

~~Telecommunications~~

Exhibit A: Code Amendments

3/1/11 CED

(Ord. 12138 § 5 (part), 1999; Ord. 11901 § 5.07 (part), 1996; prior planning code § 3553)

17.18.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.13.1:

A. Residential Activities:

Residential Care, except when occupying a One Family Dwelling Residential Facility
Service Enriched Permanent Housing
Transitional Housing

B. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Utility and Vehicular
Extensive Impact

C. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising
Mining and Quarrying

D. Off street parking serving activities other than those listed above or in Section 17.18.040, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.

(Ord. 12138 § 5 (part), 1999; prior planning code § 3554)

17.18.060 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civie

(Ord. 12501 § 22, 2003; Ord. 11901 § 5.09 (part), 1996; prior planning code § 3555)

17.18.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.13.1:

A. Residential Facilities:

Exhibit A: Code Amendments

3/1/11 CED

Two Family Dwelling

- B. Telecommunications Facilities:
- Micro
Mini
Macro
Monopole

(~~Ord. 12501 § 23, 2003; Ord. 12199 § 4F (part), 2000; Ord. 14904 § 5.10 (part), 1996; prior planning code § 3556~~)

17.18.080 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.
(Prior planning code § 3563)~~

17.18.090 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3564)~~

17.18.100 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

~~B. Conditionally Permitted Density. A total of two dwelling units may be permitted on any lot which has five thousand (5,000) square feet or more of lot area, or on any lot which has four thousand (4,000) to four thousand nine hundred ninety-nine (4,999) square feet of lot area and qualifies under Section 17.106.010 as an existing buildable parcel, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~(Ord. 12501 § 24, 2003; Ord. 12199 § 5 D (part), 2000; prior planning code § 3565)~~

17.18.110 Use permit criteria for second dwelling unit.

~~A conditional use permit for a Two Family Dwelling Residential Facility or for two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following use permit criteria:~~

~~A. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;~~

~~B. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;~~

Exhibit A: Code Amendments

3/11 CED

- ~~C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~
- ~~D. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are so designed as to ensure privacy;~~
- ~~E. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences. (Prior planning code § 3566)~~

17.18.120 Maximum height.

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) foot, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) foot if all portions of the roof above twenty-five (25) foot are:~~

- ~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~
- ~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten foot from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) foot within the front twelve (12) foot of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) foot in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001; Ord. 11904 § 5.15, 4996; prior planning code 3569)~~

17.18.130 Minimum yards and courts.

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height proscribed in Section 17.18.130.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight foot, and has a width of at least five foot. (see illustration I-4e.)~~

~~B. Side Yard - Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard - Interior Lot Line.~~

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1. The minimum side yard width along each interior side lot line of every lot shall be five feet.
2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two dwelling units.

D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.

B. Courts. On each lot containing Residential Facilities with a total of two dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001; prior planning code § 3570)

17.18.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two living dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.31. (Ord. 12376 § 3 (part), 2001)

17.18.150 Minimum usable open space.

On each lot containing Residential Facilities with a total of two dwelling units, group usable open space shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001; prior planning code § 3571)

17.18.160 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001; prior planning code § 3572)

17.18.170 Special regulations for mini lot and planned unit developments.

A. Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-35 zone may be waived or modified when and as proscribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.112 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-35 zone, and certain of the other regulations applying in said zone may be waived or modified.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3573)

Exhibit A: Code Amendments

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17.18.180 Other zoning provisions.

- ~~A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~
- ~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
- ~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
- ~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
- ~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-35 zone.~~
- ~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-35 zone.~~
- ~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-35 zone.~~

(Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3574)

Chapter 17.20

R-36 SMALL LOT RESIDENTIAL ZONE REGULATIONS

Sections:

- ~~17.20.010 Title, purpose, and applicability.~~
- ~~17.20.020 Required design review process.~~
- ~~17.20.030 Permitted activities.~~
- ~~17.20.040 Conditionally permitted activities.~~
- ~~17.20.050 Permitted facilities.~~
- ~~17.20.060 Conditionally permitted facilities.~~
- ~~17.20.070 Design review criteria.~~
- ~~17.20.080 Limitations on signs.~~
- ~~17.20.090 Minimum lot area, width, and frontage.~~
- ~~17.20.100 Maximum residential density.~~
- ~~17.20.110 Use permit criteria for more than two dwelling units.~~
- ~~17.20.120 Maximum height.~~
- ~~17.20.130 Minimum yards and courts.~~
- ~~17.20.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~
- ~~17.20.150 Minimum usable open space.~~
- ~~17.20.160 Buffering.~~
- ~~17.20.170 Special regulations for mini-lot and planned unit developments.~~
- ~~17.20.180 Other zoning provisions.~~

~~17.20.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-36 small lot residential zone regulations. The R-36 zone is intended to foster the development of small lots that are less than four thousand (4,000) square feet in size and/or less than forty-five (45) foot in width in desirable settings for urban living, and is typically appropriate to areas of existing lower density residential development. These regulations shall apply in the R-36 zone.~~

~~(Prior planning code § 3575)~~

~~17.20.020 Required design review process.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.20.070, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

~~(Ord. 12501 § 25, 2003; Ord. 11904 § 5.61, 1996; prior planning code § 3576)~~

~~17.20.030 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care occupying a One Family Dwelling Residential Facility~~

~~B. Civic Activities:~~

~~Essential Service~~

Exhibit A: Code Amendments

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~~Limited Child Care
Telecommunications~~
(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3578)

17.20.040 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

~~Residential Care, except when occupying a One Family Dwelling Residential Facility
Service Enriched Permanent Housing
Transitional Housing~~

B. Civic Activities:

~~Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Health Care
Utility and Vehicular
Extensive Impact~~

C. Agricultural and Extractive Activities:

~~Plant Nursery
Crop and Animal Raising
Mining and Quarrying~~

D. Off-street parking serving activities other than those listed above or in Section 17.20.030, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof subject to the conditions set forth in Section 17.102.110.

(Ord. 12138 § 5 (part), 1999; prior planning code § 3579)

17.20.050 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

~~One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in
Section 17.102.360
Two Family Dwelling~~

B. Nonresidential Facilities:

~~Enclosed
Open~~

C. Signs:

~~Residential
Special
Development
Realty
Civic~~

(Ord. 12501 § 27, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3580)

Exhibit A: Code Amendments

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17.20.060 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.13.1:

A. Residential Facilities:

Multi-family Dwelling

B. Telecommunications Facilities:

Micro

Mini

Macro

Monopole

(Ord. 12501 § 28, 2003; Ord. 12199 § 4D, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3581)

17.20.070 Design review criteria.

In the R-36 zone, proposals requiring regular design review approval pursuant to Section 17.20.020 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.13.6 and to all of the following additional criteria:

A. Site Design:

1. That the siting of the building is such that it is compatible with adjacent properties and respects the configuration and natural amenities of the lot;
2. That the building is oriented in such a way that it maintains direct sunlight to adjacent properties wherever possible;
3. That, where desirable, entry paths are distinct and separate elements from parking pads and driveways; and that stairways, accessways, and corridors are designed to ensure the privacy and security of residents without adversely affecting the residential amenity of adjacent properties;
4. That the design and site planning of the building, open areas, parking, and other facilities are convenient and functional;
5. That the siting and orientation of the proposal maintains views to adjacent properties wherever possible.

B. Parking:

1. That parking spaces are incorporated into the design such that they are complementary elements of the overall design;
2. That, where physically feasible, unenclosed parking spaces are situated on the site in such a manner that they maintain or improve the character and integrity of the neighborhood, and are visually screened from the street and other significant vantage points to minimize their visual impact.

C. Building Design:

1. That the building has a scale, height, bulk, and massing compatible with, but not necessarily identical to, surrounding buildings;
2. That parking entrances are integrated into the overall project design;
3. That the primary entrance is identifiable and is treated such that it is consistent with the rest of the building;
4. That the design of the building is specific to its location and responds to topographic, physical, or climatic characteristics of the site.

D. Landscaping:

1. That the proposed landscaping complements the design of the building and the use of open spaces and yards;
2. That water conservation has been considered in the selection of plant material and irrigation systems.

Exhibit A: Code Amendments

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E. General.

1. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.

(Prior planning code § 3587)

~~17.20.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~

(Prior planning code § 3588)

~~17.20.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

(Prior planning code § 3589)

~~17.20.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on the lots of the specified sizes:~~

Total Lot Area	Permitted Total Number of Dwelling Units
Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.	One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.
4,000 - 4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel.	Two dwelling units.
5,000 or more square feet.	Two dwelling units.

~~B. Conditionally Permitted Density. A total of three or more Residential Facilities may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, if the total area is not less than two thousand five hundred (2,500) square feet for each dwelling unit. In such developments, no more than two dwelling units may be contained in a single residential facility in situations where One Family and Two Family Dwellings predominate within the block containing the subject site. No limitations on the number of units which may be contained in a Multifamily Facility is prescribed in situations where similar Multifamily Dwellings predominate within the block containing the subject site. The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~

(Ord. 12504 § 29, 2003; Ord. 12199 § 3 (part), 2000; prior planning code § 3590)

~~17.20.110 Use permit criteria for more than two dwelling units.~~

~~A conditional use permit for any Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general~~

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use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to the density, to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
- B. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
- C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
- D. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are so designed as to insure privacy;
- E. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

(Prior planning code § 3591)

17.20.120 Maximum height:

— A. General. Except as otherwise provided in Section 17.108.020, 17.103.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be thirty (30) feet; however, a greater height up to five feet may be permitted for pitched roofs upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.131. As used in this section, a "pitched roof" is defined as having a vertical to horizontal ratio of a minimum of four in twelve (1:12) slope.

— An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) foot within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.

— B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.

— C. Other Provisions. See Section 17.12.080 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 12376 § 3 (part), 2001; Ord. 11901 § 5.16, 1996; prior planning code § 3591)

17.20.130 Minimum yards and courts:

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yards requirements applying to certain facilities which exceed the general maximum height proscribed in Section 17.20.120.

— A. Lots Less Than Four Thousand (1,000) Square Feet in Size and/or Less Than Forty Five (45) Feet in Width.

— I. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth

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of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight foot, and has a width of at least five foot (see illustration I-4e.).

2. ~~Side Yard—Street Side of Corner lot.~~ The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.

3. ~~Side Yard—Interior Lot Line.~~ The minimum side yard width along each interior side lot line of every lot shall be three foot, except as a zero side yard is allowed for proposals involving a One Family Dwelling, or One Family Dwelling with a Secondary Unit on each of two contiguous properties under common ownership.

4. ~~Rear Yard.~~ The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.

B. Lots Exceeding Four Thousand (4,000) Square Feet in Size.

1. ~~Front Yard.~~ The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots and except that if adjacent lots abutting the side lot lines of the subject lot contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line connecting the most forward projections of the principal Residential Facilities on the adjacent lots, provided such projections on the adjacent lots are enclosed, have a wall height of at least eight foot, and have a width of at least five feet. (See illustration I-4d.)

2. ~~Side Yard—Street Side of Corner Lot.~~ The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.

3. ~~Side Yard—Interior Lot Line.~~

a. The minimum side yard width along each interior side lot line of every lot shall be five feet.

b. A side yard with a width greater than that required by subsection (B)(3)(a) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces, an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.

4. ~~Rear Yard.~~ The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.

5. ~~Courts.~~ On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001; Ord. 12199 § 3 (part), 2000; prior planning code § 3595)

17.20.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two dwelling units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34. (Ord. 12376 § 3 (part), 2001)

17.20.150 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, except in the case of a One Family Dwelling with a Secondary Unit, group usable open shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001; Ord. 12199 § 3 (part), 2000; prior planning code § 3596)

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17.20.160 Buffering.

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001; prior planning code § 3597)~~

17.20.170 Special regulations for mini-lot and planned-unit developments.

~~A. Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-36 zone, may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-36 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 3598)~~

17.20.180 Other zoning provisions.

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

~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 47.117.~~

~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-36 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-36 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 47.124 shall apply in the R-36 zone. (Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3599)~~

Chapter 17.22

R-40 GARDEN APARTMENT RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.22.010 Title, purpose, and applicability.**
- 17.22.010 Required design review process.**
- 17.22.050 Permitted activities.**
- 17.22.060 Conditionally permitted activities.**
- 17.22.070 Permitted facilities.**
- 17.22.080 Conditionally permitted facilities.**
- 17.22.090 Limitations on Signs.**
- 17.22.100 Minimum lot area, width, and frontage.**
- 17.22.110 Maximum residential density.**
- 17.22.120 Use permit criteria for more than two dwelling units.**
- 17.22.130 Maximum height.**
- 17.22.140 Minimum yards and courts.**
- 17.22.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**
- 17.22.160 Minimum usable open space.**
- 17.22.170 Buffering.**
- 17.22.180 Special regulations for mini-lot and planned unit developments.**
- 17.22.190 Other zoning provisions.**

17.22.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-40 garden apartment residential zone regulations. The R-40 zone is intended to create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium-density residential development. These regulations shall apply in the R-10 zone.
(Prior planning code § 3600)

17.22.010 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
(Ord. 11904 § 5.60 (part), 1996; prior planning code § 3602-1)

17.22.050 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

B. Civic Activities:

Essential Service

Exhibit A: Code Amendments

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~~Limited Child Care~~

~~Telecommunications~~

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3603)

17.22.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

~~Residential Care, except when occupying a One Family Dwelling Residential Facility~~

~~Service Enriched Permanent Housing~~

~~Transitional Housing~~

B. Civic Activities:

~~Community Assembly~~

~~Recreational Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Administrative~~

~~Health Care~~

~~Utility and Vehicular~~

~~Extensive Impact~~

C. Agricultural and Extractive Activities:

~~Plant Nursery~~

~~Crop and Animal Raising~~

~~Mining and Quarrying~~

D. Off street parking serving activities other than those listed above or in Section 17.22.050, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.

(Ord. 12138 § 5 (part), 1999; prior planning code § 3604)

17.22.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

~~One Family Dwelling~~

~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~Two Family Dwelling~~

B. Nonresidential Facilities:

~~Enclosed~~

~~Open~~

C. Signs:

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

(Ord. 12501 § 31, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3605)

Exhibit A: Code Amendments

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17.22.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Facilities:

Multi Family Dwelling

B. Telecommunications Facilities:

Micro

Mini

Macro

Monopole

(Ord. 12501 § 32, 2003; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3606)

17.22.090 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.
(Prior planning code § 3613)

17.22.100 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 3614)

17.22.110 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density: The numbers of dwelling units indicated in the following table are permitted on lots of the specified sizes:

Total Lot Area	Permitted Total Number of Dwelling Units
Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.	One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.
4,000 - 4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel.	Two dwelling units.
5,000 or more square feet.	Two dwelling units.

B. Conditionally Permitted Density: A total of three or more dwelling units may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, if the total lot area is not less than two thousand five hundred (2,500) square feet for each

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~~dwelling unit. The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 33, 2003; Ord. 12199 § 5D (part), 2000; prior planning code § 3615)~~

17.22.120 Use permit criteria for more than two dwelling units.

~~A conditional use permit for a Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

~~A. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density, to the availability of neighborhood facilities and play space, to the generation of traffic and the capacity of surrounding streets, and to all other similar, relevant factors;~~

~~B. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;~~

~~C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~

~~D. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment, and that paths, stairways, accessways, and corridors are so designed as to ensure privacy;~~

~~B. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences. (Prior planning code § 3616)~~

17.22.130 Maximum height.

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) foot within the front twelve (12) foot of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001; Ord. 11904 § 5.17, 1996; prior planning code § 3619)~~

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17.22.110 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed thereon by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.22.140.

A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) foot, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See illustration I-4e.)

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.05.060.

C. Side Yard—Interior Lot Line.

1. The minimum side yard width along each interior side lot line of every lot shall be five feet.

2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.

D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.

B. Courts. On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001; prior planning code § 3620)

17.22.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two dwelling units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34. (Ord. 12376 § 3 (part), 2001)

17.22.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, group usable open space shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001; prior planning code § 3621)

17.22.170 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001; prior planning code § 3622)

17.22.180 Special regulations for mini-lot and planned-unit developments.

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A. Mini Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-40 zone, may be waived or modified when and as prescribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-40 zone, and certain of the other regulations applying in said zone may be waived or modified. (Ord. 12376 § 3 (part), 2001; prior planning code § 3623)

17.22.190 Other zoning provisions.

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

B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-40 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-40 zone.

G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-40 zone.

(Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3624)

Chapter 17.24

R-50 MEDIUM DENSITY RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.24.010 Title, purpose, and applicability.**
- 17.24.040 Required design review process.**
- 17.24.050 Permitted activities.**
- 17.24.060 Conditionally permitted activities.**
- 17.24.070 Permitted facilities.**
- 17.24.080 Conditionally permitted facilities.**
- 17.24.090 Limitations on Signs.**
- 17.24.100 Minimum lot area, width, and frontage.**
- 17.24.110 Maximum residential density.**
- 17.24.120 Use permit criteria for more than two dwelling units.**
- 17.24.130 Maximum height.**
- 17.24.140 Minimum yards and courts.**
- 17.24.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**
- 17.24.160 Minimum usable open space.**
- 17.24.170 Buffering.**
- 17.24.180 Special regulations for mini-lot and planned unit developments.**
- 17.24.190 Other zoning provisions.**

17.24.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-50 medium density residential zone regulations. The R-50 zone is intended to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and is typically appropriate to areas of existing medium-density residential development. These regulations shall apply in the R-50 zone.

(Prior planning code § 3650)

17.24.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.101.

(Ord. 11901 § 5.60 (part), 1996; prior planning code § 3652.1)

17.24.050 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

Residential Care occupying a One Family Dwelling Residential Facility

B. Civic Activities:

Essential Service

Limited Child Care

Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11901 § 5.07 (part), 1996; prior planning code § 3653)

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47.24.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One Family Dwelling Residential Facility
Service Enriched Permanent Housing
Transitional Housing

B. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Health Care
Utility and Vehicular
Extensive Impact

C. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising
Mining and Quarrying

D. Off street parking serving activities other than those listed above or in Section 17.24.050, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.
(Ord. 12138 § 5 (part), 1999; prior planning code § 3654)

47.24.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in
Section 17.102.360
Two Family Dwelling

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civie

(Ord. 12501 § 35, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3655)

47.24.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

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- A. Residential Facilities:
- Multifamily Dwelling
- B. Telecommunications Facilities:
- Micro
 - Mini
 - Macro
 - Monopole

(Ord. 12501 § 36, 2003; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.4.0 (pert), 1996; prior planning code § 3656)

17.24.090 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.
(Prior planning code § 3663)

17.24.100 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square foot and a minimum lot width of twenty-five (25) feet except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 3664)

17.24.110 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on lots of the specified sizes:

Total Lot Area	Permitted Total Number of Dwelling Units
Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.	One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.
4,000 or more square feet.	Two dwelling units, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.

B. Conditionally Permitted Density. On lots of the following sizes, the number of dwelling units allowed by subsection A of this section may be increased to not to exceed that indicated in the following table upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

Total Lot Area	Permitted Total Number of Dwelling Units
4,500 - 4,999 square feet.	Three dwelling units.
5,000 - 6,999 square feet.	Four dwelling units.

Total Lot Area	Permitted Total Number of Dwelling Units
7,000 - 8,499 square feet.	Five dwelling units.
8,500 - 9,999 square feet.	Six dwelling units.
10,000 or more square feet.	One dwelling unit for each 1,500 square feet of total lot area, provided that an extra dwelling unit may be permitted if a remainder of 1,000 square feet or more is obtained after division of the total lot area by 1,500 square feet.

The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 37, 2003; Ord. 12199 § 5D (part), 2000; prior planning code § 3665)

~~47.24.120 Use permit criteria for more than two dwelling units.~~

A conditional use permit for a Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposed development conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of neighborhood facilities and play space; to the effect of the development upon neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
- B. That the design and site planning of the buildings, open spaces, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are so designed and located as to ensure privacy;
- C. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

(Prior planning code § 3666)

~~47.24.130 Maximum height.~~

Except as otherwise provided in Section 17.108.020, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be thirty (30) feet.

Except as otherwise provided in Section 17.108.030, no accessory building shall exceed fifteen (15) feet in height unless a conditional use permit for a greater height is granted pursuant to the conditional use permit procedure in Chapter 17.134. See Section 17.12.080 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards.

(Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11904 § 5.18, 1996; prior planning code § 3669)

~~47.24.140 Minimum yards and courts.~~

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed thereon by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height proscribed in Section 17.24.130.

A. Front Yard. The minimum front yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a

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line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See illustration I-4e.)

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.

C. Side Yard—Interior Lot Line:

1. The minimum side yard width along each interior side lot line of every lot shall be four feet.

2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.

D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3670)

17.24.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.

Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed fifty (50) percent or two thousand (2,000) square feet, whichever is greater.

(Ord. 12376 § 3 (part), 2001)

17.24.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, group usable open space shall be provided for such facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of seventy-five (75) square feet per dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3671)

17.24.170 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3672)

17.24.180 Special regulations for mini-lot and planned unit developments.

A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-50 zone may be waived or modified when and as prescribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.112 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-50 zone, and certain of the other regulations applying in said zone may be waived or modified.

(Ord. 12376 § 3 (part), 2001; prior planning code § 3673)

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~~47.24.190 Other zoning provisions.~~

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

~~B. Bicycle Parking.~~ Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

~~C. Home Occupations.~~ Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

~~D. Nonconforming Uses.~~ Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

~~E. General Provisions.~~ The general exceptions and other regulations set forth in Chapter 17.102, 17.104, 17.106, and 17.108 shall apply in the R-50 zone.

~~F. Recycling Space Allocation Requirements.~~ The regulations set forth in Chapter 17.118 shall apply in R-50 zone.

~~G. Landscaping and Screening Standards.~~ The regulations set forth in Chapter 17.124 shall apply in the R-50 zone.

(Ord. 12376 § 3 (part), 2001; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3674)

Chapter 17.26

R-60 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.26.010** Title, purpose, and applicability.
- 17.26.040** Required design review process.
- 17.26.050** Permitted activities.
- 17.26.060** Conditionally permitted activities.
- 17.26.070** Permitted facilities.
- 17.26.080** Conditionally permitted facilities.
- 17.26.090** Limitations on Signs.
- 17.26.100** Minimum lot area, width, and frontage.
- 17.26.110** Maximum residential density.
- 17.26.120** Maximum nonresidential floor-area ratio.
- 17.26.130** Maximum height.
- 17.26.140** Minimum yards and courts.
- 17.26.150** Minimum usable open space.
- 17.26.160** Buffering.
- 17.26.170** Special regulations for mini-lot and planned unit developments.
- 17.26.180** Other zoning provisions.

17.26.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the R-60 medium-high density residential zone regulations. The R-60 zone is intended to create, preserve, and enhance areas for apartment living at relatively high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and shopping and community centers. These regulations shall apply in the R-60 zone.

(Prior planning code § 3750)

17.26.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. 11904 § 5.60 (part), 1996; prior planning code § 3752.1)

17.26.050 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

Residential Care occupying a One Family Dwelling Residential Facility

B. Civic Activities:

Essential Service

Limited Child Care

Community Assembly

Recreational Assembly

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~~Community Education
Nonassembly Cultural
Telecommunications~~
(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3753)

17.26.060 Conditionally permitted activities.

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

A. Residential Activities:

~~Residential Care, except when occupying a One Family Dwelling Residential Facility
Service Enriched Permanent Housing
Transitional Housing
Emergency Shelter~~

B. Civic Activities:

~~Administrative
Health Care
Utility and Vehicular
Extensive Impact~~

C. Agricultural and Extractive Activities:

~~Crop and Animal Raising
D. Off-street parking serving activities other than those listed above or in Section 17.26.050, subject to the conditions set forth in Section 17.102.100.~~

~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

(Ord. 12138 § 5 (part), 1999; prior planning code § 3754)

17.26.070 Permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

A. Residential Facilities:

~~One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
Two Family Dwelling
Multifamily Dwelling~~

B. Nonresidential Facilities:

~~Enclosed
Open~~

C. Signs:

~~Residential
Special
Development
Realty
Civic~~

(Ord. 12501 § 39, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3755)

17.26.080 Conditionally permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

A. Residential Facilities:

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Rooming House
B. Telecommunications Facilities:
Miere
Mini
Macro
Menopele

(Ord. 11904 § 5.10 (part), 1996; prior planning code § 3756)

17.26.090 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. (Prior planning code § 3763)~~

17.26.100 Minimum lot area, width, and frontage.

~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3764)~~

17.26.110 Maximum residential density.

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Basic Density. One regular dwelling unit is permitted for each eight hundred (800) square feet of lot area, provided that one extra such unit is permitted if a remainder of five hundred fifty (550) square feet or more is obtained after division of the lot area by eight hundred (800) square feet. One efficiency dwelling unit is permitted for each five hundred fifty (550) square feet of lot area, provided that one extra such unit is permitted if a remainder of four hundred (400) square feet or more is obtained after division of the lot area by five hundred fifty (550) square feet. The maximum number of rooming units shall be one for each four hundred (400) square feet of lot area, plus one extra such unit if a remainder of two hundred seventy-five (275) square feet or more is obtained after division of the lot area by four hundred (400) square foot. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~

~~(Ord. 12504 § 40, 2003; prior planning code § 3765)~~

17.26.120 Maximum nonresidential floor-area ratio.

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The maximum floor-area ratio of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor Area Ratio. The maximum permitted floor-area ratio is 1.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional-use permit pursuant to the conditional-use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.

(Prior planning code § 3767)

17.26.130 Maximum height.

The maximum height of buildings and other facilities shall be forty (40) feet, except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, and except that a greater height may be permitted upon the granting of a conditional-use permit pursuant to the conditional-use permit procedure in Chapter 17.134. However, the height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone. See Section 17.26.090 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.19, 1996; prior planning code § 3769)

17.26.140 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.430:

A. Front Yard. The minimum front-yard depth on every lot shall be ten foot, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

B. Side Yard—Street Side of Corner Lot. The minimum side-yard width on the street side of every corner lot shall be five feet, except as a greater width is required by Section 17.108.060.

C. Side Yard—Interior Lot Line.

1. The minimum side-yard width along each interior-side-lot line of every lot shall be four foot.

2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as proscribed in Section 17.108.080, opposite a living room window which faces an interior-side-lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.

B. Rear Yard. The minimum rear-yard depth on every lot shall be fifteen (15) foot, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3770)

17.26.150 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of two hundred (200) square feet per regular dwelling unit plus one hundred thirty (130) square feet per efficiency dwelling unit plus one hundred (100) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio proscribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square foot per regular dwelling unit plus twenty (20) square feet per efficiency dwelling unit plus fifteen (15) square feet per rooming unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

(Prior planning code § 3771)

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17.26.160 Buffering.

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~
~~(Prior planning code § 3772)~~

17.26.170 Special regulations for mini-lot and planned-unit developments.

A. ~~Mini Lot Developments.~~ In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-60 zone, may be waived or modified when and as prescribed in Section 17.102.320.
B. ~~Planned Unit Developments.~~ Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-60 zone, and certain of the other regulations applying in said zone may be waived or modified. ~~(Prior planning code § 3773)~~

17.26.180 Other zoning provisions.

A. ~~Parking and Loading.~~ Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
B. ~~Bicycle Parking.~~ Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
C. ~~Home Occupations.~~ Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
D. ~~Nonconforming Uses.~~ Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
E. ~~General Provisions.~~ The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-60 zone.
F. ~~Recycling Space Allocation Requirements.~~ The regulations set forth in Chapter 17.118 shall apply in R-60 zone.

~~(Amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3774)~~

Chapter 17.28

R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

Sections:

- ~~17.28.010 Title, purpose, and applicability.~~
- ~~17.28.040 Required design review process.~~
- ~~17.28.050 Permitted activities.~~
- ~~17.28.060 Conditionally permitted activities.~~
- ~~17.28.070 Permitted facilities.~~
- ~~17.28.080 Conditionally permitted facilities.~~
- ~~17.28.090 Use permit criteria for Commercial Activities.~~
- ~~17.28.100 Limitations on Signs.~~
- ~~17.28.110 Minimum lot area, width, and frontage.~~
- ~~17.28.120 Maximum residential density.~~
- ~~17.28.130 Maximum nonresidential floor-area ratio.~~
- ~~17.28.140 Maximum height.~~
- ~~17.28.150 Minimum yards and courts.~~
- ~~17.28.160 Minimum usable open space.~~
- ~~17.28.170 Buffering.~~
- ~~17.28.180 Special regulations for mini-lot and planned-unit developments.~~
- ~~17.28.190 Other zoning provisions.~~

~~17.28.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-70 high density residential zone regulations. The R-70 zone is intended to create, preserve, and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers. These regulations shall apply in the R-70 zone.~~

~~(Prior planning code § 3800)~~

~~17.28.010 Required design review process.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 3802.1)~~

~~17.28.050 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care occupying a One Family Dwelling Residential Facility~~

~~B. Civic Activities:~~

~~Essential Service~~

~~Limited Child Care~~

~~Community Assembly~~

~~Recreational Assembly~~

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Community Education
Nonassembly Cultural
Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 14904 § 5.08 (part), 1996; prior planning code § 3803)

17.28.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in
Section 17.102.360
Two Family Dwelling
Multifamily Dwelling

B. Nonresidential Facilities:

Enclosed
Open

C. Signs:

Residential
Special
Development
Realty
Civie

(Ord. 12501 § 42, 2003; Ord. 14904 § 5.09 (part), 1996; prior planning code § 3805)

17.28.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Facilities:

Rooming House

B. Telecommunications Facilities:

Micro
Mini
Macro
Monopole

(Ord. 14904 § 5.10 (part), 1996; prior planning code § 3806)

17.28.090 Use permit criteria for Commercial Activities.

A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:

A. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;

B. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.

(Prior planning code § 3811)

17.28.100 Limitations on Signs.

— All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.
(Prior planning code § 3813)

17.28.110 Minimum lot area, width, and frontage.

— Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 3814)

17.28.120 Maximum residential density.

— The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

— A. Basic Density. One regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. One efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

— B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

— 1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

— 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

— The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 43, 2003; prior planning code § 3815)

17.28.130 Maximum nonresidential floor-area ratio.

— The maximum floor-area ratio of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

— A. Permitted Floor Area Ratio. The maximum permitted floor-area ratio is 2.25, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

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B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. (Prior planning code § 3817)

17.28.140 Maximum height:

A. General Provisions. (See illustration I-5.) Except as otherwise provided in Section 17.108.030 and Chapter 17.128, no building or other facility shall exceed forty (40) feet in height unless each portion above that height is:

1. Set back from the inner line of each of the minimum side yard, if any, required by Section 17.28.150(C)(1) a minimum horizontal distance equal to one foot for each four feet by which it extends above the height of forty (40) feet; and

2. Set back from the inner line of the minimum rear yard required by Section 17.28.150D a minimum horizontal distance equal to one foot for each two feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet.

The height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.

B. Other Provisions. See Section 17.28.100 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.20, 1996; prior planning code § 3819)

17.28.150 Minimum yards and courts:

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed thereon by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be five feet, except as a greater width is required by Section 17.108.060.

C. Side Yard—Interior Lot Line. (See illustration I-6a.) No side yard is generally required along an interior side lot line except as follows:

1. A side yard with a minimum width of five feet shall be provided opposite any legally required window of any habitable room in a Residential Facility, which window faces an interior side lot line. Such side yard shall be provided opposite such window and along the wall containing the window for not less than ten feet in each direction from the centerline thereof, and at and above the level of the story containing the window.

2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.

3. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 3820)

17.28.160 Minimum usable open space:

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square

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foot per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio proscribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square foot per regular dwelling unit plus twenty (20) square feet per efficiency dwelling unit plus fifteen (15) square foot per rooming unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Prior planning code § 3821)

17.28.170 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Prior planning code § 3822)

17.28.180 Special regulations for mini-lot and planned-unit developments.

A. Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-70 zone may be waived or modified when and as proscribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-70 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 3823)

17.28.190 Other zoning provisions.

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

B. Bicycle Parking. Bicycle parking shall be provided as proscribed in the bicycle parking regulations in Chapter 17.117.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-70 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-70 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3824)

Chapter 17.13

RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

<u>17.13.010</u>	<u>Title, Intent, and Description</u>
<u>17.13.020</u>	<u>Required Design Review Process</u>
<u>17.13.030</u>	<u>Permitted and Conditionally Permitted Activities</u>
<u>17.13.040</u>	<u>Permitted and Conditionally Permitted Facilities</u>
<u>17.13.050</u>	<u>Property Development Standards</u>
<u>17.13.060</u>	<u>Special Regulations for Mini-lot and Planned Unit Developments</u>
<u>17.13.070</u>	<u>Other Zoning Provisions</u>

17.13.010 Title, Intent, and Description

- A. Title and Intent. The provisions of this Chapter shall be known as the Hillside Residential (RH) regulations. The intent of the RH regulations is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.
- B. Description of Zones. This Chapter establishes land use regulations for the following four zones:
1. RH-1 Hillside Residential Zone - 1. The intent of the RH-1 zone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
 2. RH-2 Hillside Residential Zone - 2. The intent of the RH-2 zone is to create, maintain, and enhance areas for single-family living on lots of at least 25,000 square feet, and is appropriate in portions of the Oakland Hills.
 3. RH-3 Hillside Residential Zone - 3. The intent of the RH-3 zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least 12,000 square feet and is appropriate in portions of the Oakland Hills.
 4. RH-4 Hillside Residential Zone - 4. The intent of the RH-4 zone is to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet and is typically appropriate in already developed areas of the Oakland Hills.

17.13.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.13.030 Permitted and Conditionally Permitted Activities

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"--" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.13.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
Residential Activities					
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	—	—	—	—	
Service-Enriched Permanent Housing	—	—	—	—	
Transitional Housing	—	—	—	—	
Emergency Shelter	—	—	—	—	
Semi-Transient	—	—	—	—	
Bed and Breakfast	—	—	—	—	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	—	—	—	—	
Special Health Care	—	—	—	—	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities (all)	—	—	—	—	17.112
Industrial Activities (all)	—	—	—	—	
Agriculture and Extractive Activities					
Crop and animal raising	C(L2)	C(L2)	C(L2)	C(L2)	
Plant nursery	C	C	C	C	

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Table 17.13.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
Mining and Quarrying	--	--	--	--	
<u>Accessory off-street parking serving prohibited activities</u>	L	L	L	L	<u>17.102.100</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	L	L	L	L	<u>17.102.110</u>

Limitations on Table 17.13.01:

- L1. No state licensed residential care facility shall be located closer than three hundred (300) feet from any other state licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.13.040 Permitted and Conditionally Permitted Facilities

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the table.

“--” designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
<u>Residential Facilities</u>					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary	P	P	P	P	<u>17.102.360</u>

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Table 17.13.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
<u>Unit</u>					
<u>Two-family Dwelling</u>	=	=	=	=	
<u>Multifamily Dwelling</u>	=	=	=	=	
<u>Rooming House</u>	=	=	=	=	
<u>Mobile Home</u>	=	=	=	=	
Nonresidential Facilities					
<u>Enclosed Nonresidential</u>	P	P	P	P	
<u>Open Nonresidential</u>	P	P	P	P	
<u>Sidewalk Café</u>	=	=	=	=	
<u>Drive-In Nonresidential</u>	=	=	=	=	
<u>Drive-Through Nonresidential</u>	=	=	=	=	
Telecommunications Facilities					
<u>Micro Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Mini Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C(L1)	C(L1)	C(L1)	C(L1)	<u>17.128</u>
<u>Tower Telecommunications</u>	=	=	=	=	<u>17.128</u>
Sign Facilities					
<u>Residential Signs</u>	P	P	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	P	P	<u>17.104</u>
<u>Realty Signs</u>	P	P	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	P	P	<u>17.104</u>
<u>Business Signs</u>	=	=	=	=	<u>17.104</u>
<u>Advertising Signs</u>	=	=	=	=	<u>17.104</u>

Limitations on Table 17.13.01:

L1. Monopole Telecommunication Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

1. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

17.13.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
Minimum Lot Dimensions					
<u>Width mean</u>	<u>100 ft</u>	<u>100 ft</u>	<u>90 ft</u>	<u>45 ft</u>	<u>1</u>
<u>Frontage</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>1</u>
<u>Lot area</u>	<u>43,560 sf</u>	<u>25,000 sf</u>	<u>12,000 sf</u>	<u>6,500 sf or 8,000 sf</u>	<u>1, 2, 3</u>
Maximum Density	<u>1 primary unit per lot</u>				<u>4</u>
Minimum Setbacks					
<u>Minimum front (<20% street-to-setback gradient)</u>	<u>25 ft</u>	<u>25 ft</u>	<u>20 ft</u>	<u>20 ft</u>	<u>5</u>
<u>Minimum front (>20% street-to-setback gradient)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5, 6</u>
<u>Minimum interior side <20% footprint slope</u>	<u>6 ft/15%</u>	<u>6 ft/15%</u>	<u>6 ft/10%</u>	<u>5 ft</u>	<u>7, 8</u>
<u>Minimum interior side >20% footprint slope</u>	<u>6 ft/15%</u>	<u>6 ft/15%</u>	<u>6 ft/10%</u>	<u>5 ft/10%</u>	<u>7, 8</u>
<u>Minimum street side</u>	<u>6 ft</u>	<u>6 ft</u>	<u>6 ft</u>	<u>5 ft</u>	<u>2</u>
<u>Rear</u>	<u>35 ft</u>	<u>35 ft</u>	<u>25 ft</u>	<u>20 ft</u>	<u>7, 10, 11</u>
Maximum Lot Coverage and Floor Area Ratio (FAR)	<u>See Table 17.13.04</u>				
Height Regulations for All Lots with a Footprint Slope of <20%					
<u>Maximum wall height primary building</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>12, 13</u>
<u>Maximum pitched roof height primary building</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>12, 13</u>
<u>Maximum height for accessory structures</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>12, 13</u>
Height Regulations for all Lots with a Footprint Slope of >20%	<u>See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%</u>				
Maximum Wall Length Before Articulation Required	<u>40 ft</u>	<u>40 ft</u>	<u>40 ft</u>	<u>40 ft</u>	<u>14</u>
Minimum Parking					
<u>Minimum parking spaces required per unit</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>15</u>

Table 17.13.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RH-1</u>	<u>RH-2</u>	<u>RH-3</u>	<u>RH-4</u>	
<u>Additional parking spaces required for secondary unit</u>	1	1	1	1	<u>15.16</u>

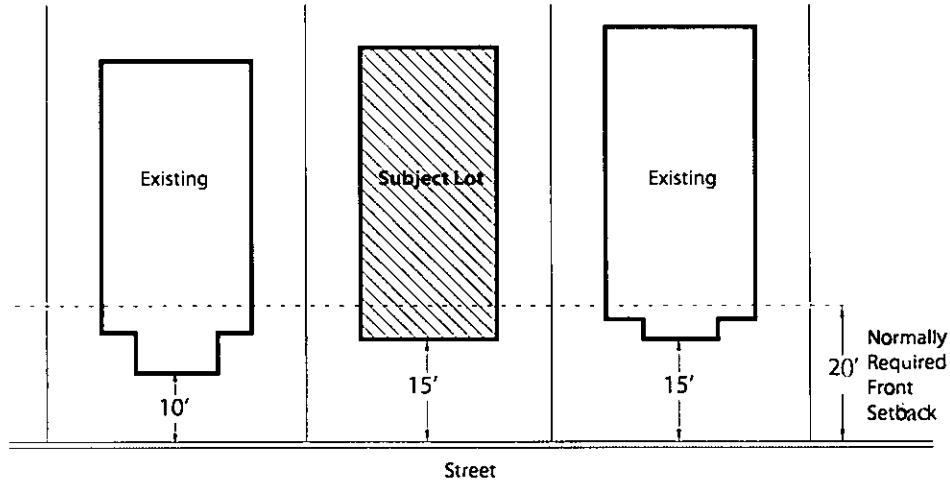
Additional Regulations for Table 17.13.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. In the RH-3 zone, the minimum average lot width of all lots within a subdivision shall be ninety (90) feet, and the minimum lot width of any individual lot within such subdivision shall be seventy-five (75) feet.
2. In the RH-4 Zone, for Subdivision Maps of 4 or fewer lots where each lot created has a buildable area slope of less than or equal to 20%, the minimum lot size is 6,500 square feet. For Subdivision Maps where any one lot buildable area slope is greater than 20% or for Subdivision Maps of 5 or more lots, the minimum lot size is increased to 8,000 square feet.
 - a. In order to determine buildable area slope of a subdivision, each lot shown on the Subdivision Map shall indicate the buildable area in dashed lines. The buildable area slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
3. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot size. In the RH-3 zone, the minimum average lot area of all lots within a subdivision shall be 12,000 square feet, and the minimum lot area of any individual lot within such subdivision shall be 10,000 square feet.
4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 5]*for illustration purposes only

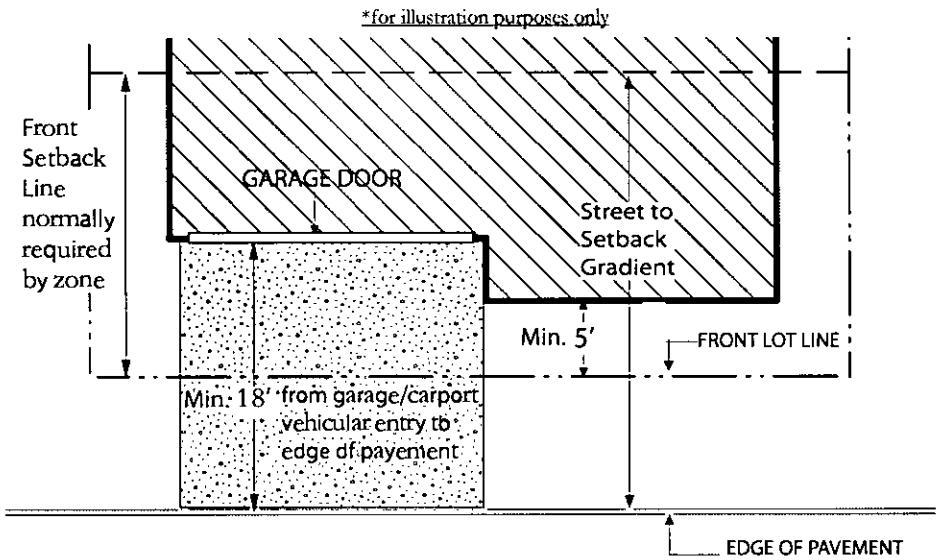
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6. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 6]

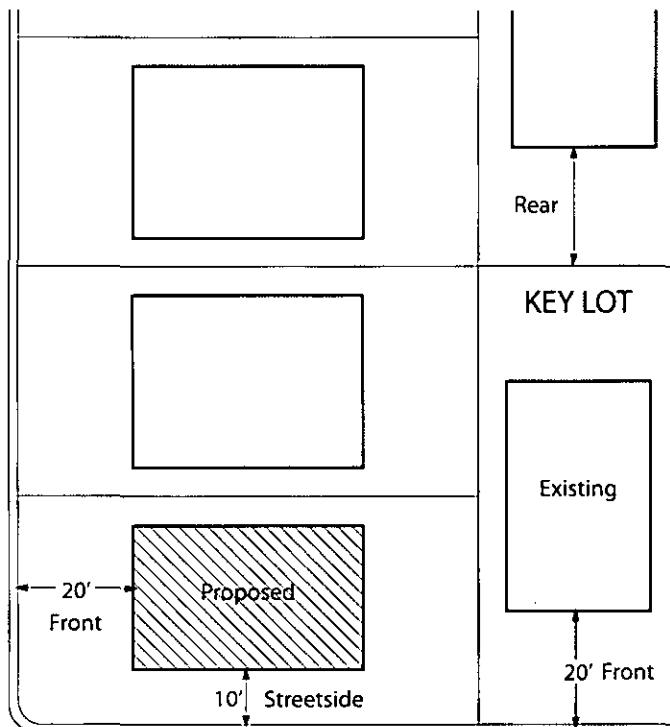


7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
8. The minimum interior side setback is the greater of the two listed setbacks. Also, see Section 17.108.130 for allowed projections into setbacks.
9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table

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17.13.03, [Additional Regulation 9], below). See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 9]*for illustration purposes only

10. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ($\frac{1}{2}$) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
13. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Additional parking standards apply within the S-11 Zone, as prescribed in Section 17.92.

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16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.

B. Floor Area Ratio (FAR) and Lot Coverage. Table 17.13.04 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.04 Floor Area Ratio (FAR) and Lot Coverage

<u>Regulation</u>	<u>Lot Size in Square Feet</u>					
	<u>< 5,000</u>	<u>> 5,000 and ≤ 12,000</u>	<u>> 12,000 and ≤ 23,000</u>	<u>> 25,000 and ≤ 43,560</u>	<u>> 43,560</u>	<u>Additional Regulations</u>
<u>Maximum FAR</u>	<u>0.55</u>	<u>0.50</u>	<u>0.45</u>	<u>0.30</u>	<u>0.20</u>	<u>1</u>
<u>Maximum Lot Coverage (%)</u>	<u>40%</u>	<u>40%</u>	<u>30%</u>	<u>20%</u>	<u>15%</u>	<u>2</u>

Additional Regulations for Table 17.13.04:

1. Lots with less than 5,000 square feet in area may have a dwelling with at least 2,000 square feet, regardless of FAR listed.
2. Lots with less than 5,000 square feet in area may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

C. Height. Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%

<u>Regulation</u>	<u>Downslope Lot Height Regulations With a Footprint Slope of:</u>			<u>Upslope Lot Height Regulations With a Footprint Slope of:</u>	<u>Additional Regulations</u>
	<u>> 20% and ≤ 40%</u>	<u>> 40% and ≤ 60%</u>	<u>> 60%</u>	<u>> 20%</u>	
<u>Maximum Height for Detached Accessory Structures</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>1</u>
<u>Maximum Wall Height Primary Building</u>	<u>32 ft</u>	<u>34 ft</u>	<u>36 ft</u>	<u>32 ft</u>	<u>1.2</u>
<u>Maximum Wall Height Primary Building with a CUP</u>	<u>36 ft</u>	<u>38 ft</u>	<u>40 ft</u>	<u>35 ft</u>	<u>1</u>
<u>Maximum Pitched Roof Height Primary Building</u>	<u>36 ft</u>	<u>38 ft</u>	<u>40 ft</u>	<u>35 ft</u>	<u>1.2</u>
<u>Maximum Height Above Edge of Pavement</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>	<u>N/A</u>	<u>1</u>

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Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%

<u>Regulation</u>	<u>Downslope Lot Height Regulations With a Footprint Slope of:</u>			<u>Upslope Lot Height Regulations With a Footprint Slope of:</u>	<u>Additional Regulations</u>
	<u>> 20% and < 40%</u>	<u>> 40% and < 60%</u>	<u>≥ 60%</u>	<u>≥ 20%</u>	
<u>Maximum Height Above the Ground Elevation at the Rear Setback Line</u>	N/A	N/A	N/A	24 ft	1
<u>Maximum Height from Finished or Existing Grade (whichever is greater) Within 20' of the Front Property Line</u>	N/A	N/A	N/A	24 ft	1, 3

Additional Regulations for Table 17.13.05:

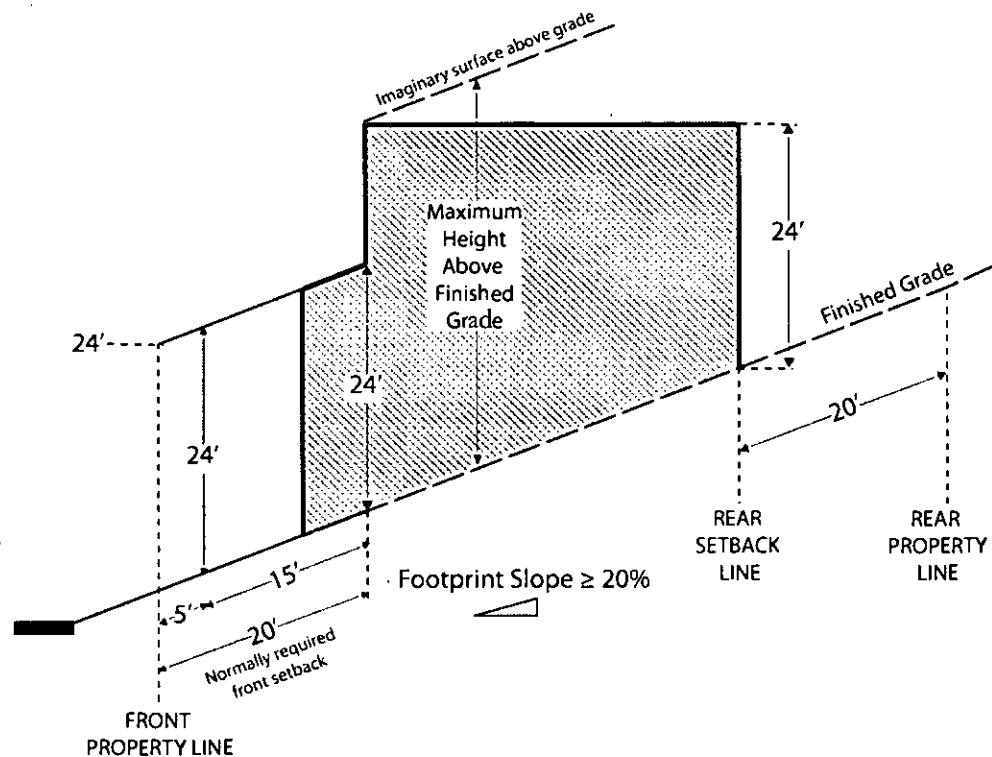
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

See Illustration for Table 17.13.05[Additional Regulation 2], below.
3. The building height is measured from finished or existing grade, whichever is lower.

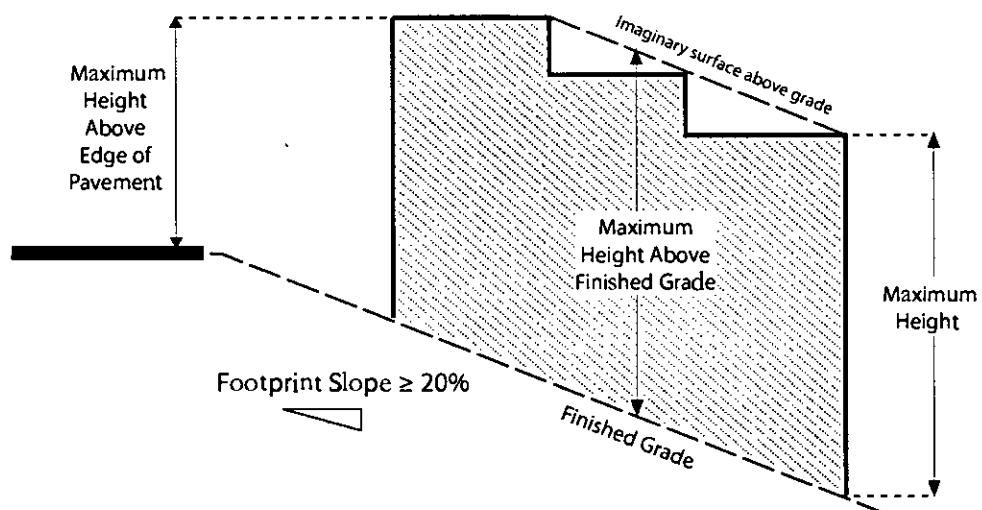
See Illustration for Table 17.13.05[Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



17.13.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RH zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RH zones, and certain of the other regulations applying in said zone may be waived or modified.

17.13.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RH zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RH zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.15

RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

SECTIONS:

- 17.15.010 Title, Intent, and Description
 - 17.15.020 Required Design Review Process
 - 17.15.030 Permitted and Conditionally Permitted Activities
 - 17.15.040 Permitted and Conditionally Permitted Facilities
 - 17.15.050 Property Development Standards
 - 17.15.060 Special Regulations for Mini-lot and Planned Unit Developments
 - 17.15.070 Other Zoning Provisions
-

17.15.010 Title, Intent, and Description

- A. Title and Intent. The provisions of this Chapter shall be known as the Detached Unit Residential (RD) regulations. The intent of the RD regulations is to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures.
- B. Description of Zones. This Chapter establishes land use regulations for the following two zones:
 1. RD-1 Detached Unit Residential Zone - 1. The intent of the RD-1 zone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.
 2. RD-2 Detached Unit Residential Zone - 2. The intent of the RD-2 zone is to create, maintain, and enhance areas with detached, single unit structures, with allowances for two-family structures on lots larger than 6,000 square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.

17.15.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.15.030 Permitted and Conditionally Permitted Activities

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

-- designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.15.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>		<u>Additional Regulations</u>
	<u>RD-1</u>	<u>RD-2</u>	
Residential Activities			
Pennant	P(L1)	P(L1)	17.102.212
Residential Can:	=	C(L1)	17.102.212
Service-Enriched Permanent Housing	=	C(L1)	17.102.212
Transitional Housing	=	C(L1)	17.102.212
Emergency Shelter	=	=	
Semi-Transient	=	=	
Bed and Breakfast	C	C	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	=	=	
Special Health Care	=	=	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	C (L2)(L3)	C (L2)(L3)	
Full Service Restaurants	C (L2)(L3)	C (L2)(L3)	
Limited Service Restaurant and Caf�	C (L2)(L3)	C (L2)(L3)	
Fast-Food Restaurant	=	=	
Convenience Market	=	=	
Alcoholic Beverage Sales	= (L4)	= (L4)	
Mechanical or Electronic Games	=	=	
Medical Service	=	=	
General Retail Sales	C (L2)(L3)	C (L2)(L3)	
Large-Scale Combined Retail and Grocery Sales	=	=	
Consumer Service	=	=	
Consultative and Financial Service	=	=	
Check Cashier and Check Cashing	=	=	
Consumer Cleaning and Repair Service	=	=	
Consumer Dry Cleaning Plant	=	=	
Group Assembly	=	=	
Personal Instruction and Improvement Services	=	=	

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Table 17.15.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>		<u>Additional Regulations</u>
	<u>RD-1</u>	<u>RD-2</u>	
<u>Administrative</u>	P(1.3)(1.5)	P(1.3) (1.5)	
<u>Business, Communication, and Media Services</u>	==	==	
<u>Broadcasting and Recording Services Commercial Activities</u>	==	==	
<u>Research Service</u>	==	==	
<u>General Wholesale Sales</u>	==	==	
<u>Transient Habitation</u>	==	==	
<u>Wholesale and Professional Building Material Sales</u>	==	==	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	==	==	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	==	==	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	==	==	
<u>Taxi and Light Fleet-Based Services</u>	==	==	
<u>Automotive Off-Parking</u>	==	==	
<u>Animal Boarding</u>	==	==	
<u>Animal Care</u>	==	==	
<u>Undertaking Service</u>	==	==	
<u>Industrial Activities (all)</u>	==		
<u>Agriculture and Extractive Activities</u>			
<u>Crop and animal raising</u>	C(1.6)	C(1.6)	
<u>Plant nursery</u>	C	C	
<u>Mining and Quarrying</u>	==	==	
<u>Accessory off-street parking serving prohibited activities</u>	C	C	17.102.100
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C	C	17.102.110

Limitations on Table 17.15.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.
- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (staff to insert effective date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L4. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.

- L5. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).
- L6. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.15.040 Permitted and Conditionally Permitted Facilities

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD zones. The descriptions of these facilities are contained in Chapter 17.10.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the table.

“--” designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>		<u>Additional Regulations</u>
	<u>RD-1</u>	<u>RD-2</u>	
<u>Residential Facilities</u>			
<u>One-family Dwelling</u>	P	P	
<u>One-Family Dwelling with Secondary Unit</u>	P	P	<u>17.102.360</u>
<u>Two-Family Dwelling</u>	--	C (1.1)	
<u>Multifamily Dwelling</u>	--	--	
<u>Rooming House</u>	--	--	
<u>Mobile Home</u>	--	--	
<u>Nonresidential Facilities</u>			
<u>Enclosed Nonresidential</u>	P	P	
<u>Open Nonresidential</u>	P	P	

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Table 17.15.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>		<u>Additional Regulations</u>
	<u>RD-1</u>	<u>RD-2</u>	
<u>Sidewalk Café</u>	P (1.2)	P (1.2)	<u>17.102.335</u>
<u>Drive-In Nonresidential</u>	=	=	
<u>Drive-Through Nonresidential</u>	=	=	
<u>Telecommunications Facilities</u>			
<u>Micro Telecommunications</u>	C	C	<u>17.128</u>
<u>Mini Telecommunications</u>	C	C	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C	C	<u>17.128</u>
<u>Tower Telecommunications</u>	=	=	<u>17.128</u>
<u>Sign Facilities</u>			
<u>Residential Signs</u>	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	<u>17.104</u>
<u>Realty Signs</u>	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	<u>17.104</u>
<u>Business Signs</u>	P (1.3)	P (1.3)	<u>17.104</u>
<u>Advertising Signs</u>	=	=	<u>17.104</u>

Limitations on Table 17.15.02:

- L1. See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.
- L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in Section 17.102.335.
- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (staff to insert effective date here); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

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17.15.050 Property Development Standards

A. Zone Specific Standards. Table 17.15.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.15.03: Property Development Standards			
Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Lot Dimensions			
Width mean	45 ft	45 ft	1
Frontage	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	1, 2
Maximum Density			
Permitted density	1 primary unit per lot	1 primary unit per lot	3, 4
Conditionally permitted density	=	2 units on lots 6,000 sf or greater	3, 5
Minimum Setbacks			
Minimum front (<20% street-to-setback gradient)	20 ft	20 ft	6
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	6, 7
Minimum interior side <20% footprint slope	5 ft	5 ft	8, 9
Minimum interior side >20% footprint slope	5 ft/10%	5 ft	8, 9, 10
Minimum street side	5 ft	5 ft	8, 11
Rear	20 ft	15 ft	8, 12, 13
Side and Rear Setbacks for Smaller Lots	See Table 17.15.04 for setbacks for smaller lots		
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of <20%			
Maximum wall height primary building	25 ft	25 ft	14, 15
Maximum pitched roof height primary building	30 ft	30 ft	14, 15
Maximum height for accessory structures	15 ft	15 ft	14, 15

Exhibit A: Code Amendments

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<u>Table 17.15.03: Property Development Standards</u>			
<u>Development Standards</u>	<u>Zones</u>		<u>Additional Regulations</u>
	<u>RD-1</u>	<u>RD-2</u>	
<u>Height Regulations for all Lots With a Footprint Slope of >20%</u>	<u>See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%</u>		
<u>Maximum Wall Length Before Articulation Required</u>	<u>40 ft</u>	<u>40 ft</u>	<u>16</u>
<u>Minimum Parking</u>			
<u>Minimum parking spaces required per unit</u>	<u>2</u>	<u>1.5</u>	<u>17</u>
<u>Additional parking spaces required for secondary unit</u>	<u>1</u>	<u>1</u>	<u>17, 18</u>
<u>Minimum Open Space</u>			
<u>Group open space per unit</u>	<u>N/A</u>	<u>300 sf</u>	<u>19</u>
<u>Group open space per unit when private open space substituted</u>	<u>N/A</u>	<u>100 sf</u>	<u>19</u>

Additional Regulations for Table 17.15.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot area.
3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360.
5. A minimum lot size of 6,000 square feet is required in order to apply for a conditional use permit for a second primary dwelling in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria:
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
 - b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;

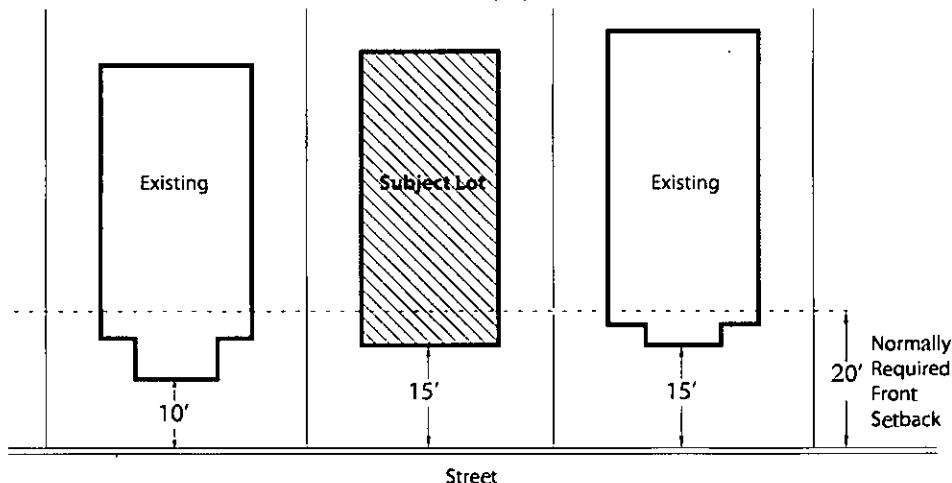
Exhibit A: Code Amendments

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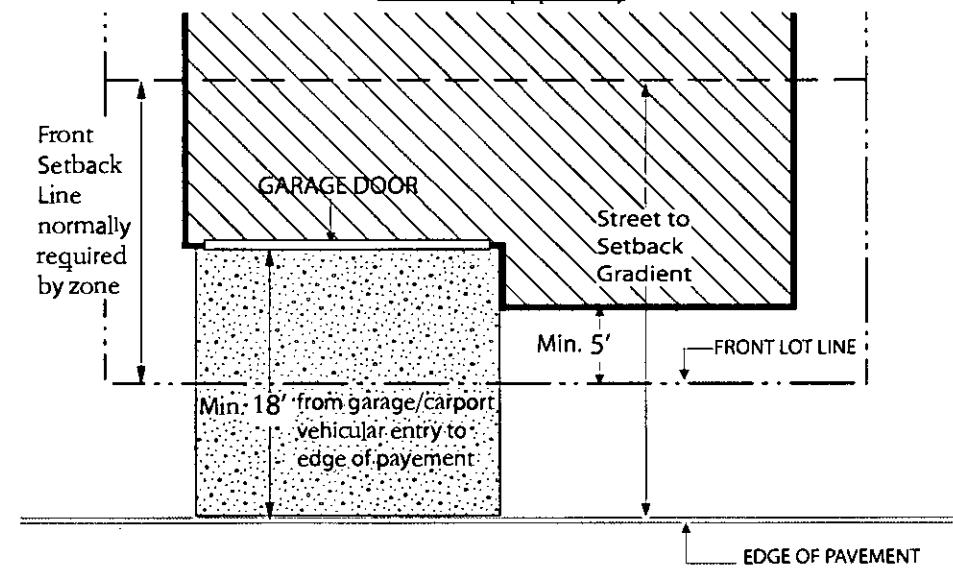
- d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to ensure privacy;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.15.03[Additional Regulation 6], below).

Illustration for Table 17.15.03[Additional Regulation 6]

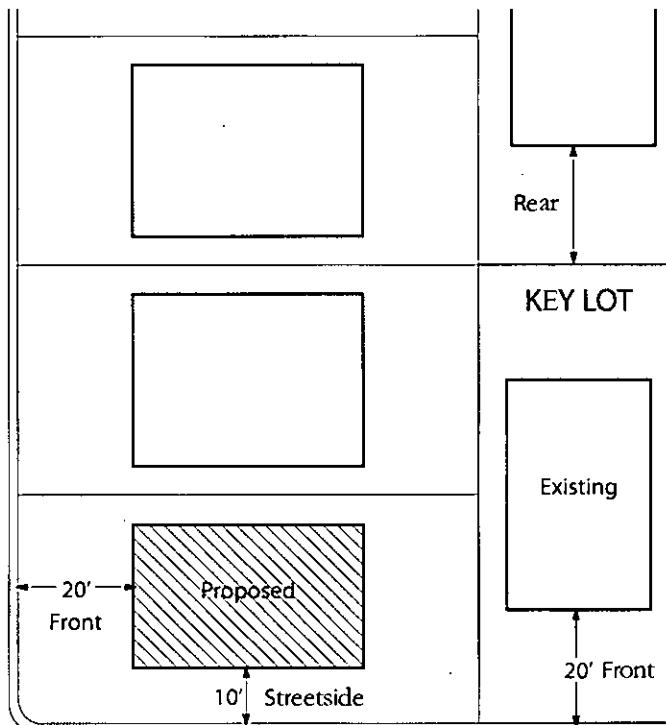
*for illustration purposes only



7. In all Detached Residential zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.15.03[Additional Regulation 7], below. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.15.03[Additional Regulation 7]*for illustration purposes only

8. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
9. See Section 17.108.080 for the required interior side and rear setback on a lot containing two or more living units and opposite a legally-required living room window.
10. For RD-1, the minimum interior side setback is the greater of the two listed setbacks, either five (5) feet or ten (10) percent of the lot width, whichever is greater.
11. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03[Additional Regulation 11], below). See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.15.03[Additional Regulation 11]*for illustration purposes only

12. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be so reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
13. In the RD-1 zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
14. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
15. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
16. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
17. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.

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18. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.
19. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that acmal group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

- B. Setbacks for Smaller Lots. Table 17.15.04 below prescribes reduced setback standards for lots less than 4,000 square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04. Setbacks for Smaller Lots

<u>Regulation</u>	<u>Lot Size</u>		<u>Additional Regulations</u>
	<u>< 4,000 sf or < 40 feet wide</u>	<u>≤ 3,000 sf or < 35 feet wide</u>	
<u>Minimum Setbacks</u>			
<u>Minimum interior side</u>	<u>4 ft</u>	<u>3 ft</u>	1
<u>Minimum street side</u>	<u>4 ft</u>	<u>3 ft</u>	1
<u>Rear</u>	<u>15 ft</u>	<u>15 ft</u>	1

Additional Regularions for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

- C. Floor Area Ratio (FAR) and Lot Coverage. Table 17.15.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.05 Floor Area Ratio (FAR) and Lot Coverage

<u>Regulation</u>	<u>Lot Size in Square Feet</u>					<u>Additional Regulations</u>
	<u>< 5,000</u>	<u>> 5,000 and ≤ 12,000</u>	<u>> 12,000 and < 25,000</u>	<u>> 25,000 and ≤ 43,560</u>	<u>> 43,560</u>	
<u>Maximum FAR for Lots with a Footprint Slope >20%</u>	0.55	0.50	0.45	0.30	0.20	1
<u>Maximum Lot Coverage (%)</u>	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

1. FAR only applies to lots that have a footprint slope of greater than 20%. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
2. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.15.06 Height Regularions for all Lots with a Footprint Slope of >20%

Regpiation	Downslope Lot Height Regularions With a Footprint Slope of:			Upslope Lot Height Regularions With a Footprint Slope of:	Addirional Regularions
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%		
<u>Maximum Height for Detached Accessory Structures</u>	15 ft	15 ft	15 ft	15 ft	1
<u>Maximum Wall Height Primary Building</u>	32 ft	34 ft	36 ft	32 ft	L.2
<u>Maximum Wall Height Primary Building with a CUP</u>	36 ft	38 ft	40 ft	35 ft	1
<u>Maximum Pitched Roof Height Primary Building</u>	36 ft	38 ft	40 ft	35 ft	1.2
<u>Maximum Height Above Edge of Pavement</u>	18 ft	18 ft	18 ft	N/A	1
<u>Maximum Height Above the Ground Elevation at the Rear Setback Line</u>	N/A	N/A	N/A	24 ft	1
<u>Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line</u>	N/A	N/A	N/A	24 ft	1.3

Additional Regulations on Table 17.15.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06[Additional Regulation 2], below).

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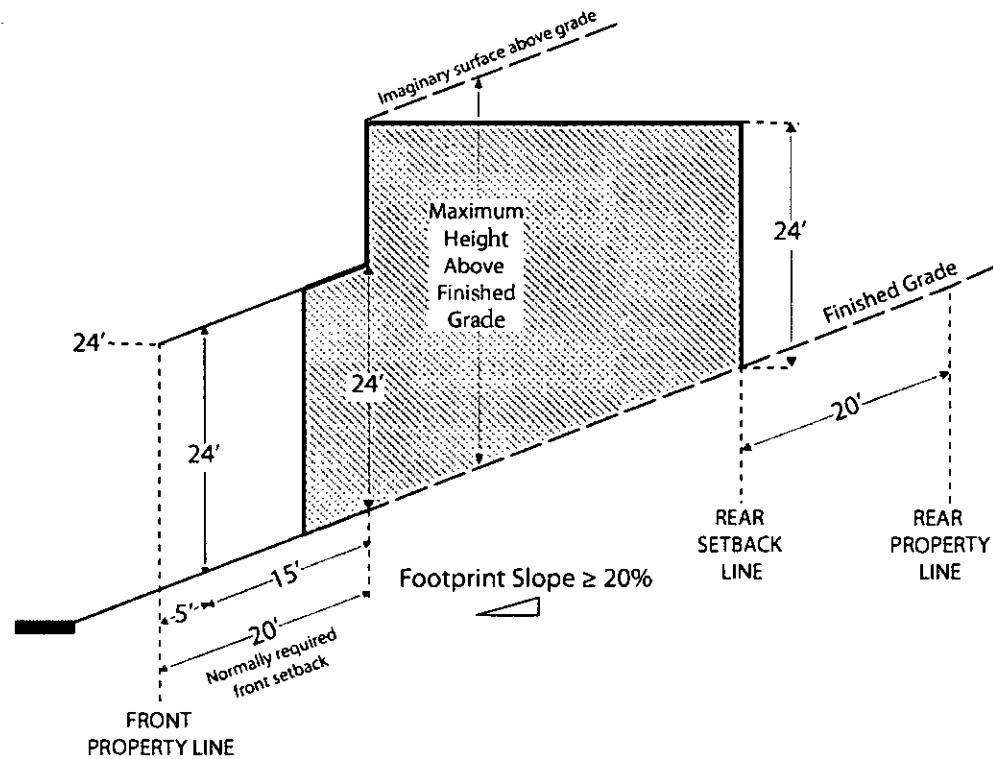
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3. The building height is measured from finished or existing grade, whichever is lower.

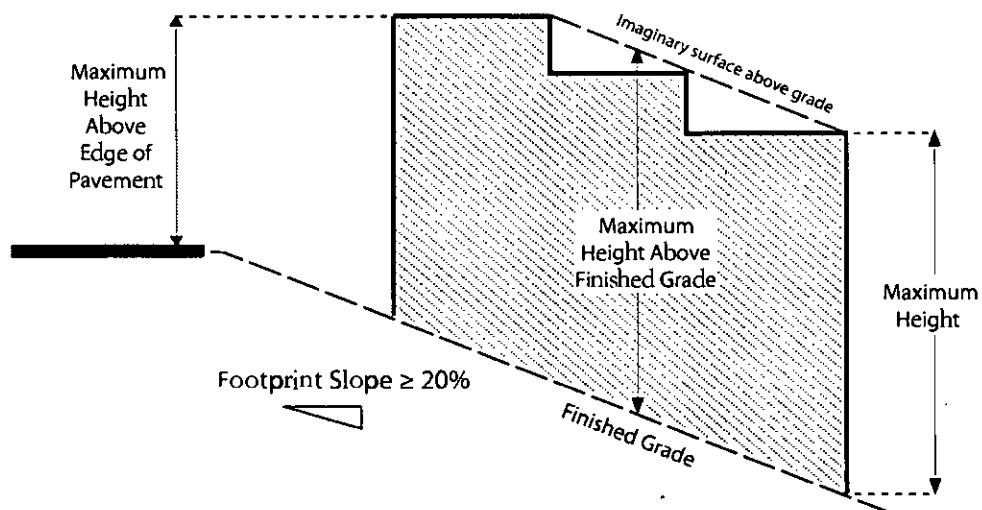
Illustration for Table 17.15.06 [Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



17.15.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RD zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RD zones, and certain of the other regulations applying in said zone may be waived or modified.

17.15.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RD zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RD zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RD zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.17

RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

<u>17.17.010</u>	<u>Title, Intent, and Description</u>
<u>17.17.020</u>	<u>Required Design Review Process</u>
<u>17.17.030</u>	<u>Permitted and Conditionally Permitted Activities</u>
<u>17.17.040</u>	<u>Permitted and Conditionally Permitted Facilities</u>
<u>17.17.050</u>	<u>Property Development Standards</u>
<u>17.17.060</u>	<u>Special Regulations for Mini-lot and Planned Unit Developments</u>
<u>17.17.070</u>	<u>Other Zoning Provisions</u>

17.17.010 Title, Intent, and Description

- A. Title and Intent. The provisions of this Chapter shall be known as the Mixed Housing Type Residential (RM) regulations. The intent of the RM regulations is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- B. Description of Primary Zones. This Chapter establishes land use regulations for the following four primary zones:
1. RM-1 Mixed Housing Type Residential Zone - 1. The intent of the RM-1 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate.
 2. RM-2 Mixed Housing Type Residential Zone - 2. The intent of the RM-2 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
 3. RM-3 Mixed Housing Type Residential Zone - 3. The intent of the RM-3 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.
 4. RM-4 Mixed Housing Type Residential Zone - 4. The intent of the RM-4 zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate.
- C. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:
1. C Residential Commercial Combining Zone. The intent of the C combining zone is to allow for expanded commercial uses, as well as new commercial uses within certain areas of the Mixed Housing Type Residential (RM) zones. When an above primary zone is combined with the C combining zone, the C Residential Commercial Combining Zone permitted uses supersede those of the primary zone.

17.17.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.17.030 Permitted and Conditionally Permitted Activities

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates activities subject to certain limitations or notes listed at the bottom of the table.

“--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.17.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Primary Zones</u>				<u>Combining Zone*</u>	<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>		
<u>Residential Activities</u>						
<u>Permanent</u>	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
<u>Residential Care</u>	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
<u>Service-Enriched Permanent Housing</u>	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
<u>Transitional Housing</u>	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
<u>Emergency Shelter</u>	=	=	=	=	=	
<u>Semi-Transient</u>	=	=	=	=	=	
<u>Bed and Breakfast</u>	C	C	C	C	P	17.10.125
<u>Civic Activities</u>						
<u>Essential Service</u>	P	P	P	P	P	
<u>Limited Child-Care Activities</u>	P	P	P	P	P	
<u>Community Assembly</u>	C	C	C	C	C	
<u>Recreational Assembly</u>	C	C	C	C	C	
<u>Community Education</u>	C	C	C	C	C	
<u>Nonassembly Cultural</u>	C	C	C	C	C	
<u>Administrative</u>	C	C	C	C	C	
<u>Health Care</u>	C	C	C	C	C	
<u>Special Health Care</u>	=	=	=	=	=	
<u>Utility and Vehicular</u>	C	C	C	C	C	
<u>Extensive Impact</u>	C	C	C	C	C	
<u>Commercial Activities</u>						

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Table 17.17.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Primary Zones</u>				<u>Combining Zone*</u>	<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>		
<u>General Food Sales</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Full Service Restaurants</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Limited Service Restaurant and Café</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Fast-food Restaurant</u>	=	=	=	=	=	
<u>Convenience Market</u>	=	=	=	=	=	
<u>Alcoholic Beverage Sales</u>	- (L5)	- (L5)	- (L2)	- (L5)	- (L5)	
<u>Mechanical or Electronic Games</u>	=	=	=	=	=	
<u>Medical Service</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.6)	
<u>General Retail Sales</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Large-Scale Combined Retail and Grocery Sales</u>	=	=	=	=	=	
<u>Consumer Service</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.6)	
<u>Consultative and Financial Service</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L2)	
<u>Check Cashier and Check Cashing</u>	=	=	=	=	=	
<u>Consumer Cleaning and Repair Service</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Consumer Dry Cleaning Plant</u>	=	=	=	=	=	
<u>Group Assembly</u>	=	=	=	=	C(1.6)	
<u>Personal Instruction and Improvement Services</u>	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Administrative</u>	P(1.2)(1.3)(L7)	P(1.2)(1.3)(L7)	P(1.2)(1.3)(L7)	P(1.2)(1.3)(L7)	P(L4)	
<u>Business, Communication, and Media Services</u>	=	=	C(1.2)(1.3)	C(1.2)(1.3)	P(L4)	
<u>Broadcasting and Recording Services Commercial Activities</u>	=	=	=	=	=	
<u>Research Service</u>	=	=	=	=	=	
<u>General Wholesale Sales</u>	=	=	=	=	=	
<u>Transient Habitation</u>	=	=	=	=	=	
<u>Wholesale and Professional Building Material Sales</u>	=	=	=	=	=	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	=	=	=	=	=	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	=	=	=	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	=	=	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	=	=	=	=	
<u>Automotive Tires Parking</u>	=	=	=	=	=	
<u>Animal Boarding</u>	=	=	=	=	=	

Table 17.17.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Primary Zones</u>				<u>Combining Zone*</u>	<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>		
<u>Animal Care</u>	—	—	—	—	—	
<u>Undertaking Service</u>	—	—	—	—	—	
<u>Industrial Activities (all)</u>	—	—	—	—	—	
Agriculture and Extractive Activities						
<u>Crop and animal raising</u>	C(1.8)	C(1.8)	C(1.8)	C(1.8)	C(1.8)	
<u>Plant nursery</u>	C	C	C	C	C	
<u>Mining and Quarrying</u>	—	—	—	—	—	
<u>Accessory off-street parking serving prohibited activities</u>	—	—	—	—	—	<u>17.102.100</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C	C	C	C	C	<u>17.102.110</u>

Limitations on Table 17.17.01:

* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities may only be located on the ground floor of an existing Nonresidential Facility that was both built prior the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.
- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (staff to insert effective date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L4. These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L5. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.
- L6. These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00am and 10:00pm.
- L7. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit

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(CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

L8. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.17.040 Permitted and Conditionally Permitted Facilities

Table 17.17.02 lists the permitted, conditionally permitted, and prohibited facilities in the RM zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the table.

“--” designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>	<u>C*</u>	
<u>Residential Facilities</u>						
<u>One-Family Dwelling</u>	P	P	P	P	P	
<u>One-Family Dwelling with Secondary Unit</u>	P	P	P	P	P	<u>17.102.360</u>
<u>Two-Family Dwelling</u>	C (1.1)	P	P	P	N/A	
<u>Multifamily Dwelling</u>	=	C (1.1)	C (1.1)	C (1.1)	N/A	
<u>Rooming House</u>	=	=	=	=	=	
<u>Mobile Home</u>	=	=	=	=	=	
<u>Nonresidential Facilities</u>						
<u>Enclosed Nonresidential</u>	P	P	P	P	P	
<u>Open Nonresidential</u>	P	P	P	P	C	
<u>Sidewalk Cafe</u>	P (1.2)	P (1.2)	P (1.2)	P (1.2)	P (1.2)	<u>17.102.335</u>
<u>Drive-In Nonresidential</u>	=	=	=	=	=	
<u>Drive-Through Nonresidential</u>	=	=	=	=	=	

Table 17.17.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>	<u>C*</u>	
<u>Telecommunications Facilities</u>						
<u>Micro Telecommunications</u>	C	C	C	C	C	<u>17.128</u>
<u>Mini Telecommunications</u>	C	C	C	C	C	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	C	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C	C	C	C	C	<u>17.128</u>
<u>Tower Telecommunications</u>	=	=	=	=	=	<u>17.128</u>
<u>Sign Facilities</u>						
<u>Residential Signs</u>	P	P	P	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	P	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	P	P	P	<u>17.104</u>
<u>Realty Signs</u>	P	P	P	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	P	P	P	<u>17.104</u>
<u>Business Signs</u>	P(L3)	P(L3)	iP(L3)	P(L3)	P(A)	<u>17.104</u>
<u>Advertising Signs</u>	=	=	=	=	=	<u>17.104</u>

Limitations on Table 17.17.02:

* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

L1. See Table 17.17.03, Property Development Standards, for additional regulations on this conditionally permitted density.

L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.

L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (staff to insert effective date here); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

L4. Business Signs are allowed in the C combining zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a

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double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

17.17.050 Property Development Standards

A. Zone Specific Standards. Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.17.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>	
<u>Minimum Lot Dimensions</u>					
Width mean	45 ft	45 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	4,000 sf	4,000 sf	1
<u>Maximum Density</u>					
<u>Permitted density</u>	<u>1 primary unit per lot</u>	<u>1 unit on lots less than 4,000 sf</u> <u>2 units on lots 4,000 sf or greater</u>	<u>1 unit on lots less than 4,000 sf</u> <u>2 units on lots 4,000 sf or greater</u>	<u>1 unit on lots less than 4,000 sf</u> <u>For 1 – 4 units, 1 unit per 1,100 sf of lot area; only on lots 4,000 sf or greater</u>	2
<u>Conditionally permitted density (only for lots 4,000 sf or greater)</u>	<u>2 units</u>	<u>For 3 or more units, 1 unit per 2,500 sf of lot area</u>	<u>For 3 or more units, 1 unit per 1,500 sf of lot area</u>	<u>For 5 or more units, 1 unit per 1,100 sf of lot area;</u>	2,3
<u>Minimum Setbacks</u>					
Minimum front (<20% street-to-setback gradient)	20 ft	20 ft	15 ft	15 ft	4
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	4,5
Minimum interior side	5 ft	5 ft	4 ft	4 ft	6,7,8
Minimum street side	5 ft	5 ft	4 ft	4 ft	6,7,9
Rear	15 ft	15 ft	15 ft	15 ft	10
Side and Rear Setbacks for Smaller Lots	See Table 17.17.04 for setbacks for smaller lots				
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	
<u>Height Regulations for All Lots with a Footprint Slope of <20%</u>					
Maximum wall height primary building	25 ft	25 ft	30 ft	35 ft	11, 12, 13
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	35 ft	11, 12, 13
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	11
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	14
<u>Minimum Parking</u>					
Minimum parking spaces required per unit	1.5	1.5	1	1	15, 16
Additional parking spaces required for secondary unit	1	1	1	1	15, 17

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Table 17.17.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>	
<u>Minimum Parking Spaces for Nonresidential Activities</u>	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking</u>				
<u>Minimum Open Space</u>					
<u>Group open space per unit</u>	<u>300 sf</u>	<u>300 sf</u>	<u>200 sf</u>	<u>175 sf</u>	<u>18</u>
<u>Group open space per unit when private open space substituted</u>	<u>100 sf</u>	<u>100 sf</u>	<u>85 sf</u>	<u>70 sf</u>	<u>18</u>
<u>Courtyard Regulations</u>	<u>See Section 17.108.120</u>				

Additional Regulations for Table 17.17.03:

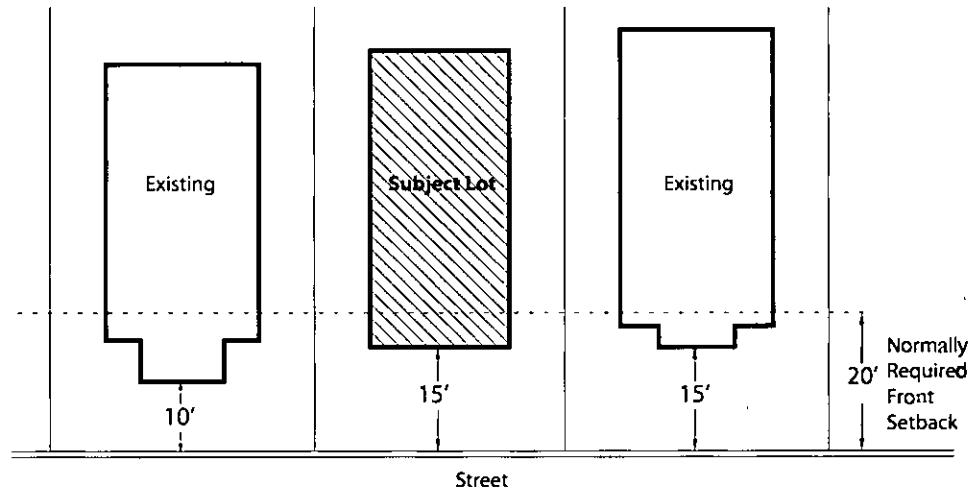
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
3. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms additional criteria a, d, and e.
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
 - b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
 - d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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Illustration for Table 17.17.03[Additional Regulation 4]

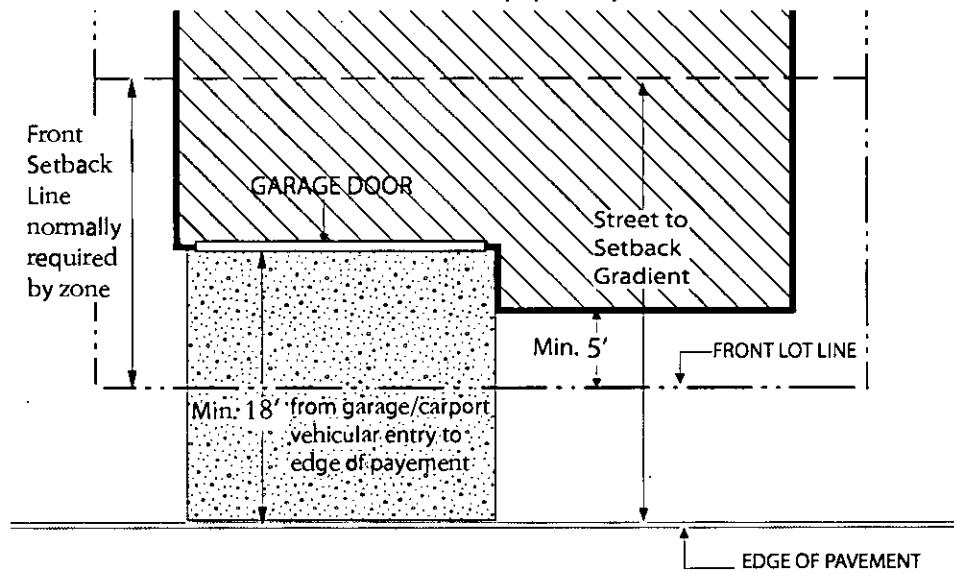
*for illustration purposes only



5. In all residential zones the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03[Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03[Additional Regulation 5]

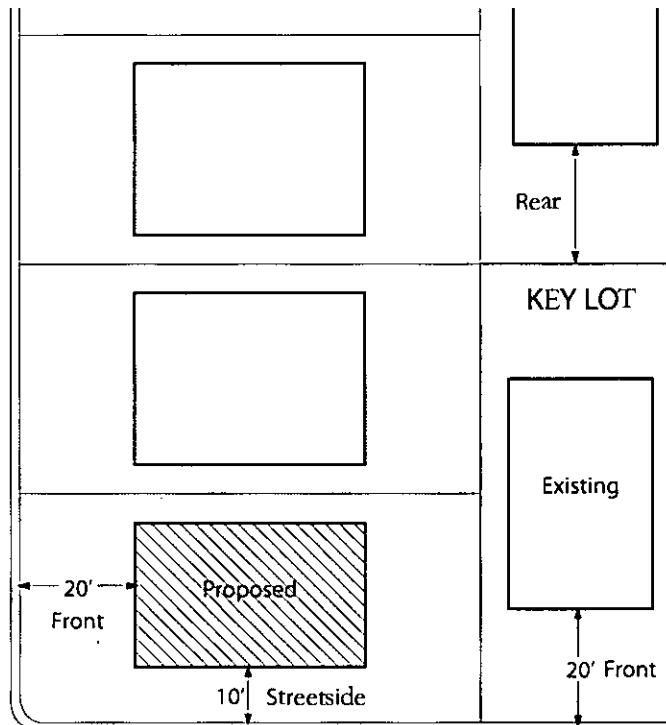
*for illustration purposes only



6. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in an C combining zone or commercial zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum

width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

7. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
8. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C combining zone (see Illustration for Table 17.17.03[Additional Regulation 9], below). See also Section 17.110.040(C) for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03[Additional Regulation 9]*for illustration purposes only

10. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
12. In the RM-1 and RM-2 Zones if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
13. In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:
 - a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and

- b. In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.
14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.
16. In the RM-2 Zone when the lot is less than 4,000 square feet in size or forty-five (45) feet in width only one (1) parking space is required per unit.
17. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that acmal group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than 4,000 square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Setbacks for Smaller Lots			
Regulation	Lot Size		Additional Regulations
	< 4,000 sf or < 40 feet wide	< 3,000 sf or < 35 feet wide	
<u>Minimum Setbacks</u>			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks

C. Floor Area Ratio (FAR) and Lot Coverage for One and Two-Family Dwelling Units Only. Table 17.17.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

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Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One and Two-Family Dwelling Units Only

<u>Regulation</u>	<u>Lot Size in Square Feet</u>					
	<u>< 5,000</u>	<u>> 5,000 and ≤ 12,000</u>	<u>> 12,000 and ≤ 25,000</u>	<u>> 25,000 and < 43,560</u>	<u>> 43,560</u>	<u>Additional Regulations</u>
<u>Maximum FAR for Lots with a Footprint Slope >20%</u>	<u>0.55</u>	<u>0.50</u>	<u>0.45</u>	<u>0.30</u>	<u>0.20</u>	<u>L.2</u>
<u>Maximum Lot Coverage (%)</u>	<u>40%</u>	<u>40%</u>	<u>30%</u>	<u>20%</u>	<u>15%</u>	<u>2</u>

Additional Regulations for Table 17.17.05:

- Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty (20) percent. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
- Regulation does not apply in the C Combining zone.
- Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%

<u>Regulation</u>	<u>Downslope Lot Height Regulations With a Footprint Slope of:</u>			<u>Upslope Lot Height Regulations With a Footprint Slope of:</u>	<u>Additional Regulations</u>
	<u>> 20% and ≤ 40%</u>	<u>> 40% and ≤ 60%</u>	<u>> 60%</u>	<u>> 20%</u>	
<u>Maximum Height for Detached Accessory Structures</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>1</u>
<u>Maximum Wall Height Primary Building</u>	<u>32 ft</u>	<u>34 ft</u>	<u>36 ft</u>	<u>32 ft</u>	<u>1.2</u>
<u>Maximum Wall Height Primary Building with a CUP</u>	<u>36 ft</u>	<u>38 ft</u>	<u>40 ft</u>	<u>35 ft</u>	<u>1</u>
<u>Maximum Pitched Roof Height Primary Building</u>	<u>36 ft</u>	<u>38 ft</u>	<u>40 ft</u>	<u>35 ft</u>	<u>1.2</u>
<u>Maximum Height Above Edge of Pavement</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>	<u>N/A</u>	<u>1</u>
<u>Maximum Height Above the Ground Elevation at the Rear Setback Line</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>24 ft</u>	<u>1</u>

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<u>Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%</u>					
<u>Regulation</u>	<u>Downslope Lot Height Regulations With a Footprint Slope of:</u>			<u>Upslope Lot Height Regulations With a Footprint Slope of:</u>	<u>Additional Regulations</u>
	<u>> 20% and < 40%</u>	<u>> 40% and < 60%</u>	<u>> 60%</u>	<u>> 20%</u>	
<u>Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>24 ft</u>	<u>1.3</u>

Additional Regulations for Table 17.17.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06[Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

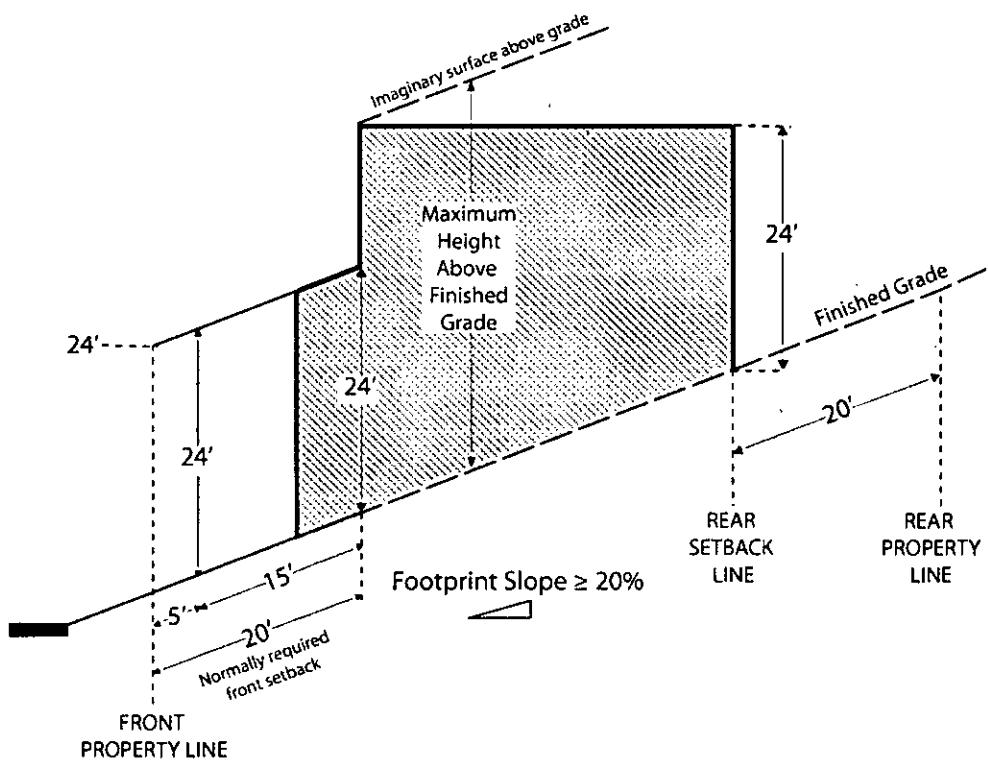
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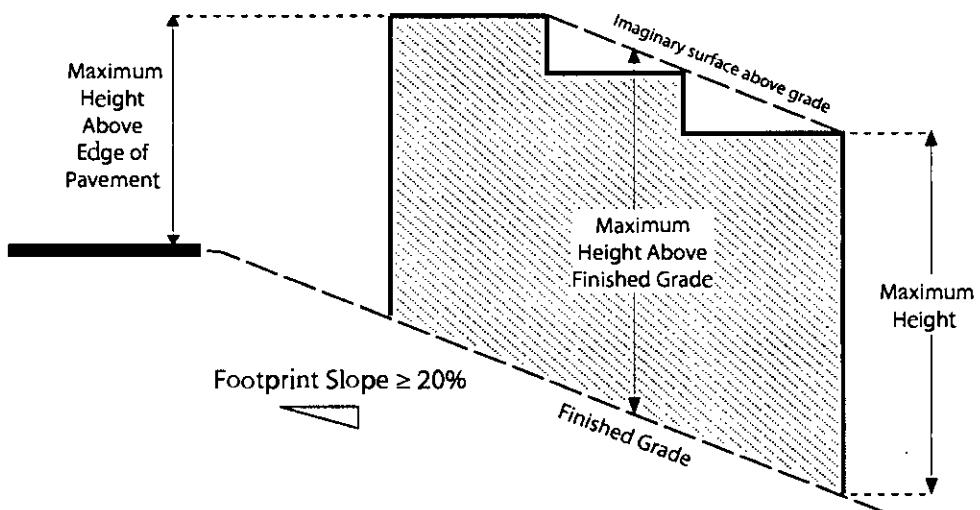
Illustrations for Table 17.17.06[Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



17.17.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RM zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RM zones, and certain of the other regulations applying in said zone may be waived or modified.

17.17.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RM zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RM zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RM zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.19

RU URBAN RESIDENTIAL ZONES REGULATIONS

SECTIONS:

- 17.19.010 Title, Intent, and Description
 - 17.19.020 Required Design Review Process
 - 17.19.030 Permitted and Conditionally Permitted Activities
 - 17.19.040 Permitted and Conditionally Permitted Facilities
 - 17.19.050 Property Development Standards
 - 17.19.060 Special Regulations for Mini-lot and Planned Unit Developments
 - 17.19.070 Other Zoning Provisions
-

17.58.010 Title, Intent, and Description

- A. Title and Intent. The provisions of this Chapter shall be known as the Urban Residential (RU) regulations. The intent of the RU regulations is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.
- B. Description of Zones. This Chapter establishes land use regulations for the following five zones:
 1. RU-1 Urban Residential Zone - 1. The intent of the RU-1 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 2. RU-2 Urban Residential Zone - 2. The intent of the RU-2 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 3. RU-3 Urban Residential Zone - 3. The intent of the RU-3 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 4. RU-4 Urban Residential Zone - 4. The intent of the RU-4 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures on the City's major corridors.
 5. RU-5 Urban Residential Zone - 5. The intent of the RU-5 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors.

17.19.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.19.030 Permitted and Conditionally Permitted Activities

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"..." designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.19.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Emergency Shelter	=	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Semi-Transient	=	=	=	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L2)	P(L2)	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	
Administrative	C	C	C	P(L2)(L3)	P(L2)(L4)	
Health Care	C	C	C	P(L2)(L3)	P(L2)(L4)	
Special Health Care	=	=	=	=	=	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						

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Table 17.19.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
General Food Sales	C(1.5)(1.6)	C(1.6)(1.6)	C(1.5)(1.6)	P(1.2)(1.3)	P(1.6)(1.4)	
Full Service Restaurants	C(1.5)(1.6)	C(1.6)(1.6)	C(1.5)(1.6)	P(1.2)(1.3)	P(1.2)(1.4)	
Limited Service Restaurant and Café	C(1.5)(1.6)	C(1.3)(1.6)	C(1.3)(1.5)	P(1.2)(1.3)	P(1.3)(1.5)	
Fast-food Restaurant	=	=	=	=	C(1.3)	<u>17.102.210</u>
Convenience Market	=	=	=	=	C(1.4)	<u>17.102.210</u>
Alcoholic Beverage Sales	- (1.5)	- (1.5)	- (1.7)	C(1.2)	C(1.3)	<u>17.102.210</u> and <u>17.102.040</u>
Mechanical or Electronic Games	=	=	=	=	C(1.3)	<u>17.102.210</u>
Medical Service	P(1.6)(1.2)	P(1.6)(1.2)	P(1.6)(1.8)	P(1.2)(1.3)	P(1.2)(1.3)	
General Retail Sales	P(1.6)(1.2)	P(1.6)(1.8)	P(1.5)(1.5)	P(1.2)(1.3)	P(1.3)(1.4)	
Large-Scale Combined Retail and Grocery Sales	=	=	=	=	=	
Consumer Service	C(1.3)(1.6)	P(1.6)(1.8)	P(1.5)(1.5)	P(1.2)(1.3)	P(1.2)(1.3)	
Consultative and Financial Service	P(1.6)(1.8)	P(1.6)(1.8)	P(1.6)(1.8)	P(1.2)(1.3)	P(1.2)(1.4)	
Check Cashier and Check Cashing	=	=	=	=	=	
Consumer Cleaning and Repair Service	P(1.6)(1.6)	P(1.6)(1.6)	P(1.6)(1.5)	P(1.3)(1.3)	P(1.2)(1.3)	
Consumer Dry Cleaning Plant	=	=	=	C(1.2)	C(1.4)	
Group Assembly	=	=	C(1.2)(1.5)	C(1.2)	C(1.2)	
Personal Instruction and Improvement Services	P(1.3)(1.3)	P(1.6)(1.8)	P(1.6)(1.8)	P(1.2)(1.3)	P(1.2)(1.4)	
Administrative	P(1.6)(1.9)	P(1.6)(1.9)	P(1.6)(1.2)	P(1.3)(1.3)	P(1.2)(1.4)	
Business, Communication, and Media Services	P(1.6)(1.5)	P(1.6)(1.8)	P(1.6)(1.8)	P(1.2)(1.3)	P(1.3)(1.3)	
Broadcasting and Recording Services Commercial Activities	=	=	=	P(1.3)(1.3)	P(1.2)(1.4)	
Research Service	=	=	=	P(1.3)(1.3)	P(1.3)(1.3)	
General Wholesale Sales	=	=	=	=	=	
Transient Habitation	=	=	=	=	=	
Wholesale and Professional Building Material Sales	=	=	=	=	=	
Automobile and Other Light Vehicle Sales and Rental	=	=	=	=	=	
Automobile and Other Light Vehicle Gas Station and Servicing	=	=	=	=	=	
Automobile and Other Light Vehicle Repair and Cleaning	=	=	=	=	=	
Taxi and Light Fleet-Based Services	=	=	=	=	=	
Automotive Fee Parking	=	=	=	=	=	

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Table 17.19.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Animal Boarding</u>	—	—	—	—	—	
<u>Animal Care</u>	—	—	—	—	—	
<u>Undertaking Service</u>	—	—	—	—	—	
<u>Industrial Activities (all)</u>	—	—	—	—	—	
<u>Agriculture and Extractive Activities</u>						
<u>Crop and animal raising</u>	C(L10)	C(L10)	C(L10)	C(L10)	C(L10)	
<u>Plant nursery</u>	C	C	C	C	C	
<u>Mining and Quarrying</u>	—	—	—	—	—	
<u>Accessory off-street parking serving prohibited activities</u>	C	C	C	C	C	<u>17.102.100</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C	C	C	C	C	<u>17.102.110</u>

Limitations on Table 17.19.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L3. In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (staff to insert effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L4. In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (staff to insert effective date here) or in an existing nonresidential facility that was built prior to the effective date of this chapter (staff to insert effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L5. In the RU-1, RU-2, and RU-3 zones, these activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 am and 10:00 pm.
- L6. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (staff to insert effective date here) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

- L7. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.
- L8. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L9. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (staff to insert effective date here) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit is required if the facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).
- L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.19.040 Permitted and Conditionally Permitted Facilities

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"--" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Residential Facilities</u>						
One-Family Dwelling	P	P	P	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	

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Table 17.19.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Rooming House</u>	=	C	C	P	P	
<u>Mobile Home</u>	=	=	=	=	=	
Nonresidential Facilities						
<u>Enclosed Nonresidential</u>	P	P	P	P(1.2)	P(1.3)	
<u>Open Nonresidential</u>	P	P	P	P	P	
<u>Sidewalk Café</u>	P(1.4)	P(1.4)	P(1.4)	P	P	17.102.335
<u>Drive-In Nonresidential</u>	=	=	=	=	=	
<u>Drive-Through Nonresidential</u>	=	=	=	=	=	
Telecommunications Facilities						
<u>Micro Telecommunications</u>	C	C	C	C	C	17.128
<u>Mini Telecommunications</u>	C	C	C	C	C	17.128
<u>Macro Telecommunications</u>	C	C	C	C	C	17.128
<u>Monopole Telecommunications</u>	C	C	C	C	C	17.128
<u>Tower Telecommunications</u>	=	=	=	=	=	17.128
Sign Facilities						
<u>Residential Signs</u>	P	P	P	P	P	17.104
<u>Special Signs</u>	P	P	P	P	P	17.104
<u>Development Signs</u>	P	P	P	P	P	17.104
<u>Realty Signs</u>	P	P	P	P	P	17.104
<u>Civic Signs</u>	P	P	P	P	P	17.104
<u>Business Signs</u>	P(1.5)	P(1.5)	P(1.5)	P	P	17.104
<u>Advertising Signs</u>	=	=	=	=	=	17.104

Limitations on Table 17.19.02:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.
- L3. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.
- L4. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134).

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for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.

- L5. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (staff to insert effective date here); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.19.050 Property Development Standards

- A. Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.19.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Minimum Lot Dimensions</u>						
<u>Width mean</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>f</u>
<u>Frontage</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>1</u>
<u>Lot area</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>1</u>
<u>Maximum Density</u>						
<u>Permitted density for regular dwelling units</u>	<u>1 unit per 1,100 sf</u>	<u>1 unit per 800 sf</u>	<u>1 unit per 450 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>2</u>
<u>Permitted density for rooming units</u>	<u>N/A</u>	<u>1 unit per 800 sf</u>	<u>1 unit per 450 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
<u>Minimum Setbacks</u>						
<u>Minimum front (<20% street-to-setback gradient) for residential facilities</u>	<u>15 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>5 ft</u>	<u>0 ft</u>	<u>3, 4, 5</u>
<u>Minimum front (>20% street-to-setback gradient) for residential facilities</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>3, 4, 5</u>
<u>Minimum front for commercial facilities</u>	<u>15 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>3</u>
<u>Minimum interior side</u>	<u>4 ft</u>	<u>4 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>3, 6, 7</u>
<u>Minimum street side</u>	<u>4 ft</u>	<u>4 ft</u>	<u>4 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>3, 6, 8</u>

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Table 17.19.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Rear (Residential Facilities)</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>10/15 ft</u>	<u>10/15 ft</u>	<u>3, 6, 9, 10</u>
<u>Rear (Nonresidential Facilities)</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	<u>3, 9, 10</u>
<u>Setbacks for Smaller Lots < 3,000 sf or < 35 ft wide</u>						
<u>Minimum interior side</u>	<u>3 ft</u>	<u>3 ft</u>	<u>0 ft</u>	<u>NA</u>	<u>NA</u>	<u>3, 7</u>
<u>Minimum street side</u>	<u>3 ft</u>	<u>3 ft</u>	<u>3 ft</u>	<u>NA</u>	<u>NA</u>	<u>3, 7</u>
<u>Height Regulations</u>						
<u>Minimum height of ground floor nonresidential facilities</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>12 ft</u>	<u>12 ft</u>	<u>11</u>
<u>Minimum separation between the grade and ground floor living space</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>2.5 ft</u>	<u>2.5 ft</u>	<u>12</u>
<u>Maximum height primary building</u>	<u>40 ft</u>	<u>50 ft</u>	<u>60 ft</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>13, 14</u>
<u>Maximum height for accessory structures</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
<u>Parking Requirements</u>						
<u>Minimum Parking Spaces Required per Regular Residential Unit</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>15</u>
<u>Additional Parking Spaces Required for Secondary Unit</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>15, 16</u>
<u>Parking and driveway location requirements</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>17</u>
<u>Minimum Parking Spaces for Nonresidential Activities</u>	<u>Sec Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking</u>					
<u>Minimum Usable Open Space</u>						
<u>Group usable open space per regular unit</u>	<u>175 sf</u>	<u>175 sf</u>	<u>150 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>18</u>
<u>Group usable open space per regular unit when private open space is substituted</u>	<u>50 sf</u>	<u>30 sf</u>	<u>30 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>18</u>
<u>Group usable open space per rooming unit</u>	<u>85 sf</u>	<u>85 sf</u>	<u>75 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>18</u>

Table 17.19.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>RU-1</u>	<u>RU-2</u>	<u>RU-3</u>	<u>RU-4</u>	<u>RU-5</u>	
<u>Group usable open space per rooming unit when private open space substituted</u>	<u>15 sf</u>	<u>15 sf</u>	<u>15 sf</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>18</u>
<u>Courtyard Regulations</u>	<u>See Section 17.108.120</u>					

Additional Regulations for Table 17.19.03:

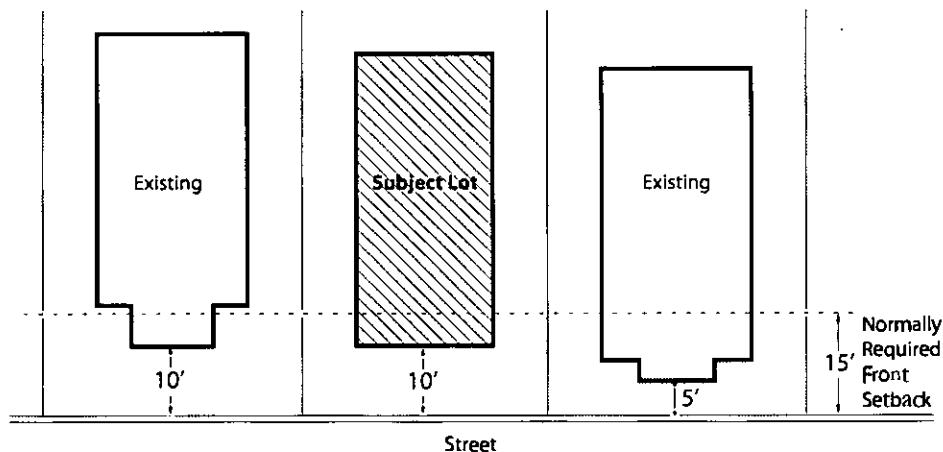
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
3. See Section 17.108.130 for allowed projections into setbacks.
4. In the RU-1 zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Exhibit A: Code Amendments

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Illustration for Table 17.19.03 [Additional Regulation 4]

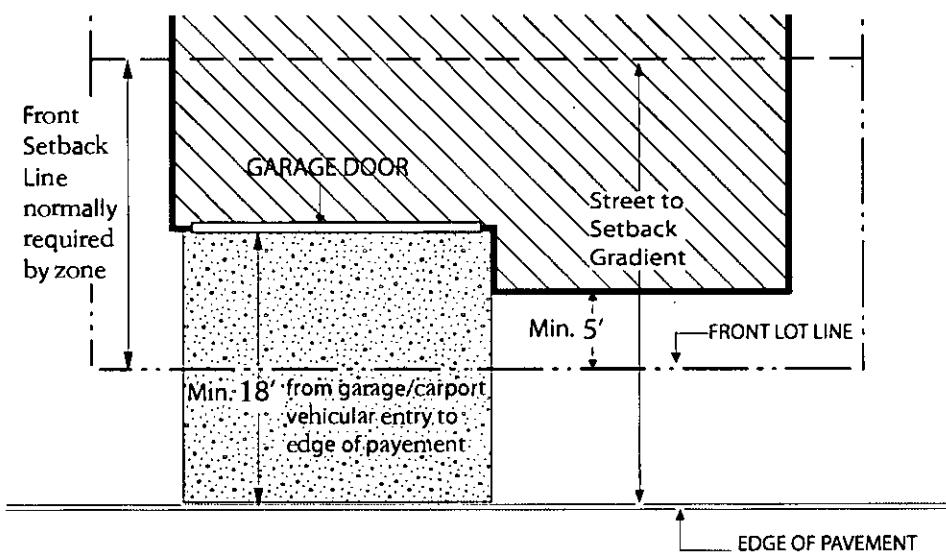
*for illustration purposes only



5. In all residential zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03[Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 5]

*for illustration purposes only



6. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
7. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of

Exhibit A: Code Amendments

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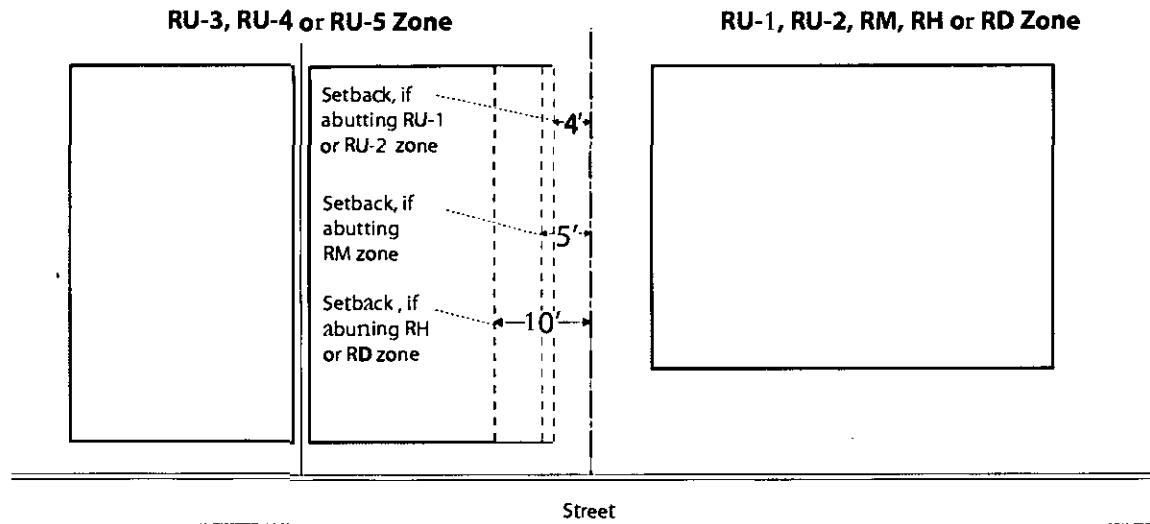
an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03[Additional Regulation 7], below).

Exhibit A: Code Amendments

3/11 CED

Illustration for Table 17.19.03 [Additional Regulation 7]

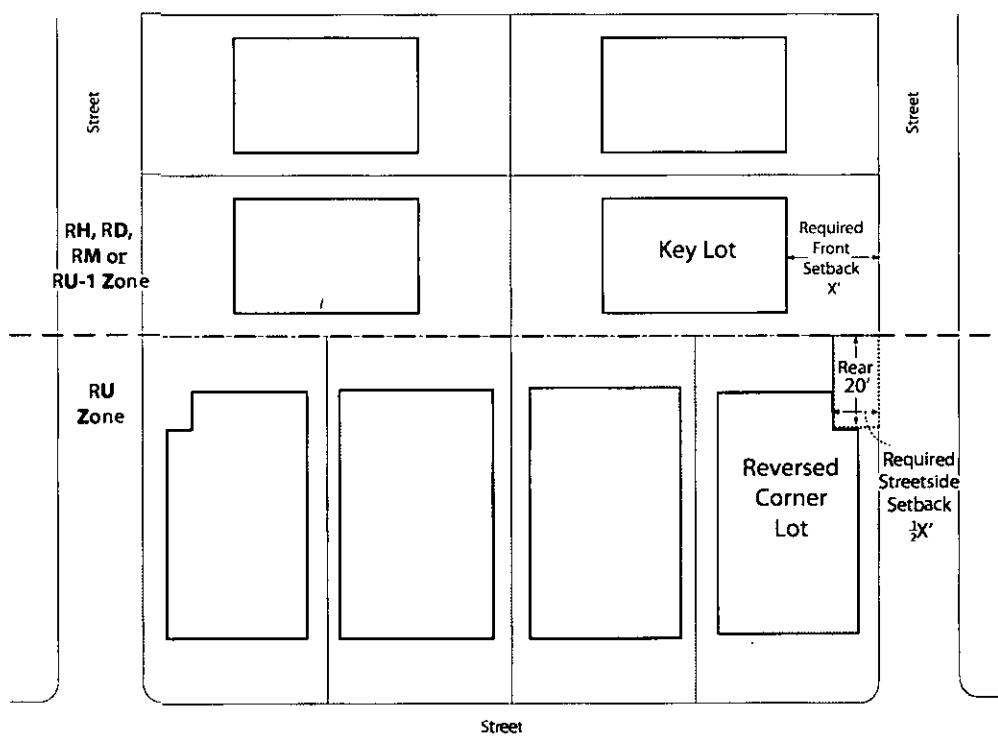
*for illustration purposes only



8. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.19.03[Additional Regulation 8], below)

Illustrations for Table 17.19.03 [Additional Regulation 8]

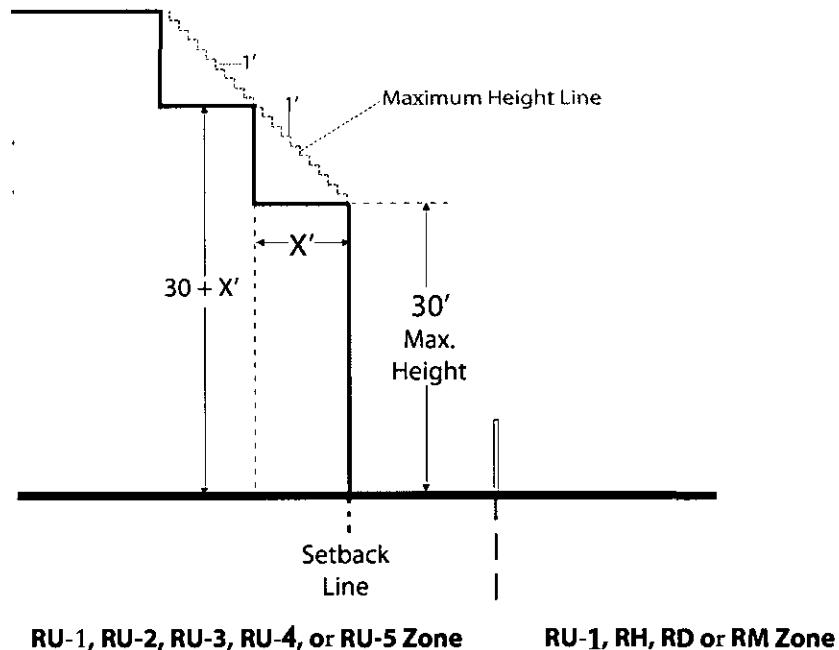
*for illustration purposes only



9. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
10. When a rear lot line in the RU-4 or RU-5 zone is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
11. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
12. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.
13. Buildings in the RU-1, RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RU-1 zone or an RH, RD, or RM zone; this maximum height may increase one foot for every foot of distance from this setback line (see Illustration for Table 17.19.13[Additional Regulation 11], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustrations for Table 17.19.03 [Additional Regulation 13]

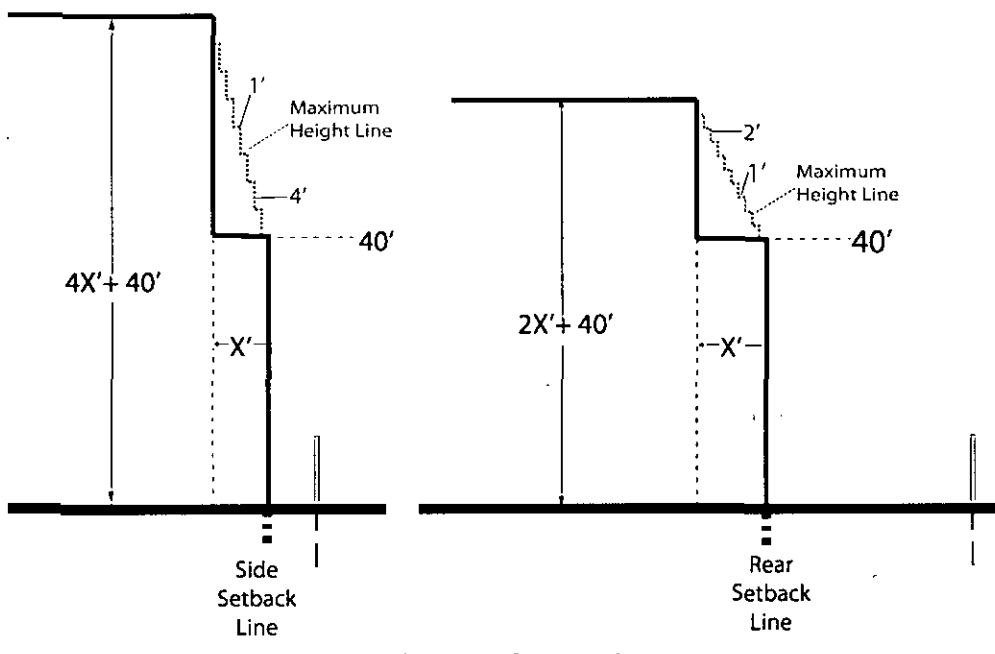
*for illustration purposes only



14. In the RU-2 and RU-3 zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Section 17.28.150(C)(1) a minimum horizontal distance equal to one foot for each four feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Section 17.28.150D a minimum horizontal distance equal to one foot for each two feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03[Additional Regulation 14], below).

Illustrations for Table 17.19.03 [Additional Regulation 14]

*for illustration purposes only



X= distance from setback line

15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 zones, as prescribed in Section 17.92 and Section 17.94.
16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
17. For the new construction of principal buildings in the RU-4 and RU-5 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only. Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only

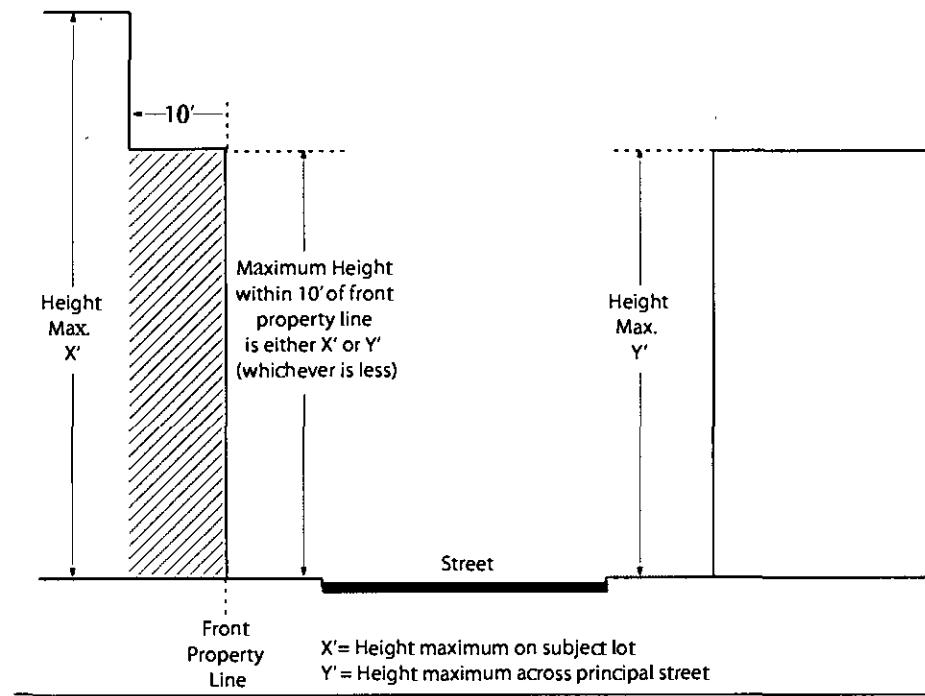
<u>Regulation</u>	<u>Height Area</u>					
	<u>35</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>	<u>Additional Regulations</u>
<u>Maximum Height</u>	<u>35 ft</u>	<u>45 ft</u>	<u>60 ft</u>	<u>75 ft</u>	<u>90 ft</u>	<u>1,2</u>
<u>Height Minimum</u>						
<u>Permitted height minimum</u>	<u>0 ft</u>	<u>0 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>3</u>
<u>Conditionally permitted height minimum</u>	<u>NA</u>	<u>NA</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>3</u>
<u>Maximum Residential Density (square feet of lot area required per unit)</u>	<u>550 sf</u>	<u>450 sf</u>	<u>375 sf</u>	<u>275 sf</u>	<u>225 sf</u>	<u>4,5</u>
<u>Maximum Nonresidential FAR</u>	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4,5</u>
<u>Maximum Number of Stories (not including underground construction)</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>7</u>	<u>8</u>	
<u>Minimum Usable Open Space</u>						
<u>Group usable open space per regular unit</u>	<u>150 sf</u>	<u>150 sf</u>	<u>150 sf</u>	<u>150 sf</u>	<u>100 sf</u>	<u>6</u>
<u>Group usable open space per regular unit when private open space substituted</u>	<u>30 sf</u>	<u>30 sf</u>	<u>30 sf</u>	<u>30 sf</u>	<u>20 sf</u>	<u>6</u>
<u>Group usable open space per rooming unit</u>	<u>75 sf</u>	<u>75 sf</u>	<u>75 sf</u>	<u>75 sf</u>	<u>50 sf</u>	<u>6</u>
<u>Group usable open space per rooming unit when private open space is substituted</u>	<u>15 sf</u>	<u>15 sf</u>	<u>15 sf</u>	<u>15 sf</u>	<u>10 sf</u>	<u>6</u>

Additional Regulations for Table 17.19.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.19.04[Additional Regulation 1], below).

Illustration for Table 17.19.04 [Additional Regulation 1]

*for illustration purposes only



2. Buildings in the RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, RM, or RU-1 zone; this maximum height may increase one foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.19.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the RU zones may be waived or modified when and as prescribed in Section 17.102.320.

- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RU zones, and certain of the other regulations applying in said zone may be waived or modified.

17.19.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. 17.104, 17.106, and 17.108 shall apply in the RU zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RU-1, RU-2, RU-3, RU-4, and RU-5 zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RU zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.30

R-80 HIGH RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

Sections:

- ~~17.30.010 Title, purpose, and applicability.~~
- ~~17.30.040 Required design review process.~~
- ~~17.30.050 Permitted activities.~~
- ~~17.30.060 Conditionally permitted activities.~~
- ~~17.30.070 Permitted facilities.~~
- ~~17.30.080 Conditionally permitted facilities.~~
- ~~17.30.090 Special regulations applying to certain Commercial Activities.~~
- ~~17.30.100 Performance standards for Commercial Activities.~~
- ~~17.30.110 Use permit criteria for Commercial Activities.~~
- ~~17.30.120 Limitations on Signs.~~
- ~~17.30.130 Minimum lot area, width, and frontage.~~
- ~~17.30.140 Maximum residential density.~~
- ~~17.30.150 Maximum floor-area ratio.~~
- ~~17.30.160 Maximum height.~~
- ~~17.30.170 Minimum yards and courts.~~
- ~~17.30.180 Minimum usable open space.~~
- ~~17.30.190 Buffering.~~
- ~~17.30.200 Special regulations for mini-lot developments, planned-unit developments, and large-scale developments.~~
- ~~17.30.210 Other zoning provisions.~~

~~17.30.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-80 high rise apartment residential zone regulations. The R-80 zone is intended to create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations. These regulations shall apply in the R-80 zone.~~
~~(Prior planning code § 3850)~~

~~17.30.040 Required design review process.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed-Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~
~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 3852.1)~~

~~17.30.050 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care occupying a One Family Dwelling Residential Facility~~

~~Semi-Transient~~

~~B. Civic Activities:~~

Exhibit A: Code Amendments

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Essential Service
Limited Child Care
Community Assembly
Recreational Assembly
Community Education
Nonassembly Cultural
Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3853)

17.30.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.131:

A. Residential Activities:

Residential Care, except when occupying a One Family Dwelling Residential Facility
Service Enriched Permanent Housing
Transitional Housing
Emergency Shelter

B. Civic Activities:

Administrative
Health Care
Utility and Vehicular
Extensive Impact

C. Commercial Activities:

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café

Convenience Market
Alcoholic Beverage Sales
Medical Service
Consumer Service

Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature

D. Agricultural and Extractive Activities:

Crop and Animal Raising

E. Off street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.102.100.

F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.

(Ord. 12138 § 5 (part), 1999; prior planning code § 3854)

17.30.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Facilities:

One Family Dwelling
One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
Two Family Dwelling
Multifamily Dwelling
Rooming House

B. Nonresidential Facilities:

Exhibit A: Code Amendments

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_____ Enclosed
_____ Open
G. Signs:
_____ Residential
_____ Special
_____ Development
_____ Realty
_____ Civic

(Ord. 12501 § 45, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3855)

17.30.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

_____ Telecommunications Facilities:
_____ Micro
_____ Mini
_____ Macro
_____ Megapole

(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3856)

17.30.090 Special regulations applying to certain Commercial Activities.

All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multi-family Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. No Business Signs or display windows shall be provided for such activities. See also Section 17.102.210.
(Prior planning code § 3858)

17.30.100 Performance standards for Commercial Activities.

All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

(Prior planning code § 3860)

17.30.110 Use permit criteria for Commercial Activities.

A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.102.210.

B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:

Exhibit A: Code Amendments

3/11 CED

— k — That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;

— 2. — That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.

(Prior planning code § 3861)

17.30.120 Limitations on Signs.

— All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. See also Section 17.30.090.

(Prior planning code § 3863)

17.30.130 Minimum lot area, width, and frontage.

— Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 3864)

17.30.140 Maximum residential density.

— The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

— A. — Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

— B. — Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

— 1. — In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

— 2. — Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

— The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 46, 2003; prior planning code § 3865)

Exhibit A: Code Amendments

3/1/11 CED

17.30.150 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional-use permit pursuant to the conditional-use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Prior planning code § 3867)

17.30.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is proscribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.21, 1996; prior planning code § 3869)

17.30.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed thereon by Section 17.108.130:

A. Front Yard. The minimum front-yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

B. Side Yard—Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.

C. Side Yard—Interior Lot Line. No side yard is generally required along an interior-side-lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior-side-lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior-side-lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear-yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3870)

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square foot per rooming unit. Private usable open space may be substituted for such

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~~group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

(Prior planning code § 3871)

17.30.190 Buffering.

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~

(Prior planning code § 3872)

17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-80 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.~~

(Prior planning code § 3873)

17.30.210 Other zoning provisions.

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

~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~

~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 zone.~~

(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3874)

Chapter 17.32

CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

SECTIONS:

- 17.33.010 Title, Intent, and Description
 - 17.33.020 Required Design Review Process
 - 17.33.030 Permitted and Conditionally Permitted Activities
 - 17.33.040 Permitted and Conditionally Permitted Facilities
 - 17.33.050 Property Development Standards
 - 17.33.060 Special regulations for Mini-lot and Planned Unit Developments
 - 17.33.070 Other Zoning Provisions
-

17.33.010 Title, Intent, and Description

- A. Title and Intent. The provisions of this Chapter shall be known as the Neighborhood Center Commercial (CN) Zones Regulations. The intent of the CN zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN zones.
- B. Description of Zones. This Chapter establishes land use regulations for the following four zones:
 1. CN-1 Neighborhood Commercial Zone - 1. The intent of the CN-1 zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
 2. CN-2 Neighborhood Commercial Zone - 2. The intent of the CN-2 zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 3. CN-3 Neighborhood Commercial Zone - 3. The intent of the CN-3 zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 4. CN-4 Neighborhood Commercial Zone - 4. The intent of the CN-4 zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

17.33.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

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17.33.030 Permitted and Conditionally Permitted Activities

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates activities subject to certain limitations or notes listed at the bottom of the table.

“--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.33.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
<u>Residential Activities</u>					
<u>Permanent</u>	<u>P(1.1)(1.2)(1.3)</u>	<u>P(1.1)(1.2)(1.3)</u>	<u>P(1.1)(1.3)</u>	<u>P(1.1)(1.3)</u>	
<u>Residential Care</u>	<u>P(1.1)(1.2)(1.3)</u>	<u>P(1.1)(1.2)(1.3)</u>	<u>P(1.1)(1.3)</u>	<u>P(1.1)(1.3)</u>	<u>17.102.212</u>
<u>Service-Enriched Permanent Housing</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)</u>	<u>17.102.212</u>
<u>Transitional Housing</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)</u>	<u>17.102.212</u>
<u>Emergency Shelter</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)(1.4)</u>	<u>C(1.1)(1.3)</u>	<u>17.102.212</u>
<u>Semi-Transient</u>	=	=	=	=	
<u>Bed and Breakfast</u>	<u>C(1.3)(1.4)</u>	<u>C(1.3)(1.4)</u>	<u>C(1.3)(1.4)</u>	<u>C(1.3)</u>	<u>17.10.125</u>
<u>Civic Activities</u>					
<u>Essential Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Child-Care Activities</u>	<u>P(1.2)</u>	<u>P(1.2)</u>	<u>P(1.3)</u>	<u>P(1.5)</u>	
<u>Community Assembly</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P(1.2)</u>	<u>P(1.2)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Community Education</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	
<u>Nonassembly Cultural</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Administrative</u>	<u>P(1.2)</u>	<u>P(1.2)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Health Care</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	
<u>Special Health Care</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	<u>17.102.410</u>
<u>Utility and Vehicular</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	
<u>Extensive Impact</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C(1.4)</u>	<u>C</u>	
<u>Commercial Activities</u>					
<u>General Food Sales</u>	<u>P(1.3)</u>	<u>P(1.5)</u>	<u>P(1.7)</u>	<u>P(1.7)</u>	

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Table 17.33.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
<u>Full Service Restaurants</u>	<u>C(1A)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Limited Service Restaurant and Café</u>	<u>C(1A)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Fast-Food Restaurant</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	<u>17.102.210 and 8.09</u>
<u>Convenience Market</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	<u>17.102.210</u>
<u>Alcoholic Beverage Sales</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	<u>17.102.210 and 17.102.040</u>
<u>Mechanical or Electronic Games</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	<u>17.102.210</u>
<u>Medical Service</u>	<u>P(1.2)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>General Retail Sales</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	=	=	=	=	
<u>Consumer Service</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Consultative and Financial Service</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Check Cashier and Check Cashing</u>	=	=	=	=	
<u>Consumer Cleaning and Repair Service</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Consumer Dry Cleaning Plant</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	
<u>Group Assembly</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>C</u>	
<u>Personal Instruction and Improvement Services</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Administrative</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Business, Communication, and Media Services</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Broadcasting and Recording Services</u>	<u>P(1.5)</u>	<u>P(1.2)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>Research Service</u>	<u>C(1A)</u>	<u>C(1A)</u>	<u>P(1.5)</u>	<u>P(1.5)</u>	
<u>General Wholesale Sales</u>	=	=	=	=	
<u>Transient Habitation</u>	=	=	=	=	
<u>Wholesale and Professional Building Material Sales</u>	=	=	=	=	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	=	=	=	=	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	=	<u>C</u>	

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Table 17.33.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	=	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	=	=	=	
<u>Automotive Fee Parking</u>	C(LA)	C(LA)	C(LA)	C	
<u>Animal Boarding</u>	=	=	=	=	
<u>Animal Care</u>	C(LA)	C(LA)	P(L5)	P(L5)	
<u>Undertaking Service</u>	=	=	=	=	
<u>Industrial Activities</u>					
<u>Custom Manufacturing</u>	C(LA)(L9)	C(LA)(L9)	C(LA)	C	<u>17.102.040</u>
<u>Light Manufacturing</u>	=	=	=	=	
<u>General Manufacturing</u>	=	=	=	=	
<u>Heavy/High Impact</u>	=	=	=	=	
<u>Research and Development</u>	=	=	=	=	
<u>Construction Operations</u>	=	=	=	=	
<u>Warehousing, Storage, and Distribution</u>					
<u>A. General Warehousing, Storage and Distribution</u>	=	=	=	=	
<u>B. General Outdoor Storage</u>	=	=	=	=	
<u>C. Self- or Mini Storage</u>	=	=	=	=	
<u>D. Container Storage</u>	=	=	=	=	
<u>E. Salvage/Junk Yards</u>	=	=	=	=	
<u>Regional Freight Transportation</u>	=	=	=	=	
<u>Trucking and Truck-Related</u>	=	=	=	=	
<u>Recycling and Waste-Related</u>					
<u>A. Satellite Recycling Collection Centers</u>	=	=	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	
<u>Hazardous Materials Production, Storage, and Waste Management</u>	=	=	=	=	
<u>Agriculture and Extractive Activities</u>					
<u>Crop and animal raising</u>	C(L10)	C(L10)	C(L10)	C(L10)	
<u>Plant nursery</u>	C(LA)	C(LA)	C(LA)	C	

Table 17.33.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
<u>Mining and Quarrying</u>	=	=	=	=	
<u>Accessory off-street parking serving prohibited activities</u>	C(1A)	C(1A)	C(1A)	C	17.102.100
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C(1A)	C(1A)	C(1A)	C	17.102.110

Limitations on Table 17.33.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.
- L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.
- L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:
1. That the proposal will not detract from the character desired for the area;
 2. That the proposal will not impair a generally continuous wall of building facades;
 3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
 4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
 5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.
- L5. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.
- L6. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.
- L7. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen-thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section

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- 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.
- L8. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.
- L9. Not permitted on the Ground Floor except when associated with a full service restaurant or retail store.
- L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.33.040 Permitted and Conditionally Permitted Facilities

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN zones. The descriptions of these facilities are contained in Chapter 17.10.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the table.

“--” designates facilities that are prohibited.

Table 17.33.02: Permitted and Conditionally Pennitted Facilities

<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
<u>Residential Facilities</u>					
<u>One-Pamily Dwelling</u>	--(L1)	--(L1)	--(L1)	--(L1)	
<u>One-Family Dwelling with Secondary Unit</u>	--(L1)	--(L1)	--(L1)	--(L1)	17.102.360
<u>Two-famly Dwelling</u>	P(L2)	P(L2)	P(L3)	P	
<u>Multifamily Dwelling</u>	P(L2)	E(L1)	P(L3)	P	
<u>Rooming House</u>	P(L2)	P(L2)	P(L3)	P	
<u>Mobile Home</u>	=	=	=	=	

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Table 17.33.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
Nonresidential Facilities					
<u>Enclosed Nonresidential</u>	P	P	P	P	
<u>Open Nonresidential</u>	C(1A)	C(1A)	C(1A)	C(1A)	
<u>Sidewalk Café</u>	P	P	P	P	<u>17.102.335</u>
<u>Drive-In</u>	=	=	=	C	
<u>Drive-Through</u>	=	=	=	C	
Telecommunications Facilities					
<u>Micro Telecommunications</u>	P(1.5)	P(1.5)	P(1.5)	P(1.5)	<u>17.128</u>
<u>Mini Telecommunications</u>	P(1.5)	P(1.5)	P(1.5)	P(1.5)	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Tower Telecommunications</u>	=	=	=	=	<u>17.128</u>
Sign Facilities					
<u>Residential Signs</u>	P	P	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	P	P	<u>17.104</u>
<u>Realty Signs</u>	P	P	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	P	P	<u>17.104</u>
<u>Business Signs</u>	P	P	P	P	<u>17.104</u>
<u>Advertising Signs</u>	=	=	=	=	<u>17.104</u>

Limitations on Table 17.33.02:

- L1. See Chapter 17.114 -- Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor residential facilities is not permitted on a corner lot.
- L4. No conditional use permit is required for seasonal sales and special event activities.
- L5. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

Exhibit A: Code Amendments

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17.33.050 Property Development Standards

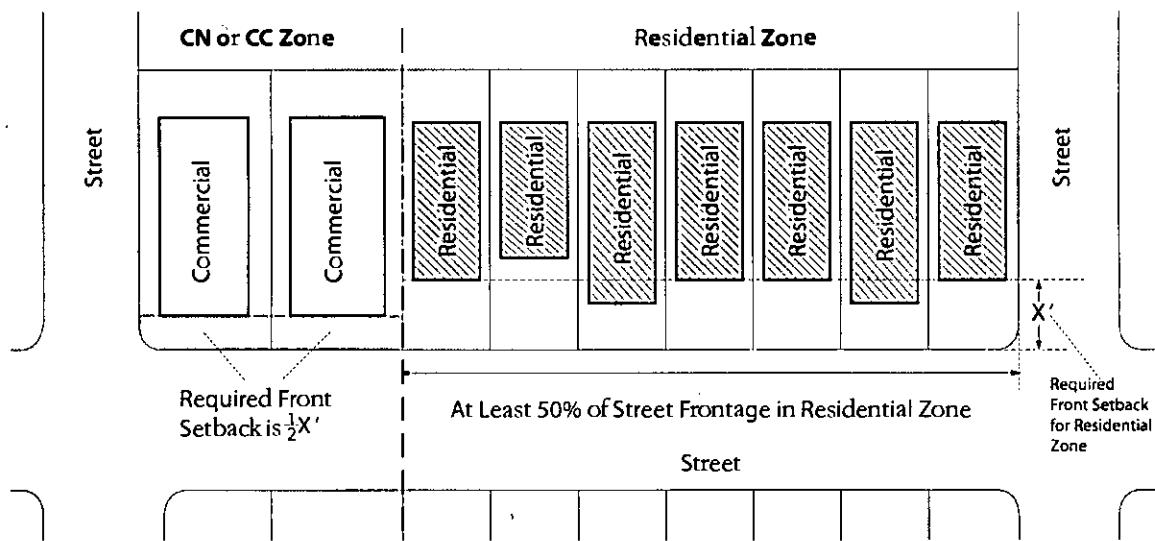
A. Zone Specific Standards. Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.33.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CN-1</u>	<u>CN-2</u>	<u>CN-3</u>	<u>CN-4</u>	
Minimum Lot Dimensions					
Width Mean	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	1
Frontage	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	1
Lot area	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	1
Minimum /Maximum Setbacks					
Minimum front	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	2
Maximum front	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>None</u>	3
Minimum interior side	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	4,5
Minimum street side	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	6
Rear (Residential Facilities)	<u>10/15 ft</u>	<u>10/15 ft</u>	<u>10/15 ft</u>	<u>10/15 ft</u>	7,8
Rear (Nonresidential Facilities)	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	8
Design Regulations					
Minimum ground floor nonresidential facade transparency	<u>65%</u>	<u>65%</u>	<u>65%</u>	<u>None</u>	2
Minimum height of ground floor nonresidential facilities	<u>12 ft</u>	<u>12 ft</u>	<u>12 ft</u>	<u>12 ft</u>	10
Minimum separation between the grade and ground floor living space	<u>--</u>	<u>--</u>	<u>2.5 ft</u>	<u>2.5 ft</u>	11
Parking and driveway location requirements	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	12
Ground floor active space requirement	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	13
Height, Floor Area Ratio, Density, and Open Space Regulations	<u>See Table 17.33.04</u>				
Minimum required parking	Sec Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Courtyard regulations	<u>See Section 17.108.120</u>				

Additional Regulations for Table 17.33.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.33.03[Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 2]*for illustration purposes only

3. The following notes apply to the maximum front yard requirement:

- a. The requirements only apply to the construction of new principal buildings.
- b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
- c. Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in Section 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.

Exhibit A: Code Amendments

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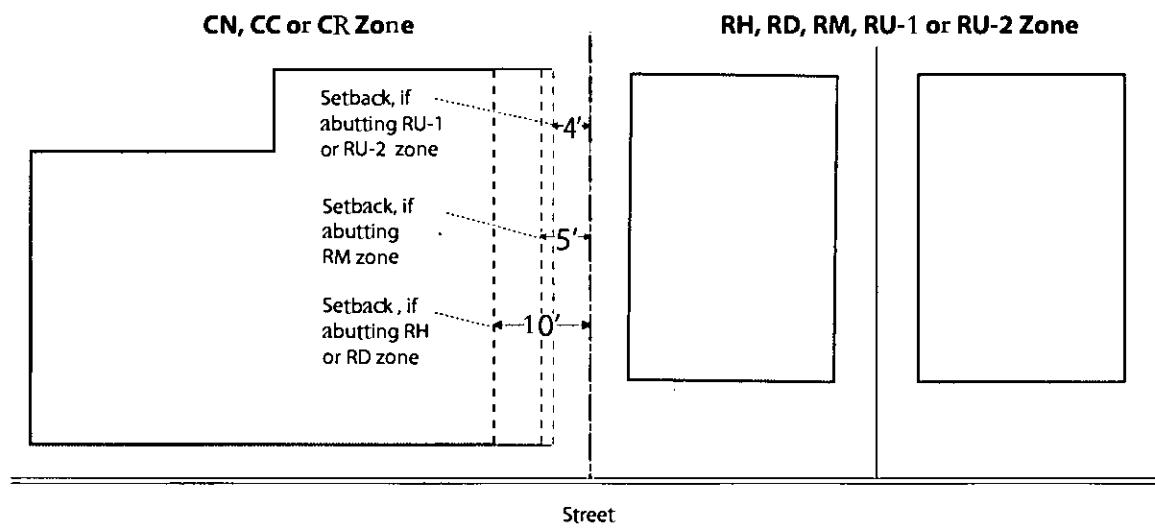
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.33.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Exhibit A: Code Amendments

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Illustration for Table 17.33.03[Additional Regulation 4]

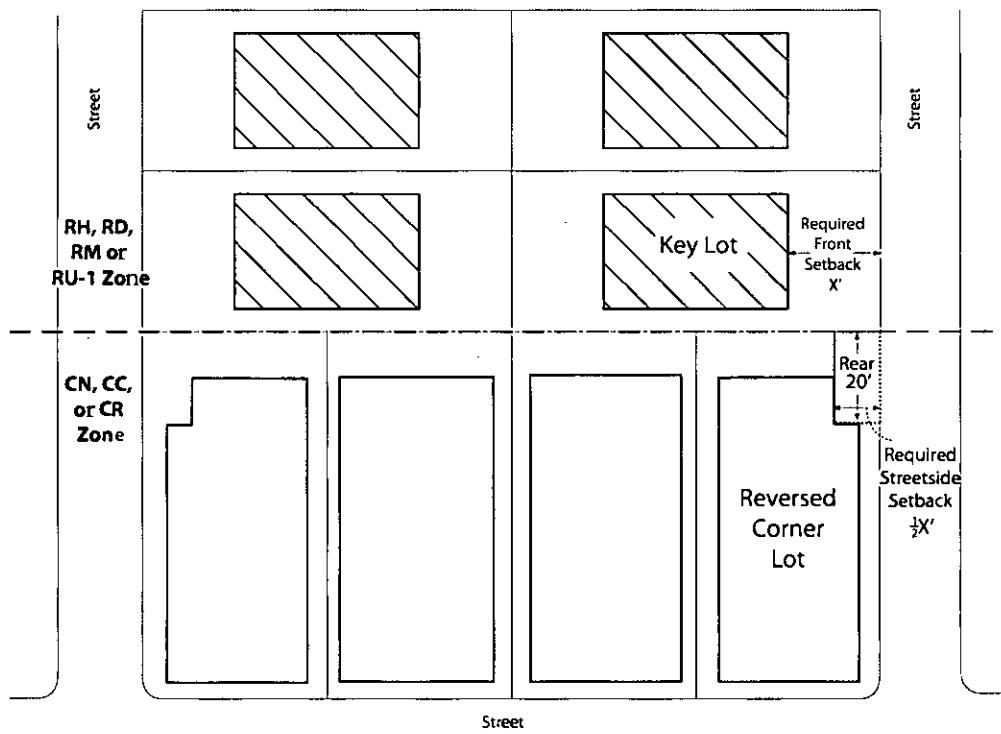
*for illustration purposes only



5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.33.03[Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 6]

*for illustration purposes only



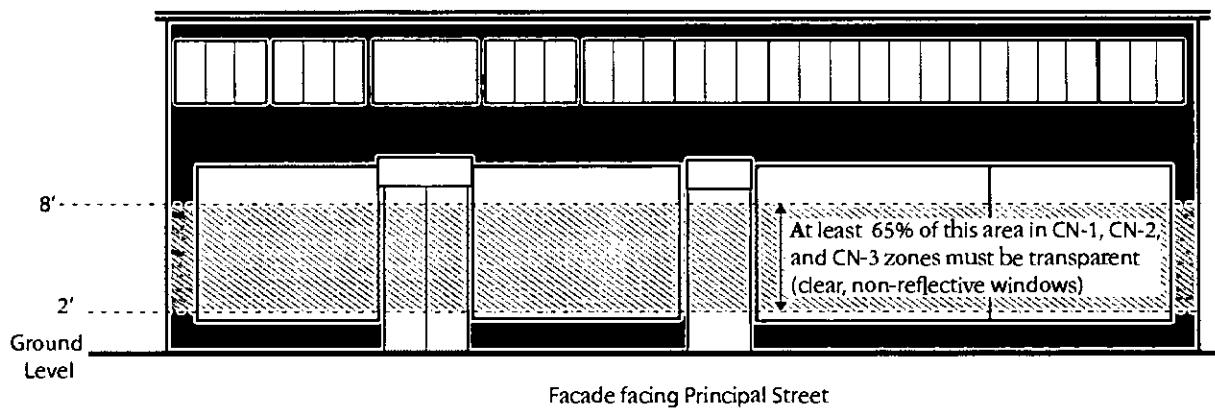
7. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.33.03[Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Exhibit A: Code Amendments

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Illustration for Table 17.33.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
11. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.
12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations							
Regulation	Height Area						
	35	35*	45	60	75	90	Additional Regulations
Maximum Height	35 ft	35	45 ft	60 ft	75 ft	90 ft	1, 2
Height Minimum							
Permitted height minimum	0 ft	0 ft	0 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	NA ft	25 ft	25 ft	25 ft	3

Exhibit A: Code Amendments

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Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations							
Regulation	Height Area						
	35	35*	45	60	75	90	Additional Regulations
Maximum Residential Density (square feet of lot area required per dwelling unit)							
<u>Regular units</u>	<u>550</u>	<u>Same density regulations as abutting RH, RD, or RM zone</u>	<u>450</u>	<u>375</u>	<u>275</u>	<u>225</u>	<u>4, 5, 6</u>
<u>Rooming units</u>	<u>275</u>	<u>Same density regulations as abutting RH, RD, or RM zone</u>	<u>225</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>4, 5, 6</u>
<u>Maximum Nonresidential FAR</u>	<u>2.0</u>	<u>NA</u>	<u>2.5</u>	<u>3.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4, 5, 6</u>
Maximum Number of Stories (not including underground construction)							
	<u>3</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>7</u>	<u>8</u>	
Usable Open Space (square feet per residential unit)							
<u>Group usable open space per regular unit</u>	<u>150</u>	<u>Same open space regulations as abutting RH, RD, or RM zone</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>100</u>	<u>6.7</u>
<u>Group usable open space per regular unit when private open space substituted</u>	<u>30</u>	<u>Same open space regulations as abutting RH, RD, or RM zone</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>6.7</u>
<u>Group usable open space per Rooming unit</u>	<u>75</u>	<u>Same open space regulations as abutting RH, RD, or RM zone</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>6.7</u>
<u>Group usable open space per rooming unit when private open space is substituted</u>	<u>15</u>	<u>Same open space regulations as abutting RH, RD, or RM zone</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>6.7</u>

Additional Regulations for Table 17.33.04:

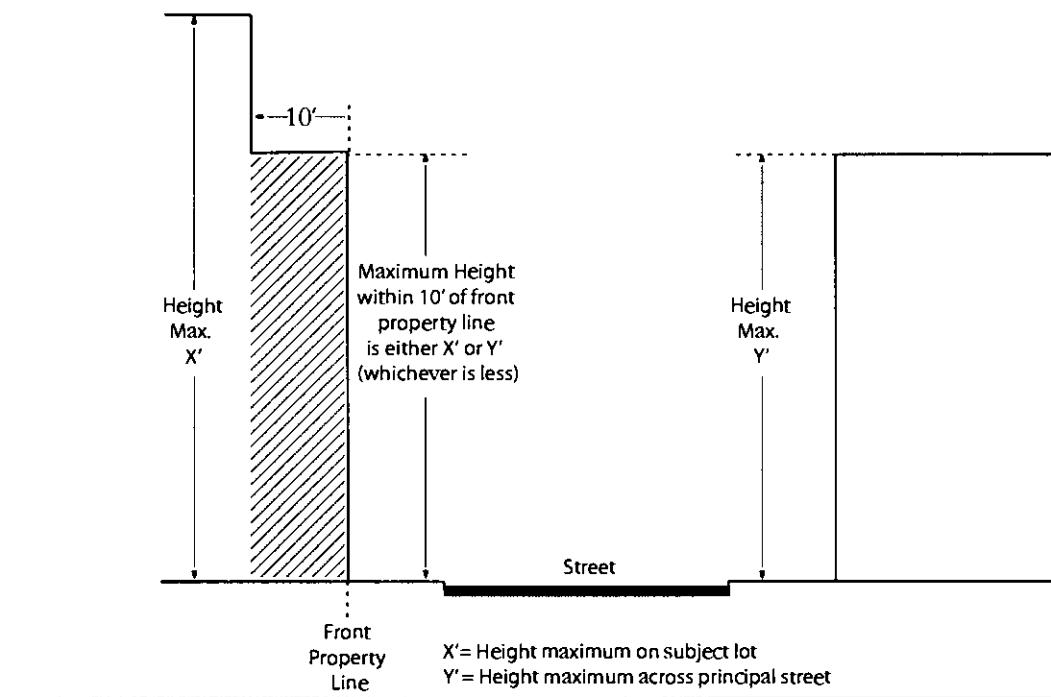
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04[Additional Regulation 1], below).

Exhibit A: Code Amendments

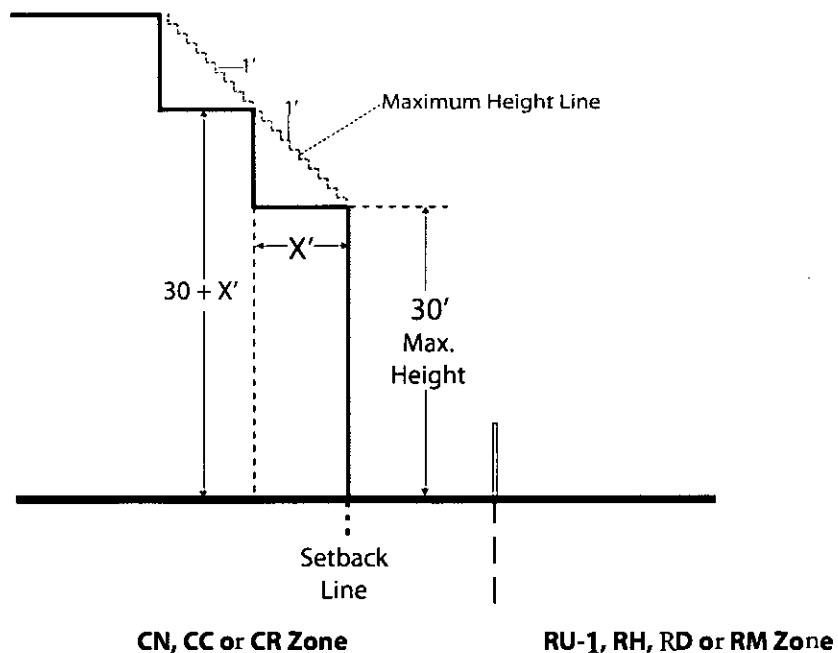
3/1/11 CED

Illustration for Table 17.33.04[Additional Regulation 1]

*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.33.04[Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04[Additional Regulation 2]*for illustration purposes only

3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM zone. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.
7. Each square foot of private usable open space equals two square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.33.060 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the CN zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CN zones, and certain of the other regulations applying in said zone may be waived or modified.

17.33.070 Other Zoning Provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CN zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in CN zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CN zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.34

CC COMMUNITY COMMERCIAL ZONES REGULATIONS

SECTIONS:

- 17.35.010 Title, Intent, and Description
 - 17.35.020 Required Design Review Process
 - 17.35.030 Permitted and Conditionally Permitted Activities
 - 17.35.040 Permitted and Conditionally Permitted Facilities
 - 17.35.050 Property Development Standards
 - 17.35.060 Special Regulations for Mini-lot and Planned Unit Developments
 - 17.35.070 Other Zoning Provisions
-

17.35.010 Title, Intent, and Description

- A. Intent. The provisions of this Chapter shall be known as the Community Commercial (CC) Zones Regulations. The intent of the CC zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. These regulations shall apply to the CC zones.
- B. Description of Zones. This Chapter establishes land use regulations for the following four zones:
 1. CC-1 Community Commercial Zone - 1. The CC-1 zone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.
 2. CC-2 Community Commercial Zone - 2. The CC-2 zone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.
 3. CC-3 Community Commercial Zone - 3. The CC-3 zone is intended to create, maintain, and enhance areas with heavy commercial and service activities.

17.35.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.35.030 Permitted and Conditionally Permitted Activities

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- "P" designates permitted activities in the corresponding zone.
- "C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- "L" designates activities subject to certain limitations or notes listed at the bottom of the table.

Exhibit A: Code Amendments

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--> designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.35.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
Residential Activities				
<u>Permanent</u>	P(1.1)(1.2)(1.3)	P(1.1)(1.2)(1.3)	C(1.1)(1.3)	
<u>Residential Care</u>	P(1.1)(1.2)(1.3)	P(1.1)(1.2)(1.3)	C(1.1)(1.3)	17.102.212
<u>Service-Enriched Permanent Housing</u>	C(1.1)(1.3)	C(1.1)(1.3)	C(1.1)(1.3)	17.102.212
<u>Transitional Housing</u>	C(1.1)(1.3)	C(1.1)(1.3)	C(1.1)(1.3)	17.102.212
<u>Emergency Shelter</u>	C(1.1)(1.3)	C(1.1)(1.3)	C(1.1)(1.3)	17.102.212
<u>Semi-Transient</u>	=	=	=	
<u>Bed and Breakfast</u>	C	C	C	17.10.125
Civic Activities				
<u>Essential Service</u>	P	P	P	
<u>Limited Child-Care Activities</u>	P	P	C	
<u>Community Assembly</u>	C	C	C	
<u>Recreational Assembly</u>	P	P	P	
<u>Community Education</u>	P	P	P	
<u>Nonassembly Cultural</u>	P	P	P	
<u>Administrative</u>	P	P	P	
<u>Health Care</u>	P	P	P	
<u>Special Health Care</u>	C	C	C	17.102.410
<u>Utility and Vehicular</u>	C	C	C	
<u>Extensive Impact</u>	C	C	C	
Commercial Activities				
<u>General Food Sales</u>	P	P	P	
<u>Full Service Restaurants</u>	P	P	P	
<u>Limited Service Restaurant and Café</u>	P	P	P	
<u>Fast-Food Restaurant</u>	C	C	C	17.102.210 and 8.09
<u>Convenience Market</u>	C	C	C	17.102.210
<u>Alcoholic Beverage Sales</u>	C	C	C	17.102.210 and 17.102.040

Exhibit A: Code Amendments

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Table 17.35.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Mechanical or Electronic Games</u>	C	C	C	17.102.210
<u>Medical Service</u>	P	P	P	
<u>General Retail Sales</u>	P	P	P	
<u>Large-Scale Combined Retail and Grocery Sales</u>	=	=	=	
<u>Consumer Service</u>	P	P	P	
<u>Consultative and Financial Service</u>	P	P	P	
<u>Check Cashier and Check Cashing</u>	C	C	C	17.102.430
<u>Consumer Cleaning and Repair Service</u>	P	P	P	
<u>Consumer Dry Cleaning Plant</u>	P	C	P	
<u>Group Assembly</u>	C	C	C	
<u>Personal Instruction and Improvement Services</u>	P	P	P	
<u>Administrative</u>	P	P	P	
<u>Business, Communication, and Media Services</u>	P	P	P	
<u>Broadcasting and Recording Services</u>	P	P	P	
<u>Research Service</u>	P	P	P	
<u>General Wholesale Sales</u>	=	=	P	
<u>Transient Habitation</u>	=	=	=	
<u>Wholesale and Professional Building Material Sales</u>	=	=	P	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	C	P(LA)	P	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	P	C	P	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	C(L5)	C(L5)	P	
<u>Taxi and Light Fleet-Based Services</u>	=	=	C	
<u>Automotive Fee Parking</u>	C	C	C	
<u>Animal Boarding</u>	C	C	C	
<u>Animal Care</u>	P	P	P	
<u>Undertaking Service</u>	=	=	=	

Exhibit A: Code Amendments

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Table 17.35.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Industrial Activities</u>				
<u>Custom Manufacturing</u>	C	C	P	17.102.040
<u>Light Manufacturing</u>	—	C	P(L6)	17.102.040
<u>General Manufacturing</u>	—	—	—	
<u>Heavy/High Impact</u>	—	—	—	
<u>Research and Development</u>	—	—	—	
<u>Construction Operations</u>	—	—	—	
<u>Warehousing, Storage, and Distribution</u>				
<u>A. General Warehousing, Storage and Distribution</u>	—	—	P	
<u>B. General Outdoor Storage</u>	—	—	—	
<u>C. Self- or Mini Storage</u>	—	—	—	
<u>D. Container Storage</u>	—	—	—	
<u>E. Salvage/Junk Yards</u>	—	—	—	
<u>Regional Freight Transportation</u>	—	—	—	
<u>Trucking and Truck-Related</u>	—	—	—	
<u>Recycling and Waste-Related</u>				
<u>A. Satellite Recycling Collection Centers</u>	—	—	—	17.10.040
<u>B. Primary Recycling Collection Centers</u>	—	—	—	
<u>Hazardous Materials Production, Storage, and Waste Management</u>	—	—	—	
<u>Agriculture and Extractive Activities</u>				
<u>Crop and animal raising</u>	C(L7)	C(L7)	C(L7)	
<u>Plant nursery</u>	C	C	C	

Table 17.35.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Mining and Quarrying</u>	=	--	--	
<u>Accessory off-street parking serving prohibited activities</u>	C	C	C	<u>17.102.100</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C	C	C	<u>17.102.110</u>

Limitations on Table 17.35.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.
- L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.
- L4. Automobile and Other Light Vehicle Sales and Rental is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on Telegraph Avenue between 28th Street and 1-580.
- L5. This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:
1. That all repair and servicing is performed in an enclosed building;
 2. That a minimum six-foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH-, RD- or RM-zone;
 3. That a landscape buffering is at all parcels lines adjacent to an RH-, RD- or RM-zone; and
 4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week;
- L6. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within 300 feet of an RH, RD, or RM zone.
- L7. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
1. The proposal will not adversely affect the viability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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17.35.040 Permitted and Conditionally Permitted Facilities

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the Table.

-- designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
Residential Facilities				
<u>One-Family Dwelling</u>	--(L1)	--(L1)	--(L1)	
<u>One-Family Dwelling with Secondary Unit</u>	--(L1)	--(L1)	--(L1)	<u>17.102.360</u>
<u>Two-Family Dwelling</u>	P(L2)	P(L3)	--	
<u>Multifamily Dwelling</u>	P(L2)	P(L3)	--	
<u>Rooming House</u>	P(L2)	P(L3)	--	
<u>Mobile Home</u>	--	--	--	
Nonresidential Facilities				
<u>Enclosed Nonresidential</u>	P	P	P	
<u>Open Nonresidential</u>	P	P	P	
<u>Sidewalk Café</u>	P	P	P	<u>17.102.335</u>
<u>Drive-In</u>	C	C	C	
<u>Drive-Through</u>	C	C	C	
Telecommunications Facilities				
<u>Micro Telecommunications</u>	P(L4)	P(L4)	P(L4)	<u>17.128</u>
<u>Mini Telecommunications</u>	P(L4)	P(L4)	P(L4)	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C	C	C	<u>17.128</u>
<u>Tower Telecommunications</u>	--	--	--	<u>17.128</u>
Sign Facilities				
<u>Residential Signs</u>	P	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	P	<u>17.104</u>

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Table 17.35.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Realty Signs</u>	P	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	P	<u>17.104</u>
<u>Business Signs</u>	P	P	P	<u>17.104</u>
<u>Advertising Signs</u>	=	=	=	<u>17.104</u>

Limitations on Table 17.35.02:

- L1. See Chapter 17.114 -- Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of floor area is devoted to commercial activities.
- L3. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L4. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

17.35.050 Property Development Standards

- A. Zone Specific Standards. Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.35.03: Property Development Standards

<u>Development Standards</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Minimum Lot Dimensions</u>				
<u>Width mean</u>	<u>50 ft</u>	<u>25 ft</u>	<u>25 ft</u>	1
<u>Frontage</u>	<u>50 ft</u>	<u>25 ft</u>	<u>25 ft</u>	1
<u>Lot area</u>	<u>7,500 sf</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	1
<u>Minimum/Maximum Setbacks</u>				
<u>Minimum front</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	2
<u>Maximum front</u>	<u>N/A</u>	<u>10 ft</u>	<u>N/A</u>	3
<u>Minimum interior side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	4.5
<u>Minimum street side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	6
<u>Rear (Residential Facilities)</u>	<u>10/15 ft</u>	<u>10/15 ft</u>	<u>10/15 ft</u>	7.8
<u>Rear (Nonresidential Facilities)</u>	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	<u>0/10/15 ft</u>	8

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Table 17.35.03: Property Development Standards

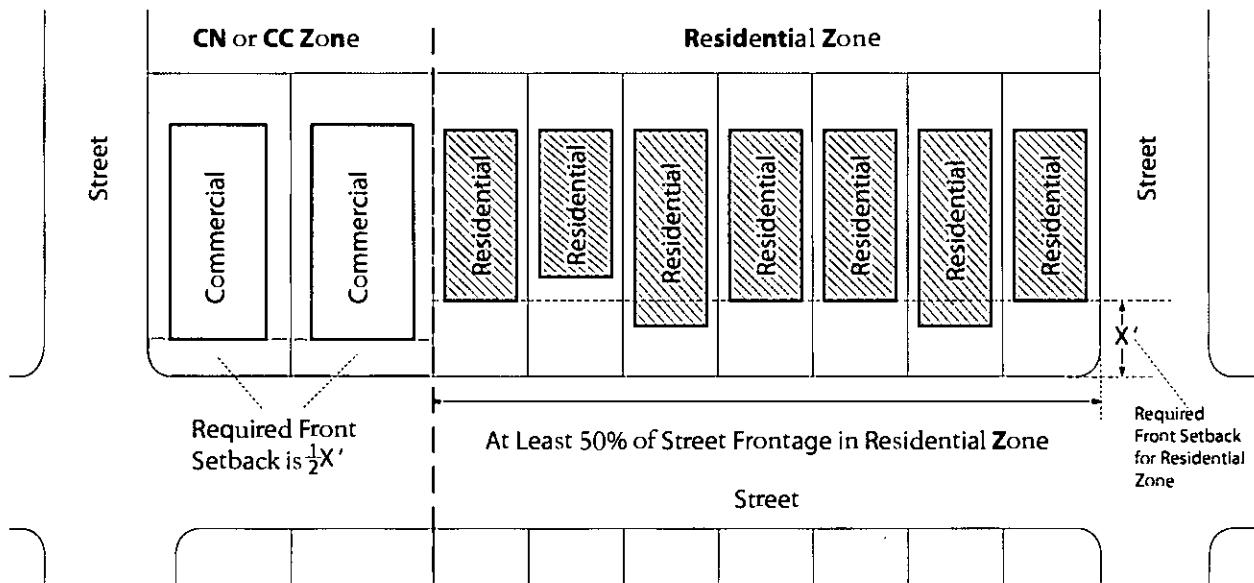
<u>Development Standards</u>	<u>Zones</u>			<u>Additional Regulations</u>
	<u>CC-1</u>	<u>CC-2</u>	<u>CC-3</u>	
<u>Design Regulations</u>				
<u>Minimum ground floor nonresidential facade transparency</u>	N/A	55%	N/A	9
<u>Minimum height of ground floor nonresidential facilities</u>	N/A	12 ft	N/A	10
<u>Parking and driveway location requirements</u>	No	Yes	No	11
<u>Ground floor active space requirement</u>	No	Yes	No	12
<u>Height, Floor Area Ratio, Density, and Open Space Regulations</u>	Sec Table 17.35.04			
<u>Minimum Required Parking</u>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
<u>Courtyard Regulations</u>	See Section 17.108.120			

Additional Regulations for Table 17.35.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.35.03[Additional Regulation 2], below).

Illustration for Table 17.35.03[Additional Regulation 2]

*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:

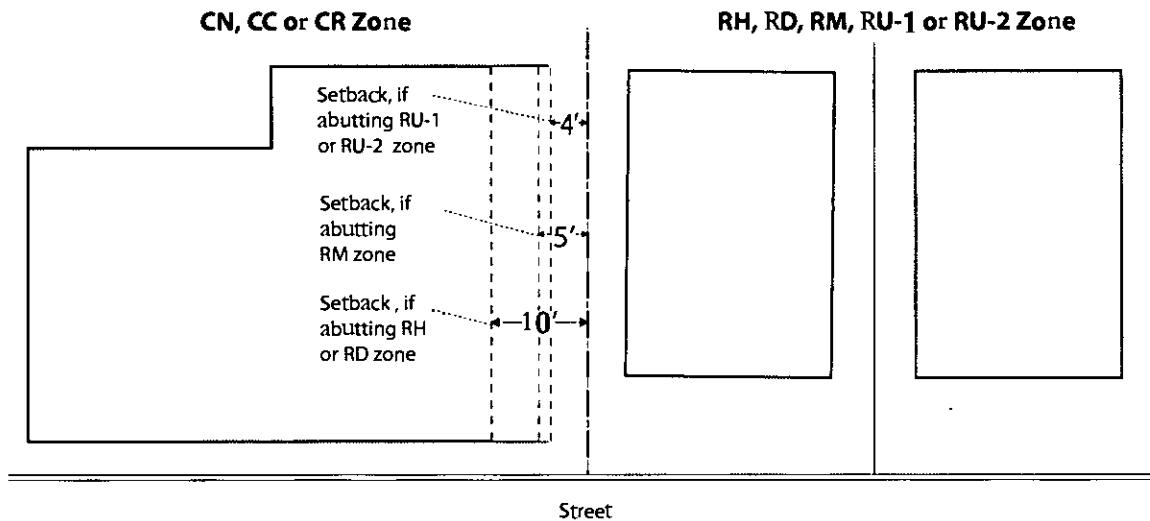
- The requirements only apply to the construction of new principal buildings.
- The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
- Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of Regular Design Review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
 - The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - The proposal will not impair a generally continuous wall of building facades;
 - The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - The proposal will not interfere with the movement of people along an important pedestrian street.

4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.35.03[Additional Regulation 4]

*for illustration purposes only

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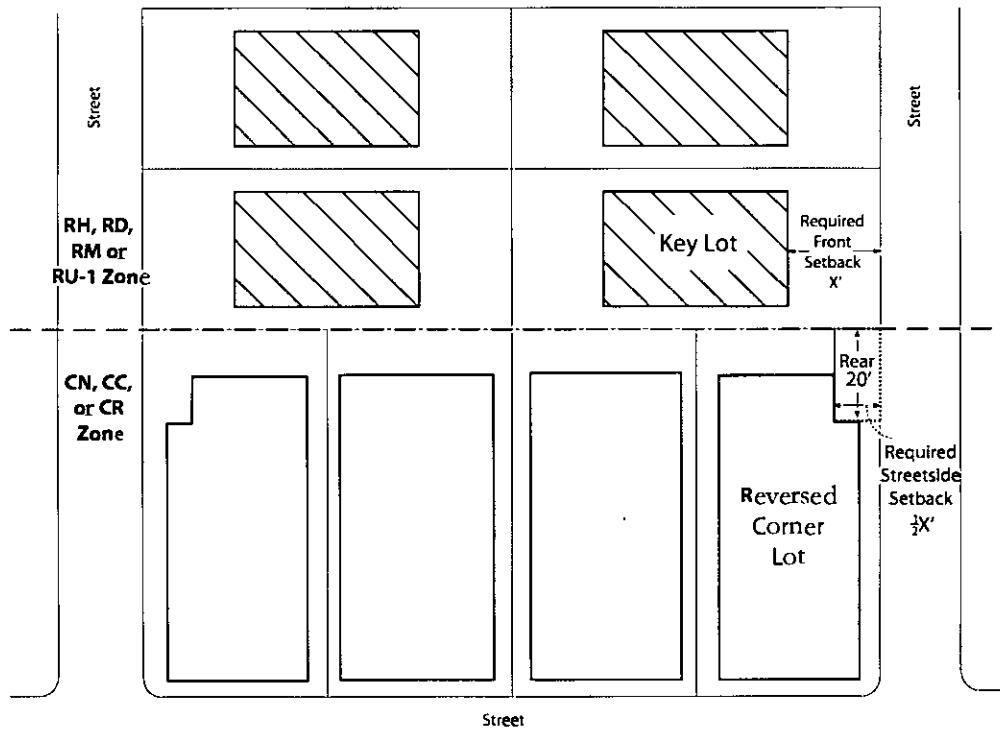
5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.35.03[Additional Regulation 6]

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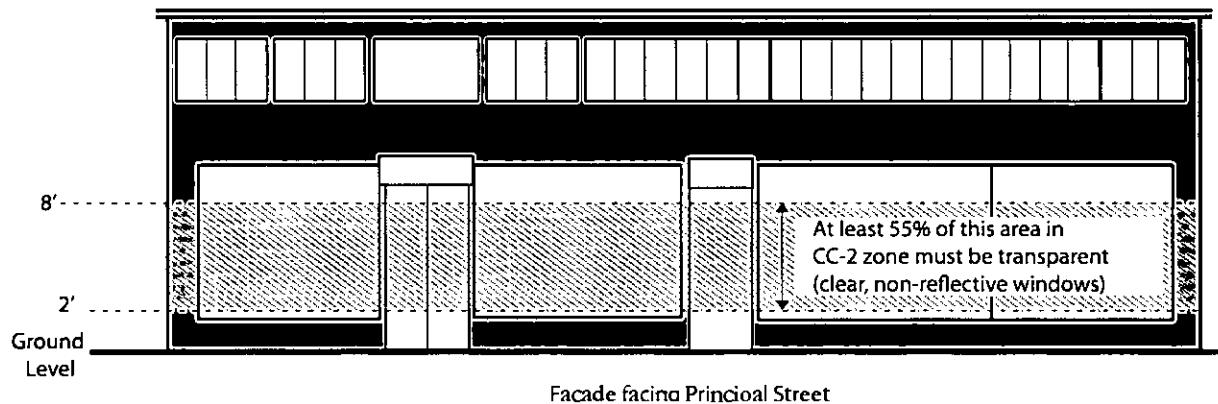
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7. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.35.03[Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gyms, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.35.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
11. For the new construction of principal buildings in the CC-2 zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
12. For the new construction of principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 10, above.

C. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the “Additional Regulations” column refer to regulations below the table.

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations							
Regulation	Height Area						
	<u>35</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>	<u>120</u>	<u>160</u>
Maximum Height	<u>35 ft</u>	<u>45 ft</u>	<u>60 ft</u>	<u>75 ft</u>	<u>90 ft</u>	<u>120 ft</u>	<u>160 ft</u>
Height Minimum							
<u>Permitted height minimum</u>	<u>0 ft</u>	<u>0 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>
<u>Conditionally permitted height minimum</u>	<u>NA</u>	<u>NA</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>
Maximum Residential Density (square feet of lot area required per dwelling unit)							
<u>Regular units</u>	<u>450</u>	<u>450</u>	<u>375</u>	<u>275</u>	<u>225</u>	<u>225</u>	<u>225</u>
<u>Rooming units</u>	<u>275</u>	<u>225</u>	<u>185</u>	<u>155</u>	<u>110</u>	<u>225</u>	<u>225</u>
Maximum Nonresidential FAR	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>4.0</u>	<u>4.5</u>	<u>5.0</u>	<u>4.5</u>

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<u>Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations</u>								
<u>Regulation</u>	<u>Height Area</u>							
	<u>35</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>	<u>120</u>	<u>160</u>	<u>Additional Regulations</u>
<u>Maximum number of stories (not including underground construction)</u>	3	4	5	7	8	11	15	
<u>Minimum Usable Open Space</u>								
<u>Group usable open space per regular unit</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>6</u>
<u>Group usable open space per regular unit when private open space substituted</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>6</u>
<u>Group usable open space per rooming unit</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>6</u>
<u>Group usable open space per rooming unit when private open space is substituted</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>6</u>

Additional Regulations for Table 17.35.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.35.04[Additional Regulation 1], below).