

2013 MAY 16 PM 1:12
OAKLAND CITY COUNCIL

ORDINANCE NO. 13168 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO CREATE THE CENTRAL ESTUARY DISTRICT ZONING REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS AND THE OAKLAND ZONING MAP

WHEREAS, the Estuary Policy Plan (EPP) of the General Plan, adopted in 1999, includes Policy MF-2, which calls for the City to “[d]evelop a Companion Document to the EPP, to be called the Estuary Plan Implementation Guide,” which would function as an implementation component for the Central Estuary area by setting out a more defined overall vision, developing specific development standards and design guidelines to shape the character of new development in a more cohesive way and by recommending future transportation improvements; and

WHEREAS, on December 9, 2008, the Oakland City Council adopted Resolution No. 81696 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Community Design + Architecture to prepare a Specific Plan and Environmental Impact Report for the Central Estuary area, which would satisfy EPP Policy MF-2; and

WHEREAS, as part of the public outreach effort, six community workshops were held between March 2009 and November 2009, resulting in three alternative draft concepts and a draft community preferred alternative; and

WHEREAS, the three alternative concepts and a draft community preferred alternative were presented for comment at public hearings before the Parks and Recreation Advisory Commission, Landmarks Preservation Advisory Board, Planning Commission, Community & Economic Development (CED) Committee, and City Council between December 2009 and July 2010; and

WHEREAS, on July 20, 2010, the City Council adopted a modified land use alternative for the Central Estuary area (in Resolution No. 82944 C.M.S.) which represents less change from existing conditions than was originally envisioned during the community outreach process of 2009. The originally proposed Specific Plan was then renamed an “Implementation Guide”, and re-worked to conform to the City Council’s direction; and

WHEREAS, between July and September 2012, the Draft Central Estuary Implementation Guide, including General Plan and Planning Code Amendments and Design Guidelines was presented to advisory boards, including the Zoning Update Committee and Design Review Committee of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee and the Landmarks Preservation Advisory Board each of which provided comments unique to their topic area, including changing the title of the document to the “Central Estuary Area Plan”; and

WHEREAS, the Central Estuary Area Plan includes amendments to the 1999 Estuary Policy Plan to: (1) update existing General Plan goals, and strategies to reflect direction established in the Central Estuary Area Plan, (2) increase the allowable Floor Area Ratios (FARs), and (3) to update the land use map to accommodate compatible uses; and

WHEREAS, the existing zoning for the Central Estuary has not been updated to implement the 1999 Estuary Policy Plan's land use classifications for the Central Estuary; and

WHEREAS, City Planning staff have created six new Central Estuary zones (two D-CE commercial zones, two D-CE residential and commercial mixed zones and two D-CE industrial zones) to replace the existing zoning in the area, and propose to apply existing open space zoning designations to two open space zones to implement the Estuary Policy Plan classifications (as amended by this planning process) in the Central Estuary area, as well as make changes associated to the new Central Estuary zones throughout the Planning Code; and

WHEREAS, these new Central Estuary D-CE zones and two open space zones are proposed to be mapped in the Central Estuary area based on the Estuary Policy Plan land use map (as amended by this planning process) for the Central Estuary; and

WHEREAS, the Central Estuary Area Plan meets the Estuary Policy Plan Policy MF-3: "Adopt and Enforce Development Regulations Which Reflect the Land Use Policies Established by the EPP". The zoning developed as part of the Central Estuary Area Plan achieves this policy; and

WHEREAS, the Central Estuary Area Plan includes new design guidelines to allow a diverse range of land uses in the Central Estuary area to continue to co-exist while minimizing incompatibilities; and

WHEREAS, the Central Estuary Area Plan recommends transportation and infrastructure improvements to address infrastructure deficiencies in the Central Estuary area; and

WHEREAS, on November 21, 2011, a Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Central Estuary Area Plan was published; and

WHEREAS, a duly noticed EIR scoping hearing was held before the City Planning Commission on December 14, 2011, to receive comments on the scope and content of the EIR for the Central Estuary Area Plan; and

WHEREAS, a Notice of Availability / Notice of Release of a Draft SEIR was issued on November 5, 2012, and a Draft SEIR was published on November 9, 2012, that was available to the public/governmental agencies for review and comment; and

WHEREAS, on December 5, 2012, the Central Estuary Area Plan and the draft Supplemental EIR were presented to the Planning Commission, with a detailed account of the comments received at previous advisory boards meetings and the Planning Commission provided additional comments and directed staff to revise the documents and to initiate the formal adoption process; and

WHEREAS, on December 10, 2012, the Central Estuary Area Plan and the draft Supplemental EIR were presented to the Landmarks Preservation Advisory Board who provided additional comments; and

WHEREAS, on April 4, 2013, a Notice of Availability/Release and Final Supplemental EIR were published and made available for review and comments; and

WHEREAS, on April 17, 2013, after making the changes requested by the advisory boards and City Planning Commission, the revised Final Draft Central Estuary Area Plan was presented at a duly noticed public hearing of the City Planning Commission; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the Central Estuary Area Plan Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); and (c) recommended the City Council adopt the Central Estuary Areas Plan, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the CEAP Adoption Findings; and (d) recommended that City Council authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Central Estuary and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Central Estuary District Zones Regulations (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, The Central Estuary Area Plan was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on May 28, 2013, and the Committee recommended adoption of the Plan and related documents; and

WHEREAS, the Central Estuary Area Plan and related documents were considered at a regular, duly noticed, public hearing of the City Council on June 4, 2013; 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. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the Central Estuary Area Plan Supplemental EIR, and the CEQA findings of the City Planning Commission contained in the approved April 17, 2013, City Planning Commission Report.

Section 3. The City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Ordinance (as if fully set forth herein) the CEQA findings contained in the approved April 17, 2013, City Planning Commission Report prior to taking action in approving the amendments to Planning Code and Oakland Zoning Map.

Section 4. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), as conditions of approval of the Central Estuary Area Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved April 17, 2013, City Planning Commission Report.

Section 5. Title 17 of the Oakland Planning Code is hereby amended to (a) create new zones for the Central Estuary and (b) make related text amendments to the Oakland Planning Code; as detailed in Exhibit A, attached hereto and hereby incorporated by reference.

Section 6. The City Council hereby authorizes Planning Staff to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors) prior to formal publication of the Amendments in the Oakland Planning Code.

Section 7. The Oakland Zoning Map is hereby amended to map the new commercial, mixed, industrial and open space zones as indicated in Exhibit B, attached hereto and hereby incorporated herein by reference.

Section 8. 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; (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.

Section 10. 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 11. 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 12. The City Council finds and determines that the existing zoning for the Central Estuary is inadequate and contrary to public interest and that the proposed zoning will implement the policies presented in the Estuary Policy Plan (as amended by this planning process) and create certainty for the developers and the public regarding the City's expectations for new development.

Section 13. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the Central Estuary Area Plan, Design Guidelines, Planning Code and Estuary Policy Plan Amendments including all accompanying maps, papers and appendices;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Supplemental Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Central Estuary Area Plan and attendant hearings;

3. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the Central Estuary Area Plan; and all written evidence received by the relevant City Staff before and during the public hearings on the Central Estuary Area Plan;
4. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and 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 14. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department - Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

JUN 18 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

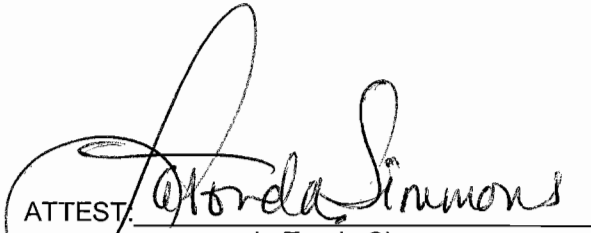
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: June 25, 2013

Introduction Date JUN 4 2013

Exhibit A

Exhibit A-1 Planning Code Chapter 17.101E D-CE Central Estuary District Zones Regulations

Exhibit A-2 Non-Substantive, Technical Conforming Edits to the Oakland Planning Code

Chapter 17.101E

D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

SECTIONS:

- 17.101E.010 Title, Intent, and Description
- 17.101E.020 Required Design Review Process
- 17. 101E.030 Permitted and Conditionally Permitted Activities
- 17. 101E.040 Permitted and Conditionally Permitted Facilities
- 17. 101E.050 Property Development Standards
- 17. 101E.060 Permitted Frontage Types
- 17. 101E.070 Special Regulations for Work/Live Units
- 17. 101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones
- 17. 101E.090 Special Regulations for Mini-lot and Planned Unit Developments
- 17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone
- 17.101E.110 Special Parking Regulations for the D-CE Zones
- 17. 101E.112 Other Zoning Provisions

17. 101E.010 Title, Intent, and Description

- A. **Title and Intent.** The provisions of this chapter shall be known as the D-CE Central Estuary District Zones Regulations. The intent of the D-CE zones is to:
1. Implement the Central Estuary Area Plan (CEAP) in the Central Estuary District;
 2. Preserve and enhance opportunities for business and employment development in uses that can benefit from proximity to existing commercial, industrial and mixed use facilities in the area;
 3. Encourage the creation of mixed-use districts that integrate various combinations of residential, industrial, commercial, public open space and civic uses;
 4. Establish development standards that allow residential, industrial, commercial, public open space and civic activities to compatibly co-exist;
 5. Provide convenient access to public open space and the waterfront;
 6. Improve access to the waterfront and recreational opportunities along the waterfront, including boat launches and marinas;
 7. Encourage quality and variety in building and landscape design, as well as compatibility in use and form;
 8. Encourage development that is respectful of the environmental qualities that the area has to offer;
 9. Provide a framework of development standards that takes into account the scale, massing and context of the surrounding community; and
 10. Provide a set of procedures and practices to review and consider future design of new building construction.
 11. Preserve and enhance distinct neighborhoods in the Central Estuary District.

B. Description of Zones. This Chapter establishes land use regulations for the following six zones:

1. **D-CE-1 Central Estuary District Commercial Zone – 1** (Embarcadero Cove). The D-CE-1 zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of marine, office and other commercial uses.
2. **D-CE-2 Central Estuary District Commercial Zone – 2** (High Street Retail). The D-CE-2 zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial uses with direct street frontage and access to the freeway.
3. **D-CE-3 Central Estuary District Mix Zone – 3** (Jingletown/Elmwood). The D-CE-3 zone is intended to create, preserve, and enhance areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.
4. **D-CE-4 Central Estuary District Mix Zone – 4** (Mixed Use Triangle). The D-CE-4 zone is intended to create, maintain and enhance areas of the Central Estuary that have a mix of industrial and heavy commercial activities. Higher density residential development is also appropriate in this zone.
5. **D-CE-5 Central Estuary District Industrial Zone – 5** (Food Industry Cluster/High St. Warehouse Wedge/Tidewater South). The D-CE-5 zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards.
6. **D-CE-6 Central Estuary District Industrial Zone – 6** (Con Agra/Owens Brockway/Tidewater North). The D-CE-6 zone is intended to create, preserve and enhance areas of the Central Estuary that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts, such as noise, light/glare, odor, and traffic. This zone allows industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

17. 101E.020 Required Design Review

- A. 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.
- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Design Guidelines for the Central Estuary is required for any proposal in the D-CE zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Design Guideline for the Central Estuary, the design objectives in the Design Guidelines for the Central Estuary shall prevail.

17. 101E.030 Permitted and Conditionally Permitted Activities

For the purposes of this chapter only, the following definition is added as an Activity. Definitions for the other Activities listed in Table 17.101E.01 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions

1. Boat and Marine Related Sales, Rental, Repair and Servicing Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced.

Table 17.101E.01 lists the permitted, conditionally permitted, and prohibited activities in the D-CE 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 17.101E.01: Permitted and Conditionally Permitted Activities							
Activities	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	Additional Regulations
Residential Activities							
Permanent	--	--	P(L1)	P(L1)	--	--	
Residential Care	--	--	P(L1)	P(L1)	--	--	17.102.212
Service-Enriched Permanent Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Transitional Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Emergency Shelter	--	--	C(L1)	C(L1)	--	--	17.102.212
Semi-Transient	--	--	C	C	--	--	17.102.212
Bed and Breakfast	--	--	P	--	--	--	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	--	--	P	--	--	--	
Community Assembly	--	--	P (L2)	--	C	--	
Recreational Assembly	P	C	P (L2)	C	C	--	
Community Education	P	P	C	C	C	--	
Nonassembly Cultural	P	P	P (L3)	P(L3)	C	--	
Administrative	P	P	P (L3)	P(L3)	C	--	
Health Care	--	--	C	C	--	--	

Table 17.101E.01: Permitted and Conditionally Permitted Activities

Activities	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	Additional Regulations
Special Health Care	--	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
Commercial Activities							
General Food Sales	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Full Service Restaurants	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Limited Service Restaurant and Café	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Fast-Food Restaurant	--	C	--	--	C	--	17.102.210 and 8.09
Convenience Market	C	C	C	C	--	--	17.102.210
Alcoholic Beverage Sales	C	C	C	C	C	--	17.102.21 & 17.102.040
Mechanical or Electronic Games	C	C	C	C	--	--	17.102.210
Medical Service	--	--	--	--	--	--	
General Retail Sales	P	P	P (L5)	P (L5)	P (L5)	--(L6)	
Large-Scale Combined Retail and Grocery Sales	--	C	--	--	--	--	
Consumer Service	P	P	P	P	P	--	
Consultative and Financial Service	P	P	P (L3)	P	C	--	
Check Cashier and Check Cashing	--	C	--	--	--	--	17.102.430
Consumer Cleaning and Repair Service	--	P	C	C	C	--	
Consumer Dry Cleaning Plant	--	C	--	--	C	C	
Group Assembly	C	C	C	C	C	C (L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C (L8)	
Administrative	P	P	P (L3)	P (L3)	P	--(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	--	P (L7)	P (L2)	P (L3)	P (L3)(L11)	P	
Transient Habitation	C	C	C	C	--	--	17.102.370
Building Material Sales	--	P	P (L2)	P (L12)	P	--	

Table 17.101E.01: Permitted and Conditionally Permitted Activities							
Activities							Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Boat and marine related sales, rental, repair and servicing	P	--	--	--	--	C	
Automobile and Other Light Vehicle Sales and Rental	--	C	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	C	--	--	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	--	C (L13)	--	--	C	P(L14)	
Taxi and Light Fleet-Based Services	--	--	--	--	--	C	
Automotive Fee Parking	--	--	--	C	C	C	
Animal Boarding	--	C	C	C	--	--	
Animal Care	--	P	C	C	--	--	
Undertaking Service	--	--	--	--	C	C	
Industrial Activities							
Custom Manufacturing	C	P	P (L3)	P (L3)	P	P	17.102.040
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.102.040
General Manufacturing	--	--	--	--	P	P	
Heavy/High Impact	--	--	--	--	--	C	
Research and Development	P (L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	--	--	--	C	P (L14)	P (L14)	
Warehousing, Storage, and Distribution							
A. General Warehousing, Storage and Distribution	C	--	P (L2)	P (L3)	P	P	
B. General Outdoor Storage	--	--	--	--	P (L14)	P (L14)	
C. Self- or Mini Storage	--	--	--	C	C	--	
D. Container Storage	--	--	--	--	P (L14)	P (L14)	
E. Salvage/Junk Yards	--	--	--	--	--	C	
Regional Freight Transportation							
A. Seaport	--	--	--	--	--	C	
B. Rail Yard	--	--	--	--	C	C	
Trucking and Truck-Related							

Table 17.101E.01: Permitted and Conditionally Permitted Activities							
Activities							Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
A. Freight/Truck Terminal	--	--	--	--	P (L14)	P(L14)	
B. Truck Yard	--	--	--	--	C	P(L14)	
C. Truck Weigh Stations	--	--	--	--	P	P(L14)	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	--	--	--	--	P(L14)	P(L14)	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	--	--	--	--	P(L14)	P(L14)	
Recycling and Waste-Related							
A. Satellite Recycling Collection Centers	--	P (L15)	P (L15)	P (L15)	P (L15)	P (L15)	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	--	C (L16)	17.73.035
Hazardous Materials Production, Storage, and Waste Management							
A. Small Scale Transfer and Storage	--	--	--	--	C	C(L14, L17)	
B. Industrial Transfer/Storage	--	--	--	--	--	C(L14, L17)	
C. Residuals Repositories	--	--	--	--	--	C(L14, L17)	
D. Oil and Gas Storage	--	--	--	--	--	C(L14, L17)	
Agriculture and Extractive Activities							
Crop and animal raising	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	
Plant nursery	--	C	C	C	P	P	
Mining and Quarrying	--	--	--	--	--	--	17.102.220
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.102.100 & 17.102.110
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101E.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 by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L3. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L4. The total floor area devoted to a grocery store shall only exceed twenty thousand (20,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. These activities are only allowed on the ground floor of a building. Except in D-CE-4, the total floor area devoted to these activities 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).
- L6. Retail is only allowed as an accessory use per Section 17.10.040.
- L7. The total floor area devoted to these activities by a single establishment shall not exceed five thousand (5,000) square feet.
- L8. Entertainment, educational and athletic services are not permitted.
- L9. Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in D-CE-6.
- L10. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L11. These activities are only allowed in the Tidewater South area of D-CE-5, not permitted in any other areas of D-CE-5.
- L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is twenty five thousand (25,000) square feet or larger or covers twenty five thousand (25,000) square feet or more of floor area.
- L13. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.
- L14. A Conditional Use Permit is required if located within 300 feet of: a) the estuary shoreline; b) the D-CE-3 zone; or c) any Open Space zone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond 300 feet.
- L15. Permitted within a grocery store or other large associated development, but if it is a stand alone collector center than a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required. If the recycling collection is placed within the parking lot the overall parking requirements for the principal activity shall still be met.
- L16. A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for this activity, but is not permitted within 300 feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 zone; or c) any Open Space zone. All special regulations for primary collection centers in the industrial zones must be met as listed in Section 17.73.035.
- L17. This activity is only permitted 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:

1. That the project is not detrimental to the public health, safety, or general welfare of the community;
 2. That the project is or will be adequately served by roads and other public or private service facilities;
 3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
 4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.
- L18. Crop and Animal Raising is only permitted 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:
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.

17.101E.040 Permitted and conditionally permitted facilities

For the purposes of this chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in Table 17.101E.02 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions

1. **“Live/Work”** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both residential and nonresidential activities. This definition is the equivalent to the definition for Residentially Oriented Joint Living and Working Quarters (JLWQ) contained in the Building Code, Chapter 3B, Section 3B.2.4.
2. **“Work/Live”** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary nonresidential activity with an accessory residential component.

Table 17.101E.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CE 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 17.101E.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones					Additional Regulations

	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Facilities							
One-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
Multifamily Dwelling	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Rooming House	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Mobile Home	--	--	--	--	--	--	
Live/Work	--	--	P	P	--	--	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C	C	P	P	
Work/Live	--	--	P	P	C	--	
Sidewalk Café	P	P	P	P	C	--	17.102.335
Drive-In	C	C	--	C	--	--	
Drive-Through	C	C	--	C (L2)	C	C	17.102.290
Telecommunications Facilities							
Micro Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Mini Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	P(L3)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L3)	17.128
Tower Telecommunications	--	--	--	--	--	P(L3)	17.128
Sign Facilities							
Residential Signs	--	--	P	P	--	--	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	--	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	--	--	--	--	--	--	17.104

Limitations on Table 17.101E.02:

- L1. See Chapter 17.114 – Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. Drive through facilities are not allowed to locate between the front property line and the building.

- L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or D-CE-3 and D-CE-4 zones.

17.101E.050 Property Development Standards

- A. Zone Specific Standards.** Table 17.101E.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. “N/A” designates the regulation is not applicable to that zone.

Table 17.101E.03 Property Development Standards							
Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Lot Dimensions							
Width mean	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks – See also Design Guidelines for the Central Estuary Section 3.3.							
Minimum front	0 ft	0 ft	10 ft	10 ft	5 ft.	5 ft.	2
Minimum interior side	0 ft	0 ft	4 ft	0 ft	0 ft.	0 ft.	2
Minimum street side of a corner lot	0 ft	0 ft	4 ft	5 ft	5 ft	5 ft	2
Rear (residential facilities)	N/A	N/A	10 ft	10 ft	N/A	N/A	3
Rear (nonresidential facilities)	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	2
Side and Rear Setbacks for Smaller Lots	See Table 17.101E.04 for setbacks for smaller lots						
Height Regulations -- See also Design Guidelines for the Central Estuary Section 4.2.							
Maximum height	45	85	45/55	75	85	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines for the Central Estuary Section 3.8.						
Minimum fence height in yards adjacent to open space zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Central Estuary Design Guidelines Section 3.8.				8 ft	8 ft	8
Maximum fence height adjacent to open space zones	8	N/A	8	8	12 ft	12 ft	8
Maximum Residential Density (square feet of lot area required per dwelling unit) – See also Design Guidelines for the Central Estuary Section 4.3.							
Regular Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space - See also Design Guidelines for the Central Estuary Section 3.10.							
Group Usable Open Space per	N/A	N/A	150 sf	100 sf	N/A	N/A	11

Table 17.101E.03 Property Development Standards							
Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
regular unit							
Group usable open space per regular unit when private open space substituted	N/A	N/A	30	20 sf	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	75 sf	50 sf	N/A	N/A	11
Group usable open space per rooming unit when private open space is substituted	N/A	N/A	15 sf	10 sf	N/A	N/A	11
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and Design Guidelines for the Central Estuary Sections 3.2, 3.5, 3.6 and 3.8.						12
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations – See also Design Guidelines for the Central Estuary Section 3.8 and 5.							
Site Landscaping (including parking lot)	See Chapters 17.110, 17.124 and 17.102.400 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				10%	10%	14
Driveway and Site Access Regulations – See also Design Guidelines for the Central Estuary Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any residential or open space boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft	50 ft	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft	35 ft	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.101E.04. - See also Design Guidelines for the Central Estuary Section 4.1.						

Additional Regulations for Table 17.101E.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. See also Section 17.108.130 for allowed projections into setbacks, and see the “Design Guidelines for the Central Estuary”, Sections 3.3 and 4.1.
3. In the D-CE-3 and D-CE-4 zones, 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.

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.

4. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any lot line that directly abuts a lot with a residential building. This maximum height increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height resulting from construction away from a setback line shall not result in a height greater than the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and 17.108.020 for increased height limits for civic buildings.
5. In the D-CE-3 zone, the fifty-five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses. See the “Design Guidelines for the Central Estuary”, Section 3 and 4.
6. In the D-CE-3 zone, the maximum heights may be exceeded in the following situations:
Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). See also the “Design Guidelines for the Central Estuary”, Section 3 and 4.
7. In the D-CE-3 zone, the outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: (1) the storage is within fifteen (15) feet from any property line of a lot containing residential activities and (2) the storage faces any windows of a residential facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Oakland Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the “Design Guidelines for the Central Estuary”. In the D-CE-5 and D-CE-6 zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.
8. In the D-CE-5 and D-CE-6 zones, this regulation applies to all property lines which directly abut a residential or open space zone, except those fronting a public street. Buffering requirements also apply to:
a) new development; or expansion of an industrial or commercial building by more than 20 percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds 35 percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also “Design Guidelines for the Central Estuary”, Section 3.8 and 4.1.
9. In the D-CE-3 and D-CE-4 zones, see Chapter 17.107 and Section 17.106.060 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. In the D-CE-3 zone, new construction on a vacant

lot that is greater than five thousand (5,000) square feet shall only result in a total of one unit on the lot upon the granting of a conditional use permit (see Chapter 17.134 for the conditional use permit process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

10. 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.
11. In the D-CE-3 and D-CE-4 zones, usable open space is not required for Work/Live, and is only required on lots with two residential or Live/Work units or more, and not required for single family homes with secondary units. Each square foot of private usable open space equals two square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the “Design Guidelines for the Central Estuary”).
12. In the D-CE-5 zone, parking for new development shall be located at the rear of the site or at the side of the building except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a residential zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right of way. All existing loading docks are not subject to this requirement.
13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding secondary units of five hundred (500) square feet or less. The landscaping and buffering plan shall contain the following:
 - a. Landscaping and buffering that is consistent with the “Design Guidelines for the Central Estuary”;
 - b. An automatic system of irrigation for all landscaping shown in the plan;
 - c. A minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees shall be street trees to the satisfaction of the City’s Tree Division.
 - d. At least one (1) fifteen (15) gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
 - e. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required buffer area, the width of the required landscaping shall be increased by two (2) feet unless wheel stops are installed.
14. In the D-CE-5 and D-CE-6 Zones, the following landscape requirements apply:
 - a. Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet (see Section 17.124.025). A minimum of five percent (5%) of the lot area shall be landscaped. Landscaping and buffering must be consistent with guidelines in the “Design Guidelines for the Central Estuary”, Section 3.8.
 - b. Required parking lot landscaping: For all lots associated with new construction with more than 25,000 sf. of floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved

through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the “Design Guidelines for the Central Estuary”.

15. For all non-residential projects over 1,000 square feet street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.
16. In the D-CE-5 and D-CE-6 Zones, the site and driveway access requirement applies to new development; or expansion of industrial or commercial buildings by more than 20 percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent (35%), which ever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line. Also applicable are the provisions of Section 17.116.
17. In the D-CE-5 and D-CE-6 Zones, a driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process. Also applicable are the provisions of Section 17.116.
18. In the D-CE-5 and D-CE-6 Zones, a clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation. See the “Design Guidelines for the Central Estuary”, Section 3.4, 3.7 and 5.

B. Setbacks for Smaller Lots. Table 17.101E.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 17.101E.04 Setbacks for Smaller Lots		
Regulation	Lot Size	
	≤ 3,000 sf or ≤ 35 feet wide	Additional Regulations
Minimum Setbacks		
Minimum interior side	3 ft	1
Minimum street side	3 ft	1
Rear	10 ft	1

Additional Regulations for Table 17.101E.04:

1. See Section 17.108.130 for allowed projections into setbacks.

17.101E.060 Permitted Frontage Types

A. Applicability.

The frontage types described below are only applicable to the Central Estuary zones.

B. Definitions. (See the “Design Guidelines for the Central Estuary”, Section 4.1)

The following definitions apply to this chapter only:

1. **Public Frontage** - The Public Frontage type accommodates very public uses, where interaction with the street and open spaces is desirable and welcomed, requiring little or no transition between the two. The Public Frontage is fully open to the street with large amounts of glazing. Windows may go from ground floor to ceiling and may be operable to promote a close indoor/outdoor relationship. Entries and windows are frequent, creating an inviting visual and physical connection with activity along the street. This frontage type is often associated with shopfronts and dining establishments. Live/Work facilities where retail shopfronts are a component may also be associated with this frontage type.
2. **Semi-Public Frontage** - The Semi-Public Frontage is defined by a moderate amount of permeability. This frontage type requires some transition from the public realm, which may be in the form of a landscaped setback, vertical separation or less transparency. This frontage type maintains a fair amount of glazing, though in a configuration that offers more privacy to interior uses that require some separation from the street, such as higher window sills, than the Public Frontage type. Building access may be less frequent than the Public Frontage or defined by a singular entry lobby and though generally still open and welcoming, may be somewhat more restricted than the Public Frontage. Entries may be characterized by porches, stoops, terraces, or lobbies. It is most often associated with employment uses, though it is flexible enough to accommodate Work/Live, warehousing, distribution and manufacturing, as it allows ample amounts of natural light balanced with a greater sense of privacy and buffer from street activity.
3. **Private Frontage** – This frontage requires the most privacy and buffering between interior uses and adjacent streets, the waterfront, public plazas, and open spaces. A transition zone is necessary to provide a clear distinction between public and private space. This frontage type is closely associated with residential and Live/Work facilities.
4. **Service Frontage** - Service Frontages are defined by large expanses of blank walls with few doors and windows, mostly broken by garage doors and truck bays. Building entries are minimal with few pedestrian amenities and are not elaborately detailed. This frontage is associated with warehousing, distribution, and sometimes manufacturing businesses. This frontage is also utilized by large-format, warehouse style retailers. This frontage is commonly found in the Central Estuary area, but should be avoided or used sparingly along public spaces.

C. Table 17.101E.05 below prescribes development standards specific to frontage types allowed.

The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. Intent, guidance and application of building Frontage Types can be found in the D-CE Design Guidelines for the Central Estuary.

Table 17.101E.05: Frontage Type Standards See Design Guidelines 4.1.					
	Blank Wall (maximum length in feet)		Transparency min. glazed area (percent of building façade)	Access (spacing in feet or per unit)	Additional Regulations
	Primary lot frontage	Secondary lot frontage			
Public Frontage	10 ft.	15 ft.	50%	50 ft. max.	1, 2
Semi-Public Frontage	20 ft.	20 ft.	40%	75 ft. max.	1, 2
Private Frontage	25 ft.	25 ft.	N/A	Min. 1 per unit or lobby	1, 2
Service Frontage	35 ft.	35 ft.	N/A	Min. 1 per primary lot frontage	1, 2, 3

Additional Regulations for Table 17.101E.05:

1. Minimum glazed area is measured between 2' - 0" and 9' - 0" above adjacent interior finished floor elevation.
2. Glazed garage doors and entry doors, transom windows and display windows may be counted toward minimum glazed area.
3. Not required to be interrupted by windows and doors, but shall incorporate other blank wall elements as described in the Façade Articulation (Section 4.7) and Building Frontage Types (Section 4.1) in the “Design Guidelines for the Central Estuary”.

17.101E.070 Special Regulations for Work/Live Units.

A. Applicability.

1. Work/Live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow industrial activities in work/live units in the industrial zones.
2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. D-CE-3 and D-CE-4 Zones. A Work/Live unit in the D-CE-3 and D-CE-4 zones must meet all applicable regulations contained in this section. The D-CE-3 and D-CE-4 zones regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.
4. D-CE-5 Zone. A Work/Live unit in the D-CE-5 zone must meet all applicable regulations contained in this section. The D-CE-5 zones regulations in this section supersede regulations

contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters for work/live units.

5. D-CE-1, D-CE-2, and D-CE-6 Zones. Work/Live units are not allowed in the D-CE-1, D-CE-2, or D-CE-6 zones.

B. Definition.

The following definitions apply to this chapter only:

1. For purposes of Work/Live conversion, an “existing building” must be at least ten (10) years old and originally designed for industrial or commercial occupancy.
2. “Residential floor area” shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
3. “Nonresidential floor area” shall include floor areas designated for working.

C. Regular design review required. Establishment of a Work/Live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily Work/Live units in the industrial zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
2. That units on the ground floor level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing roll-up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
4. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators,
 - d. Wide corridors for the movement of oversized items; and
 - e. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees and other business visitors.

D. **Table 17.101E.06 below prescribes special regulations for Work/Live units.** The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

- “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).
- “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.
- “N/A” designates the regulation is not applicable to that zone.

Table 17.101E.06 Special Regulations for Work/Live Units							
Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Activities Allowed							
Work/Live - new construction	--	--	P	P	--	--	
Work/Live - conversion of existing building	--	--	P	P	C	--	1
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	N/A	
Minimum Size of Work/Live Unit	N/A	N/A	800 sf	800 sf	800 sf	N/A	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
Work/Live Unit Type Permitted See Table 17.101E.06 for definitions of the different types of Work/Live units.							
Type 1	--	--	P	P	C	--	3
Type 2	--	--	P	P	--	--	3
Minimum Usable Open Space - See also Design Guidelines for the Central Estuary Section 3.10.							
Group Usable Open Space per Work/Live unit	N/A	N/A	75 sf	75 sf	N/A	N/A	4
Parking and Loading Requirements - See also Design Guidelines for the Central Estuary Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live unit	N/A	N/A	1	1	N/A	N/A	5
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Required Bicycle Parking with Private Garage							
Short-term space per 20 Work/Live units	N/A	N/A	1	1	N/A	N/A	6
Minimum short-term spaces	N/A	N/A	2	2	N/A	N/A	6
Required Bicycle Parking without Private Garage							
Short-term space per 20 Work/ Live units and long-term space per 4 units	N/A	N/A	1	1	N/A	N/A	6

Table 17.101E.06 Special Regulations for Work/Live Units							
Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum short-term spaces and minimum long-term spaces	N/A	N/A	2	2	N/A	N/A	6
Required Loading - See also Design Guidelines for the Central Estuary Section 3.6							
< 25,000 sf	N/A	N/A	No berth	No berth	N/A	N/A	7
25,000 – 69,999 sf	N/A	N/A	1 berth	1 berth	N/A	N/A	7
70,000 – 130,000 sf	N/A	N/A	2 berths	2 berths	N/A	N/A	7
Each additional 200,000 sf	N/A	N/A	1 more berth	1 more berth	N/A	N/A	7
Public Entrance to Nonresidential Floor Area	N/A	N/A	Yes	Yes	Yes	N/A	8

Additional Regulations for Table 17.101E.06:

1. Use Permit Criteria. A conditional use permit for a work/live unit 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 use permit criteria:
 - a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
 - b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.
2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. See Table 17.101E.06 for definitions of the different types of Work/Live units.
4. Open space standards apply to new construction only. For conversion of existing buildings, maintaining existing open space is required to at least these minimum standards. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non ground-level areas. Further, each square foot of private useable open space equals two square feet towards the total usable open space requirement.
5. Parking standards apply to new construction only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.
6. See Chapter 17.117 for other bicycle parking requirements.
7. See Chapter 17.116 for other loading standards.
8. Each D-CE-3 and D-CE-4 Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

E. Table 17.101E.07 below describes the different types of Work/Live units. Each new Work/Live unit shall qualify as at least one of the following Unit Types:

Table 17.101E.07 Definitions of the Different Types of Work/Live Units				
Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area	Additional Regulations
Type 1	One-third	All remaining floor area to be used for the primary non-residential activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall.(see Note 2, below, for an exception for kitchens)	1, 2
Type 2	50 percent	1. At least 75%of the ground floor must be dedicated to nonresidential floor area; and 2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall. (see Note 2, below, for an exception for kitchens).	1, 2, 3

Additional Regulations for Table 17.101E.07:

1. All required plans for the creation of Work/Live units shall: (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities, and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities. See 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.
2. For Work/Live in D-CE-3 and D-CE-4 zones, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these kitchens not separated by an interior wall, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed.
3. Each D-CE-3 and D-CE-4 Work/Live unit shall contain no more than one fully equipped kitchen. A D-CE-3 and D-CE-4 Work/Live unit may contain a second sink and counter to serve the nonresidential floor area.

F. Additional Regulations for all Work/Live units

1. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
2. For any Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
 - a. The Work/Live unit is in a nonresidential facility that allows commercial and/or industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 - b. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

3. Each building with a Work/Live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."
4. The development of Work/Live units in the industrial zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

A. Applicability.

1. Live/Work units are residential facilities and shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's Condominium Conversion Ordinance, Chapter 16.36. The same requirements contained in the City's Condominium Conversion Ordinance that relate to residential units shall apply to Live/Work units.
2. D-CE-3 and D-CE-4. A Live/Work unit in the D-CE-3 and D-CE-4 zones must meet all applicable regulations contained in this section. Regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.
3. D-CE-1, D-CE-2, D-CE-5, and D-CE-6. Live/work units are not allowed in the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 zones.

B. Definition.

The following definitions apply to this chapter only: For purposes of Live/Work conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.

1. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
2. "Nonresidential floor area" shall include floor areas designated for working.

C. New Floor Area. (applies only to Live/Work conversions of existing buildings). New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Live/Work area, except to allow dormers not exceeding the existing roof height and occupying no more than ten (10) percent of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens or other facilities listed in Section 17.108.130.

D. Regular Design Review Required. Regular design review approval for D-CE-3 and D-CE-4 Live/Work units 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 17.136 and to all of the following additional criteria:

1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

E. Table 17.101E.08 below prescribes special regulations for Live/Work units. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

- “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).
- “-” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.
- “N/A” designates the regulation is not applicable to that zone.

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones			
	Zones		
Development Standards	D-CE-3	D-CE-4	Additional Regulations
Activities Allowed	Same permitted and conditionally permitted activities as described in Section 17.101E.030 and any that would qualify as a home occupation in a residential facility (see Section 17.101E.100)	Same permitted and conditionally permitted activities as described in Section 17.101E.030 and any that would qualify as a home occupation in a residential facility (see Section 17.101E.100)	
Maximum Residential Density	Same as Table 17.101E.03	Same as Table 17.101E.03	1
Minimum Usable Open Space See Design Guidelines Section 3.10.	Same as Table 17.101E.03	Same as Table 17.101E.03	
Parking and Loading Requirements See also Design Guidelines for the Central Estuary Sections 3.2, 3.5, 3.6 and 3.8.			
Minimum parking spaces required per work/live unit	1	1	2
Required Bicycle Parking with Private Garage			
Short-term space per 20 Live/Work units	1	1	3
Minimum short-term spaces	2	2	3
Required Bicycle Parking without Private Garage			
Short-term space per 20 Live/Work units and long-term space per 4 units	1	1	3
Minimum short-term spaces and minimum long-term spaces	2	2	3
Required Loading See also Design Guidelines for the Central Estuary Section 3.6			
< 50,000 sf	No berth	No berth	4

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones			
	Zones		
Development Standards	D-CE-3	D-CE-4	Additional Regulations
50,000 – 149,999 sf	1 berth	1 berth	4
1500,000 – 299,000 sf	2 berths	2 berths	4
Each additional 300,000 sf	1 more berth	1 more berth	4

Additional Regulations for Table 17.101E.08:

1. Live/Work units are residential facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.
2. See Chapter 17.116 for other off-street parking and loading standards.
3. See Chapter 17.117 for other bicycle parking requirements.
4. See Chapter 17.116 for other loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

F. Additional Regulations for Live/Work units

1. The amount of floor area in a D-CE-3 and D-CE-4 Live/Work unit designated as residential floor area is not restricted.
2. Any building permit plans for the construction of D-CE-3 and D-CE-4 Live/Work units shall: (1) clearly state that the proposal includes Live/Work facilities, and (2) label the units intended to be Live/Work units. This requirement is to assure the City applies building codes appropriate for a Live/Work facility.
3. For any Live/Work unit in a D-CE-3 and D-CE-4 zone, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
4. Each building with a Live/Work unit in the D-CE-3 and D-CE-4 zone shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: “This development contains Live/Work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing.”

17.101E.090 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 D-CE-3 and D-CE-4 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 D-CE-3 and D-CE-4 zones, and certain of the other regulations applying in said zone may be waived or modified.

17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone

- A. **Purpose and Applicability.** The special home occupation regulations described below shall only apply in the D-CE-3 zone. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the D-CE-3 zone when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in the Jingtowntown/Elmwood neighborhood, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained. For home occupation regulations in all other zones, see Planning Code Chapter 17.112.

B. **Definitions.**

1. A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the lot as the living unit, or, for crop growing activities, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, crop growing activities (unless the activities include mechanized farming equipment), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this Chapter.
2. For the purpose of this chapter, a "crop growing activity" is the cultivation of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants for sale.

C. **Exclusions.**

The following activities shall not in any case qualify as home occupations:

1. Introductory service;
2. Teaching of organized classes totaling more than six (6) persons at a time;
3. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;
4. Operation of a beauty parlor with more than two (2) hairdrying machines;
5. Maintenance of a construction contractor's storage or construction yard or garage;
6. Care, treatment, or boarding of animals for profit;
7. Crop growing activities that include the use of mechanized farm equipment.

D. **Requirements.**

1. **Location.** A home occupation shall only be performed in the following locations:
 - a. Within a living unit by a resident thereof;
 - b. Within an attached or detached garage or accessory structure reserved for a living unit; however, existing parking must be maintained or replacement parking provided.

- c. For crop growing activities only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment.
 - 2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
 - 3. Nonresident Employees. One nonresident employee is permitted. For the purpose of this chapter, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One “nonresident employee” does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time. Only one nonresident employee is permitted per residential unit, even if more than one home occupation business operates at the subject unit. .
 - 4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
 - 5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
 - 6. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
 - 7. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
 - 8. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
 - 9. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional city permits, including but not limited to, a building permit for updated building facilities.
- E. **Application.** For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City’s Basic Application for Development Review for the floor plan and site plan requirements; See also the City’s Supplemental Questionnaire for Proposed Activities/Uses.

F. **Required approval.**

No home occupation in the D-CE-3 zone shall be permitted unless the Director of City Planning certifies that it will conform to the special home occupation regulations contained in this Section. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

17.101E.110 Special Parking Regulations for the D-CE Zones

For the purposes of this chapter only, the following regulations apply to the Boat and Marine Related Sales, Rental, Repair and Servicing Activity. Auto parking regulations for other activity types are contained in Chapter 17.116 Off-Street Parking and Loading Requirements. Bicycle parking regulations for other activity types are contained in Chapter 17.117 Bicycle Parking Requirements.

A. Off-street parking—Commercial Activities.

The following amounts of off-street parking are required for the specified Commercial Activity when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of Planning Code Chapter 17.116 Off-Street Parking and Loading Requirements.

Commercial Activity Type	Zone	Minimum Total Size for Which Parking Required	Requirement
Boat and Marine Related Sales, Rental, Repair and Servicing	D-CE-1 and D-CE-6	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

B. Required bicycle parking—Commercial activities.

Subject to the calculation rules set forth in Chapter 17.117 Bicycle Parking Requirements Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activity and shall be developed and maintained pursuant to the provisions of Article II of chapter 17.117.

Commercial Activity Type	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Boat and Marine Related Sales, Rental, Repair and Servicing	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.

17.101E.112 Other Zoning Provisions

The following table contains referrals to other regulations that may apply:

- A. 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 D-CE zones.
- B. 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.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.112.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CE 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 D-CE 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.
- G. Noise, odor, smoke. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CE zones.

- H. Microwave dishes and energy production facilities regulations in Chapter 17.102.140 shall apply in the D-CE zones.
- I. Electroplating activities. Special regulations applying to electroplating activities in Chapter 17.102.340, shall apply in the D-CE zones.
- J. S-19 Health and Safety Protection Overlay Zone.

JPW

Exhibit A-2

Non-Substantive, Technical Conforming Edits to the Oakland Planning Code – deletions are shown in strikethrough, additions are shown in underline.

Chapter 17.33 - CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

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	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.102.360
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	—	—	—	—	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.102.335
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C	
Telecommunications Facilities					
Micro Telecommunications	P(L5)	P(L5)	P(L5)	P(L5)	17.128
Mini Telecommunications	P(L5)	P(L5)	P(L5)	P(L5)	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
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 Open Nonresidential Facilities to accommodate either seasonal sales or and-special event activities.

L5. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L6.L5. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential-~~or~~₁ HBX zones, or D-CE-3 or D-CE-4 zones.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.35 - CC COMMUNITY COMMERCIAL ZONES REGULATIONS

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 Cafe	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
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 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. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L5.L4. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential_ or HBX zones, or D-CE-3 and D-CE-4 zones.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.37 - CR REGIONAL COMMERCIAL ZONES REGULATIONS

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	Zone	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 Cafe	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, or D-CE-3 and D-CE-4 zones.

Chapter 17.100A - S-19 HEALTH AND SAFETY PROTECTION COMBINING ZONE REGULATIONS

17.100A.030 - Zones with which the S-19 may be combined.

A. The standards of this combining zone shall apply to the following zoning districts:

1. Housing and Business Mix (HBX) zones;
2. D-CE-3 and D-CE-4 (Central Estuary District) zones;
- ~~23.~~ CIX-1 (Commercial Industrial Mix-1) zone;
- ~~34.~~ CIX-2 (Commercial Industrial Mix-2) and IG (General Industrial) and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

17.104.020 - General limitations on signs— RU-4 and RU-5 zones, and all Commercial and Industrial zones.

The following limitations shall apply to the specified signs in the RU-4 and RU-5 zones and all Commercial and Industrial zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations and development control maps:

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136
- B. Permitted Aggregate Sign Area.
 1. In the RU-4 and RU-5 zones and all Commercial zones, 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 two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and to the small project design review procedure in Chapter 17.136
 2. In all Industrial zones, 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 three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below.
 3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

- a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136
 - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070
- C. Maximum Height.
- 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
 - 2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX-1, CIX-2, IG, ~~and IO~~, and D-CE zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 zones and all other Commercial and Industrial zones is ten (10) feet.

Chapter 17.108 - GENERAL HEIGHT, YARD, AND COURT REGULATIONS

17.108.020 - Different maximum height in certain situations.

General Height for Civic Facilities with Increased Yards. On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, M-20, S-15, ~~and OS~~, and D-CE zones that have a height limit of less than seventy-five (75) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this subsection may be exceeded by the projections allowed by Section 17.108.030

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 6, 1996; prior planning code § 7071)

Chapter 17.110 - BUFFERING REGULATIONS

17.110.040 - Special buffering requirements.

- A. Open Storage Areas on Same Lot as Residential Facility—Screening Required Within Three Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.
- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3, and S-15 zones. In the CN, CR-1, M-20, D-CE-3, and S-15 zones, open parking, loading, and storage areas

shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

- C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.
- D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 11892 § 10, 1996; prior planning code § 7115)

Chapter 17.112 - HOME OCCUPATION REGULATIONS

Sections:

17.112.010 - Title, purpose, and applicability.

17.112.020 - Definitions.

17.112.030 - Exclusions.

17.112.040 - Requirements.

17.112.050 - Required approval.

17.112.010 - Title, purpose, and applicability.

The provisions of this Chapter shall be known as the home occupation regulations. The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to Residential Activities. Except as may otherwise be specified in Chapter 17.101E for the D-CE zones, these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such nonresidential activities would not be allowed if they were not incidental to Residential Activities. See Chapter 17.101E Central Estuary District Zones Regulations for home occupation regulations specific to the D-CE Central Estuary District zones.

(Prior planning code § 7300)

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.010 - Title, purpose, and applicability.

The provisions of this chapter shall be known as the off-street parking and loading requirements. The purpose of these regulations is to require adequate off-street parking and loading, thereby reducing traffic

congestion, allowing more efficient utilization of on-street parking, promoting more efficient loading operations, and reducing the use of public streets for loading purposes. Except as may otherwise be specified in Chapter 17.101E for the D-CE zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for parking regulations specific to Boat and Marine Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District zones.

Chapter 17.117 - BICYCLE PARKING REQUIREMENTS

17.117.010 - Title, purpose, and applicability.

The provisions of this chapter shall be known as the bicycle parking requirements. The purpose of these regulations is to require secure and adequate long term and short term parking for bicycles, thereby promoting alternative transportation, providing additional, more sustainable transportation choices for residents and commuters, and reducing traffic congestion and air pollution. Except as may otherwise be specified in Chapter 17.101E for the D-CE zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for bicycle parking regulations specific to Boat and Marine Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District zones.

Chapter 17.120 - PERFORMANCE STANDARDS

17.120.050 - Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsection A, B, or C as modified where applicable by the adjustments indicated in subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

- A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any residential zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

- B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any commercial zone (including the Housing and Business Mix (HBX) zone and the Central Estuary District D-CE-3 and D-CE-4 zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

- C. Manufacturing, Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any industrial, manufacturing or mining and quarrying zone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

- D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.
- E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.
- F. Noise Measurement Procedures. Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four (4) to five (5) feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any residential, commercial, or industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.04
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA**

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.

H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.

(Ord. 12875 § 2(part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 11895 § 7, 1996: prior planning code § 7710)

17.120.060 - Vibration.

All activities, except those located within the IG or M-40 zone, the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 zone, or in the IG or M-30 zone more than four hundred (400) feet from any residential zone boundary, shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

(Ord. 12875 § 2(part), 2008; Ord. 11895 § 8, 1996: prior planning code § 7711)

17.120.070 - Smoke.

All Commercial and Industrial Activities located in the zone, or in any HBX, D-CE or CIX zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2(part), 2008; prior planning code § 7712)

17.120.080 - Particulate matter and air contaminants.

All Commercial, Manufacturing and Industrial Activities which are located in a residential zone or the M-20, S-3, ~~or CIX₁ zone, or any HBX₁ zone, D-CE-3, or D-CE-4 zone,~~ or which are located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, CIX-2, IG₁ or IO zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2(part), 2008; prior planning code § 7713)

17.120.090 - Odor.

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination described in Table 17.120.05. Table 17.120.05 establishes the maximum allowable receiving noise level standards.

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any residential zone, M-20, S-3, the HBX zones, <u>D-CE 3, D-CE-4, or CIX-1 zone.</u>	At or beyond any lot line of the lot containing the activities.
<u>D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.</u>	At or beyond any boundary of a residential zone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2(part), 2008; prior planning code § 7714)

17.120.110 - Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Manufacturing Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare

Zone in Which Activities are Located	Point of Determination
Any residential zone, M-20, S-3, HBX zones, <u>D-CE 3, D-CE-4, or CIX-1 zone.</u>	At or beyond any lot line of the lot containing the activities.
<u>D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.</u>	At or beyond any boundary of a residential zone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2(part), 2008; prior planning code § 7715)

17.120.120 - Electrical disturbance.

All Commercial, Industrial and Manufacturing Activities located in a residential zone or the M-20, S-3, ~~or HBX, D-CE-3, D-CE-4, or CIX-1 zone~~, or located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, CIX-2, IG or M-30 or M-40 zone and within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2(part), 2008; prior planning code § 7716)

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

17.128.025 - 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, ~~or HBX zone, or D-CE-3 or D-CE-4 zone~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134
- B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of, any residential zone, ~~or HBX zone, or D-CE-3 or D-CE-4 zone~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134
- C. 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 RH-1 through RU-1 inclusive, ~~or any HBX zone, or D-CE-3 or D-CE-4 zone~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011)

17.128.060 - Mini Facilities.

- A. General Development Standards for Mini Facilities.
 - 1. The Mini Facilities shall be located on existing buildings, poles or other existing support structures.
 - 2. The equipment cabinet(s) must be concealed from public view or placed underground. The cabinet must be regularly maintained.
 - 3. Mini Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roof line or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - 4. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
- B. Design Review Criteria for Mini Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
 - 1. Antennas should be painted and/or textured to match the existing structure.
 - 2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 4. Equipment cabinets shall be concealed from view or placed underground.
 5. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
 6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from facade) for equipment setback unless an alternative placement would reduce visual impact; treat or screen the antennas to match existing air conditioning units, stairs, elevator towers, or other background; avoid placing roof mounted antennas in direct line with significant view corridors.
- C. Conditional Use Permit Criteria for Mini Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must meet the special design review criteria listed in subsection B of this section.
 2. The proposed project must not disrupt the overall community character.
 3. In the residential RH, RD, RM, RU-1, or RU-2 zones, ~~and in HBX zones,~~ and in the D-CE-3 and D-CE-4 zones, the project must not have any visual impact.
- (Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12768 § 3 (part), 2006; Ord. 12272 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8506)

17.128.080 - Monopoles.

A. General Development Standards for Monopoles.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.
2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
3. When a monopole is in a residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
4. In all zones other than the D-CE-5, D-CE-6, IG, CIX-1, CIX-2, and IO zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
5. In the D-CE-5, D-CE-6, CIX-1, CIX-2, and IO zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
6. In the IG zone, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may reach a height of forty-five (45) feet. These facilities may reach a height of

eighty (80) feet upon the granting of Regular Design Review approval (see Chapter 17.136 for the Design Review Procedure).

7. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
8. Antennas may not extend more than fifteen (15) feet above their supporting structure.

17.128.110 - Site location preferences.

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-residential zones (excluding all HBX zones and the D-CE-3 and D-CE-4 zones).
- D. Existing commercial or industrial structures in residential zones, ~~or~~ HBX zones, or the D-CE-3 or D-CE-4 zones.
- E. Other non-residential uses in residential zones, ~~or~~ HBX zones, or the D-CE-3 or D-CE-4 zones.
- F. Residential uses in non-residential zones (excluding all HBX zones and the D-CE-3 and D-CE-4 zones).
- G. Residential uses in residential zones, ~~or~~ HBX zones, or the D-CE-3 or D-CE-4 zones.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

- a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three sites in each preference order exist, the three such closest to the proposed location shall be required.
- b. Written evidence indicating why each such identified alternative can not be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12768, § 3 (part), 2006)

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

17.134.020 - Definition of major and minor conditional use permits.

- A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:
 3. Special Situations. Any project that involves any of the following situations:
 - i. Any Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, ~~or~~ HBX zone, or the D-CE-3 or D-CE-4 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, ~~or any HBX zone,~~ or the D-CE-3 or D-CE-4 zone.

17.136.030 - Small project design review.

C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040.

1. Track One Procedure—Small Project Design Review Proposals Not Involving a Local Register Property; or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection (C)(3):

- a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.
- b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
- c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:

- a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are 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. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX, D-CE-3, or D-CE-4 zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Section 17.136.030(C)(3).

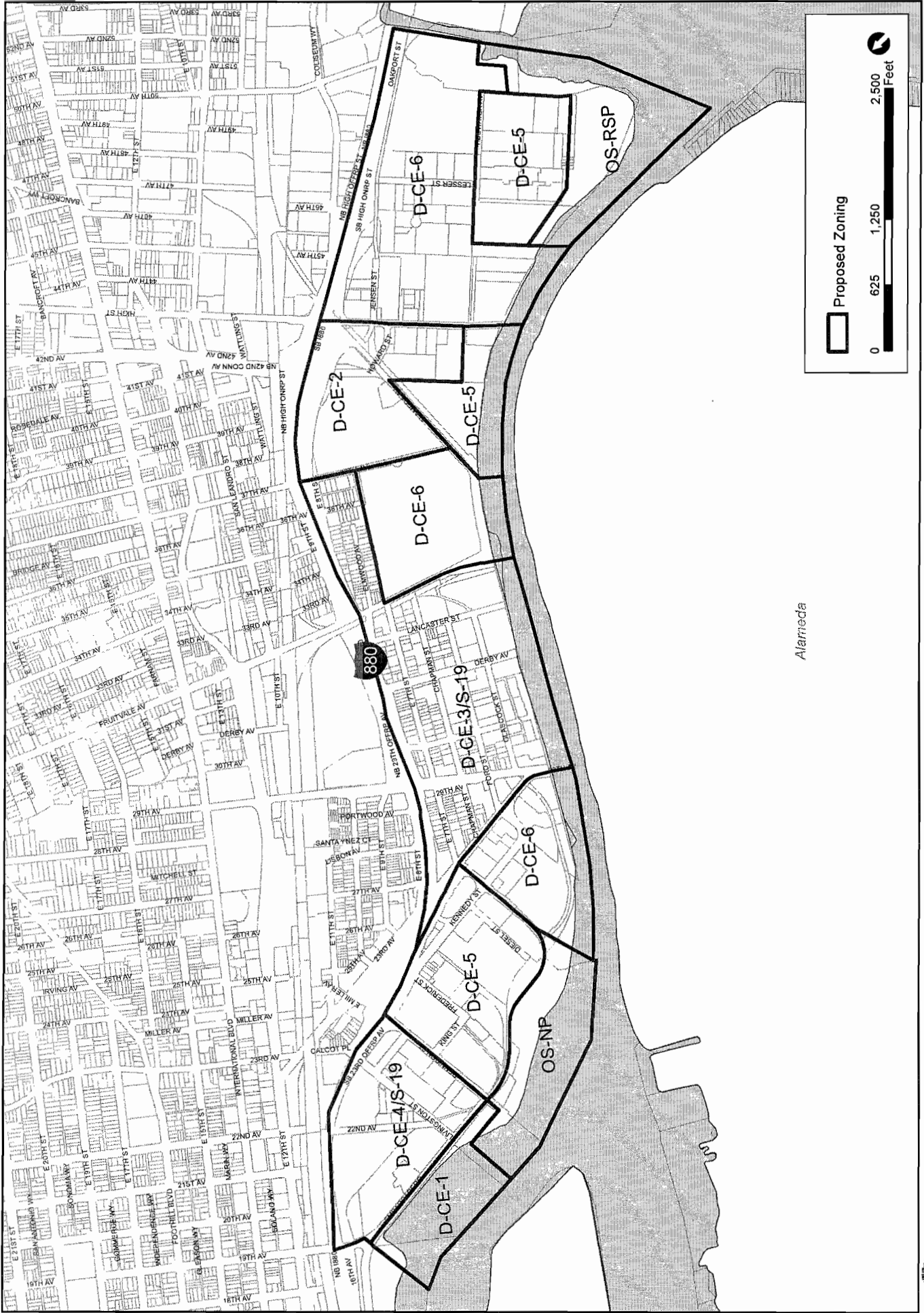
17.136.040 - Regular design review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Projects requiring regular design review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;

2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. New construction of one or two dwelling units, other than a secondary unit;
4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;
5. New construction of principal facilities in the HBX or D-CE zones;
6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;
9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B);
11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.

Exhibit B



Alameda



CENTRAL ESTUARY AREA PLAN

Proposed Zoning

City of Oakland, Department of Planning and Building

MFW

NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO CREATE THE CENTRAL ESTUARY DISTRICT ZONING REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS AND THE OAKLAND ZONING MAP

This ordinance provides new zoning regulations and zoning maps for the Central Estuary area of the City in support of the Central Estuary Area Plan (CEAP). The CEAP is a collection of policies and objectives, desired future land use conditions and transportation recommendations for the Central Estuary Area which is bounded by 19th Avenue to the north, 54th Avenue to the south, I-880 to the east and the Bay to the west. Aside from the zoning regulations and maps, the CEAP also includes Estuary Policy Plan (General Plan) Amendments (text and map edits) and Design Guidelines.