

CITY OF OAKLAND

AGENDA REPORT

2011 AUG 29 PM 1:59

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Community and Economic Development Agency
DATE: September 13, 2011

RE: Report and Ordinance, recommended by the Planning Commission, to: 1) Update References, Reduce Redundancy, and Clarify Language in Various Chapters of the Planning Code; 2) Conditionally Permit Mini- and Micro-Telecommunications Facilities in Residential Areas of the Central Business District; 3) Amend Chapter 17.112 of the Planning Code to Allow Crop Growing as a Home Occupation; 4) Adjust the Sign Regulations in the RU-4 and RU-5 Zones to be Consistent with Other Zones on the City's Major Transportation Corridors; 5) Create an Interim Combining Zone for the Core of the Chinatown Commercial Area That Would Broaden the Range of Allowed Ground Floor Uses; and 6) Improve Consistency Among Chapters and the Maps, Including Making the Zoning Ordinance Text Consistent with the Adopted Height Map for the Area Near Valdez, Harrison and 27th Streets

SUMMARY

The proposed zoning text and map amendments are largely non-substantive and are intended to improve consistency, reduce redundancy and simplify language. Some minor changes include conditionally permitting mini- and micro-telecommunications facilities in residential areas of the Central Business District (these facilities are currently outright permitted) and making the zoning ordinance text consistent with the adopted height map for the area near Valdez, Harrison and 27th Streets. Staff is also proposing three more substantive changes: 1) expanding home occupation to allow non-mechanized crop growing; 2) adjusting sign regulations in the RU-4 and RU-5 zones to allow businesses in these zones to have signage consistent with other businesses along major corridors; and 3) creating an interim combining zone for the Chinatown commercial area that would broaden the range of allowed ground floor uses pending completion of the Lake Merritt Station Area planning process.

FISCAL IMPACT

The proposed amendments will have no direct fiscal impact on the City. No additional staffing will be necessary to implement these amendments. No additional costs are expected to be incurred.

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BACKGROUND

Page 170 of the City of Oakland Land Use and Transportation Element of the General Plan contains policy direction calling for a simple, user-friendly and easy-to-interpret Planning Code. To comply with that directive, staff has prepared proposed zoning text and map amendments that are largely focused on improving consistency, reducing redundancies, and simplifying language of key chapters of the Planning Code. On June 15, 2011, the Planning Commission voted to recommend that the City Council approve the proposal (see *Attachment A* for the Planning Commission Staff Report). One part of the proposal has been removed since the June 15th Planning Commission meeting. This change concerned updating the area permitted for vehicular food vending as described under Section 8.09.030 of the Municipal Code. Staff decided it was more appropriate to consider this item as part of the current effort to review, revise and update zoning regulations related to mobile food vending.

KEY ISSUES AND IMPACTS

Although most of the proposed amendments are non-substantive or minor changes, there are three more substantive changes. These more substantive changes address Chinatown interim zoning, business signs in major corridors, and crop-raising as a home occupation.

Chinatown Interim Zoning

In August 2009, the City Council adopted new zoning regulations for the City's Central Business District, including the Chinatown commercial area. The core of the Chinatown commercial area was zoned Central Business District – Pedestrian (CBD-P). CBD-P regulations, applied in various locations within the Central Business District, restrict the types of uses allowed to locate on the ground floor to those that will create significant pedestrian traffic in order to support and continue an existing pattern of commercial uses.

Since that time, the City, in partnership with BART and Peralta Community College District, have come together to prepare a Specific Plan for the area around the Lake Merritt BART Station that includes the Chinatown commercial area. As part of that planning process, City staff have held large community workshops, as well as focused meetings with stakeholders, such as community-based organizations, large institutions, merchants and property owners in Chinatown. During these interviews, City staff was alerted to the fact that the CBD-P zoning does not permit commercial uses that had been traditionally allowed to locate on the ground floors in the commercial area of Chinatown, such as acupuncturists or lawyers. Furthermore, property owners have expressed concerns that the more restrictive zoning that went into effect in 2009, has caused some commercial spaces to remain vacant.

In order to address these concerns, the City is proposing an interim CH Chinatown Commercial Combining Zone that would allow for expanded commercial uses, particularly on ground floors,

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in the core of the Chinatown commercial area. When the base zone is combined with the CH combining zone, the permitted uses in the CH combining zone would supersede those of the base zone. *Attachment B* provides a summary of the changes to permitted land use and *Exhibit B of the Ordinance* shows the location of the proposed combining zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries as part of a Specific Plan. Therefore, staff advises that these regulations remain in place and be effective for two years from effective date of the proposed ordinance, or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first. (See Changes #19 and #20 in *Attachment C* for the exact Code language).

One potential issue associated with allowing a greater variety of ground floor uses is that those additional uses, such as an acupuncturist, dentist, or administrative offices would not create as much foot traffic as the uses that are currently allowed, such as a grocery or shoe store. Chinatown property owners, however, have pointed out that a use that creates little foot traffic is preferred over a vacant space.

Business Signs in Major Corridors

The RU-4 and RU-5 zones apply to the City's major corridors. Although businesses are allowed in RU-4 and RU-5 zones, they are not currently permitted to have signage comparable to that of businesses in other zones along the corridors. Staff proposes changes to these sections that allow commercial signage that is consistent with other corridor zones such as the CN and CC zones (see Changes #24 and #25 in *Attachment C*).

Home Occupations and Crop Raising

Currently, home occupation regulations allow businesses to manufacture products from their home if it does not create a nuisance and is done *within* a living unit, among other restrictions. The indoor requirement disallows the growing of most crops (i.e. fruits, vegetables, plants, flowers, herbs, and ornamental plants) as part of a home occupation. Staff's proposed changes would make an exception to the indoor rule for the growing of crops. The proposal would only allow non-mechanized farming to prevent impacts on neighboring properties. This change would regulate the selling of crops from the home in the same manner as other products are regulated. Regulations regarding animal-raising as a home occupation *are not* part of this proposal because of the possibility that the activity could create an impact on neighboring properties in terms of odor and noise. Instead, staff will develop animal raising regulations as part of the comprehensive update of the City's urban agriculture requirements (see Changes #28, #29 and #30 in *Attachment C*).

PROJECT DESCRIPTION

The proposed changes to the zoning text and map fall into three basic categories:

- I. Non-substantive Changes
- II. Minor-substantive Changes
- III. Substantive Changes

Non-substantive changes include reformatting, reorganizing and improving the consistency of the Planning Code. Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the Planning Code. Finally, staff proposes a few more substantive changes to improve standards in the Planning Code. The content of these proposed changes is summarized in the following report. Please see *Attachment C* for the proposed zoning text amendments.

I. NON-SUBSTANTIVE CHANGES

The following section summarizes the proposed non-substantive changes to the Planning Code.

- **17.07 Title, Purpose and Scope of the Zoning Regulations**

- Section 17.07.020 Title of zoning regulations.

This amendment would correct a reference to the final Chapter in the Planning Code from 17.154 to 17.158. Although the Planning Code ends with Chapter 17.158, this Chapter currently lists the last Chapter as Chapter 17.154 (see Change #1 in *Attachment C*).

- **Existing Nonresidential Facilities Language (Various Sections)**

Staff proposes to change the text to clarify that the recently adopted RU and RM zones allow commercial activities in existing nonresidential facilities. Currently, the language in these chapters reads “These activities may only be located *on the* ground floor of *an existing* Nonresidential Facility that was both built prior the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity.” The proposed amendment would change that phrase to read as follows: “These activities may only be located *in an existing* ground floor of a Nonresidential Facility that was both built prior the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity” (see Changes #3, #5 and #9 in *Attachment C*).

- **17.17 RM Mixed Housing Type Residential Zones Regulations**

- Section 17.17.040 Permitted and Conditionally Permitted Facilities

This section contains a table with the facility regulations for the RM zones and the “C” overlay zone. The activity regulations for the C overlay zone are intended to supersede those

of an underlying RM zone. Currently, the cell determining whether two-family or multi-family dwellings are permitted facilities in the C overlay zone reads “N/A” for not-applicable. The intent was that these facilities are regulated as indicated in the underlying zone. Staff updated the chart to assure this interpretation (see Change #7 in *Attachment C*).

- **Chapters 17.32, 17.34 and 17.36**

The titles of the CN, CC, and CR zones state that they are in Chapters 17.32, 17.34, and 17.36, respectively. Staff has corrected these chapter numbers to be 17.33, 17.35, and 17.37, because they are consistent with the section numbers in these chapters. (See Changes #14 and #17 in *Attachment C*). The title of Section 17.37.070 has also been changed from 17.33.070 to be consistent with the numbering of the rest of the Chapter (see Change #34 in *Attachment C*). The index for the Planning Code has also been modified to reflect these changes (see Change #35 in *Attachment C*).

- **17.35 CC Community Commercial Zones Regulations**

Staff proposes to change minor typographical errors in Section 17.35.010 Title, Intent, and Description and Section 17.35.050 Property Development Standards – Limitations on Table 17.35.03. In Section 17.35.010, under Subsection B, entitled “Description of Zones,” the language describes Chapter 17.35 as referring to *four* zones, when it in fact, refers to three (i.e., CC-1, CC-2 and CC-3). In Section 17.35.050, the text refers the reader to Note 10, but the corresponding Note is actually Note 11 (see Changes #15 and #16 in *Attachment C*).

- **17.54 C-40 Community Thoroughfare Commercial Zone Regulations**

Section 17.54.090 Special regulations applying to certain Activities.

Staff proposes to change a minor labeling error in the subsections of Section 17.54.090. Currently, the subsections are labeled “A,” “B” and “D.” This would amend the subsection labels to read “A,” “B” and “C” (see Change #18 in *Attachment C*).

- **17.102 General Regulations Applicable to All or Several Zones**

Section 17.102.210 – Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or, electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

Staff proposes to remove this obsolete section. Currently, the section only contains a title and is not accompanied by a regulation (see Change #22 in *Attachment C*).

- **17.104 General Limitations on Signs**

Staff proposes to add minor language to improve clarity in both Section 17.104.020 – General limitations on signs—Commercials and industrial zones and Section 17.104.030 –

General limitations on signs—S-1, S-2, S-3 and S-15 zones, Under subsection B of both sections, the following additions (in underline) and deletions (~~in-strikeout~~) would be made:

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.~~

3. ~~Exception to Aggregate Sign Area Limits. 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, the following exceptions to the maximum aggregate sign area may be approved pursuant to the small-project-design-review-procedure in Chapter 17.136~~ 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.

These changes clarify the overall intent of the chapter by referring to the existing master sign program provision located later in the chapter (see Change #23 in *Attachment C*).

II. MINOR-SUBSTANTIVE CHANGES

Each proposed minor substantive change is briefly discussed below, all are from Title 17.

- **17.13 RH Hillside Residential Zones Regulations**
Section 17.13.050 Property Development Standards

In this section, one regulation is described as the “maximum height from finished or existing grade (whichever is greater).” The maximum height is intended to be whichever is *lower*. The proposed amendment would correct this typographical error (see Change #2 in *Attachment C*).

- **Effective Date (various sections)**

Several sections of the recently adopted zones contain regulations that refer to the effective date of the updated ordinance. The new zones list this effective date as April 15, 2011 but the effective date is actually April 14, 2011. Staff proposes to correct this effective date in the new zones (see Changes #4, #5, #6, #9 and #10 in *Attachment C*).

- **17.19 RU Urban Residential Zones Regulations**

Section 17.19.050 Property Development Standards

An area near Valdez, Harrison, and 27th Streets currently has a height limit of 120 feet and is in the RU-4 zone. However, the RU-4 zone does not contain regulations for this height area. The proposed change adds the regulations for the 120 foot height area into the RU-4 zone (see Change #11 in *Attachment C*).

- **17.30 R-80 High-Rise Apartment Residential Zone Regulations**

This chapter was inadvertently removed from the Code during the zoning update process. Staff proposes to re-insert the chapter because there is an area in the Estuary that is designated R-80 that requires land use regulation (see Change #12 in *Attachment C*).

- **17.32 R-90 Downtown Apartment Residential Zone Regulations**

The zoning update removed all R-90 zones from the zoning maps. Staff proposes to remove the text of the chapter from the Planning Code because there is no longer any area zoned R-90 in the City of Oakland (see Change #13 in *Attachment C*).

- **17.58 CBD Central Business District Zones Regulations**

17.58.050 – Permitted and conditionally permitted facilities

Currently, the CBD-R zone, a Downtown residential zone, permits Micro- and Mini-Telecommunication Facilities. No other residential zone in the City outright permits Micro- or Mini-Telecommunication Facilities. Staff proposes to conditionally permit these facilities in the CBD-R zone, consistent with other residential zones in the City (see Change #21 in *Attachment C*).

- **17.106 General Lot, Density, and Area Regulations**

17.106.010 – Lot area and width exceptions.

This section states that, through a Conditional Use Permit process, a developer can split a lot by placing a lot line between two existing principal buildings. The CUP allows the waiving of certain development standards such as lot size, frontage, setback, and open space. Staff proposes to add “minimum lot width” to the list of lot dimension requirements that can be waived because without this exception, the other exceptions are not practical. In particular, frontage cannot be reduced below the normally required standard without also reducing the allowed lot width. In the past, staff has interpreted that the intention of the code is to allow a waiving of all dimensional requirements, including lot width. This change would codify staff’s interpretation (see Change #27 in *Attachment C*).

- **17.116 Off-Street Parking and Loading Requirements**

- 17.116.080 Off-street parking—Commercial Activities.

- This section contains a table with commercial parking regulations. One of the regulations in the table is a threshold for when parking standards are required. Most commercial facilities require no parking if they cover less than 3,000 square feet of lot area. However, the current regulation does not stipulate the minimum facility size that triggers a parking requirement for General Food Sales and related commercial activities that occur in most commercial zones. Staff believes that this is a scrivener's error and should have the same 3,000 square foot threshold as the other listed zones. Staff proposes to make this correction. This change would exempt these activities from required parking if they are less than 3,000 square feet (see Change #31 in *Attachment C*).

- **17.136 Design Review Procedure**

- 17.136.050 – Regular design review criteria.

- This proposal deletes required findings for the demolition of historic properties in Section 17.136.050 because they were superseded by new regulations that were adopted on July 20, 2010. The updated regulations are in Section 17.136.075 of the Planning Code (see Change #32 in *Attachment C*).

- **17.140 Planned Unit Development Procedure**

- Section 17.140.080 – Permit criteria.

- This section lists criteria and findings for the approval of planned unit developments. The proposed amendment would correct omissions by inserting "design guidelines" as one of the items with which development must be consistent and inserting "Planning Commission" as one of the bodies with the authority to adopt design guidelines. This change is consistent with other design review criteria and findings in the code (see Change #33 in *Attachment C*).

III. SUBSTANTIVE CHANGES

The following proposed substantive changes are from Title 17 of the Planning Code. The headings refer to the Chapter title.

- **17.58 CBD Central Business District Zones Regulations**

- **Interim Zoning Regulations for Chinatown – Reduced Ground Floor Restrictions**

- This is a proposal for an interim CH Chinatown Commercial Combining Zone that would allow for expanded ground floor commercial uses in the core of the Chinatown commercial area. When the base zone is combined with the CH combining zone, the permitted uses in the CH combining zone would supersede those of the base zone. As part of this interim zone, staff is cleaning up a boundary of a neighboring open space zone to make it consistent with Section 17.154.030. This clean-up simply will adjust the zone boundary from the lot line (where it is currently) to the centerline of the public right of way (as is stipulated in the

Planning Code). **Attachment B** provides a summary of the changes to permitted land use in the interim combining zone and **Attachment C** shows the location of that zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries as part of a Specific Plan. Therefore, these regulations shall remain in place and be effective for two years from effective date of the proposed ordinance, or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first. Please see “Key Issues and Impacts” for further discussion of this issue (see Changes #19 and 20 in **Attachment C**).

- **17.104 General Limitations on Signs**

Section 17.104.010 General limitations on Signs in residential and OS zones and Section 17.104.020 General limitations on signs – Commercial and industrial zones.

The RU-4 and RU-5 zones apply to the City’s major corridors. Although businesses are allowed in RU-4 and RU-5 zones, they are not currently permitted to have signage comparable to that of businesses in other zones along the corridors. Staff proposes changes to these sections that allow commercial signage that is consistent with other corridor zones such as the CN and CC zones. Please see “Key Issues and Impacts” for further discussion of this issue (see Changes #24, #25 and #26 in **Attachment C**).

- **17.112 Home Occupation Regulations**

Currently, home occupation regulations allow businesses to manufacture products from their home if it does not create a nuisance and is done within a living unit, among other restrictions. The indoor requirement renders impractical the growing of crops (i.e. fruits, vegetables, plants, flowers, herbs, and ornamental plants) as part of a home occupation. Staff’s proposed changes would make an exception to the indoor rule for the growing of crops. The proposal would only allow non-mechanized farming to prevent impacts on neighboring properties. This change would regulate the selling of crops from the home the same as other products are regulated. Regulations regarding animal-raising as a home occupation **are not** part of this proposal because of the possibility that the activity could create an impact on neighboring properties. Instead, staff will develop animal raising regulations as part of the comprehensive update of the City’s urban agriculture requirements. Please see “Key Issues and Impacts” for further discussion of this issue (see Change #28, #29 and #30 in **Attachment C**).

SUSTAINABLE OPPORTUNITIES

Economic: The creation of the proposed interim combining zone in Chinatown allows a wider variety of businesses to locate on the ground floor of buildings. This flexibility will benefit the economy of Chinatown. Comparable signage for businesses along the corridors may lead to

increased patronage of these businesses. Allowing crop-raising as a home occupation will provide Oakland citizens an inexpensive method to open up a new business.

Environmental: Allowing crop raising as a home occupation will reduce transportation-based pollution because it will encourage food to be grown and sold locally.

Social Equity: Local crop-raising will increase the availability of healthy food to areas of the City that currently have limited access.

DISABILITY AND SENIOR CITIZEN ACCESS

All new development resulting from the proposed text amendments will be required to meet the requirements of the Americans with Disabilities Act.

RECOMMENDATION(S) AND RATIONALE

To improve consistency, reduce redundancy and simplify language—as directed by the City of Oakland’s General Plan, staff recommends that the City Council approve the proposed Planning Code text and map amendments.

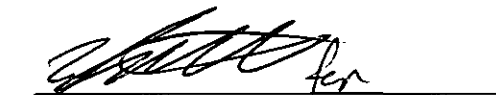
In addition to the proposed non- and minor substantive changes, staff also recommends that:

- An interim CH Chinatown Commercial Combining Zone be created in order to ensure that uses traditionally located on the ground floor are allowed in this area; and that
- Business signs be permitted on major corridors in the RU-4 and RU-5 zones to allow signage so that these zones are made comparable to other zones along major commercial corridors; and that
- Home occupation regulations be expanded to allow non-mechanized crop-growing in order to regulate the selling of crops from the home in the same manner as other products.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the proposed Planning Code text and map amendments.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Deputy Director

Prepared by:
Neil Gray, Planner III
Christina Ferracane, Planner II
Melissa McDonough, Planning Intern
Planning and Zoning

**APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:**


OFFICE OF THE CITY ADMINISTRATOR

Attachments:

- A. June 15, 2011 Planning Commission Staff Report
- B. Summary of proposed changes to land use regulations in the Chinatown Commercial District
- C. Proposed text amendments

Oakland City Planning Commission

STAFF REPORT

Case File Numbers ZT11-087, RZ11-095

June 15, 2011

Location: Citywide

Proposal: Discussion of proposed text and map amendments to various parts of the Planning Code, including: 1) updating references, reducing redundancy, and clarifying language in various chapters of the Planning Code; 2) conditionally permitting mini- and micro-telecommunications facilities in residential areas of the Central Business District (these facilities are currently outright permitted); 3) amending Chapter 17.112 of the Planning Code to allow crop growing as a home occupation; 4) adjusting the sign regulations in the RU-4 and RU-5 zones to be consistent with other zones on the City's major transportation corridors; 5) creating an interim combining zone for the core of the Chinatown commercial area, located within the Lake Merritt Station Area planning boundary, that would broaden the range of allowed ground floor uses; and 6) improving consistency among chapters and the maps, including making the adopted height map for the area near Valdez, Harrison and 27th Streets consistent with the zoning ordinance text.

Applicant: Planning Commission**Planning Permits Required:** Text and Map Amendments**General Plan:** Various**Zoning:** Various

Environmental Determination: The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998), the Oakland Estuary Policy Plan (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas; the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (certified on November 17, 2010); and various Redevelopment Plan Final EIRs. No further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and Section 15061(b)(3) "Review for Exemption" of the State CEQA Guidelines.

Service Delivery District: All**City Council District:** All**Status:** Hearing by the Planning Commission**Action to be Taken:** Recommendation to the City Council**Staff Recommendation:** Recommend adoption of the proposal to City Council**For Further Information:** Contact Neil Gray at 238-3878 or email ngray@oaklandnet.com

SUMMARY

The subject proposal includes text amendments to the City's Planning Code. The amendments are largely non-substantive, intended to improve consistency, reduce redundancy and simplify language. Other minor changes include conditionally permitting mini- and micro-telecommunications facilities in residential areas of the Central Business District (these facilities are currently outright permitted) and making the adopted height map for the area near Valdez, Harrison and 27th Streets consistent with the zoning ordinance text. Staff is also proposing three more substantive changes: 1) expanding home occupation to allow non-mechanized crop growing; 2) adjusting sign regulations in the RU-4 and RU-5 zones to allow businesses in these zones to have signage consistent with other businesses along major corridors; and 3) creating an interim combining zone for the Chinatown commercial area that would broaden the range of allowed ground floor uses pending completion of the Lake Merritt Station Area planning process.

BACKGROUND

Page 170 of the City of Oakland Land Use and Transportation Element of the General Plan contains policy direction calling for a simple, user-friendly and easy-to-interpret Planning Code. To comply with that directive, staff has prepared proposed zoning text and map amendments that are largely focused on improving consistency, reducing redundancies, and simplifying language of key chapters of the Planning Code. These proposed amendments were originally scheduled to be reviewed at the May 18th Zoning Update Committee (ZUC) meeting and then brought before Planning Commission on June 15th. The May 18th ZUC meeting did not have a quorum and was canceled. This item is being heard directly by the Planning Commission due to the relatively minor nature of the proposed code changes and because the meeting had been previously legally noticed for the June 15 Planning Commission meeting.

PROJECT DESCRIPTION

The proposed changes to the zoning text and map fall into three basic categories:

- I. Non-substantive Changes
- II. Minor-substantive Changes
- III. Substantive Changes

Non-substantive changes include reformatting, reorganizing and improving the consistency of the Planning Code. Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the Planning Code. Finally, staff proposes a few more substantive changes to improve standards in the Planning Code. The content of these proposed changes is summarized in the following report. Please see Attachment A for the proposed zoning text amendments.

I. NON-SUBSTANTIVE CHANGES

The following section summarizes the proposed nonsubstantive changes to the Planning Code. (See Change # in Attachment A)

- **8.09 Vehicular Food Vending (from Title 8: Health and Safety)**

Section 8.09.030 – Permitted area.

The proposed amendment would change the definition of the permitted area for vehicular food vending from a textual description to a visual, map-based boundary. *The boundary of the permitted area remains unchanged.* Currently, the language defines the permitted area by referencing streets and zoning designations that were recently deleted as part of the zoning update. The zones referenced pre-date the current Planning Code and are now obsolete. Please note that this map has not been prepared yet, but will be available for the public hearing of the Planning Commission on June 15, 2011. (See Change #1 in Attachment A)

- **17.07 Title, Purpose and Scope of the Zoning Regulations**

Section 17.07.020 Title of zoning regulations.

This amendment would correct a reference to the final Chapter in the Planning Code from 17.154 to 17.158. Although the Planning Code ends with Chapter 17.158, this Chapter currently lists the last Chapter as Chapter 17.154. (See Change #2 in Attachment A)

- **Existing Nonresidential Facilities Language (Various Sections)**

Staff proposes to change the text to clarify that the recently adopted **RU** and **RM** zones allow commercial activities in existing nonresidential facilities. Currently, the language in these chapters reads “These activities may only be located *on the ground floor of an existing Nonresidential Facility* that was both built prior the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity.” The proposed amendment would change that phrase to read as follows: “These

activities may only be located *in an existing* ground floor of a Nonresidential Facility that was both built prior the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity.” (See Changes #4, #6 and #10 in Attachment A)

- **17.17 RM Mixed Housing Type Residential Zones Regulations**

- Section 17.17.040 Permitted and Conditionally Permitted Facilities

This section contains a table with the facility regulations for the RM zones and the “C” overlay zone. The activity regulations for the C overlay zone are intended to supersede those of an underlying RM zone. Currently, the cell determining whether two-family or multi-family dwellings are permitted facilities in the C overlay zone reads “N/A” for not-applicable. The intent was that these facilities are regulated as indicated in the underlying zone. Staff updated the chart to assure this interpretation. (See Change #8 in Attachment A)

- **Chapters 17.32, 17.34 and 17.36**

The titles of the CN, CC, and CR zones state that they are in Chapters 17.32, 17.34, and 17.36, respectively. Staff has corrected these chapter numbers to be 17.33, 17.35, and 17.37 because they are consistent with the section numbers in these chapters. (See Changes #15 and #18 in Attachment A) The index for the Planning Code has also been modified to reflect this change. (See Change #37 in Attachment A). The title of Section 17.36.070 has also been changed from 17.33.070 to be consistent with the numbering of the rest of the Chapter.

- **17.35 CC Community Commercial Zones Regulations**

Staff proposes to change minor typographical errors in Section 17.35.010 Title, Intent, and Description and Section 17.35.050 Property Development Standards – Limitations on Table 17.35.03. In Section 17.35.010, under Subsection B, entitled “Description of Zones,” the language describes Chapter 17.35 as referring to *four* zones, when it in fact, refers to three (i.e., CC-1, CC-2 and CC-3). In Section 17.35.050, the text refers the reader to Note 10, but the corresponding Note is actually Note 11. (See Changes #16 and #17 in Attachment A)

- **17.54 C-40 Community Thoroughfare Commercial Zone Regulations**

- Section 17.54.090 Special regulations applying to certain Activities.

Staff proposes to change a minor labeling error in the subsections of Section 17.54.090. Currently, the subsections are labeled “A,” “B” and “D.” This would amend the subsection labels to read “A,” “B” and “C.” (See Change #19 in Attachment A).

- **17.102 General Regulations Applicable to All or Several Zones**

- Section 17.102.210 – Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or, electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

Staff proposes to remove this obsolete section. Currently, the section only contains a title and is not accompanied by a regulation. (See Change #23 in Attachment A)

- **17.104 General Limitations on Signs**

Staff proposes to add minor language to improve clarity in both Section 17.104.020 – General limitations on signs—Commercials and industrial zones and Section 17.104.030 – General limitations on signs—S-1, S-2, S-3 and S-15 zones, Under subsection B of both sections, the following additions (in underline) and deletions (~~in-strikeout~~) would be made:

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.~~

~~3. Exception to Aggregate Sign Area Limits. 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, the following exceptions to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136. 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.

These changes clarify the overall intent of the chapter by referring to the existing master sign program provision located later in the chapter. (See Change #24 in Attachment A)

II. MINOR-SUBSTANTIVE CHANGES

Each proposed minor substantive change is briefly discussed below, all are from Title 17.

- **17.13 RH Hillside Residential Zones Regulations**

- Section 17.13.050 Property Development Standards

In this section, one regulation is described as the “maximum height from finished or existing grade (whichever is greater).” The maximum height is intended to be whichever is *lower*. The proposed amendment would correct this typographical error. (See Change #3 in Attachment A)

- **Effective Date (various sections)**

Several sections of the recently adopted zones contain regulations that refer to the effective date of the updated ordinance. The new zones list this effective date as April 15, 2011 but the effective date is actually April 14, 2011. Staff proposes to correct this effective date in the new zones. (See Changes #5, #6, #7, #10 and #11 in Attachment A).

- **17.19 RU Urban Residential Zones Regulations**

- Section 17.19.050 Property Development Standards

An area near Valdez, Harrison, and 27th Streets currently has a height limit of 120 feet and is in the RU-4 zone. However, the RU-4 zone does not contain regulations for this height area. The proposed change adds the regulations for the 120 foot height area into the RU-4 zone. (See Change #12 in Attachment A)

- **17.30 R-80 High-Rise Apartment Residential Zone Regulations**

This chapter was inadvertently removed from the Code during the zoning update process. Staff proposes to re-insert the chapter because there is an area in the Estuary that is designated R-80 that requires land use regulation. (See Change #13 in Attachment A)

- **17.32 R-90 Downtown Apartment Residential Zone Regulations**

✓ The zoning update removed all R-90 zones from the zoning maps. Staff proposes to remove the text of the chapter from the Planning Code because there is no longer any area zoned R-90 in the City of Oakland. (See Change #14 in Attachment A)

- **17.58 CBD Central Business District Zones Regulations**

- 17.58.050 – Permitted and conditionally permitted facilities

Currently, the CBD-R zone, a Downtown residential zone, permits Micro- and Mini-Telecommunication Facilities. No other residential zone in the City outright permits Micro- or Mini-Telecommunication Facilities. Staff proposes to conditionally permit these facilities in the CBD-R zone, consistent with other residential zones in the City. (See Change #22 in Attachment A)

- **17.106 General Lot, Density, and Area Regulations**

- 17.106.010 – Lot area and width exceptions.

This section states that, through a Conditional Use Permit process, a developer can split a lot by placing a lot line between two existing principal buildings. The CUP allows the waiving of certain development standards such as lot size, frontage, setback, and open space. Staff proposes to add “minimum lot width” to the list of lot dimension requirements that can be waived because without this exception, the other exceptions are not practical. In particular, frontage cannot be reduced below the normally required standard without also reducing the allowed lot width. In the past, staff has interpreted that the intention of the code is to allow a waiving of all dimensional requirements, including lot width. This change would codify staff’s interpretation. (See Change #28 in Attachment A)

- **17.116 Off-Street Parking and Loading Requirements**

- 17.116.080 Off-street parking—Commercial Activities.

This section contains a table with commercial parking regulations. One of the regulations in the table is a threshold for when parking standards are required. Most commercial facilities require no parking if they cover less than 3,000 square feet of lot area. However, the current regulation does not stipulate the minimum facility size that triggers a parking requirement for General Food Sales and related commercial activities that occur in most commercial zones. Staff believes that this is a scrivener’s error and should have the same 3,000 square foot threshold as the other listed zones. Staff proposes to make this correction. This change would exempt these activities from required parking if they are less than 3,000 square feet. (See Change #32 in Attachment A)

- **17.136 Design Review Procedure**

- 17.136.050 – Regular design review criteria.

This proposal deletes required findings for the demolition of historic properties in Section 17.136.050 because they were superseded by new regulations that were adopted on July 20, 2010. The updated regulations are in Section 17.136.075 of the Planning Code. (See Change #33 in Attachment A)

- **17.140 Planned Unit Development Procedure**

- Section 17.140.080 – Permit criteria.

This section lists criteria and findings for the approval of planned unit developments. The proposed amendment would correct omissions by inserting “design guidelines” as one of the items with which development must be consistent and inserting “Planning Commission” as one of the bodies with the authority to adopt design guidelines. This change is consistent with other design review criteria and findings in the code. (See Change #34 in Attachment A)

III. SUBSTANTIVE CHANGES

The following proposed substantive changes are from Title 17 of the Planning Code. The headings refer to the Chapter title.

- **17.58 CBD Central Business District Zones Regulations**

- **Interim Zoning Regulations for Chinatown – Reduced Ground Floor Restrictions**

This is a proposal for an interim CH Chinatown Commercial Combining Zone that would allow for expanded ground floor commercial uses in the core of the Chinatown commercial area. When the base zone is combined with the CH combining zone, the permitted uses in the CH combining zone would supersede those of the base zone. As part of this interim zone, staff is cleaning up a boundary of a neighboring open space zone to make it consistent with Section 17.154.030. This clean-up simply will adjust the zone boundary from the lot line (where it is currently) to the centerline of the public right of way (as is stipulated in the Planning Code). Attachment B provides a summary of the changes

to permitted land use in the interim combining zone and Attachment C shows the location of that zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries as part of a Specific Plan. Therefore, these regulations shall remain in place and be effective for two years from effective date of the proposed ordinance, or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first. Please see “Key Issues and Impacts” for further discussion of this issue. (See Changes #20 and 21 in Attachment A)

- **17.104 General Limitations on Signs**
Section 17.104.010 General limitations on Signs in residential and OS zones and Section 17.104.020 General limitations on signs – Commercial and industrial zones.

The RU-4 and RU-5 zones apply to the City’s major corridors. Although businesses are allowed in RU-4 and RU-5 zones, they are not currently permitted to have signage comparable to that of businesses in other zones along the corridors. Staff proposes changes to these sections that allow commercial signage that is consistent with other corridor zones such as the CN and CC zones. Please see “Key Issues and Impacts” for further discussion of this issue. (See Changes #25, #26 and #27 in Attachment A)

- **17.112 Home Occupation Regulations**

Currently, home occupation regulations allow businesses to manufacture products from their home if it does not create a nuisance and is done within a living unit, among other restrictions. The indoor requirement renders impractical the growing of crops (i.e. fruits, vegetables, plants, flowers, herbs, and ornamental plants) as part of a home occupation. Staff’s proposed changes would make an exception to the indoor rule for the growing of crops. The proposal would only allow non-mechanized farming to prevent impacts on neighboring properties. This change would regulate the selling of crops from the home the same as other products are regulated. Regulations regarding animal raising as a home occupation *are not* part of this proposal because of the possibility that the activity could create an impact on neighboring properties. Instead, staff will develop animal raising regulations as part of the comprehensive update of the City’s urban agriculture requirements. Please see “Key Issues and Impacts” for further discussion of this issue. (See Change #29, #30 and #31 in Attachment A)

ENVIRONMENTAL DETERMINATION

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998), the Oakland Estuary Policy Plan (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas; the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (certified on November 17, 2010); and various Redevelopment Plan Final EIRs. No further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Section 15183 “Projects Consistent with a Community Plan, General Plan or Zoning” and Section 15061(b)(3) “Review for Exemption” of the State CEQA Guidelines.

KEY ISSUES AND IMPACTS

Chinatown Interim Zoning

In August 2009, the City Council adopted new zoning regulations for the City's Central Business District, including the Chinatown commercial area. The core of the Chinatown commercial area was zoned Central Business District – Pedestrian (CBD-P). CBD-P regulations, applied in various locations within the Central Business District, restrict the types of uses allowed to locate on the ground floor to those that will create significant pedestrian traffic in order to support and continue an existing pattern of commercial uses.

Since that time, the City, in partnership with BART and Peralta Community College District, have come together to prepare a Specific Plan for the area around the Lake Merritt BART Station that includes the Chinatown commercial area. As part of that planning process, City staff have held large community workshops, as well as focused meetings with stakeholders, such as community-based organizations, large institutions, merchants and property owners in Chinatown. During these interviews, City staff was alerted to the fact that the CBD-P zoning does not permit commercial uses that had been traditionally allowed to locate on the ground floors in the commercial area of Chinatown, such as acupuncturists or lawyers. Furthermore, property owners have expressed concerns that the more restrictive zoning that went into effect in 2009, has caused some commercial spaces to remain vacant.

In order to address these concerns, the City is proposing an interim CH Chinatown Commercial Combining Zone that would allow for expanded commercial uses, particularly on ground floors, in the core of the Chinatown commercial area. When the base zone is combined with the CH combining zone, the permitted uses in the CH combining zone would supersede those of the base zone. Attachment B provides a summary of the changes to permitted land use and Attachment C shows the location of the proposed combining zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries as part of a Specific Plan. Therefore, staff advises that these regulations remain in place and be effective for two years from effective date of the proposed ordinance, or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first. (See Changes #20 and #21 in Attachment A for the exact Code language).

One potential issue associated with allowing a greater variety of ground floor uses is that those additional uses, such as an acupuncturist, dentist, or administrative offices would not create as much foot traffic as the uses that are currently allowed, such as a grocery or shoe store. Chinatown property owners, however, have pointed out that a use that creates little foot traffic is preferred over a vacant space.

Business Signs in Major Corridors

The RU-4 and RU-5 zones apply to the City's major corridors. Although businesses are allowed in RU-4 and RU-5 zones, they are not currently permitted to have signage comparable to that of businesses in other zones along the corridors. Staff proposes changes to these sections that allow commercial signage that is consistent with other corridor zones such as the CN and CC zones. (See Changes #25 and #26 in Attachment A)

Home Occupations and Crop Raising

Currently, home occupation regulations allow businesses to manufacture products from their home if it does not create a nuisance and is done *within* a living unit, among other restrictions. The indoor requirement disallows the growing of most crops (i.e. fruits, vegetables, plants, flowers, herbs, and ornamental plants) as part of a home occupation. Staff's proposed changes would make an exception to the indoor rule for the growing of crops. The proposal would only allow non-mechanized farming to prevent impacts on neighboring properties. This change would regulate the selling of crops from the home in the same manner as other products are regulated.

Regulations regarding animal raising as a home occupation *are not* part of this proposal because of the possibility that the activity could create an impact on neighboring properties in terms of odor and noise. Instead, staff will develop animal raising regulations as part of the comprehensive update of the City's urban agriculture requirements. (See Changes #29, #30 and #31 in Attachment A)

RECOMMENDATIONS

1. Affirm staff's environmental determination;
2. Recommend that City Council approves the proposed text and map amendments; and
3. Find that existing regulations are inadequate and otherwise contrary to the public interest.

Prepared by:

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Approved by:

Approved for forwarding to the
City Planning Commission:

ERIC ANGSTADT
Deputy Director of CEDA

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

ATTACHMENTS:

- A. Proposed Zoning Text Amendments
- B. Summary of proposed changes to permitted land use in the Chinatown Commercial District
- C. Map of proposed CH Chinatown Interim Commercial Combining Zone
- D. Map of Vehicular Mobile Vending Permitted Area

Proposed Changes to Permitted Uses in "CH Chinatown Commercial Interim Combining Zone"

Regulations for land use categories not listed would remain the same.

P = Permitted C = Conditionally Permitted -- = Not Permitted L = Limitations (at end of table)

Activity		Existing	Proposed Change
Land Use Category	Example	CBD-P	CBD-P/CH
Limited Child-Care Activities	<i>Child care for less than 14 children, licensed by the State.</i>	P(L5)	P Remove ground floor restrictions
Community Assembly	<i>Churches, recreation centers and public gyms</i>	C(L6)	C Remove extra findings required to locate on the ground floor
Recreational Assembly	<i>Playgrounds and non-profit festivals</i>	P(L5)	P Remove ground floor restrictions
Community Education	<i>Schools; daycare for more than 15 children</i>	P(L5)	P Remove ground floor restrictions
Nonassembly Cultural	<i>Libraries, museums</i>	P(L4)	P Remove size limit (7,500sf) on ground floor
Administrative	<i>Government offices</i>	P(L5)	P Remove ground floor restrictions
Health Care	<i>Hospitals, clinics and "aduh day care centers"</i>	P(L4)(L5)	P(L4) Remove ground floor restrictions
General Food Sales	<i>Supermarkets, bakeries, and health food stores</i>	P(L4)	P Remove size limit (7,500sf) on ground floor
Medical Service	<i>Offices for private doctors, acupuncturists, medical testing</i>	P(L5)	P Remove ground floor restrictions
Consumer Service	<i>Hair salons, nail salons, tattoo parlors, dry cleaners, laundromats</i>	P(L4)	P Remove size limit (7,500sf) on ground floor
Consultative and Financial Service	<i>Banks, real estate agents, tax preparers</i>	P(L5)	P Remove ground floor restrictions
Consumer Cleaning and Repair Service	<i>Cleaning or repair of appliances, furniture</i>	P(L5)	P Remove ground floor restrictions
Personal Instruction and Improvement Services	<i>Yoga studios and gyms less than 2000sf; theaters less than 300 people</i>	P(L5)	P Remove ground floor restrictions
Administrative	<i>Offices for law firms, non-profits, accounting, etc.</i>	P(L5)	P Remove ground floor restrictions
Business, Communication, and Media Services	<i>Photocopying, printing, video editing</i>	P(L5)	P Remove ground floor restrictions
Broadcasting and Recording Services Commercial Activities	<i>Video and radio recording studios</i>	P(L5)	P Remove ground floor restrictions
Research Service	<i>Laboratories and R&D</i>	P(L5)	P Remove ground floor restrictions
Transient Habitation	<i>Hotels and motels</i>	C(L6)	C Remove extra findings required to locate on the ground floor
Animal Care	<i>Veterinarians</i>	C(L6)	C Remove extra findings required to locate on the ground floor

L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit.

L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this requirement. These proposals must also meet each of the following criteria: a. Will not impair a generally continuous wall of building facades; b. Will not weaken the concentration and continuity of retail facilities at groundlevel, and will not impair the retention or creation of an important shopping frontage; and c. Will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.

ATTACHMENT C: PROPOSED CHANGES TO THE MUNICIPAL CODE

Items that are underlined are insertions, while items that appear in ~~strikeout~~ are deletions. All changes are to the **Planning Code**.

Change #1

17.07.020 Title of zoning regulations.

The provisions of Chapters 17.07 through ~~17.154~~158 shall be known as the Zoning Regulations.

Change #2

17.13.050 Property Development Standards

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

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

Change #3

17.15.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.15.01:

L2. These activities may only be located ~~on~~in ~~the~~an existing ground floor of an existing-Nonresidential Facility that was both built prior the effective date of this

chapter (April 1514, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 1514, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L5. These activities may only be located ~~en-in the-an~~ existing ground floor of a n existing-nonresidential facility that was both built prior to the effective date of this chapter (April 1514, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facihty is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

Change #4

17.15.040 Permitted and Conditionally Permitted Facilities

Limitations on Table 17.15.02:

- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 1514, 2011); otherwise Section 17.104 apphes. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a comer lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

Change #5

17.17.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.17.01:

- L2. These activities may only be located ~~en-in the-an~~ existing ground floor of an existing Nonresidential Facility that was both built prior the effective date of this chapter (April 1514, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 15, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L7. These activities may only be located en-in the-an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

Change #6

Limitations on Table 17.17.02:

- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 15, 2011); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

Change #7

17.17.040 Permitted and Conditionally Permitted Facilities

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

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

Table 17.17.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Facilities						
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.102.360
Two-Family Dwelling	C (L1)	P	P	P	N/A Same as underlying zone	
Multifamily Dwelling	--	C (L1)	C (L1)	C (L1)	N/A Same as underlying zone	
Rooming House	--	--	--	--	--	
Mobile Home	--	--	--	--	--	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C	
Sidewalk Café	P (L2)	P (L2)	P (L2)	P (L2)	P (L2)	17.102.335
Drive-In Nonresidential	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	--	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	--	--	--	--	--	17.104

Change #8

Additional Regulations for Table 17.17.03:

7. See additional reduced side, and rear setbacks for smaller lots, Table 17.4517.04. See Section 17.108.130 for allowed projections into setbacks.

Change #9

17.19.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.19.01:

- L3 In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 4~~5~~14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L4 In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (April 4~~5~~14, 2011) or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 4~~5~~14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L5. In the RU-1, RU-2, and RU-3 zones, these activities may only be located ~~en-in~~ in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 4~~5~~14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 am and 10:00 pm.
- L6. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (April 4~~5~~14, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L8. These activities may only be located ~~en-in~~ in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 4~~5~~14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L9. These activities may only be located ~~en-in~~ in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 4~~5~~14, 2011) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit is required if the facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

Change #10

17.19.040 Permitted and Conditionally Permitted Facilities

Limitations on Table 17.19.02:

- L5. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 4~~5~~14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum

aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

Change #11

17.19.050 Property Development Standards

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

Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only							
Regulation	Height Area						Additional Regulations
	35	45	60	75	90	<u>120</u>	
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	<u>90 ft</u>	1, 2
Height Minimum							
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	<u>35 ft</u>	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	<u>25 ft</u>	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf	450 sf	375 sf	275 sf	225 sf	<u>225 sf</u>	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	<u>4.0</u>	4, 5
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	<u>11</u>	
Minimum Usable Open Space							
Group usable open space per regular unit	150 sf	150 sf	150 sf	150 sf	100 sf	<u>100 sf</u>	6
Group usable open space per regular unit when private open space substituted	30 sf	30 sf	30 sf	30 sf	20 sf	<u>20 sf</u>	6
Group usable open space per rooming unit	75 sf	75 sf	75 sf	75 sf	50 sf	<u>50 sf</u>	6
Group usable open space per rooming unit when private open space is substituted	15 sf	15 sf	15 sf	15 sf	10 sf	<u>10 sf</u>	6

CHANGE #12

Chapter 17.30

R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.30.010 Title, purpose, and applicability.**
- 17.30.040 Required design review process.**
- 17.30.050 Permitted activities.**
- 17.30.060 Conditionally permitted activities.**
- 17.30.070 Permitted facilities.**
- 17.30.080 Conditionally permitted facilities.**
- 17.30.090 Special regulations applying to certain Commercial Activities.**
- 17.30.100 Performance standards for Commercial Activities.**
- 17.30.110 Use permit criteria for Commercial Activities.**
- 17.30.120 Limitations on Signs.**
- 17.30.130 Minimum lot area, width, and frontage.**
- 17.30.140 Maximum residential density.**
- 17.30.150 Maximum floor-area ratio.**
- 17.30.160 Maximum height.**
- 17.30.170 Minimum yards and courts.**
- 17.30.180 Minimum usable open space.**
- 17.30.190 Buffering.**
- 17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.**
- 17.30.210 Other zoning provisions.**

17.30.010 Title, purpose, and applicability.

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

17.30.040 Required design review process.

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

review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 11904 § 5.60 (part), 1996: prior planning code § 3852.1)

17.30.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

B. Civic Activities:

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3853)

17.30.060 Conditionally permitted activities.

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

B. Civic Activities:

Administrative

Health Care

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Café

Convenience Market

Alcoholic Beverage Sales

Medical Service

Consumer Service

Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature

D. Agricultural and Extractive Activities:

Crop and Animal Raising

E. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.102.100.

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

(Ord. 12138 § 5 (part), 1999; prior planning code § 3854)

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

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

Two-Family Dwelling

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

(Ord. 12501 § 45, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3855)

17.30.080 Conditionally permitted facilities.

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

Telecommunications Facilities:

Micro

Mini

Macro

Monopole

(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3856)

17.30.090 Special regulations applying to certain Commercial Activities.

All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. No Business Signs or display windows shall be provided for such activities. See also Section 17.102.210.

(Prior planning code § 3858)

17.30.100 Performance standards for Commercial Activities.

All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

(Prior planning code § 3860)

17.30.110 Use permit criteria for Commercial Activities.

A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.102.210.

B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:

1. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;

2. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.

(Prior planning code § 3861)

17.30.120 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. See also Section 17.30.090.

(Prior planning code § 3863)

17.30.130 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.
(Prior planning code § 3864)

17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 46, 2003: prior planning code § 3865)

17.30.150 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Prior planning code § 3867)

17.30.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.21, 1996; prior planning code § 3869)

17.30.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

B. Side Yard--Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.

C. Side Yard--Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3870)

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.
(Prior planning code § 3871)

17.30.190 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
(Prior planning code § 3872)

17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.

A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-80 zone may be waived or modified when and as prescribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 zone, and certain of the other regulations applying in said zone may be waived or modified.

C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.

(Prior planning code § 3873)

17.30.210 Other zoning provisions.

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

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

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

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3874)

Change #13

~~CHAPTER 17.32 R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS~~

Sections:

- ~~17.32.010 — Title, purpose, and applicability.~~
- ~~17.32.040 — Required design review process.~~
- ~~17.32.050 — Permitted activities.~~
- ~~17.32.060 — Conditionally permitted activities.~~
- ~~17.32.070 — Permitted facilities.~~
- ~~17.32.080 — Conditionally permitted facilities.~~
- ~~17.32.090 — Special regulations applying to certain Commercial Activities.~~
- ~~17.32.100 — Performance standards for Commercial Activities.~~
- ~~17.32.110 — Use permit criteria for Commercial Activities.~~
- ~~17.32.120 — Limitations on Signs.~~
- ~~17.32.130 — Minimum lot area, width, and frontage.~~
- ~~17.32.140 — Maximum residential density.~~
- ~~17.32.150 — Maximum floor area ratio.~~
- ~~17.32.160 — Maximum height.~~
- ~~17.32.170 — Minimum yards and courts.~~
- ~~17.32.180 — Minimum usable open space.~~
- ~~17.32.190 — Buffering.~~
- ~~17.32.200 — Special regulations for mini-lot developments, planned unit developments, and large scale developments.~~
- ~~17.32.210 — Other zoning provisions.~~

~~17.32.010 — Title, purpose, and applicability.~~

~~———— The provisions of this chapter, shall be known as the R-90 downtown apartment residential zone regulations. The R-90 zone is intended to create, preserve, and enhance areas for high rise apartment living at very high densities in desirable settings, and is typically appropriate to areas within, or in close proximity to, the Oakland central district. These regulations shall apply in the R-90 zone.~~

~~(Prior planning code § 3900)~~

~~17.32.040 — Required design review process.~~

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

~~review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 11904 § 5.60 (part), 1996; prior planning code § 3902.1)~~

~~17.32.050 — Permitted activities.~~

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

~~— A. Residential Activities:~~

~~— Permanent~~

~~— Residential Care occupying a One Family Dwelling Residential Facility~~

~~— Semi-Transient~~

~~— B. Civic Activities:~~

~~— Essential Service~~

~~— Limited Child Care~~

~~— Community Assembly~~

~~— Recreational Assembly~~

~~— Community Education~~

~~— Nonassembly Cultural~~

~~— Telecommunications~~

~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3903)~~

~~17.32.060 — Conditionally permitted activities.~~

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

~~— A. Residential Activities:~~

~~— Residential Care, except when occupying a One Family Dwelling Residential Facility~~

~~— Service-Enriched Permanent Housing~~

~~— Transitional Housing~~

~~— Emergency Shelter~~

~~— B. Civic Activities:~~

~~— Administrative~~

~~— Health Care~~

~~— Utility and Vehicular~~

~~— Extensive Impact~~

~~— C. Commercial Activities:~~

~~— General Food Sales~~

~~— Full Service Restaurants~~

~~— Limited Service Restaurants and Cafe~~

~~— Convenience Market~~

~~— Alcoholic Beverage Sales~~

~~— Consumer Service~~

~~— Medical Service~~

~~_____ Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~

~~_____ D. _____ Agricultural and Extractive Activities:~~

~~_____ _____ Crop and Animal Raising~~

~~_____ E. _____ Off-street parking serving activities other than those listed above or in Section 17.32.050, subject to the conditions set forth in Section 17.102.100.~~

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

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3904)~~

~~17.32.070 _____ Permitted facilities:~~

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

~~_____ A. _____ Residential Facilities:~~

~~_____ _____ One Family Dwelling~~

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

~~_____ _____ Two Family Dwelling~~

~~_____ _____ Multifamily Dwelling~~

~~_____ _____ Rooming House~~

~~_____ B. _____ Nonresidential Facilities:~~

~~_____ _____ Enclosed~~

~~_____ _____ Open~~

~~_____ C. _____ Signs:~~

~~_____ _____ Residential~~

~~_____ _____ Special~~

~~_____ _____ Development~~

~~_____ _____ Realty~~

~~_____ _____ Civic~~

~~(Ord. 12501 § 48, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3905)~~

~~17.32.080 _____ Conditionally permitted facilities:~~

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

~~_____ A. _____ Telecommunications Facilities:~~

~~_____ _____ Micro~~

~~_____ _____ Mini~~

~~_____ _____ Macro~~

~~_____ _____ Monopole~~

~~(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3906)~~

~~17.32.090 _____ Special regulations applying to certain Commercial Activities:~~

~~———— All General Food Sales, Full Service Restaurants, Limited Service Restaurants and Cafe, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. See also Section 17.102.210.
(Prior planning code § 3908)~~

~~17.32.100 — Performance standards for Commercial Activities.~~

~~———— All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
(Prior planning code § 3910)~~

~~17.32.110 — Use permit criteria for Commercial Activities.~~

~~———— A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

~~———— A. — That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~———— B. — That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises. See also Section 17.102.210.~~

~~(Prior planning code § 3911)~~

~~17.32.120 — Limitations on Signs.~~

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

~~17.32.130 — Minimum lot area, width, and frontage.~~

~~———— Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3914)~~

~~17.32.140 — Maximum residential density.~~

~~———— The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit;~~

and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

~~— A. — Permitted Density. One regular dwelling unit is permitted for each one hundred fifty (150) square foot of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square foot. One efficiency dwelling unit is permitted for each one hundred (100) square foot of lot area, provided that one extra such unit is permitted if a remainder of seventy five (75) square feet or more is obtained after division of the lot area by one hundred (100) square feet. One rooming unit is permitted for each seventy five (75) square feet of lot area, provided that one extra such unit is permitted if a remainder of fifty (50) square foot or more is obtained after division of the lot area by seventy five (75) square foot. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~— B. — Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 12501 § 49, 2003; prior planning code § 3915)~~

~~17.32.150 — Maximum floor area ratio.~~

~~— The maximum floor area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~— A. — Permitted Floor Area Ratio. The maximum permitted floor area ratio is 7.00, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten (10) percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~— B. — Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. (Prior planning code § 3917)~~

~~17.32.160 — Maximum height.~~

~~— Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010,~~

~~on lots lying along a boundary of any of certain other zones. But see Section 17.32.130 for maximum height of facilities within minimum yards and courts.
(Ord. 11904 § 5.22, 1996; prior planning code § 3919)~~

~~17.32.170 — Minimum yards and courts.~~

~~— The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~— A. — Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~

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

~~— C. — Side Yard—Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.~~

~~— D. — Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:~~

~~— L — A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~

~~— 2. — A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~— E. — Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~— F. — Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.
(Prior planning code § 3920)~~

~~17.32.180 — Minimum usable open space.~~

~~— On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.
(Prior planning code § 3921)~~

~~17.32.190 — Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
(Prior planning code § 3922)~~

~~17.32.200 — Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~_____ A. _____ Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-90 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~_____ B. _____ Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-90 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~_____ C. _____ Large Scale Developments. No development which involves more than one hundred thousand (100,000) square foot of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.~~

~~(Prior planning code § 3923)~~

~~17.32.210 _____ Other zoning provisions.~~

~~_____ A. _____ Parking and Loading. Off street parking and loading shall be provided as proscribed in the off street parking and loading requirements in Chapter 17.116.~~

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

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

~~_____ D. _____ Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~_____ E. _____ General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-90 zone.~~

~~_____ F. _____ Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-90 zone.~~

Changes #14

Chapter 17.332

CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

Chapter 17.354

CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Change #15

17.35.010 Title, Intent, and Description

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

Change #16

17.35.050 Property Development Standards

Limitations on Table 17.35.03:

12. For the new construction of principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note ~~1011~~, above.

Change #17

Chapter 17.376

CR REGIONAL COMMERCIAL ZONE REGULATIONS

Change #18

17.54.090 Special regulations applying to certain Activities.

A. Fast-Food Restaurants, Convenience Markets, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.

B. Automobile and Other Light Vehicle Gas Station and Servicing.

1. Automobile and Other Light Vehicle Gas Station and Servicing

Commercial Activities shall not involve open storage of goods or materials. All repair and lubrication performed by such activities shall take place in an enclosed building.

2. See Section 17.54.180b for special landscaping requirements.

3. See Section 17.54.110 for limitations on Signs.

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

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;

2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and

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

Change #19

17.58.010 Title, Purpose, and Applicability

C. Description of Combining Zone. This Chapter establishes interim land use regulations for the following combining zone:

1. **CH Chinatown Interim Commercial Combining Zone.** The intent of the CH combining zone is to allow for expanded commercial uses in the core of the Chinatown commercial area, which is located within the Lake Merritt Station Area Plan boundaries. When an above base zone is combined with the CH combining zone, the permitted uses in CH combining zone supersede those of the base zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries. Therefore, these regulations shall remain in place and be effective through (2 years from effective date), or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first.

Change #20

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “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 17.58.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Residential Activities						
Permanent	P	P(L1)	P(L1)	P	<u>P(L1)</u>	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	<u>P(L1)(L2)</u>	17.102.212
Service-Enriched Permanent Housing	C(L2)	C(Li)(L2)	C(L1)(L2)	C	<u>C(L1)(L2)</u>	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	<u>C(L1)(L2)</u>	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	<u>C(L2)</u>	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	<u>C(L1)</u>	
Bed and Breakfast	P	P	P	P	<u>P</u>	17.10.125
Civic Activities						
Essential Service	P	P	P	P	<u>P</u>	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	<u>P</u>	
Community Assembly	C	C(L6)	C	C	<u>C</u>	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	<u>P</u>	
Community Education	P(L3)(L4)	P(L5)	P	P	<u>P</u>	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	<u>P</u>	
Administrative	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	<u>P(L4)</u>	
Special Health Care	--	C(L6)	C	C	<u>C(L6)</u>	17.102.410
Utility and Vehicular	C	C	C	C	<u>C</u>	
Extensive Impact	C	C	C	C	<u>C</u>	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P	<u>P</u>	
Full Service Restaurants	P(L4)(L7)	P	P	P	<u>P</u>	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	<u>P</u>	
Fast-Food Restaurant	--	C	C	C	<u>C</u>	17.102.210 and 8.09
Convenience Market	C(L7)	C	C	C	<u>C</u>	17.102.210
Alcoholic Beverage Sales	C(L7)	C	C	C	<u>C</u>	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	<u>C</u>	
Medical Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
General Retail Sales	P(L4)(L7)	P	P	P	<u>P</u>	

Table 17.58.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	=	
Consumer Service	P(L4)(L7)	P(L4)	P	P	<u>P</u>	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Check Cashier and Check Cashing	--	C	C	C	<u>C</u>	17.102.430
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	<u>C</u>	
Group Assembly	C(L7)	P(L4)	P	P	<u>P(L4)</u>	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Administrative	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Broadcasting and Recording Services Commercial Activities	--	P(L5)	P	P(L4)	<u>P</u>	
Research Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
General Wholesale Sales	--	--	--	C	=	
Transient Habitation	C(L8)	C(L6)	P	C	<u>C</u>	17.102.370
Building Material Sales	--	--	--	--	=	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	C	=	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	C(L9)	C(L9)	=	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	=	
Taxi and Light Fleet-Based Services	--	--	C(L9)	C(L9)	=	
Automotive Fee Parking	C(L10)	C(L10)	C(L10)	C(L10)	<u>C(L10)</u>	
Animal Boarding	--	--	--	--	=	
Animal Care	--	C(L6)	C	C	<u>C</u>	
Undertaking Service	--	--	C	C	=	
Industrial Activities						
Custom Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	--(L11)	17.102.040
Light Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	--(L11)	17.102.040
General Manufacturing	--(L11)	--(L11)	--(L11)	--(L11)	--(L11)	17.102.040
Heavy/High Impact	--	--	--	--	=	
Research and Development	--	--	C(L9)	C(L9)	=	
Construction	--	--	--	--	=	

Table 17.58.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Operations						
Warehousing, Storage, and Distribution						
A. General Warehousing, Storage and Distribution	--	--	--	C(L9)	=	
B. General Outdoor Storage	--	--	--	--	=	
C. Self- or Mini Storage	--	--	--	--	=	
D. Container Storage	--	--	--	--	=	
E. Salvage/Junk Yards	--	--	--	--	=	
Regional Freight Transportation	--	--	--	--	=	
Trucking and Truck-Related	--	--	--	--	=	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	--	--	C	C	=	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	=	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	=	
Agriculture and Extractive Activities						
Crop and animal raising	--	--	--	--	=	
Plant nursery	--	--	--	--	=	

Table 17.58.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Mining and Quarrying	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110

Limitations:

* If the base zone (CBD-P) also has the CH Combining Zone, the CH regulations supersede the base zone.

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. 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 or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
 - a. The proposal will not impair a generally continuous wall of building facades;
 - b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.
- L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

- a) If the floor area devoted to the activity is less than 2,000 square feet and the activity takes place in a Local Register property then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.
- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.
- L10. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- L11. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

Change #21

17.58.050 Permitted and Conditionally Permitted Facilities

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates facilities subject to certain limitations listed at the bottom of the Table.
- “--” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	(L1)	--	--	--	
One-Family Dwelling with Secondary Unit	P	--	--	--	17.102.360
Two-Family Dwelling	P	--	--	--	

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	C	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In Nonresidential	--	--	--	C	
Drive-Through Nonresidential	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	PC	P	P	P	17.128
Mini Telecommunications	PC	P	P	P	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

Limitation:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming One-Family Dwellings.

Change #22

17.102.210 - Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or, and electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

E. Special Restrictions on Transport and Warehousing storage of abandoned, dismantled or inoperable vehicles, machinery, equipment and of construction, grading and demolition materials, and Scrap Operation (these provisions would not apply to the storage or parking of operable recreational vehicles, operable automobiles, public parking facilities, or parking for active establishments, e.g., auto dealerships). (Ord. 12241 § 3

(part), 2000; Ord. 12224 § 5, 2000; Ord. 11958 § 9, 1996; amended during 1997 codification; Ord. 11831 §§ 3, 4, 1995; prior planning code § 7023)

Change #23

17.104.010 General limitations on Signs in residential and OS zones, except the RU-4 and RU-5 zones.

The following limitations shall apply to the specified Signs in all residential and OS zones except the RU-4 and RU-5 zones, and 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:

Change #24

17.104.020 General limitations on signs—Commercial and industrial zones and the RU-4 and RU-5 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:

Change #25

17.104.020 - General limitations on signs—Commercial and Industrial zones.

B. Permitted Aggregate Sign Area.

1. In 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 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 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 ~~and to the small project design review procedure in Chapter 17.136.~~

3. ~~Exception to Aggregate Sign Area Limits. 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, the following exceptions to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136~~ 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.

Change #26

17.104.030 - **General limitations on signs—S-1, S-2, S-3 and S-15 zones.**

B. Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 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(1) below and to the small project design review procedure in Chapter 17.136.

1. Exception to Aggregate Sign Area Limits. ~~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, the following exception to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136.~~ 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.

Change #27

17.106.010 – **Lot area and width exceptions.**

B. Division of Parcel with Existing Buildings. Where a parcel contains two or more existing principal buildings which ~~existed lawfully under the previous zoning controls were lawfully established,~~ said parcel may be divided into two or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A conditional use permit may be granted only upon determination that the proposal

conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:

1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved.

Change #28

17.112.020 - Definition of home occupations.

A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, 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 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 Sections 17.112.030, 17.112.040, 17.112.050, and 17.112.060.

B. 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.

Change #29

17.112.030 - Exclusions.

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

- A. Introductory service;
- B. Teaching of organized classes totaling more than six persons at a time;
- C. Accommodation of more than three 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;
- D. Operation of a beauty parlor with more than two hairdrying machines;
- E. Maintenance of a construction contractor's storage or construction yard or garage;
- F. Care, treatment, or boarding of animals for profit.
- G. Crop growing activities that include the use of mechanized farm equipment.

Change #30

17.112.040 - Requirements.

A. Location. A home occupation shall only be performed in the following locations:

1. within a living unit by a resident thereof;

- ~~2. or within a garage which that is attached to, and reserved for, such a living unit. When conducted within a garage the doors thereof shall be closed; and~~
3. 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.

Change #31

17.116.080 Off-street parking--Commercial Activities.

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	C-55, CBD-P, CBD-C, CBD-X, S-15.	--	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.	<u>3,000 square feet</u>	One space for each 200 square feet of floor area.

Change #32

17.136.050 - Regular design review criteria.

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 zone:

1. That for additions or alterations,
 - a. ~~The~~ proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

- ~~2. That for demolition or removal,~~
 - ~~a. The affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community; or~~
 - ~~b. The structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or~~
 - ~~c. Considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.~~

D. For Potential Designated Historic Properties that are not Local Register Properties:

- ~~1. That for additions or alterations,~~
 - ~~a1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or~~
 - ~~b2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or~~
 - ~~c3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.~~

- ~~2. That for demolition or removal,~~
 - ~~a. The design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or~~
 - ~~b. The public benefits of the proposed project outweigh the benefit of retaining the original structure; or~~
 - ~~c. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.~~

EE. For Retaining Walls,

- 1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;
- 2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;
- 3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;
- 4. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

Change #33

17.140.080 - Permit criteria.

A planned unit development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;

Change #34

17.3337.070 Other Zoning Provisions.

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

Change #35

PLANNING

Chapters:

17.01 General Provisions of Planning Code and General Plan Conformity

17.03 City Planning Commission

17.05 Landmarks Preservation Advisory Board

17.07 Title, Purpose and Scope of the Zoning Regulations

17.09 Definitions

17.10 Use Classifications

17.11 OS Open Space Zoning Regulations

17.13 RH Hillside Residential Zones Regulations

17.15 RD Detached Unit Residential Zones Regulations

17.17 RM Mixed Housing Type Residential Zones Regulations

17.19 RU Urban Residential Zones Regulations

17.30 R-80 High-Rise Apartment Residential Zone Regulations

~~**17.30-R-90-High-Rise-Apartment-Residential-Zone-Regulations**~~

~~**17.32-33 CN Neighborhood Center Commercial Zones Regulations**~~

~~**17.34-35 CC Community Commercial Zones Regulations**~~

~~**17.36-37 CR Regional Commercial Zone Regulations**~~

17.54 C-40 Community Thoroughfare Commercial Zone Regulations

17.56 C-45 Community Shopping Commercial Zone Regulations

17.58 CBD Central Business District Zones Regulations

17.65 HBX Housing and Business Mix Commercial Zones Regulations

17.68 M-20 Light Industrial Zone Regulations

17.70 M-30 General Industrial Zone Regulations

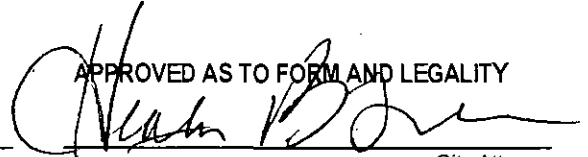
17.72 M-40 Heavy Industrial Zone Regulations

- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones Regulations
- 17.74 S-1 Medical Center Zone Regulations
- 17.76 S-2 Civic Center Zone Regulations
- 17.78 S-3 Research Center Zone Regulations
- 17.80 S-4 Design Review Combining Zone Regulations
- 17.82 S-6 Mobile Home Combining Zone Regulations
- 17.84 S-7 Preservation Combining Zone Regulations
- 17.90 S-10 Scenic Route Combining Zone Regulations
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations
- 17.94 S-12 Residential Parking Combining Zone Regulations
- 17.97 S-15 Transit Oriented Development Zone Regulations
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations
- 17.100A S-19 Health and Safety Protection Combining Zone Regulations
- 17.100B S-20 Historic Preservation District Combining Zone Regulations
- 17.101A D-WS Wood Street District Commercial Zone Regulations
- 17.101B D-OTN Oak To Ninth District Zone Regulations
- 17.101C D-BR Broadway Retail Frontage District Interim Combining Zone Regulations
- 17.101D D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations
- 17.102 General Regulations Applicable to All or Several Zones
- 17.104 General Limitations on Signs
- 17.106 General Lot, Density, and Area Regulations
- 17.107 Density Bonus and Incentive Procedure
- 17.108 General Height, Yard, Court, and Fence Regulations
- 17.110 Buffering Regulations
- 17.112 Home Occupation Regulations
- 17.114 Nonconforming Uses
- 17.116 Off-Street Parking and Loading Requirements
- 17.117 Bicycle Parking Requirements
- 17.118 Recycling Space Allocation Requirements
- 17.120 Performance Standards
- 17.124 Landscaping and Screening Standards
- 17.126 Usable Open Space Standards
- 17.128 Telecommunications Regulations
- 17.130 Administrative Procedures Generally
- 17.132 Administrative Appeal Procedure
- 17.134 Conditional Use Permit Procedure
- 17.135 Special Use Permit Review Procedure for the OS Zone
- 17.136 Design Review Procedure
- 17.138 Development Agreement Procedure
- 17.140 Planned Unit Development Procedure
- 17.142 Planned Unit Development Regulations
- 17.144 Rezoning and Law Change Procedure
- 17.148 Variance Procedure
- 17.150 Fee Schedule
- 17.152 Enforcement
- 17.154 Zoning Maps
- 17.156 Deemed Approved Alcoholic Beverage Sale Regulations
- 17.157 Deemed Approved Hotel and Rooming House Regulations
- 17.158 Environmental Review Regulations

2011 AUG 29 PM 2:00

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

AN ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, TO: 1) UPDATE REFERENCES, REDUCING REDUNDANCY, AND CLARIFYING LANGUAGE IN VARIOUS CHAPTERS OF THE PLANNING CODE; 2) CONDITIONALLY PERMIT MINI- AND MICRO-TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL AREAS OF THE CENTRAL BUSINESS DISTRICT; 3) AMEND CHAPTER 17.112 OF THE PLANNING CODE TO ALLOW CROP GROWING AS A HOME OCCUPATION; 4) ADJUST THE SIGN REGULATIONS IN THE RU-4 AND RU-5 ZONES TO BE CONSISTENT WITH OTHER ZONES ON THE CITY'S MAJOR TRANSPORTATION CORRIDORS; 5) CREATE AN INTERIM COMBINING ZONE FOR THE CORE OF THE CHINATOWN COMMERCIAL AREA THAT WOULD BROADEN THE RANGE OF ALLOWED GROUND FLOOR USES; AND 6) IMPROVE CONSISTENCY AMONG CHAPTERS AND THE MAPS, INCLUDING MAKING THE ZONING ORDINANCE TEXTCONSISTENT WITH THE ADOPTED HEIGHT MAP FOR THE AREA NEAR VALDEZ, HARRISON AND 27TH STREETS.

WHEREAS, the General Plan Land Use and Transportation Element, adopted in 1998, prioritized updating the Planning Code to create a more user-friendly framework for reviewing and approving development proposals; and

WHEREAS, the Planning Code contains overly complex language, is difficult to navigate and needs formatting and reference updates, as well as organizational improvements; and

WHEREAS, there are inconsistencies, typographical errors and omissions in both the Planning Code text and map; and

WHEREAS, the area zoned CBD Central Business District Pedestrian' restrict ground floor uses that are traditionally allowed to locate on the ground floor in the commercial area of Chinatown; and

WHEREAS, businesses are allowed in areas zoned RU-4 and RU-5 but are not currently permitted to have signage comparable to that of businesses in other zones along the City's major corridors; and

WHEREAS, home occupation regulations disallow the outdoor growing of crops; and

WHEREAS, crop raising as a home occupation increases business opportunities in the City and expands access to fresh, healthy food; and

WHEREAS, on June 15, 2011, at a duly noticed public hearing, the Planning Commission recommended approval of the proposed Planning Code and Zoning Map Amendments; and

WHEREAS, after a duly noticed public meeting on September 13, 2011 the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 20, 2011 to consider the proposal; now therefore

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

Section 1. The City Council finds and determines that the forgoing recitals are true and correct and hereby makes them a part of this ordinance.

Section 2. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with the California Environmental Quality Act (CEQA) because the City is relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRS for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas and no further environmental review is required under CEQA Guidelines sections 15162 and 15163. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines. The Environmental Review Officer is directed to cause to be filed a Notice of Exemption/Determination with the appropriate agencies.

Section 3. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 4. The Oakland Planning Code is hereby amended to include the zoning text amendments contained in *Exhibit A*, attached hereto and hereby incorporated by reference.

Section 5. The Oakland Zoning Map is hereby amended to create an interim CH Chinatown Combining zone as indicated in *Exhibit B*, attached hereto and hereby incorporated herein by reference.

Section 6. 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 7. 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 8. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 9. 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) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

EXHIBIT A: PROPOSED CHANGES TO THE MUNICIPAL CODE

Items that are underlined are insertions, while items that appear in ~~strikeout~~ are deletions. All changes are to the Planning Code.

17.07.020 Title of zoning regulations.

The provisions of Chapters 17.07 through ~~17.154-158~~ shall be known as the Zoning Regulations.

17.13.050 Property Development Standards

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

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

17.15.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.15.01:

- L2. These activities may only be located ~~on~~in ~~the~~an existing ground floor of an existing-Nonresidential Facility that was both built prior the effective date of this chapter (April ~~15~~14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate

of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 4~~5~~14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

- L5. These activities may only be located en-in the-an existing ground floor of a n existing-nonresidential facility that was both buih prior to the effective date of this chapter (April 4~~5~~14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

17.15.040 Permitted and Conditionally Permitted Facilities

Limitations on Table 17.15.02:

- L3. Business Signs are only allowed on existing nonresidential facihties built prior to the effective date of this chapter (April 4~~5~~14, 2011); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a comer lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.17.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.17.01:

- L2. These activities may only be located en-in the-an existing ground floor of an existing Nonresidential Facility that was both built prior the effective date of this chapter (April 4~~5~~14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

- L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 4~~5~~14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity

shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

- L7. These activities may only be located ~~en-in~~ in an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 15, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

Limitations on Table 17.17.02:

- L3. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 15, 2011); otherwise Section 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

17.17.040 Permitted and Conditionally Permitted Facilities

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

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

Table 17.17.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones				C*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Residential Facilities						

Table 17.17.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.102.360
Two-Family Dwelling	C (L1)	P	P	P	N/A Same as underlying zone	
Multifamily Dwelling	--	C (L1)	C (L1)	C (L1)	N/A Same as underlying zone	
Rooming House	--	--	--	--	--	
Mobile Home	--	--	--	--	--	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C	
Sidewalk Café	P (L2)	P (L2)	P (L2)	P (L2)	P (L2)	17.102.335
Drive-In Nonresidential	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	--	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	--	--	--	--	--	17.104

Additional Regulations for Table 17.17.03:

7. See additional reduced side, and rear setbacks for smaller lots, Table 17.4517.04. See Section 17.108.130 for allowed projections into setbacks.

17.19.030 Permitted and Conditionally Permitted Activities

Limitations on Table 17.19.01:

- L3 In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 15~~14~~, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L4 In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (April 15~~14~~, 2011) or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 15~~14~~, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.
- L5. In the RU-1, RU-2, and RU-3 zones, these activities may only be located en-in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 15~~14~~, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 am and 10:00 pm.
- L6. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (April 15~~14~~, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.
- L8. These activities may only be located en-in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 15~~14~~, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).
- L9. These activities may only be located en-in the an existing ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (April 15~~14~~, 2011) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit is required if the facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

17.19.040 Permitted and Conditionally Permitted Facilities

Limitations on Table 17.19.02:

- L5. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 15~~14~~, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all business, civic, and residential signs on any one

lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.19.050 Property Development Standards

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

Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only							
Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	90 ft	1, 2
Height Minimum							
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf	450 sf	375 sf	275 sf	225 sf	225 sf	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	
Minimum Usable Open Space							
Group usable open space per regular unit	150 sf	150 sf	150 sf	150 sf	100 sf	100 sf	6
Group usable open space per regular unit when private open space substituted	30 sf	30 sf	30 sf	30 sf	20 sf	20 sf	6
Group usable open space per rooming unit	75 sf	75 sf	75 sf	75 sf	50 sf	50 sf	6
Group usable open space per rooming unit when private open space is substituted	15 sf	15 sf	15 sf	15 sf	10 sf	10 sf	6

Chapter 17.30

R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.30.010 Title, purpose, and applicability.
- 17.30.040 Required design review process.
- 17.30.050 Permitted activities.
- 17.30.060 Conditionally permitted activities.
- 17.30.070 Permitted facilities.
- 17.30.080 Conditionally permitted facilities.
- 17.30.090 Special regulations applying to certain Commercial Activities.
- 17.30.100 Performance standards for Commercial Activities.
- 17.30.110 Use permit criteria for Commercial Activities.
- 17.30.120 Limitations on Signs.
- 17.30.130 Minimum lot area, width, and frontage.
- 17.30.140 Maximum residential density.
- 17.30.150 Maximum floor-area ratio.
- 17.30.160 Maximum height.
- 17.30.170 Minimum yards and courts.
- 17.30.180 Minimum usable open space.
- 17.30.190 Buffering.
- 17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
- 17.30.210 Other zoning provisions.

17.30.010 Title, purpose, and applicability.

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

17.30.040 Required design review process.

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

review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 11904 § 5.60 (part), 1996; prior planning code § 3852.1)

17.30.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

B. Civic Activities:

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Telecommunications

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3853)

17.30.060 Conditionally permitted activities.

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

B. Civic Activities:

Administrative

Health Care

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Café

Convenience Market

Alcoholic Beverage Sales

Medical Service

Consumer Service

Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature

D. Agricultural and Extractive Activities:

Crop and Animal Raising

E. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.102.100.

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

(Ord. 12138 § 5 (part), 1999; prior planning code § 3854)

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

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

Two-Family Dwelling

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

(Ord. 12501 § 45, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3855)

17.30.080 Conditionally permitted facilities.

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

Telecommunications Facilities:

Micro

Mini

Macro

Monopole

(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3856)

17.30.090 Special regulations applying to certain Commercial Activities.

All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. No Business Signs or display windows shall be provided for such activities. See also Section 17.102.210.

(Prior planning code § 3858)

17.30.100 Performance standards for Commercial Activities.

All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

(Prior planning code § 3860)

17.30.110 Use permit criteria for Commercial Activities.

A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.102.210.

B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:

1. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;

2. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.

(Prior planning code § 3861)

17.30.120 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. See also Section 17.30.090.

(Prior planning code § 3863)

17.30.130 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 3864)

17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 12501 § 46, 2003; prior planning code § 3865)

17.30.150 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Prior planning code § 3867)

17.30.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.21, 1996; prior planning code § 3869)

17.30.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

B. Side Yard--Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.

C. Side Yard--Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3870)

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.
(Prior planning code § 3871)

17.30.190 Buffering.

All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
(Prior planning code § 3872)

17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.

A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-80 zone may be waived or modified when and as prescribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 zone, and certain of the other regulations applying in said zone may be waived or modified.

C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.
(Prior planning code § 3873)

17.30.210 Other zoning provisions.

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

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

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

D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 zone.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3874)

CHAPTER 17.32 R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS

Sections:

- 17.32.010** — Title, purpose, and applicability.
- 17.32.040** — Required design review process.
- 17.32.050** — Permitted activities.
- 17.32.060** — Conditionally permitted activities.
- 17.32.070** — Permitted facilities.
- 17.32.080** — Conditionally permitted facilities.
- 17.32.090** — Special regulations applying to certain Commercial Activities.
- 17.32.100** — Performance standards for Commercial Activities.
- 17.32.110** — Use permit criteria for Commercial Activities.
- 17.32.120** — Limitations on Signs.
- 17.32.130** — Minimum lot area, width, and frontage.
- 17.32.140** — Maximum residential density.
- 17.32.150** — Maximum floor-area ratio.
- 17.32.160** — Maximum height.
- 17.32.170** — Minimum yards and courts.
- 17.32.180** — Minimum usable open space.
- 17.32.190** — Buffering.
- 17.32.200** — Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
- 17.32.210** — Other zoning provisions.

17.32.010 — Title, purpose, and applicability.

— The provisions of this chapter, shall be known as the R-90 downtown apartment residential zone regulations. The R-90 zone is intended to create, preserve, and enhance areas for high rise apartment living at very high densities in desirable settings, and is typically appropriate to areas within, or in close proximity to, the Oakland central district. These regulations shall apply in the R-90 zone.

(Prior planning code § 3900)

17.32.040 — Required design review process.

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

~~review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 11904 § 5.60 (part), 1996; prior planning code § 3902.1)~~

~~17.32.050 Permitted activities.~~

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

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care occupying a One Family Dwelling Residential Facility~~

~~Semi-Transient~~

~~B. Civic Activities:~~

~~Essential Service~~

~~Limited Child Care~~

~~Community Assembly~~

~~Recreational Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Telecommunications~~

~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3903)~~

~~17.32.060 Conditionally permitted activities.~~

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

~~A. Residential Activities:~~

~~Residential Care, except when occupying a One Family Dwelling Residential Facility~~

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

~~Emergency Shelter~~

~~B. Civic Activities:~~

~~Administrative~~

~~Health Care~~

~~Utility and Vehicular~~

~~Extensive Impact~~

~~G. Commercial Activities:~~

~~General Food Sales~~

~~Full Service Restaurants~~

~~Limited Service Restaurants and Cafe~~

~~Convenience Market~~

~~Alcoholic Beverage Sales~~

~~Consumer Service~~

~~Medical Service~~

~~_____ Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~

~~_____ D. _____ Agricultural and Extractive Activities:~~

~~_____ _____ Crop and Animal Raising~~

~~_____ E. _____ Off-street parking serving activities other than those listed above or in Section 17.32.050, subject to the conditions set forth in Section 17.102.100.~~

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

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3904)~~

~~17.32.070 _____ Permitted facilities:~~

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

~~_____ A. _____ Residential Facilities:~~

~~_____ _____ One Family Dwelling~~

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

~~_____ _____ Two Family Dwelling~~

~~_____ _____ Multifamily Dwelling~~

~~_____ _____ Rooming House~~

~~_____ B. _____ Nonresidential Facilities:~~

~~_____ _____ Enclosed~~

~~_____ _____ Open~~

~~_____ C. _____ Signs:~~

~~_____ _____ Residential~~

~~_____ _____ Special~~

~~_____ _____ Development~~

~~_____ _____ Realty~~

~~_____ _____ Civic~~

~~(Ord. 12501 § 48, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3905)~~

~~17.32.080 _____ Conditionally permitted facilities:~~

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

~~_____ A. _____ Telecommunications Facilities:~~

~~_____ _____ Micro~~

~~_____ _____ Mini~~

~~_____ _____ Macro~~

~~_____ _____ Monopole~~

~~(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3906)~~

~~17.32.090 _____ Special regulations applying to certain Commercial Activities.~~

~~———— All General Food Sales, Full Service Restaurants, Limited Service Restaurants and Cafe, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. See also Section 17.102.210.
(Prior planning code § 3908)~~

17.32.100 — Performance standards for Commercial Activities.

~~———— All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
(Prior planning code § 3910)~~

17.32.110 — Use permit criteria for Commercial Activities.

~~———— A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

~~———— A. — That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~———— B. — That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises. See also Section 17.102.210.~~

~~(Prior planning code § 3911)~~

17.32.120 — Limitations on Signs.

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

17.32.130 — Minimum lot area, width, and frontage.

~~———— Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3914)~~

17.32.140 — Maximum residential density.

~~———— The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit,~~

~~and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~———— A. ——— Permitted Density. One regular dwelling unit is permitted for each one hundred fifty (150) square foot of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. One efficiency dwelling unit is permitted for each one hundred (100) square feet of lot area, provided that one extra such unit is permitted if a remainder of seventy five (75) square feet or more is obtained after division of the lot area by one hundred (100) square feet. One rooming unit is permitted for each seventy five (75) square foot of lot area, provided that one extra such unit is permitted if a remainder of fifty (50) square feet or more is obtained after division of the lot area by seventy five (75) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~———— B. ——— Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as proscribed in Section 17.106.060, in certain special housing.
(Ord. 12501 § 49, 2003; prior planning code § 3915)~~

~~17.32.150 ——— Maximum floor-area ratio.~~

~~———— The maximum floor area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~———— A. ——— Permitted Floor Area Ratio. The maximum permitted floor area ratio is 7.00, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten (10) percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~———— B. ——— Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~

~~(Prior planning code § 3917)~~

~~17.32.160 ——— Maximum height.~~

~~———— Except as provided in Chapter 17.128, no general maximum height is proscribed, except that the height of facilities shall be limited, as proscribed in Section 17.108.010,~~

on lots lying along a boundary of any of certain other zones. But see Section 17.32.130 for maximum height of facilities within minimum yards and courts.
(Ord. 11904 § 5.22, 1996; prior planning code § 3919)

~~17.32.170 — Minimum yards and courts.~~

~~— The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~— A. — Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~

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

~~— C. — Side Yard—Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as proscribed in Section 17.108.060.~~

~~— D. — Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:~~

~~— 1. — A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~

~~— 2. — A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~— E. — Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~— F. — Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.
(Prior planning code § 3920)~~

~~17.32.180 — Minimum usable open space.~~

~~— On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~(Prior planning code § 3921)~~

~~17.32.190 — Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~

~~(Prior planning code § 3922)~~

~~17.32.200 — Special regulations for mini lot developments, planned unit developments, and large scale developments.~~

~~_____A._____ Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-90 zone may be waived or modified when and as proscribed in Section 17.102.320.~~

~~_____B._____ Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-90 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~_____C._____ Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) foot in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.~~

~~(Prior planning code § 3923)~~

~~17.32.210 _____ Other zoning provisions.~~

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

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

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

~~_____D._____ Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~_____E._____ General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-90 zone.~~

~~_____F._____ Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-90 zone.~~

Chapter 17.332
CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

Chapter 17.354
CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.010 Title, Intent, and Description

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

17.35.050 Property Development Standards
Limitations on Table 17.35.03:

12. For the new construction of principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note ~~4011~~, above.

Chapter 17.376
CR REGIONAL COMMERCIAL ZONE REGULATIONS

- 17.54.090 Special regulations applying to certain Activities.**

A. Fast-Food Restaurants, Convenience Markets, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.

B. Automobile and Other Light Vehicle Gas Station and Servicing.

1. Automobile and Other Light Vehicle Gas Station and Servicing

Commercial Activities shall not involve open storage of goods or materials. All repair and lubrication performed by such activities shall take place in an enclosed building.

2. See Section 17.54.180b for special landscaping requirements.

3. See Section 17.54.110 for limitations on Signs.

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

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;

2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and

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

17.58.010 Title, Purpose, and Applicability

C. Description of Combining Zone. This Chapter establishes interim land use regulations for the following combining zone:

1. CH Chinatown Interim Commercial Combining Zone. The intent of the CH combining zone is to allow for expanded commercial uses in the core of the Chinatown commercial area, which is located within the Lake Merritt Station Area Plan boundaries. When an above base zone is combined with the CH combining zone, the permitted uses in CH combining zone supersede those of the base zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries. Therefore, these regulations shall remain in place and be effective through (2 years from effective date), or until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan, whichever comes first.

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

“P” designates permitted activities in the corresponding zone.

- “C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “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 17.58.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Residential Activities						
Permanent	P	P(L1)	P(L1)	P	P(L1)	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	P(L1)(L2)	17.102.212
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	C(L2)	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	C(L1)	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	P	
Community Assembly	C	C(L6)	C	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	P(L4)	
Special Health Care	--	C(L6)	C	C	C(L6)	17.102.410
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	P	
Fast-Food Restaurant	--	C	C	C	C	17.102.210 and 8.09
Convenience Market	C(L7)	C	C	C	C	17.102.210
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	
Consumer Service	P(L4)(L7)	P(L4)	P	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	P	

Table 17.58:01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Check Cashier and Check Cashing	--	C	C	C	<u>C</u>	17.102.430
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	<u>C</u>	
Group Assembly	C(L7)	P(L4)	P	P	<u>P(L4)</u>	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Administrative	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
Broadcasting and Recording Services Commercial Activities	--	P(L5)	P	P(L4)	<u>P</u>	
Research Service	P(L4)(L7)	P(L5)	P	P	<u>P</u>	
General Wholesale Sales	--	--	--	C	=	
Transient Habitation	C(L8)	C(L6)	P	C	<u>C</u>	17.102.370
Building Material Sales	--	--	--	--	=	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	C	=	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	C(L9)	C(L9)	=	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	=	
Taxi and Light Fleet-Based Services	--	--	C(L9)	C(L9)	=	
Automotive Fee Parking	C(L10)	C(L10)	C(L10)	C(L10)	<u>C(L10)</u>	
Animal Boarding	--	--	--	--	=	
Animal Care	--	C(L6)	C	C	<u>C</u>	
Undertaking Service	--	--	C	C	=	
Industrial Activities						
Custom Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	<u>--(L11)</u>	17.102.040
Light Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	<u>--(L11)</u>	17.102.040
General Manufacturing	--(L11)	--(L11)	--(L11)	--(L11)	<u>--(L11)</u>	17.102.040
Heavy/High Impact	--	--	--	--	=	
Research and Development	--	--	C(L9)	C(L9)	=	
Construction Operations	--	--	--	--	=	
Warehousing, Storage, and Distribution						
A. General	--	--	--	C(L9)	=	

Table 17:58:01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Warehousing, Storage and Distribution						
B. General Outdoor Storage	--	--	--	--	=	
C. Self- or Mini Storage	--	--	--	--	=	
D. Container Storage	--	--	--	--	=	
E. Salvage/Junk Yards	--	--	--	--	=	
Regional Freight Transportation	--	--	--	--	=	
Trucking and Truck-Related	--	--	--	--	=	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	--	--	C	C	=	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	=	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	=	
Agriculture and Extractive Activities						
Crop and animal raising	--	--	--	--	=	
Plant nursery	--	--	--	--	=	
Mining and Quarrying	--	--	--	--	=	
Accessory off-street parking, serving, prohibited activities	C	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110

Limitations:

* If the base zone (CBD-P) also has the CH Combining Zone, the CH regulations supersede the base zone.

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. 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 or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
 - a. The proposal will not impair a generally continuous wall of building facades;
 - b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.
- L7. These activities may only be located on or below the ground floor of a building with the following exceptions:
 - a) If the floor area devoted to the activity is less than 2,000 square feet and the activity takes place in a Local Register property then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.
- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning.

This requirement excludes parking for customers currently at the business and automotive fueling.

- L10. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- L11. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.050 Permitted and Conditionally Permitted Facilities

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

“--” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	(L1)	--	--	--	
One-Family Dwelling with Secondary Unit	P	--	--	--	17.102.360
Two-Family Dwelling	P	--	--	--	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	C	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In Nonresidential	--	--	--	C	
Drive-Through Nonresidential	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	PC	P	P	P	17.128
Mini Telecommunications	PC	P	P	P	17.128

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
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

Limitation:

L1. See Chapter 17.114, Noneonforming Uses, for additions and alterations to legal noneonforming One-Family Dwellings.

~~17.102.210 - Special regulations applying to Convenience Markets, Fast-Food Restaurants, certain establishments selling alcoholic beverages, providing mechanical or, and electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.~~

~~E. Special Restrictions on Transport and Warehousing storage of abandoned, dismantled or inoperable vehicles, machinery, equipment and of construction, grading and demolition materials, and Scrap Operation (these provisions would not apply to the storage or parking of operable recreational vehicles, operable automobiles, public parking facilities, or parking for active establishments, e.g., auto dealerships). (Ord. 12241 § 3 (part), 2000; Ord. 12224 § 5, 2000; Ord. 11958 § 9, 1996; amended during 1997 codification; Ord. 11831 §§ 3, 4, 1995; prior planning code § 7023)~~

17.104.010 General limitations on Signs in residential and OS zones, except the RU-4 and RU-5 zones.

The following limitations shall apply to the specified Signs in all residential and OS zones except the RU-4 and RU-5 zones, and 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:

17.104.020 General limitations on signs--Commercial and industrial zones and the RU-4 and RU-5 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:

17.104.020 - General limitations on signs—Commercial and Industrial zones.

B. Permitted Aggregate Sign Area.

1. In 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 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 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 and to the small project design review procedure in Chapter 17.136.

3. ~~Exception to Aggregate Sign Area Limits. 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, the following exceptions to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136~~ 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.

17.104.030 - General limitations on signs—S-1, S-2, S-3 and S-15 zones.

B. Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 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(1) below and to the small project design review procedure in Chapter 17.136.

1. Exception to Aggregate Sign Area Limits. ~~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, the following exception to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136. 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.

17.106.010 – Lot area and width exceptions.

B. Division of Parcel with Existing Buildings. Where a parcel contains two or more existing principal buildings which ~~existed lawfully under the previous zoning controls were~~ lawfully established, said parcel may be divided into two or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:

1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved.

17.112.020 - ~~Definition of home occupations.~~

A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, 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 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 Sections 17.112.030, 17.112.040, 17.112.050, and 17.112.060.

B. 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.

17.112.030 - Exclusions.

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

- A. Introductory service;
- B. Teaching of organized classes totaling more than six persons at a time;
- C. Accommodation of more than three 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;
- D. Operation of a beauty parlor with more than two hairdrying machines;
- E. Maintenance of a construction contractor's storage or construction yard or garage;
- F. Care, treatment, or boarding of animals for profit.
- G. Crop growing activities that include the use of mechanized farm equipment.

17.112.040 - Requirements.

A. Location. A home occupation shall only be performed in the following locations:

- 1. within a living unit by a resident thereof;
- 2. ~~or within a garage which that is attached to, and reserved for, such a living unit. When conducted within a garage the doors thereof shall be closed;~~ and
- 3. 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.

17.116.080 Off-street parking--Commercial Activities.

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	C-55, CBD-P, CBD-C, CBD-X, S-15.	--	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.	<u>3,000 square feet</u>	One space for each 200 square feet of floor area.

17.136.050 - Regular design review criteria.

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 zone:

1. That for additions or alterations,
 - a. The proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
2. That for demolition or removal,
 - a. The affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community; or
 - b. The structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or
 - c. Considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.

D. For Potential Designated Historic Properties that are not Local Register Properties:

1. That for additions or alterations,
 - a1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
 - b2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
 - e3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

- ~~2. That for demolition or removal;~~
- ~~a. The design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or~~
- ~~b. The public benefits of the proposed project outweigh the benefit of retaining the original structure; or~~
- ~~c. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.~~

~~EE.~~ For Retaining Walls,

1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;
2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;
3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;
4. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

17.140.080 - Permit criteria.

A planned unit development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;

17.3337.070 Other Zoning Provisions.

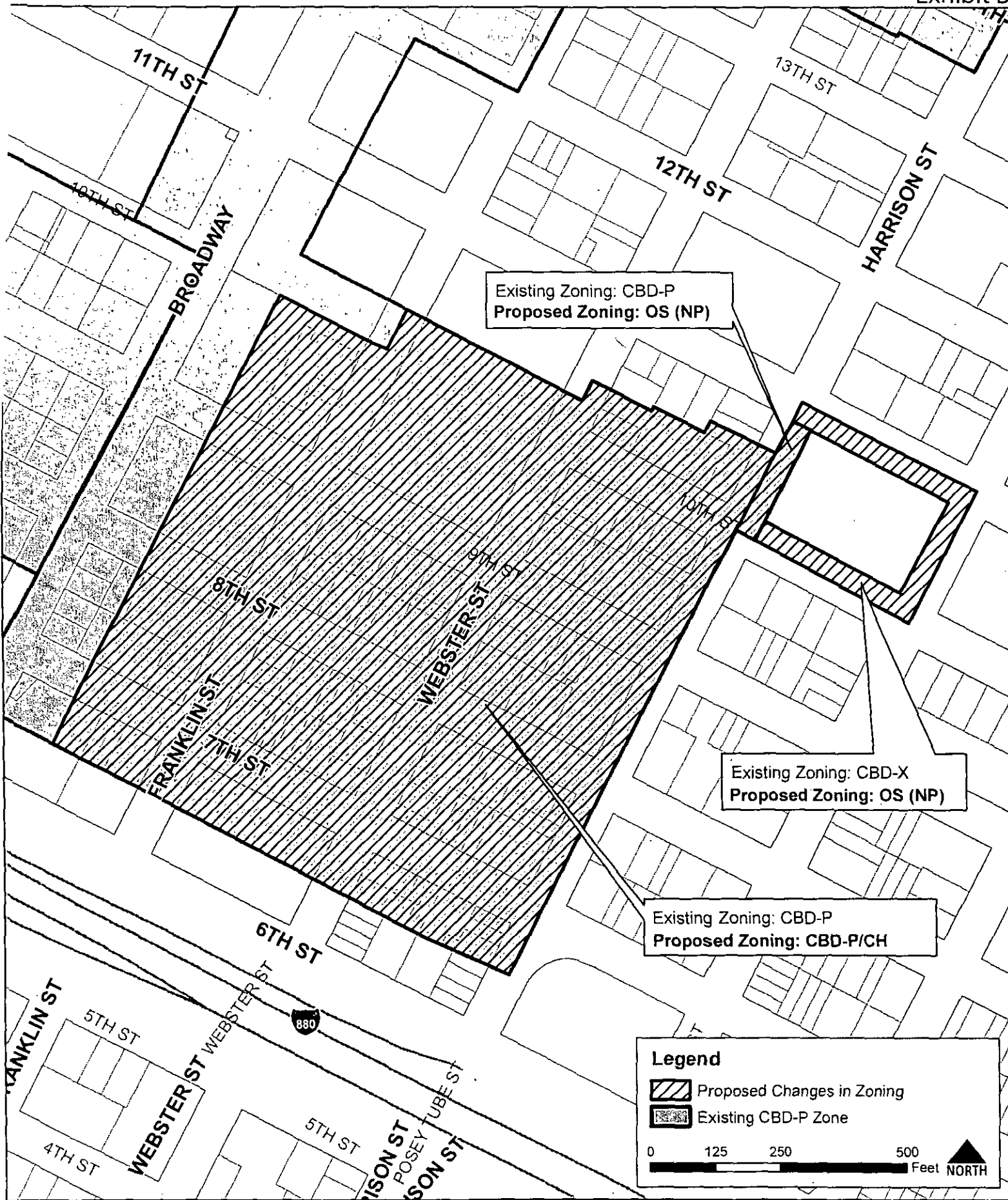
- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions.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

PLANNING

Chapters:

- 17.01 General Provisions of Planning Code and General Plan Conformity**
- 17.03 City Planning Commission**
- 17.05 Landmarks Preservation Advisory Board**
- 17.07 Title, Purpose and Scope of the Zoning Regulations**
- 17.09 Definitions**
- 17.10 Use Classifications**
- 17.11 OS Open Space Zoning Regulations**
- 17.13 RH Hillside Residential Zones Regulations**
- 17.15 RD Detached Unit Residential Zones Regulations**
- 17.17 RM Mixed Housing Type Residential Zones Regulations**
- 17.19 RU Urban Residential Zones Regulations**
- 17.30 R-80 High-Rise Apartment Residential Zone Regulations**
- ~~17.30-R-90 High-Rise Apartment Residential Zone Regulations~~**
- 17.33-33 CN Neighborhood Center Commercial Zones Regulations**
- 17.34-35 CC Community Commercial Zones Regulations**
- 17.36-37 CR Regional Commercial Zone Regulations**
- 17.54 C-40 Community Thoroughfare Commercial Zone Regulations**
- 17.56 C-45 Community Shopping Commercial Zone Regulations**
- 17.58 CBD Central Business District Zones Regulations**
- 17.65 HBX Housing and Business Mix Commercial Zones Regulations**
- 17.68 M-20 Light Industrial Zone Regulations**
- 17.70 M-30 General Industrial Zone Regulations**
- 17.72 M-40 Heavy Industrial Zone Regulations**
- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones Regulations**
- 17.74 S-1 Medical Center Zone Regulations**
- 17.76 S-2 Civic Center Zone Regulations**
- 17.78 S-3 Research Center Zone Regulations**
- 17.80 S-4 Design Review Combining Zone Regulations**
- 17.82 S-6 Mobile Home Combining Zone Regulations**
- 17.84 S-7 Preservation Combining Zone Regulations**
- 17.90 S-10 Scenic Route Combining Zone Regulations**
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations**
- 17.94 S-12 Residential Parking Combining Zone Regulations**
- 17.97 S-15 Transit Oriented Development Zone Regulations**
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations**
- 17.100A S-19 Health and Safety Protection Combining Zone Regulations**
- 17.100B S-20 Historic Preservation District Combining Zone Regulations**
- 17.101A D-WS Wood Street District Commercial Zone Regulations**
- 17.101B D-OTN Oak To Ninth District Zone Regulations**
- 17.101C D-BR Broadway Retail Frontage District Interim Combining Zone Regulations**
- 17.101D D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations**
- 17.102 General Regulations Applicable to All or Several Zones**
- 17.104 General Limitations on Signs**
- 17.106 General Lot, Density, and Area Regulations**
- 17.107 Density Bonus and Incentive Procedure**
- 17.108 General Height, Yard, Court, and Fence Regulations**
- 17.110 Buffering Regulations**

- 17.112 Home Occupation Regulations**
- 17.114 Nonconforming Uses**
- 17.116 Off-Street Parking and Loading Requirements**
- 17.117 Bicycle Parking Requirements**
- 17.118 Recycling Space Allocation Requirements**
- 17.120 Performance Standards**
- 17.124 Landscaping and Screening Standards**
- 17.126 Usable Open Space Standards**
- 17.128 Telecommunications Regulations**
- 17.130 Administrative Procedures Generally**
- 17.132 Administrative Appeal Procedure**
- 17.134 Conditional Use Permit Procedure**
- 17.135 Special Use Permit Review Procedure for the OS Zone**
- 17.136 Design Review Procedure**
- 17.138 Development Agreement Procedure**
- 17.140 Planned Unit Development Procedure**
- 17.142 Planned Unit Development Regulations**
- 17.144 Rezoning and Law Change Procedure**
- 17.148 Variance Procedure**
- 17.150 Fee Schedule**
- 17.152 Enforcement**
- 17.154 Zoning Maps**
- 17.156 Deemed Approved Alcoholic Beverage Sale Regulations**
- 17.157 Deemed Approved Hotel and Rooming House Regulations**
- 17.158 Environmental Review Regulations**



Legend

- Proposed Changes in Zoning
- Existing CBD-P Zone

0 125 250 500 Feet NORTH



Proposed CH Lake Merritt Station Area West District Interim Zone
 Within the Lake Merritt Station Area Plan Boundary

CED 9/13/2011

NOTICE AND DIGEST

PUBLIC HEARING FOR ADOPTION OF VARIOUS PLANNING CODE TEXT AND MAP AMENDMENTS TO 1) UPDATE REFERENCES, REDUCE REDUNDANCY, AND CLARIFY LANGUAGE IN VARIOUS CHAPTERS OF THE PLANNING CODE; 2) CONDITIONALLY PERMIT MINI- AND MICRO-TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL AREAS OF THE CENTRAL BUSINESS DISTRICT; 3) AMEND CHAPTER 17.112 OF THE PLANNING CODE TO ALLOW CROP GROWING AS A HOME OCCUPATION; 4) ADJUST THE SIGN REGULATIONS IN THE RU-4 AND RU-5 ZONES TO BE CONSISTENT WITH OTHER ZONES ON THE CITY'S MAJOR TRANSPORTATION CORRIDORS; 5) CREATE AN INTERIM COMBINING ZONE FOR THE CORE OF THE CHINATOWN COMMERCIAL AREA THAT WOULD BROADEN THE RANGE OF ALLOWED GROUND FLOOR USES; AND 6) IMPROVE CONSISTENCY AMONG CHAPTERS AND THE MAPS, INCLUDING MAKING THE ZONING ORDINANCE TEXT CONSISTENT WITH THE ADOPTED HEIGHT MAP FOR THE AREA NEAR VALDEZ, HARRISON AND 27TH STREETS.

The proposed amendments to the Oakland Planning Code are largely non-substantive and are intended to improve consistency, reduce redundancy and simplify language. Other changes include conditionally permitting mini- and micro-telecommunications facilities in residential areas of the Central Business District; making the zoning ordinance text consistent with the adopted height map for the area near Valdez, Harrison and 27th Streets; expanding home occupation to allow non-mechanized crop growing; adjusting sign regulations in the RU-4 and RU-5 zones to allow businesses in these zones to have signage consistent with other businesses along major corridors; and creating an interim combining zone for the Chinatown commercial area that would broaden the range of allowed ground floor uses.