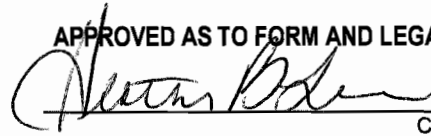


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OFFICE OF THE CITY CLERK  
OAKLAND

2012 DEC 13 PM 3:45

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY



City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13112 C.M.S.**

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**AN ORDINANCE, RECOMMENDED BY THE PLANNING COMMISSION, TO: 1) UPDATE REFERENCES, REDUCE REDUNDANCY, AND CLARIFY LANGUAGE IN VARIOUS CHAPTERS OF THE PLANNING CODE; 2) MODIFY THE THRESHOLD IN CHAPTER 17.102 FOR EXEMPTION FROM THE 1,000-FOOT SEPARATION REQUIREMENT FOR ALCOHOL BEVERAGE SALES COMMERCIAL FROM 20,000 SQUARE FEET DOWN TO 12,000 SQUARE FEET, AND MODIFY THE REQUIREMENT FOR 25 FULL-TIME EMPLOYEES; 3) MODIFY CHAPTER 17.108 FOR SETBACKS OF ALLOWED PROJECTIONS ABOVE THE HEIGHT LIMITS AND ALLOWED PROJECTIONS INTO REQUIRED SETBACKS; 4) MODIFY CHAPTER 17.108 FOR INTERIOR COURTYARD REGULATIONS AND SEPARATION AND SETBACK REQUIREMENTS FROM LEGALLY REQUIRED WINDOWS.**

**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 the Planning Code text; and

**WHEREAS**, the current zoning regulations prohibit alcohol beverage sales activities for businesses with less than 25 full-time employees and 25,000 square feet to be located within 1,000 feet of another alcohol beverage sales activity thus restricting large scale retail/pharmacy businesses from conducting prototypical operations that often include the sales of beer and wine; and

**WHEREAS**, the current zoning regulations pertaining to side yards opposite living room windows and courtyard widths that were designed for 1960's era garden apartments have proven problematic to functional design of more dense corridor residential developments along the City's corridors as envisioned by the Oakland General Plan; and

**WHEREAS**, the current zoning regulations limit the height of security fences for blighted vacant

properties under code compliance action to 42 inches or six feet with small project design review thus limiting the effectiveness of such fences; and

**WHEREAS**, on February 15, 2012, at a duly noticed public hearing, the Planning Commission recommended approval of the proposed Planning Code Amendments; and

**WHEREAS**, after a duly noticed public meeting on March 27, 2012 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 April 3, 2012 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 to be 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.** 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 6.** 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 7.** That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying papers;
2. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
3. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
4. 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 8.** 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, 1<sup>st</sup> floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 30 2012

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

Introduction Date APR 3 2012

DATE OF ATTESTATION: 12/20/12

## EXHIBIT A: PROPOSED CHANGES TO THE PLANNING CODE

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

### **17.102.210 - Special regulations applying to Fast-Food Restaurants, Convenience Markets, certain establishments selling alcoholic beverages, providing mechanical and electronic games.**

d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees, or ~~and~~ a total floor area of twenty twelve thousand (12,00020,000) square feet or more.

2. Sale of alcoholic beverages in conjunction with a Full Service Restaurant and located within any of the following restricted street areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: International Boulevard; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying between Highway I-980 and I-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

4. In addition to the above criteria, projects outside the Central District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees, or ~~and~~ will result in a total floor area of twenty twelve thousand (12,00020,000) square feet or more:

### **17.102.240 - Special regulations applying to microwave and satellite dishes over one (1) meter in diameter located in or near residential zones.**

The following regulations shall apply to microwave and satellite dishes which are over one (1) meter in diameter, which are located in any residential zone or within one hundred fifty (150) feet from the nearest boundary of any residential zone, as measured perpendicularly from said boundary at any point:

B. Distance from Lot Line in Certain Cases. No such facility shall be located within ten (10) feet from any abutting residentially zoned lot, or from any street, alley, or path or private way described in Section 17.106.020 directly across which there is a lot in any residential zone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

C. Noise and Glare. All such facilities located within one hundred fifty (150) feet of any residentially zoned lot shall be placed, screened, or designed in such a way as to avoid casting objectionable glare into the windows of any residentially facility or generating noise levels that exceed city performance standards. ~~zoned lot located within one hundred fifty (150) feet.~~

D. Use Permit Criteria. A conditional use permit under this section 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 the following applicable additional use permit criteria set forth below:

**17.102.400 - Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.**

~~E. Retaining Walls.~~

~~1. No retaining wall shall exceed six (6) feet in height, except in the following cases:~~

~~a. Retaining walls flanking driveways that are nineteen (19) feet or less in width on lots with a street-to-setback gradient of twenty percent (20%) or more may exceed six (6) feet in height if both of the following provisos are met:~~

~~i. The garage floor is at the highest possible elevation based on the maximum driveway slopes permitted by Section 17.116.260A; and~~

~~ii. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall.~~

~~b. Retaining walls not flanking driveways may also exceed six (6) feet in height upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030 and if both of the following provisos are met:~~

~~i. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall, and~~

~~ii. The retaining wall is located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. Whenever buildings or other permanent structures on the subject lot block most, but not all, visibility of the retaining wall, dense landscaping shall be installed and maintained to screen the remaining views of the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.~~

~~2. Multiple retaining walls shall be separated by a distance of at least four (4) feet between the exposed faces of each wall.~~

~~3. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.~~

## Chapter 17.104

### GENERAL LIMITATIONS ON SIGNS

#### Sections:

- 17.104.010 **General limitations on Signs in Residential zones, except the RU-4 and RU-5 zones, and in Open Space (OS) zones.**
- 17.104.020 **General limitations on signs-- RU-4 and RU-5 zones, and all Commercial and Industrial zones.**
- 17.104.030 **General limitations on signs-- S-1, S-2, and S-3, and S-15 zones.**
- 17.104.040 **Limitations on Signs within one thousand (1,000) feet of rapid transit routes.**
- 17.104.050 **Amortization of Advertising Signs in Residential zones.**
- 17.104.060 **General Limitations on Advertising Signs.**
- 17.104.070 **Master Sign Programs.**

- 17.104.010 **General limitations on Signs in Residential zones, except the RU-4 and RU-5 zones, and in Open Space (OS) 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 additions to the limitations, if any prescribed ~~for~~ Signs in the applicable individual zone regulations and development control maps.

- F. **Civic Signs.** No single Civic Sign shall have a display surface greater than one square foot on any one face, except that two Civic Signs on each lot or, in the case of a lot with a lot area of more than twenty thousand (20,000) square feet, two Civic Signs for each twenty thousand (20,000) square feet of lot area may have a greater display surface. The maximum total area of display surface of any two such larger Signs shall be thirty (30) square feet. No Civic Sign which is attached to a building shall have a display surface greater than one square foot on any one face, unless it is flat against a wall of the building and does not project outward more than eighteen (18) inches therefrom nor at all above the roof or parapet wall of the building. No Civic Sign which is not attached to a building and which has a display surface greater than one square foot on any one face shall extend more than twelve (12) feet above finished grade, nor be located within five (5) feet from any lot line. All Civic Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except for Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.

- 2. No single Business Sign serving Agricultural or Extractive Activities shall have a display surface greater than one square foot on any one face, except that one such Sign on each lot may have a display surface of not more than six (6) square feet on any

one face. All Business Signs which serve such activities, which are attached to a building, and which have a display surface greater than one square foot on any one face shall be located flat against a wall of the first story of the building, and no such Sign shall project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. No Business Sign which serves such activities, which is not attached to a building, and which has a display surface greater than one square foot on any one face shall extend more than six (6) feet above finished grade, nor be located within five (5) feet from any lot line. All Business Signs serving such activities shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except in the case of Signs behind a display window, include any pennants, streamers, propellers, or similar devices.

3. The maximum aggregate area of display surface of Business Signs serving off-street parking which is subject to the conditions set forth in Section 17.102.100(B) shall be twelve (12) square feet for each vehicular entrance or exit. No such Sign shall extend more than six (6) feet above finished grade, nor be located within five (5) feet from any lot line. All such Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not include any pennants, streamers, propellers, or similar devices.

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

The following limitations shall apply to the specified Signs in the RU-4 and RU-5 zones and all Commercial and Industrial zones, 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:

**B. Permitted Aggregate Sign Area.**

1. In the RU-4 and RU-5 zones and all Commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and to the small project design review procedure in Chapter 17.136.

2. In all Industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below.

2. **Freestanding Signs.** The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX-1, CIX-2, IG, and IO zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 zones and all other Commercial and Industrial zones is ten (10) feet.

**D. Limitations on Signs within Required Minimum Yards.**

1. No business, realty, or development sign shall be located within a required minimum yard..

**E. Special Limitations near Boundaries of Residential Zones, except the RU-4 and RU-5 zones.** (See illustration I-10.) The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a Rresidential zone, except the RU-4 and RU-5 zones. For the purposes of this subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

1. Within twenty-five (25) feet from any boundary of a Rresidential zone, except the RU-4 and RU-5 zones, no business sign shall face said boundary if it is visible therefrom.

**F. Development Signs.** In the RU-4 and RU-5 zones and all Ccommercial and Iindustrial zones, the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

**G. Realty Signs.** In the RU-4 and RU-5 zones and all Ccommercial and Iindustrial zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

**D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 zones.** Signs shall be subject to the same special limitations along or near boundaries of Rresidential zones, except the RU-4 and RU-5 zones, as are set forth in Section 17.104.020(E).

**E. Special, Development, and Realty Signs.** All special, development, and realty signs shall be subject to the same limitations as are set forth in subsections (C), (D) and (F) of Section 17.104.010 for such signs in Rresidential zones, except the RU-4 and RU-5 zones.

**F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Ord. 12606 Att. A (part), 2004: prior planning code § 7042)



**17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.**

**17.104.050 Amortization of Advertising Signs in Residential zones.**

A. **Removal Criteria.** In accordance with California Business and Professions Code Section 5412.1, those Advertising Signs meeting all of the following criteria shall be removed within the time periods set forth below without compensation:

1. The Advertising Sign is located within an area shown as Residential in the Oakland General Plan; and

**17.104.070 Master Sign Programs**

A. **Submittal Requirements.** In all Commercial and Industrial zones, as well as the RU-4, RU-5, S-1, S-2, S-3, and S-15 zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

## Chapter 17.108

### GENERAL HEIGHT, YARD, AND COURT REGULATIONS

**Sections:**

**17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM zone.**

**17.108.020 Different maximum height in certain situations.**

**17.108.030 Allowed projections above height limits.**

~~17.108.040 Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.~~

~~17.108.070 Minimum side yard on street side of corner lot in commercial and industrial zones where key lots is in residential zone.~~

**17.108.080 Minimum side yard opposite living room windows.**

~~17.108.090 Minimum side yard abutting side of property in an RH, RD, or RM zones.~~

~~17.108.100 Minimum rear abutting any portion of property in any residential zone.~~

~~17.108.110 Reduced rear yard adjacent to alley.~~

**17.108.120 Minimum court between opposite walls on same lot.**

**17.108.130 Exceptions to required openness of minimum yards and courts.**

**17.108.140 Fences, dense hedges, barrier and similar freestanding walls.**

**17.108.150 Retaining walls**

**17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM zone.**

In the RU, R-80, S-1, S-2, S-3, and S-15 zones and all Commercial and Industrial zones, the following regulations shall apply to every lot therein which abuts any lot located in an RH, RD, or RM zone:

**17.108.020 Different maximum height in certain situations.**

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

**17.108.030 Allowed projections above height limits.**

The height restrictions prescribed for facilities in the applicable individual zone regulations and development control maps and in Sections 17.108.010 and 17.108.020 may be exceeded in accordance with the following table. However, facilities within required minimum yards and courts shall also be subject to the applicable provisions of Section 17.108.130.

|   | <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>       |  |  |
|---|--|--|--|
| <b>Facilities Allowed Above the Prescribed Height</b> | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b> | <b>Maximum Vertical Projection Above the Prescribed Height</b> | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b> |

| <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>  |   |  |   |
|---|---|--|---|
| <b>Facilities Allowed Above the Prescribed Height</b>   | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>          | <b>Maximum Vertical Projection Above the Prescribed Height</b>   | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>  |
| <b>A.</b> Chimneys, ventilators, plumbing vent stacks, water tanks, cooling towers, machinery rooms, and other equipment and appurtenances which are not provided for elsewhere in this section. (For screening around these, see below.) | <u>Ten (10)</u> percent, minus any percentage covered pursuant to subsection B of this section. | <u>Ten (10)</u> feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. | <u>Fifteen (15)</u> <del>20</del> feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four <u>(4)</u> feet. |

| <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>   |  |   |   |
|--|--|---|---|
| <b>Facilities Allowed Above the Prescribed Height</b>  | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>                 | <b>Maximum Vertical Projection Above the Prescribed Height</b>                        | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>  |
| <p><b>B.</b> Elevator or stair towers; penthouses, excluding those containing any living unit; stage or scenery lofts <u>in theatres or performance venues;</u> skylights and dormer windows <u>located on principal and accessory</u> <u>Nonresidential Facilities;</u> and rooftop fenced or walled spaces which do not qualify elsewhere in this section.</p> | <p><u>Ten (10) percent,</u> minus any percentage covered pursuant to subsection A of this section.</p> | <p><u>Twelve (12) feet,</u> except upon the granting of a conditional use permit.</p> | <p><u>Ten (10) feet,</u> except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four (4) feet.</p> |

|  | <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>                     |   |   |
|--|--|---|---|
| <b>Facilities Allowed Above the Prescribed Height</b>  | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>               | <b>Maximum Vertical Projection Above the Prescribed Height</b>  | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>  |
| <b>C.</b> Skylights, dormers and gable ends up to <u>fifteen (15)</u> feet in width located on principal and accessory Residential Facilities, except accessory facilities permitted in minimum yards or courts pursuant to Section 17.108.130K. | <u>Ten (10)</u> percent, minus any percentage covered pursuant to subsection A of this section.      | <u>Ten (10)</u> feet above maximum wall height for dormers and gable ends, <u>but in all cases, no higher than the maximum roof height</u> ; and one <u>(1)</u> foot for skylights, but in all cases, no higher than the maximum height of the roof section on which they are located, except that skylights on a flat roof (slope 1:12 or less) may extend one <u>(1)</u> foot above the roof. | <u>Ten (10)</u> feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four <u>(4)</u> feet.     |
| <b>D.</b> Decorative features such as spires, bell towers, domes, cupolas, obelisks, and monuments.  | <u>Ten (10)</u> percent, minus any percentage covered pursuant to subsection A or B of this section. | <u>Fifteen (15)</u> feet, except upon the granting of a conditional use permit.   | <u>Fifteen (15)</u> feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four <u>(4)</u> feet. |
| <b>E.</b> Fire escapes, catwalks, and open railings required by law.   | No restriction.  | No restriction.   | No restriction.   |

| <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>  |  |   |   |
|---|--|---|---|
| <b>Facilities Allowed Above the Prescribed Height</b>   | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b> | <b>Maximum Vertical Projection Above the Prescribed Height</b>              | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>  |
| <b>F.</b> Rooftop recreational, observation, seating, outdoor dining, clothesline, and parking facilities, unroofed themselves except for incidental sunshades, wind-screens, and similar devices; rooftop landscaping, other than trees; and unroofed open stairs and rooftop open fencing which do not qualify elsewhere in this section. | No restriction.  | <u>Ten (10)</u> feet, except upon the granting of a conditional use permit. | <u>Fifteen (15)</u> feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four <u>(4)</u> feet. |

|   | <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>  |   |  |
|---|---|---|--|
| <b>Facilities Allowed Above the Prescribed Height</b>   | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>                                  | <b>Maximum Vertical Projection Above the Prescribed Height</b>                | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b> |
| <b>G.</b> Eaves, awnings, balconies, open stairs, and similar lateral extensions of a building, where the prescribed height is expressed as a ratio to some horizontal setback.   | No restriction.   | Four (4) feet in the case of Section 17.108.010 and eight (8) feet otherwise. | No restriction.  |
| <b>H.</b> Microwave and satellite dishes which are over one (1) meter in diameter and located in any residential zone or within one hundred fifty (150) feet from the nearest boundary of any residential zone, subject where applicable to the provisions of Section 17.102.240. | <u>Ten (10) percent, minus any percentage covered pursuant to subsection A or B of this section.</u><br>No restriction. | Seven (7) feet, except upon the granting of a conditional use permit.         | Ten (10) feet, except upon the granting of a conditional use permit.         |

| <b>Restrictions on Facility, or Portion Thereof, Above the Prescribed Height</b>   |  |  |  |
|--|--|--|--|
| <b>Facilities Allowed Above the Prescribed Height</b>  | <b>Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)</b>               | <b>Maximum Vertical Projection Above the Prescribed Height</b>                                       | <b>Minimum Horizontal Distance from any Abutting Residentially Zoned Lot</b>                         |
| <b>I.</b> Radio and television masts antennas, other than micro-wave and satellite dishes.   | No restriction.  | Fifteen (15) feet, except upon the granting of a conditional use permit.                             | Five (5) feet, except upon the granting of conditional use permit.                                   |
| <b>J.</b> Trees; flagpoles; weather vanes; <u>microwave and satellite dishes which are one (1) meter or less in diameter; and utility poles and lines.</u> | No restriction.  | No restriction.  | No restriction.  |
| <b>K.</b> Special Signs; and other Signs if flat against the surface of a facility authorized above.   | No special restriction, but subject to the regular height and other limitations applicable to Signs. | No special restriction, but subject to the regular height and other limitations applicable to Signs. | No special restriction, but subject to the regular height and other limitations applicable to Signs. |

Any conditional use permit under subsection H of this section shall be subject to the same use permit criteria as are prescribed in Section 17.102.240. (Ord. 12376 § 3 (part), 2001: prior planning code § 7075)

~~17.108.040 Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.~~

~~—— (See illustration I-12a.) Whenever fifty percent (50%) or more of the frontage on one side of a street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, a front yard with a minimum depth equal to one-half of the minimum front yard depth required in the~~



~~residential zone shall be provided on every commercially or industrially zoned lot having such frontage. If fifty percent (50%) or more of the total frontage is in more than one residential zone, the minimum front yard depth on the commercially or industrially zoned lots shall be equal to one-half of that required in the residential zone in which the least such depth is required. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard depth prescribed for certain facilities by Section 17.108.020. (Prior planning code § 7078)~~

~~**17.108.070 Minimum side yard on street side of corner lot in commercial and industrial zones where key lots is in residential zone.**~~

~~———— (See illustration I-12a.) Wherever any reversed corner lot located in any commercial or industrial zone abuts to the rear a key lot which is in any residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width of one-half of the minimum front yard depth required on the key lot. Such side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020, and the special controls prescribed by Section 17.110.040C for detached accessory buildings on such corner lots. (Prior planning code § 7081)~~

**17.108.080 Minimum side yard opposite living room windows.**

(See illustration I-14.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten (10%) ~~twelve (12%)~~ percent of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, S-1, S-2, S-15, and D-KP zones and fifteen (15%) ~~twenty percent (20%)~~ of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) ~~ten~~ feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 11892 § 7, 1996: prior planning code § 7082)

~~17.108.090—Minimum side yard abutting side of property in an RH, RD, RM, RU-1, or RU-2, zones.~~

~~———— (See illustrations I-6a and I-12b.) Wherever an interior side lot line of any lot located in the RU-3, RU-4, RU-5, CBD-R, S-1, S-2, or S-15 zone or any commercial or industrial zone abuts an interior side lot line of any lot located in the RH, RD, RM, RU-1, or RU-2 zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of ten (10) feet. (Where it abuts a rear lot line, no yard is required by this section.) This side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020(A). (Ord. 12272 § 4 (part), 2000; Ord. 11892 § 8, 1996; prior planning code § 7083.)~~

~~17.108.100—Minimum rear yard abutting any portion of property in any residential zone.~~

~~———— (See illustration I-12b.) Wherever the rear lot line of any lot located in any commercial or industrial zone abuts any portion of any lot located in any residential zone, there shall be provided on the former lot, along the abutting portion of its rear lot line, a rear yard with a minimum depth of ten feet. This yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard depth prescribed for certain facilities by Section 17.108.020A. (Prior planning code § 7085.)~~

~~17.108.110—Reduced rear yard adjacent to alley.~~

~~———— In all zones, wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear yard depth; provided, however, that the portion of the minimum rear yard depth actually on the lot itself shall not be so reduced to less than ten (10) feet in the, RH, RD, and RM zones, nor to less than five feet in any other zone. (Prior planning code § 7086.)~~

**17.108.120 Minimum court between opposite walls on same lot.**

~~(See illustration I-15.)~~ On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within eight (8) ~~ten (10)~~ feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than eight (8) ~~ten (10)~~ feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

A. Legally Required Living Room Windows in Either or Both Walls. If either or both such opposite walls contain any legally required window of any living room in a Residential Facility, a court shall be provided between such walls with a minimum horizontal depth equal to ~~the height of the wall opposite such window, or the height of the higher of such opposite walls where both walls contain such a window; provided, however, that in no case shall the horizontal depth of such court be less than sixteen (16) eighteen (18) feet, plus four (4) feet for each story above the level of the aforementioned court, but shall nor be required to exceed forty (40) fifty (50) feet.~~ For the purpose of computing the minimum depth of such court, the aforesaid height of wall shall be measured above finished grade or above the floor level of the lowest story of the opposite wall containing such a window, whichever level is higher.

B. Other Legally Required Windows in Both Walls. If both such opposite walls contain legally required windows of any habitable rooms, other than living rooms, in a Residential Facility, a court shall be provided between such walls with a minimum horizontal depth of ten (10) ~~twelve (12)~~ feet. (Prior planning code § 7087)

**17.108.130 Exceptions to required openness of minimum yards and courts.**

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may

be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110 or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |                                |  |   |  |                          |
|--|--------------------------------|--|---|--|--------------------------|
| <b>Facilities</b>  | <b>Front Yard</b>              | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>             |
| <b>A.</b> Eaves; awnings, louvers, and similar shading devices; sills, cornices, and chimneys; and similar architectural projections from a building.  | Four (4) feet into above yard. | Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Two (2) feet into court. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>  |                                |  |   |   |                          |
|---|--------------------------------|--|---|---|--------------------------|
| <b>Facilities</b>   | <b>Front Yard</b>              | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b> | <b>Court</b>             |
| <b>B.</b> Patio roofs and similar structures projecting from and serving a Residential Facility, if such structures do not exceed twelve (12) feet in height above the <u>finished grade level</u> of the required yard or <u>level of the required court</u> and if each has open, unwallled sides along not less than fifty percent (50%) of its perimeter. (If less open, see subsection K.) | Four (4) feet into above yard. | Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Any distance into above yard.                                 | Two (2) feet into court. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>   |                                |  |   |   |                          |
|--|--------------------------------|--|---|---|--------------------------|
| <b>Facilities</b>  | <b>Front Yard</b>              | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b> | <b>Court</b>             |
| <b>C.</b><br>Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed twelve (12) feet in height above the <u>finished grade level</u> of the required yard or <u>level of the required court</u> and eight (8) feet in width and if they are not enclosed on the sides. (If wider or less open, see subsection K.) | Four (4) feet into above yard. | Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Any distance into above yard.                                 | Two (2) feet into court. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>   |   |   |   |   |              |
|--|---|---|---|---|--------------|
| <b>Facilities</b>  | <b>Front Yard</b>   | <b>Side Yard on Street Side of Corner Lot</b>   | <b>Side Yard Along Interior Side Lot Line</b> | <b>Rear Yard (But see coverage limit in first paragraph.)</b> | <b>Court</b> |
| <b>D. Bay windows, located above the first story of a building, if the aggregate width of bay windows on any one story does not exceed fifty percent (50%) of the length of the wall containing them; and if no individual bay window exceeds fifteen (15) feet in width, and if all such windows are cantilevered only.</b> | Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities. | Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities. |   | Five (5) feet into above yard.                                |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>  |   |  |  |   |              |
|---|---|--|--|---|--------------|
| <b>Facilities</b>   | <b>Front Yard</b>   | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>   | <b>Court</b> |
| <b>E.</b> Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the <u>finished grade level</u> of the required yard or level of the <u>required court</u> , but excluding corridors and similar facilities providing access to two or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof. | Six (6) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities. | Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. | Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in subsection K. | Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K. |              |



| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>         |  |  |  |  |              |
|--|--|--|--|--|--------------|
| <b>Facilities</b>  | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b> |
| <b>F.</b> Exterior access facilities which lead to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps. | Four (4) feet into above yard, <u>but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u> | Four (4) feet into above yard, <u>but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u> | Any distance into above yard if they meet the same provisos as stated in subsection K (not allowed otherwise). | Four (4) feet into above yard, <u>but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u> |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>   |  |  |   |   |                    |
|--|--|--|---|---|--------------------|
| <b>Facilities</b>  | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b> | <b>Court</b>       |
| <b>G.</b> Unroofed porches, steps, <u>decks</u> , and wheelchair ramps. and other similar raised structures projecting from a building and having a height, including railings, of not more than six (6) feet above the <u>finished grade level</u> of the required yard or <u>level of the required court</u> . | Eight (8) feet into above yard; but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities. | Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities. | Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities.. | Any distance into above yard.                                 | Anywhere in court. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b>    |                   |   |  |  |                    |
|--|-------------------|---|--|--|--------------------|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b> | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>       |
| <b>H.</b> Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also subsection I, and O.M.C Section 8.24.020F-) |                   |   | Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot. | Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot. | Anywhere in court. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |                   |  |  |  |  |
|--|-------------------|--|--|--|--|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>                              | <b>Court</b>   |
| <b>I.</b> Air conditioners , compressors , hot tub motors, and similar devices if emitting noise readily noticeable by the average person at or beyond the lot line, whether or not the devices are attached to a building.      |                   |  |  | Anywhere in above yard.  | Anywhere in court.   |
| <b>J.</b> Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave or satellite dishes.  |                   | Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240. | Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240. | Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240. | Anywhere in court, subject where applicable to the provisions of Section 17.102.240. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b>  |                   |   |   |   |              |
|--|-------------------|---|---|---|--------------|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b>                             | <b>Side Yard Along Interior Side Lot Line</b>                             | <b>Rear Yard (But see coverage limit in first paragraph.)</b>             | <b>Court</b> |
| <b>K.</b> Detached garages and sheds; detached or attached carports, parking podiums, and other detached or attached accessory structures not provided for elsewhere by this section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby. |                   | Anywhere in above yards, provided that:                                   | Anywhere in above yards, provided that:                                   | Anywhere in above yards, provided that:                                   |              |
|  |                   | 1. The facility is within thirty-five (35) feet of the rear lot line; and | 1. The facility is within thirty-five (35) feet of the rear lot line; and | 1. The facility is within thirty-five (35) feet of the rear lot line; and |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |                   |   |   |   |              |
|--|-------------------|---|---|---|--------------|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b>   | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b>   | <b>Court</b> |
|  |                   | 2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and | 2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and | 2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |                   |  |  |  |              |
|--|-------------------|--|--|--|--------------|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b> |
|  |                   | 3. The facility itself does no contain any residential living quarters; and  | 3. The facility itself does no contain any residential living quarters; and  | 3. The facility itself does no contain any residential living quarters; and  |              |
|  |                   | 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and | 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and | 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |                   |  |  |  |              |
|--|-------------------|--|--|--|--------------|
| <b>Facilities</b>  | <b>Front Yard</b> | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b> |
|  |                   | 5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).   | 5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).   | 5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).   |              |
|  |                   | But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040 C. | But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040 C. | But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040 C. |              |



| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |  |   |   |   |              |
|--|--|---|---|---|--------------|
| <b>Facilities</b>  | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>                                     | <b>Side Yard Along Interior Side Lot Line</b>                                     | <b>Rear Yard (But see coverage limit in first paragraph.)</b>                     | <b>Court</b> |
| <b>L.</b><br>Unroofed, raised platforms designed to accommodate off-street parking, including ramps and stairways necessary to provide access.   | Anywhere in above yard except within five (5) feet of interior side lot line and except as otherwise provided in subsection M. | Same as prescribed in subsection K, except as otherwise provided in subsection M. | Same as prescribed in subsection K, except as otherwise provided in subsection M. | Same as prescribed in subsection K, except as otherwise provided in subsection M. |              |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b> |  |  |  |  |  |
|---|--|--|--|--|--|
| <b>Facilities</b>   | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>   |
| <b>M.</b><br>Unroofed parking and loading areas.  | In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of <u>the edge of pavement of any street line or alley.</u> | In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of <u>the edge of pavement of any street line or alley.</u> | In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of <u>the edge of pavement of any street line or alley.</u> | In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of <u>the edge of pavement of any street line or alley.</u> | In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of <u>the edge of pavement of any street line or alley.</u> |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b> |   |   |   |   |   |
|---|---|---|---|---|---|
| <b>Facilities</b>   | <b>Front Yard</b>   | <b>Side Yard on Street Side of Corner Lot</b>   | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b>                             | <b>Court</b>  |
| N. Covered, underground or partially excavated structures including, but not limited to garages, fallout shelters, wine cellars, and basements.   | In any yard or court, provided that:  | In any yard or court, provided that:  | In any yard or court, provided that:  | In any yard or court, provided that:  | In any yard or court, provided that:  |
|   | 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and | 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and | 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and | 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and | 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b> |   |   |   |   |   |
|---|---|---|---|---|---|
| <b>Facilities</b>   | <b>Front Yard</b>   | <b>Side Yard on Street Side of Corner Lot</b>   | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b>   | <b>Court</b>  |
|   | 2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. | 2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. | 2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. | 2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. | 2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>Facilities</b>  | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>   |
|  | However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K. | However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K. | However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K. | However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K. | However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K. |
| <b>O. Fences; dense hedges; barrier, and similar freestanding walls.</b>   | In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.                    | In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.                    | In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.                    | In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.                    | In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.                    |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b>                 |   |   |   |   |   |
|--|---|---|---|---|---|
| <b>Facilities</b>  | <b>Front Yard</b>   | <b>Side Yard on Street Side of Corner Lot</b>   | <b>Side Yard Along Interior Side Lot Line</b>   | <b>Rear Yard (But see coverage limit in first paragraph.)</b>   | <b>Court</b>  |
| <b>P.</b> Trees, shrubs, and landscaping other than dense hedges with a screening effect; sculpture and similar decorations; flagpoles; unroofed patios and swimming pools; driveways; walkways and detached steps; and utility poles and lines. | In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections." | In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections." | In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections." | In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections." | In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections." |
| <b>Q.</b> Signs.   | In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.   | In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.   | In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.   | In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.   | In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.   |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |   |   |   |   |   |
|--|---|---|---|---|---|
| <b>Facilities</b>  | <b>Front Yard</b>                                   | <b>Side Yard on Street Side of Corner Lot</b>       | <b>Side Yard Along Interior Side Lot Line</b>       | <b>Rear Yard (But see coverage limit in first paragraph.)</b> | <b>Court</b>  |
| <b>R. Security fences (for active Code Enforcement Cases addressing blighted vacant lots and vacant buildings) Abandoned Fast-Food Facilities)</b>   | In any yard or court provided that such facilities: | In any yard or court provided that such facilities: | In any yard or court provided that such facilities: | In any yard or court provided that such facilities:           | In any yard or court provided that such facilities: |
|  | 1. Shall not exceed eight (8) feet; and             | 1. Shall not exceed eight (8) feet; and             | 1. Shall not exceed eight (8) feet; and             | 1. Shall not exceed eight (8) feet; and                       | 1. Shall not exceed eight (8) feet; and             |

| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph</b><br><b>(Blanks indicate that facility is not allowed.)</b> |  |  |  |  |  |
|---|--|--|--|--|--|
| <b>Facilities</b>   | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>   |
|   | 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections;" and<br>3. Shall contain a minimum 75% transparency to allow visual access into the site from the public right of way. | 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections;" and<br>3. Shall contain a minimum 75% transparency to allow visual access into the site from the public right of way. | 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections;" and<br>3. Shall contain a minimum 75% transparency to allow visual access into the site from the public right of way. | 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections;" and<br>3. Shall contain a minimum 75% transparency to allow visual access into the site from the public right of way. | 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections;" and<br>3. Shall contain a minimum 75% transparency to allow visual access into the site from the public right of way. |



| <b>Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph<br/>           (Blanks indicate that facility is not allowed.)</b> |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>Facilities</b>  | <b>Front Yard</b>  | <b>Side Yard on Street Side of Corner Lot</b>  | <b>Side Yard Along Interior Side Lot Line</b>  | <b>Rear Yard (But see coverage limit in first paragraph.)</b>  | <b>Court</b>   |
| <b>S.</b> Living space located completely under driveway ramps   | In any yard or court.  | In any yard or court.  | In any yard or court.  | In any yard or court.  | In any yard or court.  |
| <b>T.</b> Retaining walls; and earthen mounds, embankments, and other fill.  | In any yard or court, provided that such facilities comply with the provisions of Section <u>17.108.150.</u><br><del>17.102.400(E)</del> | In any yard or court, provided that such facilities comply with the provisions of Section <u>17.108.150.</u><br><del>17.102.400(E)</del> | In any yard or court, provided that such facilities comply with the provisions of Section <u>17.108.150.</u><br><del>17.102.400(E)</del> | In any yard or court, provided that such facilities comply with the provisions of Section <u>17.108.150.</u><br><del>17.102.400(E)</del> | In any yard or court, provided that such facilities comply with the provisions of Section <u>17.108.150.</u><br><del>17.102.400(E)</del> |

(Ord. 12533 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; prior planning code § 7090)

**17.108.150 Retaining walls**

A. No retaining wall shall exceed six (6) feet in height, except in the following cases:

1. Retaining walls flanking driveways that are nineteen (19) feet or less in width on lots with a street-to-setback gradient of twenty percent (20%) or more may exceed six (6) feet in height if both of the following provisos are met:

a. The garage floor is at the highest possible elevation based on the maximum driveway slopes permitted by Section 17.116.260A; and

b. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall.

2. Retaining walls not flanking driveways may also exceed six (6) feet in height upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030 and if both of the following provisos are met:

a. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall, and

b. The retaining wall is located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. Whenever buildings or other permanent structures on the subject lot block most, but not all, visibility of the retaining wall, dense landscaping shall be installed and maintained to screen the remaining views of the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.

B. Multiple retaining walls shall be separated by a distance of at least four (4) feet between the exposed faces of each wall.

C. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.