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OFFICE OF THE CITY CLERK  
OAKLAND

**CITY OF OAKLAND**  
**AGENDA REPORT**

2010 FEB 10 PM 1:45

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: February 23, 2010

RE: **Public Hearing And Report For Adoption Of Zoning Map [Removal Of The S-16, Industrial-Residential Transitional Overlay Zone And Rezoning Of The Southeast Corner Of 24<sup>th</sup> Street And Webster Street From C-40, Community Thoroughfare Commercial Zone, S-5, Broadway Retail Frontage Interim Combining Zone To C-40, S-4 Design Review Overlay Zone] And Citywide Planning Code Amendments, Including Non-Substantive Changes To Reformat, Reorganize And Improve The Consistency Of The Code; Minor Substantive Changes To Improve Interpretability, Clarity, And Flexibility Of The Code; And Substantive Changes To Improve Development Standards Such As: A) Adding Consumer Service Activities As A Permitted Activity To The CIX-2 Zone And As A Conditionally Permitted Activity In The IO Zone; B) Require Landscaping For Nonresidential Facilities Where Currently Not Required; C) Require Screening Of All New Open Parking, Loading, And Storage Areas In Commercial And Industrial Zones; D) Create Master Sign Program Provisions; E) Expand Exceptions To 1000' Separation Requirement For Alcohol Sales To Include Off-Site Sales Of Alcohol In The Jack London Square Area; F) Delete Additional Parking Requirements For One-Family Dwellings In R-1 Through R-30 Zones On Streets Without On-Street Parking; And Other Items.**

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**SUMMARY**

On January 20, 2010, the Planning Commission recommended that the Planning Code and Zoning Map Amendments described in this report be approved by the City Council. The proposed text amendments include updating references, improving consistency among chapters, reducing redundancy, and clarifying language. Other amendments include: a) Adding Consumer Service Activities as a permitted activity to the CIX-2, Commercial Industrial Mix 2 Zone and as a conditionally permitted activity in the IO, Industrial Office Zone; b) require landscaping for nonresidential facilities where currently not required; c) require screening of all new open parking, loading, and storage areas in commercial and industrial zones; d) create master sign program provisions; e) expand exceptions to 1000' separation requirement for alcohol sales to include off-site sales of alcohol in the Jack London Square Area; f) delete additional parking requirements for one-family dwellings in the R-1, One Acre Estate Residential Zone R-1 through R-30, Single-family Residential Zone on streets without on-street parking, among other changes.

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## **FISCAL IMPACT**

The proposed ordinance will have no direct fiscal impact on the City. Existing staffing will be sufficient to process development applications regulated by the proposed zoning code amendments which are the subject of this report. No additional costs are expected to be incurred by the Development Service Fund.

## **BACKGROUND**

The General Plan *Land Use and Transportation* element, adopted in 1998, prioritized updating the zoning code to create a more user-friendly framework for reviewing and approving development proposals. At a public meeting on December 2, 2009, staff presented these proposed amendments to the Zoning Update Committee (ZUC), which recommended that the amendments described in this report be heard by the Planning Commission. On January 20, 2010, the Planning Commission recommended the amendments be approved by the City Council. The Planning Commission staff report is included as *Attachment A* of this agenda report.

## **KEY ISSUES AND IMPACTS**

The majority of the proposed changes are non-substantive, correcting errors in the Planning Code, making clarifications to specific sections, and codifying existing policy. The more significant changes would improve development standards, and are necessary to achieve the General Plan objectives for a user-friendly Planning Code.

During the December 2<sup>nd</sup> ZUC meeting, two neighborhood representatives expressed concern about the proposal to increase the maximum permitted sign area in commercial zones. However, there were no public speakers at the January 20, 2010 Planning Commission meeting.

## **POLICY DESCRIPTION**

As mentioned above, the proposed planning code amendments contained in this report reflect policy direction set forth in the General Plan to create a simpler, user-friendly and easily interpretable planning code. To that end, the changes to the zoning code proposed in this staff report would improve consistency, reduce redundancy, reformat and simplify language of key chapters of the zoning code. The proposed changes to the zoning code are categorized as follows, and are discussed in full in the Planning Commission Staff Report of January 20, 2010 (*Attachment A* of this agenda report):

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

### III. Substantive Changes

Non-substantive changes include reformatting, reorganizing and improving the consistency of the code. Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the code. Finally, staff proposes a few more substantive changes to improve development standards in the code. The proposed changes are summarized below. Please see *Exhibit A* of the Ordinance for the proposed changes to the Planning Code text.

#### I. Non-substantive Changes

The following proposed non-substantive changes occur throughout the code. These chapters of the zoning code apply city-wide, unless otherwise noted.

- **Manufacturing Language.** Replace “Manufacturing” with “Industrial” throughout the Code to reflect the previously adopted nomenclature change.
- **Building Material Sales.** Replace “Wholesale and Professional” with “Building Materials Sales” to reflect previously adopted nomenclature and use classification changes.
- **Design Review Language.** Remove the term “Mixed Use Development” from the list of projects requiring design review in various chapters. Mixed use developments would still require design review with this change because “Building Facility” is listed as requiring design review in these chapters and “Mixed Use Development” is a type of building facility.
- **Telecommunications Activity Removal.** Remove “Telecommunications” as a permitted activity type in each chapter to reflect a previously adopted change which incorporated Telecommunications Activities into Essential Service Activities. Telecommunications Facilities will continue to be regulated pursuant to Section 17.128.
- **Secondary Units.** Allow One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360, in all commercial and special zones where One-Family Dwellings are permitted. There are a number of zoning districts where Secondary Units are inadvertently not listed as permitted in conjunction with a One-Family Dwelling. This change would not reflect a substantive change because staff has historically permitted Secondary Units in conjunction with a One-Family Dwelling to be consistent with state law.
- **17.10.272 Full-Service Restaurant.** Correct Alcoholic Beverage Sales reference in Section 17.10.272 (17.102.210 instead of 17.102.180).
- **Industrial Zones.** Relocate special regulations requiring design review for automotive uses, without edits, to the design review section under each applicable industrial zone. This allows readers to more easily notice these regulations.

- **17.65 Housing and Business Mix Zone.** Correct typographic errors under 17.65.030, Permitted, Conditionally Permitted and Prohibited Activities, by adding Bed and Breakfast Activity (not permitted in any HBX zone), and permitting Essential Services in all HBX zones to be consistent with a previously adopted code change. Also replace work/live facilities with work/live *unit* since work/live is not a facility type under the code.
- **17.81.060 S-5 Zone Permitted and Conditionally Permitted Activities.** Add Bed and Breakfast as an activity type (although it will not be permitted in the S-5 zone) to be consistent with previously approved format changes.
- **17.102.420 and 17.108.140 Restrictions on Razor Wire.** Add a cross reference to each section.
- **17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.** Clarify the definition of the Development District by including Brush Street as an eastern boundary.
- **17.126.040A Required Safety Railings for Rooftop open space or Balconies.** Change four foot height limit of safety railings to be consistent with the Building Code.
- **17.134 Conditional Use Permit and 17.136 Design Review Procedures.** Very minor language inserts to improve clarity, without any substantive changes.
- **17.101 Series.** Insert the previously adopted Wood Street, Kaiser, Oak to 9<sup>th</sup>, Broadway Retail Frontage Zones into the Planning Code as the following new Chapters:
  - Chapter 17.101A D-WS Wood Street District Commercial Zone Regulations
  - Chapter 17.101B D-OTN Oak To Ninth District Regulations
  - Chapter 17.101C D-BR Broadway Retail Frontage Interim Combining District Zone Regulations; this zone was previously Chapter 17.81 S-5 Zone. Also update Section 17.101C.060 Permitted and Conditional Permitted Activities Section of this zone to be consistent with previously adopted code changes and permit the activity type “Full Service Restaurants and Limit Service Restaurants and Cafes” which was inadvertently left out during the previous code revisions.
  - Chapter 17.101D D-KP Kaiser Permanente Oakland Medical Center (KX) District Zones Regulations. This zone, created for Kaiser Medical Center, was adopted by ordinance by the City Council but never placed into the Planning Code. Non-substantive changes made to the text of this zone, including updated references, reformatting and reorganization consistent with the format of the Planning Code, are shown in *Attachment B* of this agenda report.

In the future, new chapters will be added to this 17.101 series for special regulations applying to particular areas.

- **Zoning Map Correction.** Correct mapping error at the south east corner of 24<sup>th</sup> Street and Webster Street to accurately depict the zoning as C-40, S-5 consistent with the

zoning designations of the surrounding zoning (see *Exhibit B.1* to the proposed ordinance).

- **Restrictions on Non-retail Uses on Ground Floor.** Add a cross reference to the activity types that are restricted on the ground floor in the C-5, C-27, C-28 and C-31 zones. This reduces confusion regarding what activities are allowed by right on the ground floor in these districts.
- **General Plan Conformity Guidelines.** The “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” have been revised to reflect current updates to the Planning Code (e.g. new activity types) and to correct minor errors in “**Table 2. Land Use**” (see *Exhibit C* to the proposed ordinance). There are no substantive changes being made to the Guidelines. However, as per Section 17.01 of the Planning Code, the Planning Commission must approve changes to the Guidelines, which are being proposed concurrently with the Planning Code Amendments, which are the subject of this report.
- **17.136 Design Review Chapter.** Clarify design review requirements for the demolitions of certain buildings to codify common practice.

## II. Minor Substantive Changes

Each proposed minor substantive change is briefly discussed below, grouped by chapter. The following list is not all inclusive; some minor, non-substantive changes are not discussed. See *Exhibit A* to the proposed ordinance for a full listing of proposed changes.

### Chapter 17.09 Definitions

Staff proposes changes and corrections to several sections of the Definitions chapter:

- **Define “Building Envelope”** to mean the “exterior surface of a building, consisting of such elements as the foundation, walls, windows, roof, doors, floors, and other attached features. An increase in the building envelope shall be defined as an increase in the exterior size, footprint, or height of a building; or the enclosure or conversion into living area of any open balcony, deck, porch, or unenclosed understory.” Staff proposes this definition because this term is referred to in several sections of the code, particularly the Design Review chapter.
- **Amend definition for height** to be consistent with field measurement practices and to make it more clear and concise.
- **Height and retaining wall.** Currently, height is measured from the bottom of any retaining wall that is within ten feet of a structure. Staff proposes to change this distance

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to six feet to more closely conform to setback requirements when retaining walls are within side yards and to reduce grading, fill and retaining wall heights.

- **Fence height.** The height of fences on top of retaining walls is currently measured from the bottom of the retaining wall. Staff proposes that the height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall be measured from finished grade at the perimeter of the fence to improve safety and privacy.
- **Redefine “Pitched Roof”** to mean “any roof with one or more horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than three to twelve (3:12)” Pitched roof is currently defined as having a one to three 1:3 ratio. The proposed change would match the building code definition and would be more consistent with typical construction.
- **Redefine the method of measure of “Street to Setback Gradient”** to exclude any driveways, stairs and other built structures. Including these elements tends to unintentionally skew the measurement when the grade has been altered by structures.
- **Clarify definition for “Building Length”** to mean “a plan dimension parallel to an exterior wall or walls. This measurement is equal to the horizontal dimension of the corresponding elevation of the building or structure at that level.”
- **Clarify definition for “Diagonal Length”** to mean “a horizontal plan dimension between the two most separated points on the exterior walls at a given level of a building or structure”.
- **Clarify definition for “Plan Dimension”** to mean “the linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls.”

#### Chapter 17.10 Use Classifications

- **17.10.030 Listing of activity classifications.** Add several activity types, such as “Bed and Breakfast” and “Broadcast and Recording Service”, which were inadvertently omitted from this section in previously approved code amendments.
- **17.10.410 Broadcasting and Recording Service Commercial Activities.** Redefine this activity type as the recording or broadcasting of music or video which *may* be performed in studios to allow for flexibility in where the performance can occur. The current definition could be interpreted to require a studio space which would preclude alternative methods of recording and broadcasting.
- **17.10.380 Group Assembly Commercial Activities.** Create list of examples of Group Assembly Activities including large yoga and martial arts studios, driving school, and job training. Staff also proposes to tie the thresholds for theaters to floor area instead of the number of people.

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- **17.10.350 Consumer Service.** Add Laundromats to the list of examples of a Consumer Service Activities.

#### Chapter 17.58 Central Business District Zones

- **Table 17.58.010 Permitted and Conditionally Permitted Uses.** Insert Consumer Dry Cleaning Plant as a Conditionally Permitted activity in all CBD zones. This activity type was inadvertently left out of the newly adopted CBD zones. Staff proposes this activity to be conditionally permitted because of the toxic substances often used in the dry cleaning of clothes.
- **Table 17.58.020 Permitted and Conditionally Permitted Facilities.** One-family dwellings are currently listed as permitted in the CBD-R zone with a limitation which *states that new construction of a One-Family Dwelling is not permitted.* The limitation was intended to clarify that new One-Family Dwellings were not permitted but that alterations to an existing One-Family Dwelling or the reconstruction of a One-Family Dwelling that had been destroyed could be allowed pursuant to Chapter 17.114, Nonconforming Uses. Essentially One-Family Dwellings are not permitted in the CBD-R zone; therefore it should not be listed as a permitted facility. Staff recommends removing the P (for permitted) and leaving a note in the table to state “See Chapter 17.114 Nonconforming Uses for additions and alterations to legal nonconforming One-Family Dwellings”.
- **17.58.060 Property Development Standards.** The design standards subsection requires active spaces in the front of new principal buildings in the CBD zones. Non-active spaces, such as parking, are precluded from being located within thirty feet from the front of the (*ground*) floor of the building. Insert the word *ground* in front of the word floor to clarify the intent of this section to ensure active spaces at street level.

#### Chapter 17.65 Housing and Business Mix Zones

- **17.65.150 Special Regulations for HBX work/live units.** Remove the requirement under Section J which requires that any building permit plans for construction or establishment of HBX work/live units shall clearly state that the proposal includes work/live units and the units intended to be used for work/live are clearly labeled as such. This requirement is not a typical zoning standard and is more appropriate as a condition of approval. Therefore, it should be removed from the Planning Code.

#### Chapter 17.102 General Regulations Applicable to All or Several Zones

- **17.102.400E Retaining Walls.** Expand the height limit exception for retaining walls flanking driveways on steep upslope lots to also include downslope lots. Downslope lots have similar practical difficulties in providing driveway access as upslope lots.

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- **Solar Energy References.** Remove references to “Solar Energy”, “Solar Panels” and “Solar Production Facilities” here and throughout Code. State law prohibits local jurisdictions from regulating the design or location of solar production facilities.

#### Chapter 17.108 General Height, Yard, and Court Regulations

- **17.108.010 Height restrictions on lots abutting property in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.** This section of the code requires an additional setback for portions of buildings over 30 feet in height located in the R-60, R-70, R-80, S-1, S-2, commercial, and industrial zones when adjacent to a lot located in a lower density residential zone. This regulation is intended to protect residential buildings in lower density residential zones from the solar and privacy impacts of new construction in these higher intensity zones. Staff recommends also applying these restrictions in the R-90 zone. The permitted building height in the R-90 zone is similar to permitted height limits in the R-60, R-70, R-80, and S-1 zones which could have impacts upon abutting properties in lower density zones.
- **17.108.020A General Height for Civic Facilities with Increased Yards.** Include the HBX zones in the list of zones in which this section applies. This section allows the height of a Civic Facility to be taller than permitted by the zoning district upon the granting of a conditional use permit (CUP) and if the building significantly steps down from property lines. This section applies to most residential and commercial zones and to the M-20 zone which have height limits similar to the HBX zones. The increased setbacks would protect surrounding properties from impacts that could otherwise be created by the increased height. Further, the CUP requirement would provide an opportunity for neighborhood input on any civic project requesting an increase in height pursuant to this section.
- **Table 17.108.130 Exceptions to required openness of minimum yard and courts.**
  - Several sections of this table refer to “height above the required level of the yard or court”. Staff recommends clarifying the language to state “height above the level of the required yard or court”. This change would not alter the meaning of this section or how height is measured.
  - Section D permits bay windows up to ten (10) feet wide and located above the first story of a building to project three (3) feet into a required front yard. In the case of a hillside lot where a five (5) foot setback would be allowed, this section would permit a bay window two feet from a property line. Similarly, Section E permits balconies and decks with a height of more than six (6) feet to project six (6) feet into the required front setback. Staff recommends adding a caveat to these sections that would not permit these facilities within five (5) feet of the front lot line for One- or Two-Family Residential Facilities. This would clear-up the loop hole for sloped lots which already are afforded a reduced setback. Staff also recommends increasing the

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- width of a bay window subject to Section D from ten (10) feet to fifteen (15) feet because bay windows are typically slightly larger than ten (10) feet.
- To aid the construction of wheelchair ramps, staff recommends allowing wheelchair ramps or similar ADA access facilities under six (6) feet in height to extend any distance into front, side and street side setbacks.
  - Detached and attached accessory structures are currently permitted in the side and rear yard setbacks, subject to certain height and location limitations. Staff recommends clarifying this provision to state detached accessory structures, such as detached garages, sheds, and carports, and attached carports, parking podiums and other attached structures. This will help reduce bulk and mass often associated with attached garages that are located within the setbacks. Garages could still be attached if they are not located in the setbacks.
  - Add new section permitting retaining walls, subject to Section 17.102.400(e), in the required setbacks, consistent with the provisions for fencing, free standing walls and hedges. This would codify staff's common practice to permit retaining walls in setbacks in a fashion similar to fences and free standing walls.

### Telecommunications

The proposed changes to Telecommunications facilities would not reflect a change in how these facilities are currently regulated but would improve clarity and consistency throughout the Code. The changes would rectify what staff believes to be obvious oversights where certain references were left out and certain facilities were not accurately listed in specific zoning districts.

- **Residential Zones.** In 2006 the City Council adopted revised regulations for Telecommunications Facilities. One of the adopted provisions requires a Major CUP for all Telecommunications Facilities within Residential zones as specified in Section 17.134.020 (3)(i). However, the Code was not revised to remove Mini- and Micro-Telecommunications Facilities from the list of permitted facilities in the Residential zones, therefore these facilities are currently listed as both permitted and conditionally permitted in each residential zone. To be consistent with the intentions of the City Council and the CUP provisions of the code, Staff recommends relocating Mini- and Micro-Telecommunications facilities from the list of permitted facilities to the conditionally permitted facilities section of each of the Residential zones. This change would be also be consistent with Staff's practice of requiring a Major CUP, pursuant to 17.134.020 (3)(i), for all Telecommunications Facilities located in Residential zones. With this correction, references to 17.128 and 17.134 are being removed as they will no longer be necessary.
- **C-51 Zone.** Micro- and Mini-Telecommunications Facilities are not listed as permitted or conditionally permitted facilities in the C-51 zone, whereas Macro- and Monopole Telecommunication Facilities are permitted in this zone. Staff proposes to include

Micro- and Mini- as permitted facilities to be consistent with the C-35 through C-60 zones.

- In some commercial, industrial and special zoning districts Micro- and Mini- Telecommunications Facilities are listed as both permitted and conditionally permitted. Also, in some instances references to the CUP section were included when these facilities were listed as permitted. The intent was to require a Major CUP when these facilities were within 100 feet of a residential zone or within 300 feet if not screened, but to permit them otherwise. To clarify the intent of the Code, when these facilities are listed as both permitted and conditionally permitted staff proposes to remove them from the conditionally permitted section and add a reference to a new section which will describe when a Major Conditional Use Permit is required. With this correction, references to 17.128 and 17.134 are also being removed as they will no longer be necessary.

### Zoning Map Correction

Remove the S-16 Overlay Zone which was inadvertently left in place after the approval of the new industrial zoning districts. S-16 was intended as an interim overlay zone to be in effect only until the creation of new industrial zones (see *Exhibit B.2* to the proposed Ordinance).

### III. Substantive Changes

The following proposed substantive changes are grouped together by planning code chapter. These chapters apply city-wide unless otherwise noted.

#### Chapter 17.64 C-60 City Service Commercial Zone Regulations

- The C-60 Zone is located in a three block area between Broadway, Telegraph, 23<sup>rd</sup> Street and 26<sup>th</sup> Street. Over the past several years this area has emerged as an arts district, with numerous art galleries and the monthly Art Murmur event. Unfortunately, the C-60 zone currently does not permit art galleries, small scale entertainment or recreational assembly activities. Since the Art Murmur and the art galleries have been highly successful and a benefit to the neighborhood, staff proposes to allow General Retail Sales, Personal Instruction and Improvement and Small Scale Entertainment and Recreational Assembly activities within this zoning district to facilitate the continued growth of this arts district.

#### Chapter 17.73 CIX-1, CIX-2, IG AND IO Industrial Zones

- **17.73.020 Permitted and Conditionally Permitted Uses and Facilities.** Currently, Consumer Services are only permitted in the CIX-1 zone. Change Consumer Service to a permitted activity in the CIX-2 zone and conditionally permitted activity in the IO zone.

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When the new activity classifications were created, Convenience Sales and Service was removed from the Planning Code as a use classification. Half of its activities were moved into the Consumer Service classification and the other half into General Retail Sales. The service type activities such as barber shops, laundromats, shoe shine stands and tailors were moved to Consumer Service. Prior to the change in activity types, Convenience Sales and Service activities were permitted in CIX-1 and -2, IG and IO zones and General Retail Sales were only permitted in the CIX-1 zone. When determining how to regulate Consumer Services in these zones staff choose to apply the more restrictive limitations imposed on Retail Sales instead of the more permissive allowances of Convenience Sales and Service. Since the types of small scale service type uses allowed under Consumer Service are anticipated to be frequented by employees in these industrial areas, staff recommends allowing these uses in the CIX-2 zone and conditionally permitting them in the IO zone, in addition to the CIX-1 zone where they are already permitted.

#### Chapter 17.124 Landscaping and Screening Standards

- Create new section requiring a landscape plan, with provisions for street trees, for new Nonresidential Facilities and certain additions to Nonresidential Facilities. Currently landscaping plans are only required for Residential Facilities. Landscaping has been found to have psychological and ecological benefits upon the surrounding community; therefore increasing the amount of landscaped areas would result in positive social and environmental impacts upon the City. At the November 18<sup>th</sup> ZUC meeting, Commissioners expressed concern over impacts that trees can have upon sidewalks and overhead utilities and the hazards that can result from these impacts. Title 12 of the Oakland Municipal Code contains provisions for the mitigation or removal of hazardous trees located on private property and street trees. Staff has added a reference to Title 12 under Chapter 17.124 so that trees required by this Chapter are more adequately regulated. Staff has also incorporated the Frequently Planted Tree Species List for Oakland into the Planning Code. The trees on this list have been selected because they typically do not have evasive roots that can buckle a sidewalk and are often found in Oakland and the Bay Area. Staff has also included a requirement that applicants select a species compatible with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants. At the December ZUC meeting, the Committee reviewed and accepted the above recommended changes and recommended them, without edits, to the Planning Commission.

#### Chapter 17.110.030 General Buffer Requirements

- Require screening of all open parking, loading and storage areas in commercial and industrial zones from abutting streets. Currently, screening is only required for open

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parking, loading and storage areas along streets across from or within 150 feet of a residential zone. Expanding this provision would visually enhance the City's streets.

Chapter 17.104 General Limitations on Signs

- **17.104.020 Signs in Commercial Zones.** Increase the maximum aggregate sign area from 200 to 300 square feet. The maximum aggregate sign area limits the total amount of sign area when a lot has more than 300 feet of street frontage to prevent unnecessary sign clutter. Staff has found that the 200 square foot limit has been overly restrictive for large lots, particularly shopping centers, and suggests that it be increased. Allowing up to 300 square feet in Commercial Zones would be consistent with the permitted sign area in Industrial Zones.
- Create provisions for Master Sign Programs for nonresidential buildings or complexes containing more than two nonresidential tenant spaces. The Program would require applicants to specify the overall design, configuration, and permitted sizes, materials, colors, placement, construction, method of lighting, and other related design requirements. To permit flexibility and creativity, A Master Sign Program may be allowed to deviate from the normally required sign standards, including but not limited to, total aggregate sign area. A Master Sign Program application would be processed as a conditional use permit, instead of the normal over-the-counter procedure. A conditional use permit for a Master Sign Program would be required to meet the following additional use permit criteria:
  1. That the proposal will be of a quality and character appropriate to the Commercial, Manufacturing, or mixed use building complex;
  2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;
  3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

Any new sign that conforms to a site's master sign program would be approved without requiring a separate design review procedure.

17.102.210 Alcoholic Beverage Sales in the Jack London Square Area and the Central Business District

- Staff proposes to expand the exceptions to the 1000' separation requirement for Alcoholic Beverage Sales Activities to include Off-sale retail licenses in the Jack London Square Area (defined as within the boundaries of Jefferson Street to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south). Off-Sale retail licenses authorize the sale of all types of alcoholic beverages for consumption off the

premises in original, sealed containers. The 1000' separation exception currently applies to on-sales retail licenses (e.g. bars) in the Central District, which includes the Jack London area, and to most full-service restaurants. A Major Conditional Use Permit would still be required. This change is intended to facilitate the growing interest in Jack London as a retail food and dining destination.

- Currently all of San Pablo Avenue is defined as a 'restricted street' for the purposes of Alcoholic Beverages Sales. Staff recommends redefining the restricted portion of San Pablo Avenue as that portion lying north of Castro Street and I-980. This change would preclude the portion of San Pablo Avenue that is located in the Central Business District from the Major Conditional Use Permit requirements for Alcoholic Beverages sales associated with a Full-Service Restaurant. A Major Conditional Use Permit would still be required for other types of Alcoholic Beverage Sales Activities, such as bars.

The City's Alcoholic Beverage Action Team (ABAT) has had an opportunity to review the changes and has not raised any objections to the proposal. In addition, the Oakland Police Department has no objections or requests for modifications to the proposed changes.

#### 17.116.060 Parking for One- and Two-Family Residential Facilities

- Generally two parking spaces are required in the R-1, R-10, R-20 and R-30 zones for One- and Two-Family Residential facilities. However, three spaces are required on lots fronting a street where on-street parking is prohibited. Staff recommends removing this additional parking requirement. This regulation has proven difficult to administer because staff has not been provided with a list of streets on which parking has been prohibited. Further, on-street parking restrictions, which are determined by other City agencies, often change without the knowledge of planning staff.

#### 17.114 Nonconforming Residential Facilities.

- Residential property owners have recently found it difficult to secure loans to reconstruct destroyed residential buildings or even to finance the sale of legal nonconforming buildings. In an effort to ease the process of reconstructing destroyed residential facilities and to facilitate the lending process, staff proposes to allow the reconstruction of a residential building to its original conditions, through the Design Review process, within two years of the building being destroyed. After two years, the building may be restored through the granting of a Conditional Use Permit. These same provisions already apply to the Adams Point neighborhood.

### **General Plan Analysis**

The General Plan prioritizes revising the zoning code to be more user-friendly, internally consistent and easier to understand. The proposed changes in this report achieve these priorities by simplifying language, reducing redundancy, and increasing the flexibility of the code. Therefore, these zoning text amendments are consistent with the General Plan. The following select General Plan objectives outline the City's policy for zoning consistency and Planning Code revisions.

- To establish and maintain zoning regulations consistent with the General Plan to ensure that development on individual properties is consistent with the General Plan land use designations and policies.
- To create a "user-friendly" document by minimizing the complexity of regulations.

### **SUSTAINABLE OPPORTUNITIES**

No economic, environmental or social equity opportunities have been identified.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Staff does not anticipate any particular barriers resulting from the zoning text amendments, regarding access issues for the disabled or for senior citizens. Changes to Chapter 17.108 would aid the construction ADA access facilities, such as wheelchair ramps, under six (6) feet in height, by allowing them to extend any distance into the normally required front, side and street side setbacks.

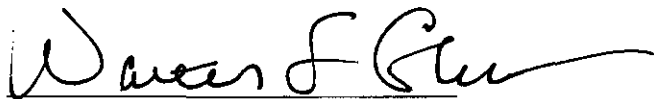
### **RECOMMENDATION(S) AND RATIONALE**

Staff recommends that the City Council adopt the proposed Planning Code amendments, which will improve the administration of the zoning code, codify current administrative practice, and correct long-standing errors. These Planning Code amendments, found in many chapters of the code, are an initial step to simplify the zoning code.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council adopt the proposed Planning Code amendments which implement the General Plan policy direction to create a user friendly planning code by clarifying language, increasing the flexibility of the code, codifying current administrative practice, and improving development standards.

Respectfully submitted,

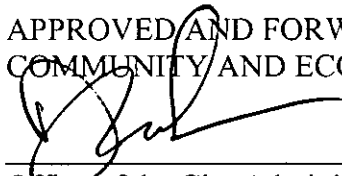


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Planning and Zoning Division

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator

**Attachments**

- A. January 20, 2010 Planning Commission report (without Attachments)
- B. Chapter 17.101D D-KP Kaiser Permanente Oakland Medical Center (KX) District Zones Regulations with strikethrough and underlined changes.

January 20, 2010

<b>Location:</b> Citywide – unless otherwise stated	
<b>Item:</b>	Proposal for Zoning Map and Zoning Text Amendments including non-substantive changes to reformat, reorganize and improve the consistency of the code, minor substantive changes to improve interpretability, clarity, and flexibility of the code, and substantive changes to improve development standards such as: a) adding Consumer Service Activities as a Permitted Activity to the CIX2 zone and as a Conditionally Permitted Activity in the IO zone; b) require landscaping for Nonresidential Facilities where currently not required; c) Require Screening of all new Open Parking, Loading, and Storage Areas in Commercial and Industrial Zones; d) create Master Sign Program provisions; e) expand exceptions to 1000' separation requirement for alcohol sales to include off-site sales of alcohol in the Jack London Square area; f) delete additional parking requirements for One-family dwellings in R-1 through R-30 zones on street without on-street parking; and other items.
<b>Applicant:</b>	City Planning Commission
<b>Case File Number:</b>	ZT09-207
<b>Planning Permits Required:</b>	Zoning Text Amendments
<b>General Plan:</b>	All General Plan designations
<b>Zoning:</b>	All Zoning districts
<b>Environmental Determination:</b>	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 EIR (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, 15301, 15303, 15304 and/or Section 15305 of the State CEQA Guidelines.
<b>Service Delivery District:</b>	All Service Delivery districts
<b>City Council District:</b>	All City Council districts
<b>Status:</b>	Heard by Zoning Update Committee on 12/2/09. Recommended by Zoning Update Committee to be considered by the Planning Commission
<b>Staff Recommendation:</b>	Recommend adoption to City Council.
<b>For further information:</b>	Contact: Leigh McCullen at 238-4977 or email <a href="mailto:lmccullen@oaklandnet.com">lmccullen@oaklandnet.com</a>



## SUMMARY

On December 2, 2009, the Zoning Update Committee (ZUC) recommended that the zoning text and map amendments described in this report be heard by the Planning Commission. The proposed zoning text amendments to the Oakland Planning Code include updating references, improving consistency among chapters, reducing redundancy, and clarifying language. Other minor-substantive and substantive amendments are discussed in detail below.

Following the December 2, 2009 ZUC meeting, staff identified some inadvertent errors in the proposed revisions contained in Attachment A. Changes made to Attachment A since the December 2 ZUC meeting are non-substantive in nature and are intended to clarify and refine prior proposed changes. These are shown in highlighted text within Attachment A.

## PROPOSED ZONING TEXT AMENDMENTS

The proposed zoning text amendments contained in this report reflect policy direction set forth in the General Plan to create a simpler, user-friendly and easily interpretable Planning Code. To that end, the text changes to the Planning Code proposed in this report would improve its consistency, reduce redundancies, and simplify language of key chapters. The proposed changes are categorized as follows:

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

Non-substantive changes include reformatting, reorganizing and improving the consistency of the code. Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the code. Finally, staff proposes a few more substantive changes to improve development standards in the 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 proposed non-substantive changes occur throughout the code. These chapters of the zoning code apply city-wide, unless otherwise noted. Specifically, staff has made the following proposed changes:

- **Manufacturing Language.** Replace “Manufacturing” with “Industrial” throughout the Code to reflect the previously adopted nomenclature change.
- **Building Material Sales.** Replace “Wholesale and Professional” with “Building Materials Sales” to reflect previously adopted nomenclature and use classification changes.
- **Design Review Language.** Remove the term “Mixed Use Development” from the list of projects requiring design review in various chapters. Mixed use developments would still require design review with this change because “Building Facility” is listed as requiring

design review in these chapters and “Mixed Use Development” is a type of building facility.

- **Telecommunications Activity Removal.** Remove “Telecommunications” as a permitted activity type in each chapter to reflect a previously adopted change which incorporated Telecommunications Activities into Essential Service Activities. Telecommunications Facilities will continue to be regulated pursuant to Section 17.128.
- **Secondary Units.** Allow One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360, in all commercial and special zones where One-Family Dwellings are permitted. There are a number of zoning districts where Secondary Units are inadvertently not listed as permitted in conjunction with a One-Family Dwelling. This change would not reflect a substantive change because staff has historically permitted Secondary Units in conjunction with a One-Family Dwelling to be consistent with state law.
- **17.10.272 Full-Service Restaurant.** Correct Alcoholic Beverage Sales reference in Section 17.10.272 (17.102.210 instead of 17.102.180).
- **Industrial Zones.** Relocate special regulations requiring design review for automotive uses, without edits, to the design review section under each applicable industrial zone. This allows readers to more easily notice these regulations.
- **17.65 Housing and Business Mix Zone.** Correct typographic errors under 17.65.030, Permitted, Conditionally Permitted and Prohibited Activities, by adding Bed and Breakfast Activity (not permitted in any HBX zone), and permitting Essential Services in all HBX zones to be consistent with a previously adopted code change. Also replace work/live facilities with work/live *unit* since work/live is not a facility type under the code.
- **17.81.060 S-5 Zone Permitted and Conditionally Permitted Activities.** Add Bed and Breakfast as an activity type (although it will not be permitted in the S-5 zone) to be consistent with previously approved format changes.
- **17.102.420 and 17.108.140 Restrictions on Razor Wire.** Add a cross reference to each section.
- **17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.** Clarify the definition of the Development District by including Brush Street as an eastern boundary.
- **17.126.040A Required Safety Railings for Rooftop open space or Balconies.** Change four foot height limit of safety railings to be consistent with the Building Code.
- **17.134 Conditional Use Permit and 17.136 Design Review Procedures.** Very minor language inserts to improve clarity, without any substantive changes.
- **17.101 Series.** Insert the previously adopted Wood Street, Kaiser, Oak to 9<sup>th</sup>, Broadway Retail Frontage Zones into the Planning Code as the following new Chapters:
  - Chapter 17.101A D-WS Wood Street District Commercial Zone Regulations
  - Chapter 17.101B D-OTN Oak To Ninth District Regulations

- Chapter 17.101C D-BR Broadway Retail Frontage Interim Combining District Zone Regulations; this zone was previously Chapter 17.81 S-5 Zone. Also update Section 17.101C.060 Permitted and Conditional Permitted Activities Section of this zone to be consistent with previously adopted code changes and permit the activity type “Full Service Restaurants and Limit Service Restaurants and Cafes” which was inadvertently left out during the previous code revisions.
- Chapter 17.101D D-KP Kaiser Permanente Oakland Medical Center (KX) District Zones Regulations. This zone, created for Kaiser Medical Center, was adopted by ordinance by the City Council but never placed into the Planning Code. Non-substantive changes made to the text of this zone, including updated references, reformatting and reorganization consistent with the format of the Planning Code, are shown in Attachment D.

In the future, new chapters will be added to this 17.101 series for special regulations applying to particular areas.

- **Zoning Map Correction.** Correct mapping error at the south east corner of 24<sup>th</sup> Street and Webster to accurately depict the zoning as C-40, S-5 consistent with the zoning designations of the surrounding zoning (see Attachment B).
- **Restrictions on Non-retail Uses on Ground Floor.** Add a cross reference to the activity types that are restricted on the ground floor in the C-5, C-27, C-28 and C-31 zones. This reduces confusion regarding what activities are allowed by right on the ground floor in these districts.
- **General Plan Conformity Guidelines.** The “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” have been revised to reflect current updates to the Planning Code (e.g. new activity types) and to correct minor errors in “Table 2. Land Use” (see Attachment C). There are no substantive changes being made to the Guidelines. However, as per Section 17.01 of the Planning Code, the Planning Commission must approve changes to the Guidelines, which are being proposed concurrently with the Planning Code Amendments, which are the subject of this report.
- **17.136 Design Review Chapter.** Clarify design review requirements for the demolitions of certain buildings to codify common practice.

## II. Minor Substantive Changes

Each proposed minor substantive change is briefly discussed below, grouped by chapter. The following list is not all inclusive; some minor, non-substantive changes are not discussed. See Attachment A for a full listing of proposed changes.

### Chapter 17.09 Definitions

Staff proposes changes and corrections to several sections of the Definitions chapter:

- **Define “Building Envelope”** to mean the “exterior surface of a building, consisting of such elements as the foundation, walls, windows, roof, doors, floors, and other attached features. An increase in the building envelope shall be defined as an increase in the exterior size, footprint, or height of a building; or the enclosure or conversion into living area of any open balcony, deck, porch, or unenclosed understory.” Staff proposes this definition because this term is referred to in several sections of the code, particularly the Design Review chapter.
- **Amend definition for height** to be consistent with field measurement practices and to make it more clear and concise.
- **Height and retaining wall.** Currently, height is measured from the bottom of any retaining wall that is within ten feet of a structure. Staff proposes to change this distance to six feet to more closely conform to setback requirements when retaining walls are within side yards and to reduce grading, fill and retaining wall heights.
- **Fence height.** The height of fences on top of retaining walls is currently measured from the bottom the retaining wall. Staff proposes that the height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall be measured from finished grade at the perimeter of the fence to improve safety and privacy.
- **Redefine “Pitched Roof”** to mean “any roof with one or more horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than three to twelve (3:12)” Pitched roof is currently defined as having a one to three 1:3 ratio. The proposed change would match the building code definition and would be more consistent with typical construction.
- **Redefine the method of measure of “Street to Setback Gradient”** to exclude any driveways, stairs and other built structures. Including these elements tends to unintentionally skew the measurement when the grade has been altered by structures.
- **Clarify definition for “Building Length”** to mean “a plan dimension parallel to an exterior wall or walls. This measurement is equal to the horizontal dimension of the corresponding elevation of the building or structure at that level.”
- **Clarify definition for “Diagonal Length”** to mean “a horizontal plan dimension between the two most separated points on the exterior walls at a given level of a building or structure”.
- **Clarify definition for “Plan Dimension”** to mean “the linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls.”

#### Chapter 17.10 Use Classifications

- **17.10.030 Listing of activity classifications.** Add several activity types, such as “Bed and Breakfast” and “Broadcast and Recording Service”, which were inadvertently omitted from this section in previously approved code amendments.
- **17.10.410 Broadcasting and Recording Service Commercial Activities.** Redefine this activity type as the recording or broadcasting of music or video which *may* be performed

in studios to allow for flexibility in where the performance can occur. The current definition could be interpreted to require a studio space which would preclude alternative methods of recording and broadcasting.

- **17.10.380 Group Assembly Commercial Activities.** Create list of examples of Group Assembly Activities including large yoga and martial arts studios, driving school, and job training. Staff also proposes to tie the thresholds for theaters to floor area instead of the number of people.
- **17.10.350 Consumer Service.** Add Laundromats to the list of examples of a Consumer Service Activities.

#### Chapter 17.58 Central Business District Zones

- **Table 17.58.010 Permitted and Conditionally Permitted Uses.** Insert Consumer Dry Cleaning Plant as a Conditionally Permitted activity in all CBD zones. This activity type was inadvertently left out of the newly adopted CBD zones. Staff proposes this activity to be conditionally permitted because of the toxic substances often used in the dry cleaning of clothes.
- **Table 17.58.020 Permitted and Conditionally Permitted Facilities.** One-family dwellings are currently listed as permitted in the CBD-R zone with a limitation which *states that new construction of a One-Family Dwelling is not permitted*. The limitation was intended to clarify that new One-Family Dwellings were not permitted but that alterations to an existing One-Family Dwelling or the reconstruction of a One-Family Dwelling that had been destroyed could be allowed pursuant to Chapter 17.114, Nonconforming Uses. Essentially One-Family Dwellings are not permitted in the CBD-R zone; therefore it should not be listed as a permitted facility. Staff recommends removing the P (for permitted) and leaving a note in the table to state “See Chapter 17.114 Nonconforming Uses for additions and alterations to legal nonconforming One-Family Dwellings”.
- **17.58.060 Property Development Standards.** The design standards subsection requires active spaces in the front of new principal buildings in the CBD zones. Non-active spaces, such as parking, are precluded from being located within thirty feet from the front of the (*ground*) floor of the building. Insert the word *ground* in front of the work floor to clarify the intent of this section to ensure active spaces at street level.

#### Chapter 17.65 Housing and Business Mix Zones

- **17.65.150 Special Regulations for HBX work/live units.** Remove the requirement under Section J which requires that any building permit plans for construction or establishment of HBX work/live units shall clearly state that the proposal includes work/live units and the units intended to be used for work/live are clearly labeled as such. This requirement is not a typical zoning standard and is more appropriate as a condition of approval. Therefore, it should be removed from the Planning Code.

## Chapter 17.102 General Regulations Applicable to All or Several Zones

- **17.102.400E Retaining Walls.** Expand the height limit exception for retaining walls flanking driveways on steep upslope lots to also include downsloped lots. Downsloped lots have similar practical difficulties in providing driveway access as upslope lots.
- **Solar Energy References.** Remove references to “Solar Energy”, “Solar Panels” and “Solar Production Facilities” here and throughout Code. State law prohibits local jurisdictions from regulating the design or location of solar production facilities.

## Chapter 17.108 General Height, Yard, and Court Regulations

- **17.108.010 Height restrictions on lots abutting property in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.** This section of the code requires an additional setback for portions of buildings over 30 feet in height located in the R-60, R-70, R-80, S-1, S-2, commercial, and industrial zones when adjacent to a lot located in a lower density residential zone. This regulation is intended to protect residential buildings in lower density residential zones from the solar and privacy impacts of new construction in these higher intensity zones. Staff recommends also applying these restrictions in the R-90 zone. The permitted building height in the R-90 zone is similar to permitted height limits in the R-60, R-70, R-80, and S-1 zones which could have impacts upon abutting properties in lower density zones.
- **17.108.020A General Height for Civic Facilities with Increased Yards.** Include the HBX zones in the list of zones in which this section applies. This section allows the height of a Civic Facility to be taller than permitted by the zoning district upon the granting of a conditional use permit (CUP) and if the building significantly steps down from property lines. This section applies to most residential and commercial zones and to the M-20 zone which have height limits similar to the HBX zones. The increased setbacks are would protect surrounding properties from impacts that could otherwise be created by the increased height. Further, the CUP requirement would provide an opportunity for neighborhood input on any civic project requesting an increase in height pursuant to this section.
- **Table 17.108.130 Exceptions to required openness of minimum yard and courts.**
  - Several sections of this table refer to “height above the required level of the yard or court”. Staff recommends clarifying the language to state “height above the level of the required yard or court”. This change would not alter the meaning of this section or how height is measured.
  - Section D permits bay windows up to ten (10) feet wide and located above the first story of a building to project three (3) feet into a required front yard. In the case of a hillside lot where a five (5) foot setback would be allowed, this section would permit a bay window two feet from a property line. Similarly, Section E permits balconies and decks with a height of more than six (6) feet to project six (6) feet into the required front setback. Staff recommends adding a caveat to these sections that would not permit these facilities within five (5) feet of the front lot line for One- or Two-Family Residential Facilities. This would clear-up the loop hole for sloped lots

which already are afforded a reduced setback. Staff also recommends increasing the width of a bay window subject to Section D from ten (10) feet to fifteen (15) feet because bay windows are typically slightly larger than ten (10) feet.

- To aid the construction of wheelchair ramps, staff recommends allowing wheelchair ramps or similar ADA access facilities under six (6) feet in height to extend any distance into front, side and street side setbacks.
- Detached and attached accessory structures are currently permitted in the side and rear yard setbacks, subject to certain height and location limitations. Staff recommends clarifying this provision to state detached accessory structures, such as detached garages, sheds, and carports, and attached carports, parking podiums and other attached structures. This will help reduce bulk and mass often associated with attached garages that are located within the setbacks. Garages could still be attached if they are not located in the setbacks. This change, made since the ZUC meeting, is discussed in the Key Issues and Impacts Section of this report.
- Add new section permitting retaining walls, subject to Section 17.102.400(e), in the required setbacks, consistent with the provisions for fencing, free standing walls and hedges. This would codify staff's common practice to permit retaining walls in setbacks in a fashion similar to fences and free standing walls.

### Telecommunications

The proposed changes to Telecommunications facilities would not reflect a change in how these facilities are currently regulated but would improve clarity and consistency throughout the Code. The changes would rectify what staff believes to be obvious oversights where certain references were left out and certain facilities were not accurately listed in specific zoning districts.

- **Residential Zones.** In 2006 the City Council adopted revised regulations for Telecommunications Facilities. One of the adopted provisions requires a Major CUP for all Telecommunications Facilities within Residential zones as specified in Section 17.134.020 (3)(i). However, the Code was not revised to remove Mini- and Micro-Telecommunications Facilities from the list of permitted facilities in the Residential zones, therefore these facilities are currently listed as both permitted and conditionally permitted in each residential zone. To be consistent with the intentions of the City Council and the CUP provisions of the code, Staff recommends relocating Mini- and Micro-Telecommunications facilities from the list of permitted facilities to the conditionally permitted facilities section of each of the Residential zones. This change would be also be consistent with Staff's practice of requiring a Major CUP, pursuant to 17.134.020 (3)(i), for all Telecommunications Facilities located in Residential zones. With this correction, references to 17.128 and 17.134 are being removed as they will no longer be necessary.
- **C-51 Zone.** Micro- and Mini-Telecommunications Facilities are not listed as permitted or conditionally permitted facilities in the C-51 zone, whereas Macro- and Monopole Telecommunication Facilities are permitted in this zone. Staff proposes to include Micro- and Mini- as permitted facilities to be consistent with the C-35 through C-60 zones.

- In some commercial, industrial and special zoning districts Micro- and Mini-Telecommunications Facilities are listed as both permitted and conditionally permitted. Also, in some instances references to the CUP section were included when these facilities were listed as permitted. The intent was to require a Major CUP when these facilities were within 100 feet of a residential zone or within 300 feet if not screened, but to permit them otherwise. To clarify the intent of the Code, when these facilities are listed as both permitted and conditionally permitted staff proposes to remove them from the conditionally permitted section and add a reference to a new section which will describe when a Major Conditional Use Permit is required. With this correction, references to 17.128 and 17.134 are also being removed as they will no longer be necessary.

### Zoning Map Correction

Remove the S-16 Overlay Zone which was inadvertently left in place after the approval of the new industrial zoning districts. S-16 was intended as an interim overlay zone to be in effect only until the creation of new industrial zones.

### III. Substantive Changes

The following proposed substantive changes are grouped together by planning code chapter. These chapters apply city-wide unless otherwise noted.

#### Chapter 17.64 C-60 City Service Commercial Zone Regulations

- The C-60 Zone is located in a three block area between Broadway, Telegraph, 23<sup>rd</sup> Street and 26<sup>th</sup> Street. Over the past several years this area has emerged as an arts district, with numerous art galleries and the monthly Art Murrur event. Unfortunately, the C-60 zone currently does not permit art galleries, small scale entertainment or recreational assembly activities. Since the Art Murrur and the art galleries have been highly successful and a benefit to the neighborhood, staff proposes to allow General Retail Sales, Personal Instruction and Improvement and Small Scale Entertainment and Recreational Assembly activities within this zoning district to facilitate the continued growth of this arts district.

#### Chapter 17.73 CIX-1, CIX-2, IG AND IO Industrial Zones

- **17.73.020 Permitted and Conditionally Permitted Uses and Facilities.** Currently, Consumer Services are only permitted in the CIX-1 zone. Change Consumer Service to a permitted activity in the CIX-2 zone and conditionally permitted activity in the IO zone.

When the new activity classifications were created, Convenience Sales and Service was removed from the Planning Code as a use classification. Half of its activities were moved into the Consumer Service classification and the other half into General Retail Sales. The service type activities such as barber shops, laundromats, shoe shine stands and tailors were moved to Consumer Service. Prior to the change in activity types, Convenience Sales and Service activities were permitted in CIX-1 and -2, IG and IO zones and General Retail Sales were only permitted in the CIX-1 zone. When



determining how to regulate Consumer Services in these zones staff choose to apply the more restrictive limitations imposed on Retail Sales instead of the more permissive allowances of Convenience Sales and Service. Since the types of small scale service type uses allowed under Consumer Service are anticipated to be frequented by employees in these industrial areas, staff recommends allowing these uses in the CIX-2 zone and conditionally permitting them in the IO zone, in addition to the CIX-1 zone where they are already permitted.

#### Chapter 17.124 Landscaping and Screening Standards

- Create new section requiring a landscape plan, with provisions for street trees, for new Nonresidential Facilities and certain additions to Nonresidential Facilities. Currently landscaping plans are only required for Residential Facilities. Landscaping has been found to have psychological and ecological benefits upon the surrounding community; therefore increasing the amount of landscaped areas would result in positive social and environmental impacts upon the City. At the November 18<sup>th</sup> ZUC meeting, Commissioners expressed concern over impacts that trees can have upon sidewalks and overhead utilities and the hazards that can result from these impacts. Title 12 of the Oakland Municipal Code contains provisions for the mitigation or removal of hazardous trees located on private property and street trees. Staff has added a reference to Title 12 under Chapter 17.124 so that trees required by this Chapter are more adequately regulated. Staff also recommends that the Planning Commission officially adopt the recommended city street tree list (Attachment E). The trees on this list have been selected because they typically do not have evasive roots that can buckle a sidewalk and are often found in Oakland and the Bay Area. Staff has also included a requirement that applicants select a species compatible with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants. At the December ZUC meeting, the Committee reviewed and accepted the above recommended changes and recommended them, without edits, to the Planning Commission.

#### Chapter 17.110.030 General Buffer Requirements

- Require screening of all open parking, loading and storage areas in commercial and industrial zones from abutting streets. Currently, screening is only required for open parking, loading and storage areas along streets across from or within 150 feet of a residential zone. Expanding this provision would visually enhance the City's streets.

#### Chapter 17.104 General Limitations on Signs

- **17.104.020 Signs in Commercial Zones.** Increase the maximum aggregate sign area from 200 to 300 square feet. The maximum aggregate sign area limits the total amount of sign area when a lot has more than 300 feet of street frontage to prevent unnecessary sign clutter. Staff has found that the 200 square foot limit has been overly restrictive for large lots, particularly shopping centers, and suggests that it be increased. Allowing up to 300

square feet in Commercial Zones would be consistent with the permitted sign area in Industrial Zones:

- Create provisions for Master Sign Programs for nonresidential buildings or complexes containing more than two nonresidential tenant spaces. The Program would require applicants to specify the overall design, configuration, and permitted sizes, materials, colors, placement, construction, method of lighting, and other related design requirements. To permit flexibility and creativity, A Master Sign Program may be allowed to deviate from the normally required sign standards, including but not limited to, total aggregate sign area. A Master Sign Program application would be processed as a conditional use permit, instead of the normal over-the-counter procedure. A conditional use permit for a Master Sign Program would be required to meet the following additional use permit criteria:
  1. That the proposal will be of a quality and character appropriate to the Commercial, Manufacturing, or mixed use building complex;
  2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;
  3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

Any new sign that conforms to a site's master sign program would be approved without requiring a separate design review procedure.

#### 17.102.210 Alcoholic Beverage Sales in the Jack London Square Area and the Central Business District

- Staff proposes to expand the exceptions to the 1000' separation requirement for Alcoholic Beverage Sales Activities to include Off-sale retail licenses in the Jack London Square Area (defined as within the boundaries of Jefferson Street to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south). Off-Sale retail licenses authorize the sale of all types of alcoholic beverages for consumption off the premises in original, sealed containers. The 1000' separation exception currently applies to on-sales retail licenses (e.g. bars) in the Central District, which includes the Jack London area, and to most full-service restaurants. A Major Conditional Use Permit would still be required. This change is intended to facilitate the growing interest in Jack London as a retail food and dining destination.
- Currently all of San Pablo Avenue is defined as a 'restricted street' for the purposes of Alcoholic Beverages Sales. Staff recommends redefining the restricted portion of San Pablo Avenue as that portion lying north of Castro Street and I-980. This change would preclude the portion of San Pablo Avenue that is located in the Central Business District from the Major Conditional Use Permit requirements for Alcoholic Beverages sales associated with a Full-Service Restaurant. A Major Conditional Use Permit would still be required for other types of Alcoholic Beverage Sales Activities, such as bars.

The City's Alcoholic Beverage Action Team (ABAT) has had an opportunity to review the changes and has not raised any objections to the proposal. In addition, the Oakland Police Department has no objections or requests for modifications to the proposed changes.

#### 17.116.060 Parking for One- and Two-Family Residential Facilities

- Generally two parking spaces are required in the R-1, R-10, R-20 and R-30 zones for One- and Two-Family Residential facilities. However, three spaces are required on lots fronting a street where on-street parking is prohibited. Staff recommends removing this additional parking requirement. This regulation has proven difficult to administer because staff has not been provided with a list of streets on which parking has been prohibited. Further, on-street parking restrictions, which are determined by other City agencies, often change without the knowledge of planning staff.

#### 17.114 Nonconforming Residential Facilities.

- Residential property owners have recently found it difficult to secure loans to reconstruct destroyed residential buildings or even to finance the sale of legal nonconforming buildings. In an effort to ease the process of reconstructing destroyed residential facilities and to facilitate the lending process, staff proposes to allow the reconstruction of a residential building to its original conditions, through the Design Review process, within two years of the building being destroyed. After two years, the building may be restored through the granting of a Conditional Use Permit. These same provisions already apply to the Adams Point neighborhood.

### **GENERAL PLAN ANALYSIS**

The General Plan prioritizes revising the zoning code to be more user-friendly, internally consistent and easier to understand. The proposed changes in this report achieve these priorities by simplifying language, reducing redundancy, and increasing the flexibility of the code. Therefore, these zoning text amendments are consistent with the General Plan. The following select General Plan objectives outline the City's policy for zoning consistency and Planning Code revisions.

- To establish and maintain zoning regulations consistent with the General Plan to ensure that development on individual properties is consistent with the General Plan land use designations and policies.
- To create a "user-friendly" document by minimizing the complexity of regulations.
- To reduce the number of projects requiring discretionary review and expedite the project approval process by establishing design and/or performance standards for some projects.

### **ENVIRONMENTAL DETERMINATION**

Staff 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.

## **KEY ISSUES AND IMPACTS**

During the December 2<sup>nd</sup> ZUC meeting, two neighborhood representatives expressed concern about the proposal to increase the maximum permitted sign area in commercial zones.

The Planning Code currently limits sign area in commercial zones to one square foot of sign area for every one foot of street frontage or, in the case of a corner lot, 0.5 square feet of sign area for every one foot of street frontage up to a maximum of 200 square feet of sign area. Staff's proposal would keep the first half of this regulation in place while increasing the maximum permitted sign area from 200 to 300 square feet. This would mean that on lots with less than 300 feet of street frontage the amount a sign area would be limited to the amount of street frontage. For example, an interior lot with 40 feet of street frontage would be permitted to have a maximum of 40 square feet of sign area. Conversely, a large lot with 500 square feet of street frontage would be permitted to have a maximum of 300 square feet of sign area. Staff believes an increase in the maximum sign area is warranted given the number of sign area variances that have recently been granted for larger sites and shopping centers, such as Trader Joe's on College Avenue, Trader Joe's on Lake Shore Avenue and Mi Pueblo Market on High Street.

The vast majority of sites, such as small store fronts in neighborhood commercial areas, such as Rockridge and Piedmont Avenue, would not be impacted by this change. After hearing public testimony and discussing this issue, the Zoning Update Committee ascertained that the proposed increase in sign area was appropriate and recommended the change, without edits, to the Planning Commission.

The ZUC reviewed changes regarded accessory structures in the setbacks. However, since the December 2<sup>nd</sup> ZUC meeting, staff has determined that the changes brought to the ZUC did not fully address the bulk and mass issues related to attached garages. Staff has found that garages attached to homes have proven to have impacts upon adjoining properties. These impacts are generally due to the increased mass and bulk created by continuous building walls adjoining dwellings and garages. This mass and bulk issue can simply be addressed by prohibited attached garages in the setbacks. Detached garages, attached carports, attached parking podiums and other accessory structures would still be allowed in the setbacks as currently permitted and regulated by the Planning Code.

## **RECOMMENDATIONS**

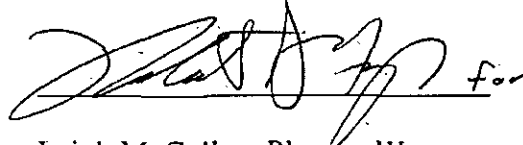
The proposed changes contained in this report are necessary to achieve the General Plan objectives for a user-friendly code. The majority of the proposed changes are non-substantive. The more significant changes would improve development standards in the code.

Staff recommends the Planning Commission recommend adoption of these proposed changes to the City Council.

**RECOMMENDATIONS:**

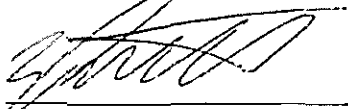
1. Affirm staff's environmental determination.
2. Recommend the proposed zoning map and zoning text amendments to the City Council.

Prepared by:



Leigh McCullen, Planner III

Approved by:



Eric Angstadt, Deputy Director, CEDA

Approved for forwarding to the Planning Commission by:



Walter Cohen, Director, CEDA

**ATTACHMENTS:**

- A. Proposed Zoning Text Amendments
- B. Zoning Map Updates
- C. General Plan Conformity Guidelines
- D. Chapter 17.101D D-KP Kaiser Permanente Oakland Medical Center (KX) District Zones Regulations with strikethrough and underlined changes.
- E. Frequently Planted Tree Species List

## ATTACHMENT B

### PROPOSED ZONING TEXT AMENDMENTS TO KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONE ADOPTED BY ORDINANCE NO. 12754 C.M.S.

Language in ~~strikeout~~ is proposed to be deleted.

Language underlined is proposed to be new.

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#### Chapter ~~XX~~17.101D

#### D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER (~~KX~~)-DISTRICT ZONES REGULATIONS

##### SECTIONS:

- 17.~~XX~~101D.010 Title, purpose and applicability.
- 17.~~XX~~101D.010 Title, purpose and applicability.
- 17.~~XX~~101D.020 Special Regulations governing use and development in the KXD-KP-4 zone.
- 17.~~XX~~101D.030 Permitted and conditionally permitted activities in the KXD-KP-1, KXD-KP-2, and KXD-KP-3 zones.
- 17.~~XX~~101D.040 Permitted and conditionally permitted facilities in the KXD-KP-1, KXD-KP-2, and KXD-KP-3 zones.
- 17.~~XX~~101D.050 Required Master Plan conformance and design review.
- 17.~~XX~~101D.060 Design Review.
- 17.~~XX~~101D.070 Design review application.
- 17.~~XX~~101D.080 Master Plan amendment.
- 17.~~XX~~101D.090 Minimum lot area width and frontage.
- 17.~~XX~~101D.100 Maximum floor area.
- 17.~~XX~~101D.110 Maximum height for new construction.
- 17.~~XX~~101D.120 Parking.
- 17.~~XX~~101D.130 Signs.
- 17.~~XX~~101D.140 Landscaping, buffering and screening.
- 17.~~XX~~101D.150 Demolition.
- 17.~~XX~~101D.160 Skybridges.

#### ~~17.XX.040~~17.101D.010 Title, purpose and applicability.

- A. The provisions of this chapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This chapter establishes land use regulations for the D-KXKP-1, D-KXKP-2, D-KXKP-3 and KXD-KP-4 zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center zones are to:
- Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership.

- Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital by January 1, 2013.
- Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards.
- Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood.
- Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community.
- Provide a set of procedures and practices to review and consider future design of new building construction.

**KXD-KP-1 Kaiser Permanente Oakland Medical Center District Commercial 1 Zone:** The KXD-KP-1 zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

**KXD-KP-2 Kaiser Permanente Oakland Medical Center Commercial District -2 Zone:** The KXD-KP-2 zone is intended for those properties south of MacArthur Boulevard.

**KXD-KP-3 Kaiser Permanente Oakland Medical Center Commercial District 3 Zone:** The KXD-KP-3 zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

**KXD-KP-4 Kaiser Permanente Oakland Medical Center 4 Residential District Zone:** The KXD-KP-4 zone is intended for those single family residential properties on the east side of Manila Avenue which are, and will remain zoned R-70, and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

- B. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the KXD-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable KXD-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

**17.XX.02017.101D.020 Special Regulations-regulations governing use and development in the KXD-KP-4 zone.**

- A. The properties in the KXD-KP-4 zones are zoned R-70 and shall remain subject to the regulations of the R-70 District contained in Chapter 17.28, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.
- B. The existing single family residential buildings on the east side of Manila within the KXD-KP-4 Zone shall remain.

**17.XX.03017.101D.030 Permitted and conditionally permitted activities in the KX-1, KX-2, and KX-3 zones.**

The following table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the KXD-KP-1, KXD-KP-2, and KXD-KP-3 zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

“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) in the corresponding zone

“—” designates uses that are prohibited in the corresponding zone

<b>Table 17.101D.01 Permitted and Conditionally Permitted Activities</b>				
Activity	Regulations			Additional Regulations
	KXD-KP-1	KXD-KP-2	KXD-KP-3	
<b>Residential Activities</b>				
Permanent	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient	C	C	C	17.102.212
Bed and Breakfast	C	C	C	
Residential Care, except when occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C	C	C	
Telecommunication	P	P	P	17.128
Administrative	C	C	C	
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Special Health Care Civic Activities	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Café	P	P	P	
Convenience Market	P	C	C	
Fast-Food Restaurant	C	C	C	
Alcoholic Beverage Sales	C	C	C	
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	C	C	C	



<b>Table 17.101D.01 Permitted and Conditionally Permitted Activities</b>				
Activity	Regulations			Additional Regulations
	KXD-KP-1	KXD-KP-2	KXD-KP-3	
Consumer Service	P	P	P	
Convenience Sales and Service	P	P	P	
General Personal Service	P	P	P	
General Retail Sales	P	P	P	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	--	--	--	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement	P	P	P	
Administrative	C	C	C	
Business, and Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	--	--	--	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	
Retail Business Supply	G	G	G	
Research Service	G	G	G	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
<b>Industrial Activities</b>	<b>All Industrial Activities prohibited in these zones.</b>			
<b>Agricultural and Extractive Activities</b>	<b>All Agricultural and Extractive Activities prohibited in these zones.</b>			
<i>Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100.</i>	C	C	C	17.74.030 17.102.100
<i>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.</i>	C	C	C	17.102.110

**17.101D.040**

**17.XX.040 17.101D.040 Permitted and conditionally permitted facilities in the KXD-KP-1, KXD-KP-2, and KXD-KP-3 zones.**

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 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) in the corresponding zone

“—” designates uses that are prohibited in the corresponding zone

The following table lists special regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

“P” indicates that the facility is permitted in the corresponding zone.

“C” indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

<b>Table 17.101D.02 Permitted and Conditionally Permitted Activities</b>				
<b>Facility Types</b>	<b>Zone</b>			<b>Additional Regulations</b>
	<b>KXD-KP-1</b>	<b>KXD-KP-2</b>	<b>KXD-KP-3</b>	
<b>Residential Facilities</b>				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	17.102.360
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	—	—	—	
<b>Nonresidential Facilities</b>				
Enclosed non-residential facilities	P	P	P	
Open non-residential facilities	C	C	C	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	17.102.290
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	—	—	—	
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**17.XX.05017.101D.050 Required Master Plan conformance and design review.**

- A. Substantial Conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* is required for all projects in the KXD-KP-1, KXD-KP-2, and KXD-KP-3 zones.
- B. No building, sign, or other facility shall be constructed or established, or altered in such a manner unless plans for such proposal have been approved pursuant to the Design Review Procedure set forth in section 17.XX101D.060.

17.XX.06017.101D.060 Design Review.

A. Design Review Application

1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted *Kaiser Permanente Oakland Medical Center Master Plan*. At the conference the city representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
2. Application for Design Review: Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:

1. Any alteration or addition of existing floor area or footprint area determined by the Director of City Planning to be not visible from the street or from other public areas. An alteration or addition will normally be considered "not visible from the street or from other public areas" if it does not affect any street face or public face of a building or is located more than forty (40) feet from any street line, public path, park or other public area;
2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under 25,000 square feet, whichever is smaller; ;
3. A change of sign face copy or new sign face so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120.
5. The alteration or addition is on a roof and does not project above the parapet walls.

C. Small Project Design Review. "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

1. Definition of Small Projects. Small Projects are limited to one or more of the following types of work:
  - (a) New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs;
  - (b) New or modified awnings;
  - (c) Color changes to buildings, signs, awnings or other facilities;
  - (d) Changes to storefronts or ground floor facades limited to replacement or construction of doors, windows; bulkheads and nonstructural wall infill; or installation or replacement of security grilles or gates; provided, however, they do not involve properties considered to be Historic Resources as defined by CEQA Guidelines section 15064.5 (14 CFR section 15064.5) and the City's Historic Preservation Element Policy 3.8;
  - (e) Installation of flags or banners having any permanent structure within the public right of way;
  - (f) Fences.
2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.
  - (a) The Director shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*.
  - (b) The Director may approve or disapprove the proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
  - (c) The Director's decision shall be in writing, shall be final immediately and is not appealable.
  - (d) Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

D. Regular Project Design Review. Unless determined exempt or subject to small project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior

appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:
  - (a) If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet or more of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.
  - (b) All other applications for regular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:
  - (a) Decisions by the Planning Commission shall be made at a public hearing. At his or her discretion, the Director of City Planning may hold an administrative hearing for projects under his or her review.
  - (b) Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.
  - (c) The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may potentially be affected.
  - (d) The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
  - (e) A determination by the Director shall become final ten days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not appealable.

- (f) An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.
- E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:
- (a) That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered; and
  - (b) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and
  - (c) That the proposed design conforms in all significant respects with the *Oakland General Plan and with any applicable district plan or development control map* which has been adopted by the City Council; and
  - (d) That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.
- F. Adherence to Approved Plans. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.
- G. Revocation/Enforcement. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.
- H. Review by Landmarks Board. A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.
- I. Design Review and Other Approvals. Whenever design review approval is required for a proposal also requiring a conditional use permit, or planned unit development permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

**17.XX.07017.101D.070 Design review application.**

The application for design review for one or more Campus Zones shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses.
2. Location and dimensions of structures.
3. Major landscaping features, including trees protected by Oakland Municipal Code Chapter 12.36, as it may be amended.
4. Creeks Protected by Oakland Municipal Code Chapter 13.16, as it may be amended.
5. The presence of any historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 14 of the California Code of Regulations.
6. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.
7. A tabulation of the land use area and gross floor area to be devoted to health care and retail uses, if any.
8. A public services and facilities plan including proposed location, extent and intensity of essential public services and facilities such as public streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities and a table comparing the descriptions to the existing location, extent and intensity of such essential public facilities and services.
9. If required, a Phasing Plan generally depicting projected development time frames sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services and parking.

**17.XX.08017.101D.080 Master Plan amendment.**

A. The City Council shall not amend the *Kaiser Permanente Oakland Medical Center Master Plan* until after it has received, pursuant to this procedure, a recommendation from the Planning Commission. The purpose of these provisions is to set forth the procedure by which amendments may be made to the *Kaiser Permanente Oakland Medical Center Master Plan*.

1. Private Party Initiation. The owner of any property with a ~~KXD~~-KP zone, or his or her authorized agent, may make application to the City Planning Commission to amend the *Kaiser Permanente Oakland Medical Center Master Plan*.
2. Commission Initiation. The City Planning Commission may, and upon request of the City Council, initiate a *Kaiser Permanente Oakland Medical Center Master Plan* amendment. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for amendment.

B. A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the City's Master Fee Schedule. Upon receipt of a completed application, the Director shall, within a reasonable period of time, schedule a public hearing before the Planning Commission. The Director or the

Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected.

- C. In the case of initiation by the City Planning Commission or initiation by a private party, the Commission shall, within 90 days from the date the submittal is deemed complete, hold a public hearing on the proposal. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.
- D. Upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. The Council may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.
- E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.
- F. Whenever a private party application has been denied by the City Council, no such application for the same proposal shall be filed within one year after the date of denial.

**17.XX.09017.101D.090 Minimum lot area width and frontage.**

The following table contains the minimum lot area, width and frontage requirements for the zones in this chapter.

Standard	Zone		
	KXD-KP-1	KXD-KP-2	KXD-KP-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width	25 ft	25 ft	25 ft
Minimum lot frontage	25 ft	25ft	25 ft

Lot width and frontage for ~~KXD-KP-4~~ based on R-70 zoning.

**17.XX.10017.101D.100 Maximum floor area.**

The maximum floor area for the aggregate of all the ~~KXD-KP~~ zoned properties shall not exceed 1.76 million square feet excluding parking structures. This includes approximately 432,300 square feet of existing buildings not to be redeveloped (the Piedmont, Howe, Fabiola, Mosswood and Kings Daughter Mental Health buildings) and a maximum of 1,353,000 square feet of new construction. The following floor area requirements will ensure that density of new construction is appropriately distributed throughout the ~~KXD-KP~~ zones.

- A. The maximum floor area of new construction in the ~~KXD-KP-1~~ Zone shall be 172,700 square feet (165,000 square feet of medical office space and a maximum of 7,700 square feet retail)
- B. The maximum floor area of new construction in the ~~KXD-KP-2~~ Zone shall be 957,000 square feet. An additional 60,000 square feet of space may be added to this building (to a maximum of 1,107,000 square feet) provided that Kaiser submit a schematic development plan that delineates



the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage.

- C. The maximum floor area of new construction in the ~~KXD-KP~~-3 Zone shall be 223,000 square feet. However, should Kaiser select to add the additional 60,000 square feet of space to Phase 2 as described in B above, then the maximum floor area of Phase 3 would be correspondingly reduced by as much as 60,000, to a maximum of 163,000 square feet.

**17.XX.11017.101D.110 Maximum height for new construction.**

The maximum heights for new construction in the ~~KXD-KP~~ zones shall be as follows:

- A. In the ~~KXD-KP~~-1 Zone the maximum building height for the Medical Office Building shall be 85 feet. The maximum height of any freestanding parking structure shall be 41 feet (2 stories of parking above ground floor retail, with rooftop parking allowed).
- B. In the ~~KXD-KP~~-2 Zone the maximum height for the new hospital tower shall be 210 feet.
- C. In the ~~KXD-KP~~-3 Zone the maximum height of new buildings (not including parking structures) shall be 70 feet (5 stories at 14 feet per story). Parking structures shall be limited to a maximum of 53 feet. In the ~~KXD-KP~~-3 Zone all structures shall be set back from the adjacent R-50 residential area by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height.
- D. Maximum height for ~~KXD-KP~~-4 is equivalent to R-70 requirements

**17.XX.12017.101D.120 Parking and Loading Areas**

- A. Parking shall be determined on a ~~KXD-KP~~ District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the ~~KXD-KP~~ district determined that upon completion of new construction to the full 1.78 million square foot total, approximately 3,584 parking spaces will be required. The actual amount of required parking shall be imposed as a condition of approval based on the current or updated parking study and the adopted Transportation Demand Management program, as approved by the City. The requirements set forth herein may be modified during the design review process, upon a finding that the modification is supported by an updated parking analysis prepared by a professional traffic engineer, as approved by the City.
- B. Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within 200 feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

**17.XX.13017.101D.130 Signs.**

- A. If a comprehensive sign program is adopted as part of the *Kaiser Permanente Oakland Medical Center Master Plan*, the provisions of the comprehensive sign program shall govern and shall supersede the provisions of Chapter 17.104.
- B. Design Review approval is not required for temporary or development signs; and periodic changes of copy.

**17.XX.14017.101D.140 Landscaping, buffering and screening.**

A landscaping, buffering and screening plan shall be submitted for every project that requires approval pursuant to the design review process. The landscaping, buffering and screening plan shall contain the following:

1. Landscaping that is consistent with the *Kaiser Permanente Oakland Medical Center Master Plan* with an automatic system of irrigation for all private landscaping shown in the plan.
2. Landscape treatment of any interface with a residentially zoned property including a buffering and screening plan.
3. The location of parking, loading and storage areas, and exterior lighting including a buffering and screening plan.

**17.XX.15017.101D.150 Demolition.**

Consistent with Oakland Municipal Code section 15.36.070, during the *Kaiser Permanente Oakland Medical Center Master Plan* approval process, the City Council may identify specific buildings for which a demolition permit may be issued without first obtaining a building permit because the issue of demolition was expressly considered as part of the *Kaiser Permanente Oakland Medical Center Master Plan* approval process. These buildings shall be listed in the *Kaiser Permanente Oakland Medical Center Master Plan* as eligible for demolition prior to the issuance of building permits.

**17.XX.16017.101D.160 Skybridges.**

- A. One pedestrian skybridge over the public right of way of Broadway, adjacent to Highway 580, (connecting ~~KXD-KP-1~~ and ~~KXD-KP-2~~) is permitted in the ~~KXD-KP~~ zone and no conditional use permit shall be required pursuant to Section 17.102.200. Authority pursuant to Chapter 12.08 is also granted for this pedestrian skybridge. While the exact location has not yet been determined, the general location of the skybridge is shown in the *Kaiser Permanente Oakland Medical Center Master Plan*. The design and final location will be determined during the Design Review Process.
- B. No other skybridge over Broadway shall be permitted.
- C. The other proposed pedestrian skybridges over the public right of way on MacArthur Boulevard is not needed until the completion of Phase 3 of the project (~~KXD-KP-3~~ Zone). Design Review for Phase 2 should consider means to ensure that a choice of skybridge versus tunnel versus surface street crossings at this location is preserved. The need for and final design and final location of a potential MacArthur Boulevard skybridge versus tunnels or surface street crossings will be determined during the Design Review Process and pursuant to Conditional Use permits for Phase 3.
- D. The Director of City Planning shall refer all Design Review processes regarding skybridges to the City Planning Commission for initial decision. An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

FILED  
OFFICE OF THE CITY CLERK  
INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

2010 FEB 10 PM 1:45

APPROVED AS TO FORM AND LEGALITY

*Mark S. Wald*  
City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

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AN ORDINANCE ADOPTING VARIOUS PLANNING CODE TEXT AND MAP AMENDMENTS [REMOVAL OF THE S-16, INDUSTRIAL-RESIDENTIAL TRANSITIONAL OVERLAY ZONE AND REZONING OF THE SOUTHEAST CORNER OF 24<sup>TH</sup> STREET AND WEBSTER STREET FROM C-40, COMMUNITY THOROUGHFARE COMMERCIAL ZONE, S-5, BROADWAY RETAIL FRONTAGE INTERIM COMBINING ZONE TO C-40, S-4 DESIGN REVIEW OVERLAY ZONE], INCLUDING: A) ADDING CONSUMER SERVICE ACTIVITIES AS A PERMITTED ACTIVITY TO THE CIX2 ZONE AND AS A CONDITIONALLY PERMITTED ACTIVITY IN THE IO ZONE; B) REQUIRE LANDSCAPING FOR NONRESIDENTIAL FACILITIES WHERE CURRENTLY NOT REQUIRED; C) REQUIRE SCREENING OF ALL NEW OPEN PARKING, LOADING, AND STORAGE AREAS IN COMMERCIAL AND INDUSTRIAL ZONES; D) CREATE MASTER SIGN PROGRAM PROVISIONS; E) EXPAND EXCEPTIONS TO 1000' SEPARATION REQUIREMENT FOR ALCOHOL SALES TO INCLUDE OFF-SITE SALES OF ALCOHOL IN THE JACK LONDON SQUARE AREA; F) DELETE ADDITIONAL PARKING REQUIREMENTS FOR ONE-FAMILY DWELLINGS IN R-1 THROUGH R-30 ZONES ON STREET WITHOUT ON-STREET PARKING; AND F) VARIOUS AMENDMENTS WHICH CODIFY ADMINISTRATIVE PRACTICE, UPDATE REFERENCES, CLARIFY LANGUAGE, AND OTHER CHANGES.

**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 uses overly complex language, is difficult to navigate and ultimately needs formatting and reference updates, as well as organizational improvements; and

**WHEREAS**, the recent adoption of new land use classifications created new activities that require revisions of the language in the existing code, to achieve consistency such as changing the phrase "manufacturing" for "industrial"; and

**WHEREAS**, there are several new activity types, such as "Bed and Breakfast" and "Broadcast and Recording Service" that were inadvertently omitted from various sections of the Code in previously approved code amendments; and

**WHEREAS**, there are special zoning regulations applying to particular areas, such as Kaiser Permanente Oakland Medical Center (KX) District Zone Regulations, that have been adopted by Ordinance but not included in the Planning Code; and

**WHEREAS**, the C-36 Gateway Boulevard Service Commercial Zone doesn't permit Animal Care Commercial activities, but similar commercial zones conditionally permit the activity; and

**WHEREAS**, the permitted exceptions to the openness of yards and courts do not adequately allow the construction of wheelchair ramps and other access required by the Americans with Disabilities act; and

**WHEREAS**, the area zoned C-60 has emerged as an arts district, with numerous art galleries and the monthly Art Murmur event but the C-60 zone currently does not permit art galleries, small scale entertainment or recreational assembly activities; and

**WHEREAS**, the Jack London Square area is a retail food and drink, dining and entertainment destination; however, off-site sales of alcoholic beverages is strictly limited; and

**WHEREAS**, new residential development along portions of San Pablo Avenue has resulted in the establishment of related activities, such as restaurants; and

**WHEREAS**, unlike similar locations in the City, restaurants along of the portions San Pablo Avenue located within the Central Business District and above I-580 are required to obtain a Major Conditional Use Permit if they sell alcohol; and

**WHEREAS**, residential property owners have recently found it difficult to secure loans to reconstruct destroyed residential buildings or to finance the sale of legal nonconforming buildings; and

**WHEREAS**, screening of open parking, loading and storage areas in commercial and industrial zones from abutting streets would visually enhance the City's streets;

**WHEREAS**, in 2006 the City Council adopted revised regulations for Telecommunications Facilities to require a Major conditional use permit for all Telecommunications Facilities within Residential zones; and

**WHEREAS**, the Code was not revised to remove Mini- and Micro-Telecommunications Facilities from the list of permitted facilities in the Residential zones; and

**WHEREAS**, on December 2, 2009, at a duly noticed public meeting, the Zoning Update Committee of the Planning Commission recommended that the Planning Code and Zoning Map Amendments be heard by the Planning Commission; and

**WHEREAS**, on January 20, 2010, 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 February 23, 2010, 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 March 2, 2010 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.** The Oakland Zoning Map is hereby amended to rezone the southeast corner of 24<sup>th</sup> Street and Webster Street from C-40, S-5 to C-40, S-4 as indicated in *Exhibit B.1*, attached hereto and hereby incorporated herein by reference.

**Section 6.** The Oakland Zoning Map is hereby amended to remove the S-16 Overlay Zone as indicated in *Exhibit B.2*, attached hereto and hereby incorporated herein by reference.

**Section 7.** The “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” is hereby amended as reflected in *Exhibit C*, attached hereto and hereby incorporated herein by reference.

**Section 8.** 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 9.** 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 10.** That the record before this Council relating to this Ordinance includes, without limitation, the following:

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

**Section 11.** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

*LaTonda Simmons*  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

*MFW*

## NOTICE AND DIGEST

**PUBLIC HEARING FOR ADOPTION OF VARIOUS PLANNING CODE TEXT AND MAP AMENDMENTS [REMOVAL OF THE S-16, INDUSTRIAL-RESIDENTIAL TRANSITIONAL OVERLAY ZONE AND REZONING OF THE SOUTHEAST CORNER OF 24<sup>TH</sup> STREET AND WEBSTER STREET FROM C-40, COMMUNITY THOROUGHFARE COMMERCIAL ZONE, S-5, BROADWAY RETAIL FRONTAGE INTERIM COMBINING ZONE TO C-40, S-4 DESIGN REVIEW OVERLAY ZONE], INCLUDING: A) ADDING CONSUMER SERVICE ACTIVITIES AS A PERMITTED ACTIVITY TO THE CIX2 ZONE AND AS A CONDITIONALLY PERMITTED ACTIVITY IN THE IO ZONE; B) REQUIRE LANDSCAPING FOR NONRESIDENTIAL FACILITIES WHERE CURRENTLY NOT REQUIRED; C) REQUIRE SCREENING OF ALL NEW OPEN PARKING, LOADING, AND STORAGE AREAS IN COMMERCIAL AND INDUSTRIAL ZONES; D) CREATE MASTER SIGN PROGRAM PROVISIONS; E) EXPAND EXCEPTIONS TO 1000' SEPARATION REQUIREMENT FOR ALCOHOL SALES TO INCLUDE OFF-SITE SALES OF ALCOHOL IN THE JACK LONDON SQUARE AREA; F) DELETE ADDITIONAL PARKING REQUIREMENTS FOR ONE-FAMILY DWELLINGS IN R-1 THROUGH R-30 ZONES ON STREETS WITHOUT ON-STREET PARKING; AND OTHER ITEMS; AND G) VARIOUS AMENDMENTS WHICH CODIFY ADMINISTRATIVE PRACTICE, UPDATE REFERENCES, CLARIFY LANGUAGE, AND OTHER CHANGES.**

The proposed amendments to the Oakland Planning Code include updating references, improving consistency among chapters, clarifying language and codifying current administrative practice. Other amendments include: permitting Consumer Services in the CIX2 Zone; requiring landscaping for nonresidential facilities; require screening of new open parking, loading and storage areas in commercial and industrial zones; create master sign program provisions; remove additional parking requirements for one-family dwellings; eliminate 1000' separation requirements for off-site alcoholic beverage sales in the Jack London Square Area; and other changes.

mpw

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Language in ~~strikeout~~ is proposed to be deleted

Language underlined is proposed to be new.

Title 17

PLANNING

Chapters:

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



- 17.65 HBX Housing and Business Mix Commercial Zone Regulations
- 17.66 M-10 Special Industrial Zone 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
- 17.74 S-1 Medical Center Zone Regulations
- 17.76 S-2 Civic Center Zone Regulations
- 17.80 S-4 Design Review Combining Zone Regulations
- ~~17.81 S-5 Broadway Retail Frontage Interim Combining Zone Regulations~~
- 17.82 S-6 Mobile Home Combining Zone Regulations
- 17.84 S-7 Preservation Combining Zone Regulations
- 17.86 S-8 Urban Street Combining Zone Regulations
- 17.88 S-9 Retail Frontage Combining Zone Regulations
- 17.90 S-10 Scenic Route Combining Zone Regulations
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations
- 17.94 S-12 Residential Parking Combining Zone Regulations
- 17.96 S-13 Mixed-Use Development Combining Zone Regulations
- 17.97 S-15 Transit Oriented Development Zone Regulations
- 17.98 S-16 Industrial-Residential Transition Combining Zone Regulations
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations
- 17.100A S-19 Health and Safety Protection Overlay Zone
- 17.100B S-20 Historic Preservation District Combining Zone Regulations
- 17.101CA D-WsS Wood Street District Commercial Zone Regulations
- 17.101DB D-OTN Oak To Ninth District Regulations
- 17.101EC D-BrR Broadway Retail Frontage Interim Combining District Zone Regulations
- 17.101D D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations.
- 17.102 General Regulations Applicable to All or Several Zones
- 17.104 General Limitations on Signs
- 17.106 General Lot, Density, and Area Regulations
- 17.107 Density Bonus and Incentive Procedure
- 17.108 General Height, Yard, Court, and Fence Regulations
- 17.110 Buffering Regulations
- 17.112 Home Occupation Regulations
- 17.114 Nonconforming Uses
- 17.116 Off-Street Parking and Loading Requirements
- 17.117 Bicycle Parking Requirements
- 17.118 Recycling Space Allocation Requirements
- 17.120 Performance Standards
- 17.122 Planned Unit Development Regulations
- 17.124 Landscaping and Screening Standards
- 17.126 Usable Open Space Standards
- 17.128 Telecommunications Regulations
- 17.130 Administrative Procedures Generally
- 17.132 Administrative Appeal Procedure
- 17.134 Conditional Use Permit Procedure

- 17.135 Special Use Permit Review Procedure for the OS Zone**
- 17.136 Design Review Procedure**
- 17.138 Development Agreement Procedure**
- 17.140 Planned Unit Development Procedure**
- 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**

## Chapter 17.09

### DEFINITIONS

#### 17.09.040 Definitions.

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

**"Building length"** means ~~a the greatest a~~ plan dimension parallel to an exterior wall or walls. This measurement is equal to the horizontal dimension of the corresponding elevation of the building or structure at a given level. ~~of a building as measured on any building elevation.~~

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

#### **"Floor Area"**

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

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

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

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

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

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

b. Floor area shall not include:

i. Unenclosed living areas such as balconies, decks and porches;

ii. Carports that are unenclosed on two or more sides;

iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three or more sides;

iv. Nonhabitable accessory structures not requiring a building permit of less than one hundred twenty (120) square feet;

v. Unfinished understories, attics and basements, defined as in the Oakland Planning Code; and

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

**"Height"** (see illustration I-2a) means the vertical distance of any structure, building, fence, Sign, retaining wall, ~~or other wall or hedge,~~ or other facility measured from any point on top of the facility to a

line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a connects and is perpendicular plane connecting to the opposite perimeter walls, or other perimeter support systems, at opposite points of finished grade on the outside perimeter of the facility. these walls or support systems.

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

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

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

**"Pitched roof"** means any roof with one or more non-horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than three to twelve (3:12). ~~one to three (1:3).~~

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

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

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

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

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

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

## **Chapter 17.10**

### **USE CLASSIFICATIONS**

#### **Article I**

##### **General Classification Rules**

###### **Sections:**

- 17.10.010**      **Title, purpose, and applicability.**
- 17.10.020**      **Definitions.**
- 17.10.030**      **Listing of activity classifications.**
- 17.10.040**      **Accessory activities.**
- 17.10.050**      **Classification of combinations of principal activities.**
- 17.10.060**      **Listing of facility classifications.**
- 17.10.070**      **Accessory facilities.**
- 17.10.080**      **Classification of combinations of principal facilities.**
- 17.10.090**      **Classification of unlisted uses.**

#### **Article II**

##### **Activity Types**

###### **Part 2**

##### **Civic Activity Types**

###### **Sections:**

- 17.10.130**      **General Description of Civic Activities.**
- 17.10.140**      **Essential Service Civic Activities.**
- 17.10.150**      **Limited Child-Care Activities.**
- 17.10.160**      **Community Assembly Civic Activities.**
- 17.10.170**      **Recreational Assembly Civic Activities.**
- 17.10.180**      **Community Education Civic Activities.**
- 17.10.190**      **Nonassembly Cultural Civic Activities.**
- 17.10.200**      **Administrative Civic Activities.**
- 17.10.220**      **Health Care Civic Activities.**
- 17.10.225**      **Special Health Care Civic Activities.**
- 17.10.230**      **Utility and Vehicular Civic Activities.**
- 17.10.240**      **Extensive Impact Civic Activities.**
- 17.10.250**      ~~**Telecommunication Activities.**~~

###### **Part 3**

##### **Commercial Activity Types**

###### **Sections:**

- 17.10.260**      **General description of Commercial Activities.**
- 17.10.270**      **General Food Sales Commercial Activities.**
- 17.10.272**      **Full Service Restaurant Commercial Activities.**
- 17.10.274**      **Limited Service Restaurant and Café.**
- 17.10.280**      **Convenience Market Commercial Activities.**

- 17.10.290 Fast-Food Restaurant Commercial Activities.
- 17.10.300 Alcoholic Beverage Sales Commercial Activities.
- 17.10.320 Mechanical or Electronic Games Commercial Activities.
- 17.10.330 Medical Service Commercial Activities.
- 17.10.340 General Retail Sales Commercial Activities.
- 17.10.345 Large-scale Combined Retail and Grocery Sales Commercial Activities.
- 17.10.350 Consumer Service Commercial Activities.
- 17.10.360 Consultative and Financial Service Commercial Activities.
- 17.10.365 Check Cashier and Check Cashing Activity.
- 17.10.370 Consumer Cleaning and Repair Service Commercial Activities.
- 17.10.375 Dry Cleaning Plant Commercial Activities.
- 17.10.380 Group Assembly Commercial Activities.
- 17.10.385 Personal Instruction and Improvement and Small Scale Entertainment Commercial Activities.
- 17.10.390 Administrative Commercial Activities.
- 17.10.400 Business, Communication, and Media Service Commercial Activities.
- 17.10.410 Broadcasting and Recording Service Commercial Activities
- 17.10.420 Research Service Commercial Activities.
- 17.10.430 General Wholesale Sales Commercial Activities.
- 17.10.440 Transient Habitation Commercial Activities.
- 17.10.450 ~~Wholesale Professional Building Material Sales Commercial Activities.~~
- 17.10.460 Automobile and Other Light Vehicle Sales and Rental.
- 17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.
- 17.10.480 Automotive and Other Light Vehicle Repair and Cleaning Commercial Activities.
- 17.10.485 Taxi and Light Fleet-Based Service
- 17.10.490 Automotive Fee Parking Commercial Activities.
- 17.10.500 Transport and Warehousing Commercial Activities

**Article I**

**General Classification Rules**

**Sections:**

- 17.10.010 Title, purpose, and applicability.
- 17.10.020 Definitions.
- 17.10.030 Listing of activity classifications.
- 17.10.040 Accessory activities.
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**Article II**

**Activity Types**

**Part 1**

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**17.10.030 Listing of activity classifications.**

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

A. Residential Activities:

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

B. Civic Activities:

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



Extensive Impact  
Telecommunications

C. Commercial Activities:

General Food Sales  
Full Service Restaurant  
Limited Service Restaurant and Café  
Convenience Market  
Fast-Food Restaurant  
Alcoholic Beverage Sales  
Mechanical or Electronic Games  
Medical Service  
General Retail Sales  
Large-Scale Combined Retail and Grocery Sales

Consumer Service  
Consultative and Financial Service  
Check Cashier and Check Cashing  
Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Group Assembly  
Personal Instruction and Improvement and Small Scale Entertainment  
Administrative  
Business and Communications and Media Service  
Broadcasting and Recording Service

Research Service  
General Wholesale Sales  
Transient Habitation  
~~Wholesale Professional Building Material Sales~~  
Automobile and Other Light Vehicle Sales and Rental  
Automobile and Other Light Vehicle Gas Station and Servicing  
Automotive and Other Light Vehicle Repair and Cleaning  
Taxi and Light Fleet-Based Service  
Automotive Fee Parking  
Transport and Warehousing

Animal Boarding

Animal Care

~~Animal Boarding~~

Undertaking Service

**17.10.160 Community Assembly Civic Activities.**

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

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

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

**17.10.220 Health Care Civic Activities.**

Health Care Civic Activities include all activities which primarily provide medical care and supervision other than those defined elsewhere in the Zoning Regulations. Examples of activities in this classification include but are not limited to the following:

- A. Health clinics;
- B. Hospitals;
- C. Skilled nursing, extended care, residential care (including facilities licensed for six or fewer residents), and assisted living facilities, all of which provide medical care on site;
- D. Nonresidential centers providing psychological or family counseling and mental hygiene services to individuals or groups;
- E. Support services which include regular individualized case management for both on-site and offsite residents in conjunction with Service-Enriched Permanent Housing and Transitional Housing Residential Activities;
- F. Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction;
- G. State licensed "Adult Day Care Facilities" and "Adult Day Support Centers". (Ord. 12138 § 4)

**17.10.330 Medical Service Commercial Activities.**

Medical Service Commercial Activities include the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, psychotherapists, and other practitioners, as well as the provision of medical testing and analysis services. They also include certain activities accessory to the above, as specified in Section 17.10.040.

**17.10.350 Consumer Service Commercial Activities.**

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

- barber shops
- beauty salons
- laundromats
- nail salons
- full service laundry service and dry cleaners (not including dry cleaning plants)
- shoe shine stands
- tailors
- tanning salons
- tattoo parlors
- a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other related medical related products

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

**17.10.375 Consumer Dry Cleaning Plant Commercial Activities**

Dry Cleaning Plant Commercial Activities includes the on-site dry cleaning of personal apparel and similar items with or without consumer drop-off and pick-up. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

#### **17.10.380 Group Assembly Commercial Activities.**

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

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with 2,000 square feet or more of classroom or instructional space~~instructional classes in facilities with 2,000 square feet or more of classroom or instructional space.~~
- ~~meeting halls, clubs, lodges, or fraternal organizations~~
- ~~drive-in theaters~~
- ~~theaters or venues with more than with 3,000 square feet or more of floor area where more than 300 people are viewing an individual stage, screen, or performance.~~
- ~~temporary festivals, carnivals, fairs, and circuses~~
- ~~cabarets, night clubs, dance halls, and pool halls~~
- ~~banquet halls~~
- ~~fitness clubs with 2,000 square feet or more of floor area~~

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

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

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

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than 2,000 square feet of classroom or instructional space
- Fitness clubs with less than 2,000 square feet of floor area
- Theaters or venues with less than 3,000 square feet or less of floor area where less than 300 people are viewing an individual stage, screen, or performance.

#### **17.10.390 Administrative Commercial Activities.**

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

- \_\_\_ cultural and advocacy offices;
- \_\_\_ law firms;
- \_\_\_ accounting;
- \_\_\_ advertising;

- \_\_ architectural and engineering consulting firms;
- \_\_ management consulting firms;
- \_\_ computer consulting;
- \_\_ software design;
- \_\_ data management and billing services offices;
- \_\_ administrative offices of non-profit organizations.

Activities that are more specifically described in other classifications are excluded from this activity. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

**17.10.410 Broadcasting and Recording Service Commercial Activities.**

Broadcasting and Recording Service Commercial Activities include the recording or broadcasting activities of music or video performed in ~~broadcasting studios for over the air, cable or satellite delivery~~ of radio, television programs, or internet and studios for the audio or video recording or filming of 1) musical performances, 2) radio or television programs or 3) motion pictures. This category does not include transmission towers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

## **Chapter 17.11**

### **OS OPEN SPACE ZONING REGULATIONS**

#### **17.11A.040 Permitted activities.**

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

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service

Limited Child-Care

Telecommunications

## Chapter 17.11A

### R-1 ONE ACRE ESTATE RESIDENTIAL ZONE REGULATIONS

#### 17.11A.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
- ~~D. Telecommunications Facilities:
  - Micro, except as provided in Chapter 17.128
  - Mini, except as provided in Chapter 17.128~~

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

#### 17.11A.070 Conditionally permitted facilities.

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

- Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)~~
  - ~~Macro~~
  - Monopole

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

## Chapter 17.12

### R-10 ESTATE RESIDENTIAL ZONE REGULATIONS

#### 17.12.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 10, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3255)

#### 17.12.070 Conditionally permitted facilities.

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

Telecommunications Facilities:

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

Macro

Monopole

(Ord. 12501 § 11, 2003; Ord. 12199 § 4A, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3256)

## Chapter 17.14

### R-20 LOW DENSITY RESIDENTIAL ZONE REGULATIONS

#### 17.14.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
- ~~D. Telecommunications Facilities:
  - Micro, except as provided in Chapter 17.128
  - Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 14, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3355)

#### 17.14.070 Conditionally permitted facilities.

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

- Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - Macro
  - Monopole

(Ord. 12501 § 15, 2003; Ord. 12199 § 4B, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3356)



## Chapter 17.16

### R-30 ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

#### 17.16.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 18, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3455)

#### 17.16.070 Conditionally permitted facilities.

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

Telecommunications Facilities:

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Macro~~

Monopole

(Ord. 12501 § 19, 2003; Ord. 12199 § 4C, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3456)

## Chapter 17.18

### R-35 SPECIAL ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

#### 17.18.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

D. ~~Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 22, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3555)

#### 17.18.070 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Two-Family Dwelling
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - Macro
  - Monopole

(Ord. 12501 § 23, 2003; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3556)

## Chapter 17.20

### R-36 SMALL LOT RESIDENTIAL ZONE REGULATIONS

#### 17.20.050 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 27, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3580)

#### 17.20.060 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Multi-family Dwelling
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - Macro
  - Monopole

(Ord. 12501 § 28, 2003; Ord. 12199 § 4D, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3581)

## Chapter 17.22

### R-40 GARDEN APARTMENT RESIDENTIAL ZONE REGULATIONS

#### 17.22.070 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 31, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3605)

#### 17.22.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Multi-Family Dwelling
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(3)(j)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(3)(j)~~
  - ~~Macro~~
  - Monopole

(Ord. 12501 § 32, 2003; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3606)

## Chapter 17.24

### R-50 MEDIUM DENSITY RESIDENTIAL ZONE REGULATIONS

#### 17.24.070 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

D. ~~Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 35, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3655)

#### 17.24.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Multifamily Dwelling
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Macro~~
  - Monopole

(Ord. 12501 § 36, 2003; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3656)

## Chapter 17.26

### R-60 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

#### 17.26.070 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
  - Multifamily Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic

~~D. Telecommunications Facilities:~~

- ~~Micro, except as provided in Chapter 17.128~~
- ~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 39, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3755)

#### 17.26.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Rooming House
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Macro~~
  - Monopole

(Ord. 11904 § 5.10 (part), 1996; prior planning code § 3756)

## Chapter 17.28

### R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

#### 17.28.070 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
  - Multifamily Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
- D. ~~Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(Ord. 12501 § 42, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3805)

#### 17.28.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
  - Rooming House
- B. Telecommunications Facilities:
  - ~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~
  - ~~Macro~~
  - Monopole

(Ord. 11904 § 5.10 (part), 1996; prior planning code § 3806)

## Chapter 17.30

### R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

#### 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

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(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, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Macro~~

Monopole

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



## Chapter 17.32

### R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS

#### 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

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

(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:

Telecommunications Facilities:

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)-(23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)-(23)~~

Macro

Monopole

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

## Chapter 17.34

### C-5 NEIGHBORHOOD COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.34.010 Title, purpose, and applicability.
- 17.34.020 Required design review process.
- 17.34.030 Permitted activities.
- 17.34.040 Conditionally permitted activities.
- 17.34.050 Permitted facilities.
- 17.34.060 Conditionally permitted facilities.
- 17.34.070 Restrictions on ground-level uses.
- 17.34.080 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.34.090 Special regulations applying to Commercial Activities.
- 17.34.095 Restrictions on Telecommunications Facilities
- 17.34.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.34.110 Use permit criteria.
- 17.34.120 Limitations on Signs, marquees, and awnings.
- 17.34.130 Minimum lot area, width, and frontage.
- 17.34.140 Maximum residential density.
- 17.34.150 Maximum height.
- 17.34.160 Minimum yards and courts.
- 17.34.170 Minimum usable open space.
- 17.34.180 Buffering.
- 17.34.190 Special regulations for mini-lot and planned unit developments.
- 17.34.200 Other zoning provisions.

#### 17.34.020 Required design review process.

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

(Ord. 12606 Att. A (part), 2004: Ord. 12501 § 50, 2003: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4202)

#### 17.34.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted, subject, where applicable, to the provisions of Section 17.34.070:

- A. Residential Activities, except as provided in by Section 17.34.070:
  - Permanent Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care, except as provided in by Section 17.34.070
  - Nonassembly Cultural, except as provided in by Section 17.34.070
  - Telecommunications

- C. Commercial Activities:
  - Medical Service, except as provided in by Section 17.34.070
  - General Retail Sales
  - Consumer Service
  - Consumer Cleaning and Repair Service
  - Consumer Dry Cleaning Plant

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.23, 1996; prior planning code § 4203)

**17.34.040 Conditionally permitted activities.**

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

- A. Residential Activities, except as provided in by Section 17.34.070:
  - Residential Care, except when occupying a One-Family Dwelling Residential Facility
  - Service-Enriched Permanent Housing
  - Transitional Housing
  - Emergency Shelter
- B. Civic Activities:
  - Utility and Vehicular
  - Administrative, except as provided in by Section 17.34.070
  - Health Care, except as provided in by Section 17.34.070
  - Community Education, except as provided in by Section 17.34.070
  - Extensive Impact
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Financial and Consultative Services, except as provided in by Section 17.34.070
  - Convenience Market
  - Alcoholic Beverage Sales
  - Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
  - Group Assembly, except as provided in by Section 17.34.070
  - Personal Instruction and Improvement and Small Scale Entertainment, except as provided in by Section 17.34.070
  - Administrative, except as provided in by Section 17.34.070
  - Business, Communication, and Media Service, except as provided in by Section 17.34.070
  - Broadcasting and Recording Service, except as provided in by Section 17.34.070
  - Automotive Fee Parking, except as provided in by Section 17.34.070
  - Animal Care
  - Animal Boarding
- D. Agricultural and Extractive Activities:
  - Plant Nursery
- E. Off-street Parking Servicing Activities other than those listed above, 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 § 4204)

**17.34.050 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Section ~~17.42.080~~ 17.34.070:

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
  - Multifamily Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications Facilities:
  - Micro, except as provided in when a Major Conditional Use Permit is required by Section ~~17.134.020(A)~~ (23)34.095  
(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4205)

**17.34.060 Conditionally permitted facilities.**

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

- A. Nonresidential Facilities:
  - ~~Open, limited to the following:~~
  - ~~Off-street parking and loading facilities, except as provided in by Section~~ 17.34.070
  - Open-air dining facilities
  - Parks and plazas
- B. Telecommunications Facilities:
  - Mini
  - Macro
  - Monopole

(Ord. 12501 § 52, 2003; Ord. 12224 § 3 (part), 2000; Ord. 12199 § 4G, 2000; Ord. 11904 § 5.38 (part), 1996; prior planning code § 4206)

**17.34.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.36

### C-10 LOCAL RETAIL COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.36.010 Title, purpose, and applicability.
- 17.36.030 Required design review process.
- 17.36.040 Permitted activities.
- 17.36.050 Conditionally permitted activities.
- 17.36.060 Permitted facilities.
- 17.36.070 Conditionally permitted facilities.
- 17.36.080 Restriction on accessory parking and loading within seventy-five feet of front lot line.
- 17.36.090 Special regulations applying to Commercial Activities.
- 17.36.095 Restrictions on Telecommunications Facilities
- 17.36.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.36.110 Limitations on Signs.
- 17.36.120 Minimum lot area, width, and frontage.
- 17.36.130 Maximum residential density.
- 17.36.140 Maximum height.
- 17.36.150 Minimum yards and courts.
- 17.36.160 Minimum usable open space.
- 17.36.170 Buffering.
- 17.36.180 Special regulations for mini-lot and planned unit developments.
- 17.36.190 Other zoning provisions.

#### 17.36.040 Permitted activities.

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

- A. Residential Activities:
  - Permanent
  - Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service
  - General Retail Sales
  - Consumer Service
  - Consultative and Financial Service

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.24, 1996; prior planning code § 4253)

#### 17.36.060 Permitted facilities.

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

- A. Residential Facilities:
  - One-Family Dwelling
  - Two-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications Facilities:
  - Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23) 36.095 (Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4255)

**17.36.070 Conditionally permitted facilities.**

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Multifamily Dwelling
- B. Nonresidential Facilities:
  - Open
  - Drive-In
- C. Telecommunications Facilities:
  - Mini
  - Macro
  - Monopole

(Ord. 12501 § 54, 2003; Ord. 12224 § 3 (part), 2000; Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.39; 1996; prior planning code § 4256)

**17.36.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.38

### C-20 SHOPPING CENTER COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.38.010 Title, purpose, and applicability.
- 17.38.020 Required design review process.
- 17.38.030 Permitted activities.
- 17.38.040 Conditionally permitted activities.
- 17.38.050 Permitted facilities.
- 17.38.060 Conditionally permitted facilities.
- 17.38.070 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.38.075 Restrictions on Telecommunications Facilities
- 17.38.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.38.090 Limitations on Signs.
- 17.38.100 Minimum lot area, width, and frontage.
- 17.38.110 Maximum residential density.
- 17.38.120 Maximum height.
- 17.38.130 Minimum yards and courts.
- 17.38.140 Minimum usable open space.
- 17.38.150 Buffering.
- 17.38.160 Special regulations for mini-lot and planned unit developments.
- 17.38.170 Other zoning provisions.

#### 17.38.030 Permitted activities.

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

- A. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Telecommunications
- B. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service
  - General Retail Sales
  - Consumer Service
  - Consultative and Financial Service

(Ord. 11904 § 5.25, 1996; prior planning code § 4303)

#### 17.38.050 Permitted facilities.

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

- A. Nonresidential Facilities:

Enclosed  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

- B. Signs:  
Special  
Development  
Realty  
Civic  
Business

- C. Telecommunications Facilities:

Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23) 17.38.075  
(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.35, 1996; prior planning code § 4305)

**17.38.075 Restrictions on Telecommunications Facilities**

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

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



## Chapter 17.40

### C-25 OFFICE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.40.010 Title, purpose, and applicability.
- 17.40.030 Required design review process.
- 17.40.040 Permitted activities.
- 17.40.050 Conditionally permitted activities.
- 17.40.060 Permitted facilities.
- 17.40.070 Conditionally permitted facilities.
- 17.40.080 Restrictions on accessory parking and loading within ten feet of street line.
- 17.40.090 Special regulations applying to Commercial Activities.
- 17.40.095 Restrictions on Telecommunications Facilities
- 17.40.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.40.110 Use permit criteria.
- 17.40.120 Limitations on Signs.
- 17.40.130 Minimum lot area, width, and frontage.
- 17.40.140 Maximum residential density.
- 17.40.150 Maximum nonresidential floor-area ratio.
- 17.40.160 Maximum height.
- 17.40.170 Minimum yards and courts.
- 17.40.180 Minimum usable open space.
- 17.40.190 Buffering and landscaping.
- 17.40.200 Special regulations for mini-lot and planned unit developments.
- 17.40.210 Other zoning provisions.

#### 17.40.040 Permitted activities.

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

- A. Residential Activities:
  - Permanent
  - Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Consumer Service
  - Medical Service
  - General Retail Sales
  - Consultative and Financial Service
  - Administrative

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.26, 1996; prior planning code § 4353)

**17.40.060 Permitted facilities.**

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

- A. Residential Facilities:
  - One-Family Dwelling
  - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
  - Two-Family Dwelling
  - Multifamily Dwelling
  - Rooming House
- B. Nonresidential Facilities:
  - Enclosed
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications Facilities:

*Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)40.095*

(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4355)

**17.40.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.42

### C-27 VILLAGE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.42.010 Title, purpose, and applicability.
- 17.42.030 Required design review process.
- 17.42.040 Permitted activities.
- 17.42.050 Conditionally permitted activities.
- 17.42.060 Permitted facilities.
- 17.42.070 Conditionally permitted facilities.
- 17.42.080 Restrictions on ground-level uses.
- 17.42.090 Special regulations applying to Convenience Markets, Fast-Food Restaurants and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.42.095 Restrictions on Telecommunications Facilities
- 17.42.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.42.110 Use permit criteria.
- 17.42.120 Limitations on Signs, marquees, and awnings.
- 17.42.130 Minimum lot area, width, and frontage.
- 17.42.140 Maximum residential density.
- 17.42.150 Maximum height.
- 17.42.160 Minimum yards and courts.
- 17.42.170 Minimum usable open space.
- 17.42.180 Buffering.
- 17.42.190 Special regulations for mini-lot and planned unit developments.
- 17.42.200 Other zoning provisions.

#### 17.42.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted, subject, where applicable, to the provisions of Section 17.42.080:

- A. Residential Activities, ~~except as provided by~~ in Section 17.42.080:
  - Permanent Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care, ~~except as provided by~~ in Section 17.42.080
  - Community Assembly, ~~except as provided by~~ in Section 17.42.080
  - Recreational Assembly, ~~except as provided by~~ in Section 17.42.080
  - Community Education, ~~except as provided by~~ in Section 17.42.080
  - Nonassembly Cultural
  - Administrative, ~~except as provided by~~ in Section 17.42.080
  - Health Care, ~~except as provided by~~ in Section 17.42.080
  - Telecommunications
- C. Commercial Activities:
  - Medical Service, ~~except as provided by~~ in Section 17.42.080
  - General Retail
  - Consumer Service
  - Consultative and Financial Service, ~~except as provided by~~ in Section 17.42.080
  - Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant  
Administrative, except as provided by in Section 17.42.080  
Business, Communication, and Media Service, except as provided by in Section  
17.42.080  
Broadcasting and Recording Service, except as provided by in Section 17.42.080  
(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.27, 1996; prior planning code §  
4403)

**17.42.060 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Section 17.42.080:

- 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
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications Facilities:
  - Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)42.095  
(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4405)

**17.42.070 Conditionally permitted facilities.**

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

- A. Nonresidential Facilities:
  - Open, limited to the following:
    - Off-street parking and loading facilities, except as provided by in Section  
17.42.080
    - Open-air dining facilities
    - Parks and plazas
- B. Telecommunications Facilities:
  - Mini
  - Macro
  - Monopole

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.38 (part), 1996; prior planning code § 4406)

**17.42.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.44

### C-28 COMMERCIAL SHOPPING DISTRICT ZONE REGULATIONS

#### Sections:

17.44.010	Title, purpose, and applicability.
17.44.020	Required design review process.
17.44.030	Permitted activities.
17.44.040	Conditionally permitted activities.
17.44.050	Permitted facilities.
17.44.060	Conditionally permitted facilities.
17.44.070	Restrictions on ground-level uses.
17.44.080	Special regulations applying to certain Commercial and Industrial Activities.
17.44.090	Special regulations applying to certain Commercial Activities.
17.44.095	<u>Restrictions on Telecommunications Facilities</u>
17.44.100	Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.44.110	Use permit criteria.
17.44.120	Limitations on Signs, marquees, awnings.
17.44.130	Minimum lot area, width, and frontage.
17.44.140	Maximum residential density.
17.44.150	Maximum nonresidential floor-area ratio.
17.44.160	Maximum height.
17.44.170	Minimum yards and courts.
17.44.180	Minimum usable open space.
17.44.190	Buffering.
17.44.200	Special regulations for mini-lot, planned unit developments, and bonuses for mixed use developments containing Residential and Commercial Activities, excluding joint living and work quarters.
17.44.210	Other zoning provisions.

#### 17.44.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Sections 17.44.070 and 17.44.080:

- A. Residential Activities, except as provided by in Section 17.44.080:
  - Permanent Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child Care, except as provided by in Section 17.44.080
  - Community Assembly, except as provided by in Section 17.44.080
  - Recreational Assembly, except as provided by in Section 17.44.080
  - Nonassembly Cultural
  - Administrative, except as provided by in Section 17.44.080
  - Health Care, except as provided by in Section 17.44.080
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service, except as provided by in Section 17.44.080

General Retail Sales  
Consumer Service  
Consultative and Financial Service, except as provided by in Section 17.44.080  
Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Administrative, except as provided by in Section 17.44.080  
Business, Communication, and Media Service, except as provided by in Section

17.44.080

Broadcasting and Recording Service, except as provided by in Section 17.44.080  
(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.28, 1996; prior planning code § 4428)

**17.44.040 Conditionally permitted activities.**

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.44.110 and the conditional use permit procedure in Chapter 17.134:

- A. Residential Activities, except as provided by in Section 17.44.080:
  - Residential Care, except when occupying a One-Family Dwelling Residential Facility
  - Service-Enriched Permanent Housing
  - Transitional Housing
  - Emergency Shelter
- B. Civic Activities:
  - Utility and Vehicular
  - Community Education, except as provided by in Section 17.44.080
  - Special Health Care Civic Activities
- C. Commercial Activities:
  - Automobile and Other Light Vehicle Gas Station and Servicing
  - Automotive and Other Light Vehicle Repair and Cleaning
  - Convenience Market
  - Fast-Food Restaurant
  - Alcoholic Beverage Sales
  - Group Assembly, except as provided by in Section 17.44.080
  - Personal Instruction and Improvement and Small Scale Entertainment, except as provided by in Section 17.44.080
  - Animal Care
  - Animal Boarding
- D. Industrial Activities:
  - Custom Manufacturing
- E. Agricultural Activities:
  - Plant Nursery
- F. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100.
- G. 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.
- H. Installation of motor vehicle accessories. (Ord. 12450 § 5, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 4429)

**17.44.050 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Sections 17.44.080 and 17.44.200:

- A. Residential Facilities:
  - One-Family Dwelling

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

B. Nonresidential Facilities:

Enclosed  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

Residential  
Special  
Development  
Realty  
Civic  
Business

D. Telecommunications Facilities:

Micro, except when a Major Conditional Use Permit is required by ~~as provided in~~  
~~Chapter 17.128 and Section 17.134.020(A)-(23)44.095~~  
(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4430)

**17.44.095 Restrictions on Telecommunications Facilities**

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

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



## Chapter 17.46

### C-30 DISTRICT THOROUGHFARE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.46.010 Title, purpose, and applicability.
- 17.46.040 Required design review process.
- 17.46.050 Permitted activities.
- 17.46.060 Conditionally permitted activities.
- 17.46.070 Permitted facilities.
- 17.46.080 Conditionally permitted facilities.
- 17.46.090 Special regulations applying to certain Commercial Activities.
- 17.46.095 Restrictions on Telecommunications Facilities
- 17.46.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.46.110 Limitations on Signs.
- 17.46.120 Minimum lot area, width, and frontage.
- 17.46.130 Maximum residential density.
- 17.46.140 Maximum nonresidential floor-area ratio.
- 17.46.150 Maximum height.
- 17.46.160 Minimum yards and courts.
- 17.46.170 Minimum usable open space.
- 17.46.180 Buffering and landscaping.
- 17.46.190 Special regulations for mini-lot and planned unit developments.
- 17.46.200 Other zoning provisions.

#### 17.46.050 Permitted activities.

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

- A. Residential Activities:
  - Permanent
  - Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Health Care
  - Utility and Vehicular, but excluding communications equipment installations and exchanges
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service
  - General Retail Sales
  - Consumer Service
  - Consultative and Financial Service

Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Automotive Fee Parking

D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.29, 1996; Ord. 11854 § 3, 1996; prior planning code § 4453)

**17.46.070 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  
Drive-In  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

Residential  
Special  
Development  
Realty  
Civic  
Business

D. Telecommunications Facilities:

Micro, except as when a Major Conditional Use Permit is required by provided in Chapter 17.128 and Section 17.134.020(A) (23) 46.095

Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23) (Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4455)

**17.46.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.48

### C-31 SPECIAL RETAIL COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.48.010 Title, purpose, and applicability.
- 17.48.020 Required design review process.
- 17.48.030 Permitted activities.
- 17.48.040 Conditionally permitted activities.
- 17.48.050 Permitted facilities.
- 17.48.060 Conditionally permitted facilities.
- 17.48.070 Restrictions on ground-level uses.
- 17.48.080 Special regulations applying to Commercial and Manufacturing Activities.
- 17.48.085 Restrictions on Telecommunications Facilities
- 17.48.090 **Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**
- 17.48.100 Use permit criteria.
- 17.48.110 Limitations on Signs, marquees, and awnings.
- 17.48.120 Minimum lot area, width, and frontage.
- 17.48.130 Maximum residential density.
- 17.48.140 Maximum height.
- 17.48.150 Minimum yards and courts.
- 17.48.160 Minimum usable open space.
- 17.48.170 Buffering.
- 17.48.180 Special regulations for mini-lot and planned unit developments.
- 17.48.190 Other zoning provisions.

#### 17.48.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Section 17.48.070:

- A. Residential Activities, except as provided in by Section 17.48.070:
  - Permanent Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care, except as provided in by Section 17.48.070
  - Community Assembly, except as provided in by Section 17.48.070
  - Recreational Assembly, except as provided in by Section 17.48.070
  - Community Education, except as provided in by Section 17.48.070
  - Nonassembly Cultural
  - Administrative, except as provided in by Section 17.48.070
  - Health Care, except as provided in by Section 17.48.070
  - Telecommunications
- C. Commercial Activities:
  - Medical Service, except as provided in by Section 17.48.070
  - General Retail Sales
  - Consumer Service
  - Consultative and Financial Service, except as provided in by Section 17.48.070
  - Consumer Cleaning and Repair Service
  - Consumer Dry Cleaning Plant
  - Administrative, except as provided in by Section 17.48.070

17.48.070

Business, Communication, and Media Service, except as provided in by Section  
Broadcasting and Recording Service, except as provided in by Section 17.48.070  
(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.30 (part), 1996; prior planning code

§ 4478)

**17.48.040 Conditionally permitted activities.**

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

- A. Residential Activities, except as provided by Section 17.48.070:
  - Residential Care, except when occupying a One-Family Dwelling Residential Facility
  - Service-Enriched Permanent Housing
  - Transitional Housing
  - Emergency Shelter
- B. Civic Activities:
  - Utility and Vehicular
  - Extensive Impact
  - Special Health Care Civic Activities
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Convenience Market
  - Fast-Food Restaurant
  - Alcoholic Beverage Sales
  - Mechanical or Electronic Games, subject to the provisions of Section

17.102.210C

Group Assembly, except as provided in by Section 17.48.070  
Personal Instruction and Improvement and Small Scale Entertainment, except as  
provided in by Section 17.48.070

- Research Service
- General Wholesale Sales
- Automotive Fee Parking, except as provided in by Section 17.48.070
- Animal Care
- Animal Boarding
- D. Manufacturing Activities:
  - Custom
- E. Agricultural and Extractive Activities:
  - Plant Nursery
  - Crop and Animal Raising
- F. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100.
- G. 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. 12450 § 7, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 4479)

**17.48.050 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted, subject where applicable to the provisions of Section 17.48.070:

- A. Residential Facilities:

- One-Family Dwelling
- One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- Two-Family Dwelling
- Multifamily Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications Facilities:
  - Micro, except when a Major Conditional Use Permit is required by ~~as provided in Chapter 17.128 and Section 17.134.020(A)48.85 (23)~~(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.34 (part), 1996; prior planning code § 4480)

**17.48.085 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.50

### C-35 DISTRICT SHOPPING COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.50.010 Title, purpose, and applicability.
- 17.50.040 Required design review process.
- 17.50.050 Permitted activities.
- 17.50.060 Conditionally permitted activities.
- 17.50.070 Permitted facilities.
- 17.50.080 Conditionally permitted facilities.
- 17.50.090 Restriction on accessory parking and loading within seventy-five feet of front lot line.
- 17.50.100 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.50.105 Restrictions on Telecommunications Facilities
- 17.50.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.50.120 Limitations on Signs.
- 17.50.130 Minimum lot area, width, and frontage.
- 17.50.140 Maximum residential density.
- 17.50.150 Maximum nonresidential floor-area ratio.
- 17.50.160 Maximum height.
- 17.50.170 Minimum yards and courts.
- 17.50.180 Minimum usable open space.
- 17.50.190 Buffering.
- 17.50.200 Special regulations for mini-lot and planned unit developments.
- 17.50.210 Other zoning provisions.

#### 17.50.050 Permitted activities.

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

- A. Residential Activities:
  - Permanent
  - Residential Care occupying a One-Family Dwelling Residential Facility
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Health Care
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service

General Retail Sales  
Consumer Service  
Consultative and Financial Service  
Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.30 (part), 1996; prior planning code § 4503)

**17.50.070 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  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

Residential  
Special  
Development  
Realty  
Civic  
Business

D. Telecommunications Facilities:

~~Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)50.105~~

~~Mini, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)50.105~~

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 2, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4505)

**17.50.105 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.52

### C-36 GATEWAY BOULEVARD SERVICE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.52.010 Title, purpose, and applicability.
- 17.52.040 Required design review process.
- 17.52.050 Permitted activities.
- 17.52.060 Conditionally permitted activities.
- 17.52.070 Permitted facilities.
- 17.52.080 Conditionally permitted facilities.
- 17.52.090 Special regulations applying to certain commercial activities.
- 17.52.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.52.110 Limitations on signs.
- 17.52.120 Minimum lot area, width, and frontage.
- 17.52.140 Maximum floor-area ratio.
- 17.52.150 Maximum height.
- 17.52.160 Minimum setback and yards.
- 17.52.180 Buffering and landscaping.
- 17.52.190 Special regulations for mini-lot and planned unit developments.
- 17.52.200 Other zoning provisions.

#### 17.52.050 Permitted activities.

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

- A. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Nonassembly Cultural
  - Administrative
  - Telecommunications
- B. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service
  - Consumer Service
  - General Retail Sales
  - Consultative and Financial Service
  - Administrative
  - Business, Communication, and Media Service
  - Broadcasting and Recording Service
  - Research Service

(Ord. 12076 § 3 (part), 1998; Ord. 11904 § 5.30 (part), 1996; prior planning code § 4528)

#### 17.52.060 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. Civic Activities:
  - Utility and Vehicular Extensive Impact
  - Community Education
  - Health Care
- B. Commercial Activities:
  - Convenience Market
  - Fast-Food Restaurant
  - Alcoholic Beverage Sales
  - Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
  - General Wholesale Sales
  - Transient Habitation, subject to the provisions of Section 17.102.37
  - Consumer Cleaning and Repair Service
  - Consumer Dry Cleaning Plant
  - ~~Wholesale Professional~~ Building Material Sales
  - Group Assembly
  - Personal Instruction and Improvement and Small Scale Entertainment
    - Automobile and Other Light Vehicle Sales and Rental, but limited to properties without frontage on Hegenberger Road
    - Automobile and Other Light Vehicle Gas Station and Servicing
    - Taxi and Light Fleet-Based Service, but limited to properties without frontage on Hegenberger Road
    - Transport and Warehousing, but limited to properties without frontage on Hegenberger Road
    - Animal Care
    - Animal Boarding
- C. Industrial Activities
  - Custom, Light, and General Manufacturing, but limited to properties without frontage on Hegenberger Road
- D. Agricultural and Extractive Activities:
  - Crop and Animal Raising
- E. Off-street parking serving activities other than those listed above or in Section 17.52.050, 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.
- G. Additional activities not otherwise permitted or conditionally permitted if such activities are part of a Foreign Trade Zone as designated by the United States of America.

## Chapter 17.54

### C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.54.010 Title, purpose, and applicability.
- 17.54.040 Required design review process.
- 17.54.050 Permitted activities.
- 17.54.060 Conditionally permitted activities.
- 17.54.070 Permitted facilities.
- 17.54.080 Conditionally permitted facilities.
- 17.54.090 Special regulations applying to certain Commercial Activities.
- 17.54.095 Restrictions on Telecommunications Facilities
- 17.54.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.54.110 Limitations on Signs.
- 17.54.120 Minimum lot area, width, and frontage.
- 17.54.130 Maximum residential density.
- 17.54.140 Maximum nonresidential floor-area ratio.
- 17.54.150 Maximum height.
- 17.54.160 Minimum yards and courts.
- 17.54.170 Minimum usable open space.
- 17.54.180 Buffering and landscaping.
- 17.54.190 Special regulations for mini-lot and planned unit developments.
- 17.54.200 Other zoning provisions.

#### 17.54.050 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
  - Administrative
  - Health Care
  - Utility and Vehicular, but excluding communications equipment installations and exchanges
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Café
  - Medical Service
  - General Retail Sales

- Consumer Service
- Consultative and Financial Service
- Consumer Cleaning and Repair Service
- Consumer Dry Cleaning Plant
- Administrative
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- General Wholesale Sales
- ~~Wholesale Professional Building Material Sales~~
- Automobile and Other Light Vehicle Sales and Rental*
- Automobile and Other Light Vehicle Gas Station and Servicing
- Automotive and Other Light Vehicle Repair and Cleaning
- Automotive Fee Parking

D. Manufacturing Activities:  
 Custom

E. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.31 (part), 1996; Ord. 11854 § 5, 1996; prior planning code § 4553)

**17.54.070 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
- Drive-In
- Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

- Residential
- Special
- Development
- Realty
- Civic
- Business

D. Telecommunications Facilities:

Micro, ~~except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A)-(23)~~ 54.095

Mini, ~~except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A)-(23)~~ 54.095

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 3, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4555)

**17.54.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.56

### C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.56.010 Title, purpose, and applicability.
- 17.56.040 Required design review process.
- 17.56.050 Permitted activities.
- 17.56.060 Conditionally permitted activities.
- 17.56.070 Permitted facilities.
- 17.56.080 Conditionally permitted facilities:
- 17.56.090 Restriction on accessory parking and loading within seventy-five feet of front lot line.
- 17.56.100 Special regulations applying to Convenience Markets, Fast-Food restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.56.105 Restrictions on Telecommunications Facilities
- 17.56.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.56.120 Limitations on Signs.
- 17.56.130 Minimum lot area, width, and frontage.
- 17.56.140 Maximum residential density.
- 17.56.150 Maximum floor-area ratio.
- 17.56.160 Maximum height.
- 17.56.170 Minimum yards and courts.
- 17.56.180 Minimum usable open space.
- 17.56.190 Buffering.
- 17.56.200 Special regulations for mini-lot and planned unit developments.
- 17.56.210 Other zoning provisions.

#### 17.56.050 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
  - Administrative
  - Health Care
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurant

Limited Service Restaurant and Café  
Medical Service  
General Retail Sales  
Consumer Service  
Consultative and Financial Service  
Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Research Service

D. Industrial Activities:

Custom Manufacturing

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4603)

**17.56.070 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

Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications Facilities:

Micro, ~~except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)56.105~~

Mini, ~~except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)56.105~~

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 4, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4605)

**17.56.105 Restrictions on Telecommunications Facilities**

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

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

Chapter 17.58  
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

17.58.010	Title, Purpose, and Applicability
17.58.020	Required Design Review Process
17.58.030	Conditional Use Permit for Large Projects
17.58.040	Permitted and Conditionally Permitted Activities
17.58.050	Permitted and Conditionally Permitted Facilities
17.58.060	Property Development Standards
17.58.070	Usable Open space standards

**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	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Residential Activities</b>					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.102.212
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	

**Table 17.58.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	--	C(L6)	C	C	17.102.410
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities</b>					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	
Convenience Market	C(L7)	C	C	C	17.102.210
Fast-Food Restaurant	--	C	C	C	17.102.210 and 8.09
Alcoholic Beverage Sales	C(L7)	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P(L4)(L7)	P(L4)	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	--	C	C	C	17.102.430
Consumer Laundry, Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	
Group Assembly	C(L7)	P(L4)	P	P	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	
Broadcasting and Recording Services	--	P(L5)	P	P(L4)	
Commercial Activities					
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	--	--	--	C	
Transient Habitation	C(L8)	C(L6)	P	C	17.102.370
Wholesale and Professional-Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales	--	--	--	C	



Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
and Rental					
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)	
Animal Boarding	--	--	--	--	
Animal Care	--	C(L6)	C	C	
Undertaking Service	--	--	C	C	
<b>Industrial Activities</b>					
Custom Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	17.102.040
Light Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	17.102.040
General Manufacturing	--(L11)	--(L11)	--(L11)	--(L11)	17.102.040
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	C(L9)	C(L9)	
Construction Operations	--	--	--	--	
<b>Warehousing, Storage, and Distribution</b>					
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	--	--	--	--	
<b>Recycling and Waste-Related</b>					
A. Satellite Recycling Collection Centers	--	--	C	C	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
<b>Agriculture and Extractive Activities</b>					
Crop and animal raising	--	--	--	--	
Plant nursery	--	--	--	--	

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone on lots near the boundary thereof.	C	C	C	C	17.102.110

**Limitations:**

- 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 14<sup>th</sup> 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 or less 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	
<b>Residential Facilities</b>					
One-Family Dwellings	P(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	--	--	--	--	
<b>Nonresidential Facilities</b>					
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	
<b>Telecommunications Facilities</b>					
Micro Telecommunications	P	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	
Mini Telecommunications	P	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
<b>Sign Facilities</b>					
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. New construction of a One-Family Dwelling is not permitted.

**17.58.060 Property Development Standards**

- A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.58.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Minimum Lot Dimensions</b>					
Width	25 ft	25 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	1
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	3

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	None	5 ft	5 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4
Minimum corner side	0 ft	0 ft	0 ft	0 ft	5
Rear	10 ft	0 ft	0 ft	0 ft	6
Design Regulations					
Ground floor commercial façade transparency	50%	70%	60%	50%	7
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	8
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	9

**Additional Regulations:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty (50) percent or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
  - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
  - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
  - c. In the CBD-P, CBD-C, and CBD-X zones, these maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.035, the proposal must also meet each of the following criteria:
    - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible sidewalk cafes and restaurants;
    - ii. The proposal will not impair a generally continuous wall of building facades;
    - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
    - iv. The proposal will not interfere with the movement of people along an important pedestrian street.

d. The maximum yard requirements above the ground floor may be waived 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, the proposal must also meet each of the following criteria:

- i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
- ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
- iii. The proposal will not interrupt a continuity of 2<sup>nd</sup> and 3<sup>rd</sup> story facades on the street that have minimal front yard setbacks.

4. In the CBD-R zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every four (4) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. Finally, the required interior side yard setback is increased to ten (10) feet when adjacent to an interior side lot line of a parcel in a low- or medium-density residential zone.
5. When the rear yard of a reversed corner lot abuts a key lot that is in a low- or medium-density residential zone, the required street side yard setback of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see Illustration 1-12a).
6. In the CBD-R zone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every four (4) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD zones:
  - a. A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a residential zone;
  - b. See Section 17.108.110 for reduced required rear yards setbacks next to an alley; and
  - c. See Section 17.108.130 for allowed projections into required yards.
7. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. On all other street facing facades, the requirement is one-half the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and ten (10) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies. The bottom of any window used to satisfy this requirement may not be more than four (4) feet above the adjacent sidewalk. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
8. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.
9. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

1. Entrance. Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for nonresidential facilities shall be at grade.

2. **Ground Floor Treatment.** All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a *newly constructed building shall be designed to enhance the visual experience for pedestrians* and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.
  3. **Active Space Requirement.** For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the ground floor of the principal building except for incidental entrances to such activities elsewhere in 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 subsection (E4).
  4. **Parking and Loading Location.** For newly constructed principal buildings, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Open parking areas shall not be located between the sidewalk and a principal building.
  5. **Massing.** The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
  6. **Upper Story Windows.** An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the façade. Less window space is only permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.
  7. **Building Terminus.** The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.
  8. **Utility Storage.** For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.
- C. **Height, Bulk, and Intensity.** Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Chapter 17.5860

**C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE  
REGULATIONS**

Sections:

- 17.60.010 Title, purpose, and applicability.
- 17.60.040 Required design review process.
- 17.60.050 Permitted activities.
- 17.60.060 Conditionally permitted activities.
- 17.60.070 Permitted facilities.
- 17.60.080 Conditionally permitted facilities.
- 17.60.090 Restriction on open accessory parking and loading.
- 17.60.100 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
- 17.60.105 Restrictions on Telecommunications Facilities
- 17.60.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.60.120 Limitations on Signs.
- 17.60.130 Minimum lot area, width, and frontage.
- 17.60.140 Maximum residential density.
- 17.60.150 Maximum floor-area ratio.
- 17.60.160 Maximum height.
- 17.60.170 Minimum yards and courts.
- 17.60.180 Minimum usable open space.
- 17.60.190 Buffering.
- 17.60.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
- 17.60.210 Other zoning provisions.

17.60.050 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 Education
  - Community Assembly
  - Recreational Assembly
  - Nonassembly Cultural
  - Administrative
  - Health Care
  - Utility and Vehicular, but excluding communications equipment installation and exchanges
  - Telecommunications



- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurants
  - Limited Service Restaurants and Cafe
  - Consumer Service
  - Medical Service
  - General Retail Sales
  - Consultative and Financial Service
  - Consumer Cleaning and Repair Service
  - Consumer Dry Cleaning Plant
  - Group Assembly
  - Personal Instruction and Improvement and Small Scale Entertainment
  - Administrative
  - Business, Communication, and Media Service
  - Broadcasting and Recording Service
  - Research Service
  - General Wholesale Sales
  - Transient Habitation

- D. Manufacturing Activities:
  - Custom

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.31 (part), 1996; Ord. 11854 § 7, 1996; prior planning code § 4828)

**17.60.070 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
  - Sidewalk Cafes, subject to the provisions of Section 17.102.335
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business

- C. Telecommunications Facilities:

Mini, except when a Major Conditional Use Permit is required by Section

17.60.105

Micro, except when a Major Conditional Use Permit is required by Section

17.60.105

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 5, 1997; prior planning code § 4830)

**17.60.105 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.62

### C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.62.010 Title, purpose, and applicability.
- 17.62.040 Required design review process.
- 17.62.050 Permitted activities.
- 17.62.060 Conditionally permitted activities.
- 17.62.070 Permitted facilities.
- 17.62.080 Conditionally permitted facilities.
- 17.62.090 Restriction on open accessory parking and loading.
- 17.62.100 Special regulations applying to certain Commercial Activities.
- 17.62.105 Restrictions on Telecommunications Facilities
- 17.62.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.62.120 Limitations on Signs.
- 17.62.130 Minimum lot area, width, and frontage.
- 17.62.140 Maximum residential density.
- 17.62.150 Maximum residential floor-area ratio.
- 17.62.160 Maximum height.
- 17.62.170 Minimum yards and courts.
- 17.62.180 Minimum usable open space.
- 17.62.190 Buffering.
- 17.62.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
- 17.62.210 Other zoning provisions.

#### 17.62.050 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
  - Administrative
  - Health Care
  - Telecommunications
- C. Commercial Activities:
  - General Food Sales
  - Full Service Restaurants
  - Limited Service Restaurants and Cafe
  - Consumer Service

Medical Service  
General Retail Sales  
Consultative and Financial Service  
Consumer Cleaning and Repair Service  
Consumer Dry Cleaning Plant  
Group Assembly  
Personal Instruction and Improvement and Small Scale Entertainment  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Research Service

D. Manufacturing Activities:

Custom

(Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4878)

**17.62.070 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  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

C. Signs:

Residential  
Special  
Development  
Realty  
Civic  
Business

D. Telecommunications Facilities:

~~Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A)-(23)62.105~~

~~Mini, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A)-(23)62.106~~

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 6, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4880)

**17.62.105 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.64

### C-60 CITY SERVICE COMMERCIAL ZONE REGULATIONS

#### Sections:

- 17.64.010 Title, purpose, and applicability.
- 17.64.020 Required design review process.
- 17.64.030 Permitted activities.
- 17.64.040 Conditionally permitted activities.
- 17.64.050 Permitted facilities.
- 17.64.060 Conditionally permitted facilities.
- 17.64.070 Special regulations applying to certain Commercial Activities.
- 17.64.075 Restrictions on Telecommunications Facilities
- 17.64.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.64.090 Limitations on Signs.
- 17.64.100 Minimum street frontage.
- 17.64.110 Maximum height.
- 17.64.120 Minimum yards.
- 17.64.130 Buffering.
- 17.64.140 Special regulations for mini-lot and planned unit developments.
- 17.64.150 Other zoning provisions.

#### 17.64.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the C-60 city service commercial zone regulations. The C-60 zone is intended to create, preserve, and enhance areas with a variety of commercial services which are essential to the economy of the city, ~~but which are frequently incompatible with the operations of a retail shopping or office area,~~ and is typically appropriate to centralized areas near industrial concentrations. These regulations shall apply in the C-60 zone. (Prior planning code § 4900)

#### 17.64.030 Permitted activities.

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

##### A. Civic Activities:

- Essential Service
- Recreational Assembly
- Nonassembly Cultural
- Utility and Vehicular, but excluding communications equipment installations and exchanges
- Telecommunications

##### B. Commercial Activities:

- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Convenience Market
- Consumer Service
- Mechanical or Electronic Games, subject to the provisions of Section

#### 17.102.210C

- General Retail Sales
- Consumer Cleaning and Repair Service
- Consumer Dry Cleaning Plant

Personal Instruction and Improvement and Small Scale Entertainment  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Research Service  
General Wholesale Sales  
Wholesale Professional Building Material Sales  
Automobile and Other Light Vehicle Sales and Rental  
Automobile and Other Light Vehicle Gas Station and Servicing  
Automotive and Other Light Vehicle Repair and Cleaning  
Taxi and Light Fleet-Based Service, except as provided in Section 17.102.210F  
~~Automotive Fee Parking~~  
Transport and Warehousing, except as provided in Section 17.102.210F  
Animal Care  
Animal Boarding  
Undertaking Service

- C. Agricultural and Extractive Activities:  
Plant Nursery

D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 11904 § 5.33, 1996; Ord. 11854 § 9, 1996; prior planning code § 4903)

**17.64.040 Conditionally permitted activities.**

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

- A. Civic Activities:  
Community Assembly  
~~Recreational Assembly~~  
Extensive Impact  
Utility and Vehicular (communications equipment installations and exchanges, only)
- B. Commercial Activities:  
Fast-Food Restaurant  
Alcoholic Beverage Sales  
Consumer Service  
Group Assembly  
~~Personal Instruction and Improvement and Small Scale Entertainment~~  
Administrative  
Automotive Fee Parking

- C. Manufacturing Activities:  
Custom  
Light

- D. Agricultural and Extractive Activities:  
Crop and Animal Raising

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.100.110. (Ord. 11956 § 3, 1996; Ord. 11854 § 10, 1996; prior planning code § 4904)

**17.64.050 Permitted facilities.**

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

- A. Nonresidential Facilities:  
Enclosed

Open  
Drive-In  
Sidewalk Cafes, subject to the provisions of Section 17.102.335

B. Signs:

Special  
Development  
Realty  
Civic  
Business

C. Telecommunications Facilities:

~~Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)64.075~~

~~Mini, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23)64.075~~

(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 7, 1997; Ord. 11904 § 5.37 (part), 1996; prior planning code § 4905)

**17.64.075 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.65

### HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONE REGULATIONS

#### 17.65.030 Permitted, conditionally permitted and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX-1, HBX-2, and HBX-3 zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

“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) in the corresponding zone.

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

“--” designates uses that are prohibited in the corresponding zone.

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
<b>Residential Activities</b>				
Permanent Residential	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	P	P	P	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient Residential	C	C	C	17.102.212
Bed and Breakfast	--	--	--	
<b>Civic Activities</b>				
Essential Service	CP	CP	CP	
Limited Child-Care	P	P	P	
Community Assembly	P(L1)	P(L1)	P(L1)	
Recreational Assembly	P(L1)	P(L2)	P(L3)	
Community Education	C	C	C	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	C	C	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Telecommunications	P	P	P	17.128
<b>Commercial Activities</b>				
General Food Sales	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L3)	P(L3)	P(L3)	
Limited Service Restaurant and Café	P(L3)	P(L3)	P(L3)	



Convenience Market	C	C	C	17.102.210
Fast-Food Restaurant	--	--	--	17.102.210
Alcoholic Beverage Sales	C	C	C	17.102.210
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P(L2)	P(L2)	P(L2)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	--	--	--	17.102.430
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement and Small Scale Entertainment	C	C	C	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Service	P	P	P	
Broadcasting and Recording Service	P	P	P	
Research Service	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	
General Wholesale Sales	P(L2)	P(L2)	P(L2)	
Transient Habitation	--	--	--	17.102.370
Wholesale Professional-Building Material Sales	P(L5)	P(L5)	P(L5)	
Automotive and other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--(L6)	--	--	
Automotive and Other Light Vehicle Repair and Cleaning	--(L6)	--	--	
Taxi and Light Fleet-Based Service	P(L7)	P(L7)	P(L7)	
Automotive Fee Parking	--	--	--	
Transport and Warehousing	P(L7)	P(L7)	P(L7)	
Animal Care	C	C	C	
Animal Boarding	--	--	--	
Undertaking Service	--	--	--	
Scrap Operation	--	--	--	17.102.210
<b>Manufacturing Activities</b>				
Custom Manufacturing	P(L2)	P(L2)	P(L2)	17.120
Light Manufacturing	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	17.120
General Manufacturing	--	--	--	
Heavy Manufacturing	--	--	--	
Small Scale Transfer and Storage Hazardous Waste Management	--	--	--	
Industrial Transfer/Storage Hazardous Waste Management	--	--	--	
Residuals Repositories Hazardous Waste Management	--	--	--	
<b>Agricultural and Extractive Activities</b>				

Plant Nursery	C	C	C	
Crop and Animal Raising	--	--	--	
Mining and Quarrying Extractive	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	17.102.110
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

**Limitations:**

- L1- The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L2- The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L3- The total floor area devoted to a grocery store shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L4- Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).
- L5- This activity shall be only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is the principal activity on a lot that is 25,000 square feet or larger or covers 25,000 square feet or more of lot area.
- L6- Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See 17.114 for general regulations regarding nonconforming uses.
- L7- Warehousing is permitted if the total floor area by a single establishment does not exceed twenty-five thousand (25,000) square feet. Floor areas over twenty-five thousand (25,000) square feet are only permitted upon the granting of a conditional use permit (see Chapter 17.134). Outdoor storage as a principal activity is only permitted upon the granting of a conditional use permit (see Chapter 17.134). Container storage, oil and gas storage, freight terminals, corporation yards, truck terminals, and truck services as primary activities are not permitted. Also, see Section 17.65.050 for special regulations regarding self storage establishments.

**17.65.150 Special regulations for HBX work/live-Facilities units.**

A. Definition. An "HBX work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit accommodates both residential and nonresidential activities but emphasizes the accommodation of commercial activities. An HBX work/live unit meets all applicable regulations contained in this section.

B. The establishment of an HBX work/live unit is permitted in the HBX zones if it meets and is consistent with the regulations and definitions contained in this section.

C. Regulations in this section do not supercede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX work/live unit; the minimum size of an HBX work/live unit; and the parking, loading, and open space required for each HBX work/live unit:

Standard	Requirement	Notes
Activities allowed in an HBX work/live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)	
Required parking	One parking space per unit plus one additional unassigned visitor or employee parking space per five HBX work/live units	1

Required bicycle parking	<b>With private garage for each unit:</b>	<b>Without private garage for each unit:</b>	2
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	
Required loading	<b>Square feet of facility</b>	<b>Requirement</b>	3
	Less than 25,000 square feet	No berth required	
	25,000--69,999 square feet	One berth	
	70,000--130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Required usable open space	75 square feet of usable open space per unit		
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. All required usable open space shall meet the usable open standards contained in Chapter 17. 126, except that all usable open space for HBX work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.

±E. Each new HBX work/live unit shall qualify as at least one of the following Unit Types:

Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area
Type 1	One-third	None	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the unit, one adjacent to the residential space, the other adjacent to the nonresidential space; the nonresidential entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	<del>a.</del> 1. The majority of the nonresidential floor area for the unit must be at a public street level and directly accessible to the street; <del>b.</del> 2. The unit must have no residential floor area at the ground level; and <del>c.</del> 3. The ground floor entrance must be clearly designated as a business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines).

**Notes:**

1. In Types 1 and 2, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these unpartitioned kitchens, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed. The counters, cabinets, sink and appliances in the area that will function as a kitchen and the floor area that is four feet in front of these items shall be considered residential floor area.

2. Sec 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.

F. All required plans for the creation of HBX work/live units shall (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

G. For HBX work/live units, residential and nonresidential floor areas shall be designated according to the following standards:

1. Residential floor area shall be considered areas containing bedrooms, sleeping areas, and kitchens (not including kitchenettes).

2. Nonresidential floor area shall include floor areas designated for working.

3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this subsection.

4. The floor area between residential rooms that will commonly be used for residential activities and foot traffic such as the corridors and areas between bedrooms, kitchens, residentially designated bathrooms, and other similar areas shall be considered residential floor area.

5. The floor area of bathrooms shall be counted according to the following rules:

6.a. If there is only one bathroom in the unit, half of the bathroom shall be considered residential floor area and half shall be considered nonresidential floor area;

7.b. If there is more than one bathroom in a unit the rules in the following table shall apply:

Bathroom access	Floor area calculation of bathroom
Bathroom can only be accessed through residential floor area	All of bathroom shall be considered residential floor area
Bathroom can be directly accessed from both nonresidential and residential floor area	Half of bathroom shall be considered residential floor area, the other half nonresidential floor area.
Bathroom can only be accessed through nonresidential floor area	All of bathroom shall be considered nonresidential floor area. However, if all bathrooms in the unit require access through nonresidential floor area, then at least one bathroom shall be considered residential floor area. In this case, the bathroom that is closest to or most conveniently accessed from residential floor area shall be designated as residential floor area.

6. In unpartitioned kitchens (see footnote 1 of the table contained in subsection E), the counters, cabinets, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front of these items shall be considered residential floor area.

7. If any part of a loft or mezzanine is designated as residential space according to rules above, then the entire loft or mezzanine space shall be considered residential floor area.

4-8. The Planning Director shall determine the designation of the floor area when the above standards do not clearly do so.

H. Each HBX work/live unit shall contain no more than one fully equipped kitchen. An HBX work/live unit may contain a second kitchenette to serve the nonresidential floor area. For the purposes of this section a kitchenette shall be considered a space with a counter that is no more than twenty (20) square feet, a sink, and an area for a refrigerator. No stovetop or oven (excluding microwave ovens) shall be permitted in a kitchenette.

I. Each HBX work/live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

~~J. Any building permit plans for the construction or establishment of HBX work/live units shall (1)~~

~~clearly state that the proposal includes work/live units and (2) label the units intended to be work/live units as work/live units. This requirement is to assure the City applies building codes appropriate for a work/live unit.~~

KJ. Each unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

LK. For any HBX work/live unit, a statement of disclosure shall be (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The unit is in a nonresidential facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

2. Each unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

ML. Each building with an HBX work/live unit shall contain a sign that: (1) is permanently posted (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area (3) is made of durable material (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing." Further, City of Oakland regulations require that each unit have a tenant that (1) operates a business from that unit and (2) possesses an active City of Oakland Business Tax Certificate for this business.

NM. HBX work/live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.

ON. The development of HBX work/live units in an HBX zone shall not be considered adding housing units to the City's rental supply and does not create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The development standards for HBX work/live units are not intended to be a circumvention of the requirements of the City's condominium conversion ordinance, Chapter 16.36.

PO. Regular Design Review Criteria. Regular design review approval for HBX work/live units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;

2. That a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor or level and at street fronting elevations. These units shall have a significant ground floor street presence. The floor area facing the streets shall contain nonresidential activities and a depth of at least twenty (20) feet for lots more than thirty-five (35) feet wide, fifteen (15) feet otherwise. This ground level shall be either part of a larger HBX work/live Type 3 unit or its own independent commercial space;

3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street;

4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, interior space visible to the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;

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

6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

- a. Service elevators designed to carry and move oversized items,
- b. Stairwells wide and/or straight enough to deliver large items,
- c. Loading areas located near stairs and/or elevators and
- d. Wide corridors for the movement of oversized items.

7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors. (Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12772 § 1 (part), 2006)

## Chapter 17.66

### M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS

#### 17.66.030 Permitted activities.

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

A. Civic Activities:

- Essential Service
- Limited Child-Care
- Nonassembly Cultural
- Administrative
- Telecommunications

B. Commercial Activities:

- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Consumer Service
- Medical Service
- Consultative and Financial Service
- Administrative
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- General Wholesale Sales
- Automotive Fee Parking

C. Industrial Activities:

- Custom Manufacturing
- Light Manufacturing

D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 11904 § 5.64 (part), 1996; prior planning code § 5403)

## Chapter 17.68

### M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

#### Sections:

~~17.68.085 Special regulations applying to Automotive Servicing and Automotive Repair and Cleaning Commercial Activities.~~

#### 17.68.020 Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register 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.

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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.

#### 17.68.030 Permitted activities.

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

A. Civic Activities:

Essential Service  
Limited Child-Care  
Nonassembly Cultural  
Administrative  
Telecommunications

B. Commercial Activities:

General Food Sales  
Full Service Restaurant  
Limited Service Restaurant and Café  
Mechanical or Electronic Games, subject to the provisions of Section

17.102.210C

Medical Service  
General Retail Sales  
Consumer Service  
Consultative and Financial Service  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Research Service  
General Wholesale Sales  
Automotive and Other Light Vehicle Repair and Cleaning, except as provided in Section 17.102.370.  
Automotive Fee Parking, except as provided in Section 17.102.370.

C. Industrial Activities:

Custom Manufacturing --when located further than one hundred fifty (150) feet from residential zones  
Light Manufacturing --when located further than one hundred fifty (150) feet from residential zones



D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12289 § 4 (part), 2000; Ord. 11904 § 5.64 (part), 1996; prior planning code § 5603)

~~17.68.085 — Special regulations applying to Automotive Servicing and Automotive Repair and Cleaning Commercial Activities.~~

~~No facility accominodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such a proposal shall have been approved pursuant to the design review procedure in Chapter 17.136. (Ord. 12240 § 5, 2000)~~

## Chapter 17.70

### M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

#### Sections:

~~17.70.085 Special regulations applying to Automotive Servicing and Automotive Repair and Cleaning Commercial Activities.~~

#### 17.70.020 Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register 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.

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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. (Ord. 11904 §§ 5.73 (part), 5.74 (part), 1996: prior planning code § 5702)

#### 17.70.030 Permitted activities.

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

A. Civic Activities:

- Essential Service
- Limited Child-Care
- Nonassembly Cultural
- Administrative
- Utility and Vehicular, but excluding communications equipment installation and exchanges
- Telecommunications

B. Commercial Activities:

- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Convenience Market
- Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
- Medical Service
- General Retail Sales
- Consumer Service
- Consultative and Financial Service
- Administrative
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- General Wholesale Sales
- ~~Wholesale Professional-Building Material Sales~~
- Automobile and Other Light Vehicle Gas Station and Servicing, except as provided in Section 17.102.380.
- Automotive and Other Light Vehicle Repair and Cleaning, except as provided in

Section 17.102.380.

Taxi and Light Fleet-Based Service, except as provided in Section 17.102.210E  
-and subject to provisions in Section 17.102.380

Automotive Fee Parking, except as provided in Section 17.102.380.

Transport and Warehousing, except as provided in Section 17.102.210E and  
-subject to provisions in Section 17.102.380.

C. Industrial Activities:

Custom Manufacturing

Light Manufacturing

General Manufacturing, except electroplating activities

D. Agricultural and Extractive Activities:

Plant Nursery

Crop and Animal Raising

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

(Ord. 12289 § 4 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 11956 § 5, 1996; Ord. 11904 § 5.65  
(part), 1996; prior planning code § 5703)

~~17.70.085 — Special regulations applying to Automotive Servicing and Automotive Repair and  
Cleaning Commercial Activities.~~

~~No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning  
Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary  
shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior  
appearance, unless plans for such a proposal shall have been approved pursuant to the design review  
procedure in Chapter 17.136. (Ord. 12240 § 6, 2000)~~

## Chapter 17.72

### M-40 HEAVY INDUSTRIAL ZONE REGULATIONS

#### Sections:

~~17.72.085 Special regulations applying to Automotive Servicing and Automotive Repair and Cleaning Commercial Activities.~~

#### 17.72.020 Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register 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.

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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. (Ord. 12240 § 7, 2000)

#### 17.72.030 Permitted activities.

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

##### A. Civic Activities:

- Essential Service
- Limited Child-Care
- Nonassembly Cultural
- Administrative
- Utility and Vehicular, but excluding communications equipment installations and exchanges
- Telecommunications

##### B. Commercial Activities:

- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Convenience Market
- Mechanical or Electronic Games, subject to the provisions of Section

17.102.210C

- Medical Service
- General Retail Sales
- Consumer Service
- Consultative and Financial Service
- Administrative
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- General Wholesale Sales
- ~~Wholesale Professional Building Material Sales~~
- Automobile and Other Light Vehicle Sales and Rental
- Automobile and Other Light Vehicle Gas Station and Servicing
- Automotive and Other Light Vehicle Repair and Cleaning
- Taxi and Light Fleet-Based Service, except as provided in Section 17.102.210F

Automotive Fee Parking

Transport and Warehousing, except as provided in Section 17.102.210F

Scrap Operation, except as provided in Section 17.102.210F

C. Industrial Activities:

Custom Manufacturing

Light Manufacturing

General Manufacturing, except electroplating activities

D. Agricultural and Extractive Activities:

Plant Nursery

Crop and Animal Raising

E. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12147 § 3 (part), 1999; Ord. 11956 § 7, 1996; Ord. 11904 § 5.65 (part), 1996; Ord. 11889 § 2, 1996; Ord. 11854 § 13, 1996; prior planning code § 5803)

~~17.72.085 — Special regulations applying to Automotive Servicing and Automotive Repair and Cleaning Commercial Activities.~~

~~No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential-zone boundary shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such a proposal shall have been approved pursuant to the design review procedure in Chapter 17.136. (Ord. 12240 § 7, 2000)~~

## Chapter 17.73

### CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<b>Residential Uses</b>	All residential uses prohibited in each zone				
<b>Civic Uses</b>					
Essential Service	C	C	C	C	
Limited Child-Care	--	--	--	--	
Community Assembly	P	C	--	C	
Recreational Assembly	P	C	--	C	
Community Education	P	C	--	C	
Nonassembly Cultural	P	C	--	C	
Administrative	P	C	--	C	
Health Care	P	--	--	--	
Special Health Care	C	C	--	--	
Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Telecommunication	P	P	P	P	See Chapter 17.128
<b>Commercial Uses</b>					
General Food Sales	P	C (L1)	C (L1)	P (L1)	
Full Service Restaurant	P	C (L1)	C (L1)	P (L1)	
Limited Service Restaurant and Café	P	C (L1)	C (L1)	P (L1)	
Convenience Market	C	C	--	C	See Section 17.102.210
Fast Food Restaurant	C	C	--	C	
Alcoholic Beverage Sales	L2	C	--	--	
Mechanical or Electronic Games	L3	--	--	--	See Section 17.102.210
Medical Service	P	C	--	C	
General Retail Sales	P	--	--	--	Retail allowed as an accessory use only in CIX-2 and IO per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P	-P	--	-C	
Consultative and Financial Services	P	--	--	--	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Cleaning and Repair Service	P	C	--	--	
Consumer Dry Cleaning Plant	P	C	--	--	
Group Assembly	P (L7)	C (L8)	C (L8)	C (L8)	
Personal Instruction and Improvement and Small Scale Entertainment	P (L7)	C (L8)	C (L8)	C (L8)	
Administrative	P	P	L9	P	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P	P	C	P	

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
General Wholesale Sales		P	P	P	P	No retail ancillary activities allowed in IG or IO.
Transient Habitation		--	--	--	--	
Wholesale Professional Building Material Sales		L3	L3	--	--	
Automobile and Other Light Vehicle Sales and Rental		P	C	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing		P	P	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive and Other Light Vehicle Repair and Cleaning		L3	L3	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive Fee Parking		L3	P	P	P	
Animal Care		L4	C	C	--	
Animal Boarding		L4	C	C	--	
Undertaking Service		P	C	C	--	
<b>Industrial Uses</b>						
Custom Manufacturing		P	P	P	P	
Light Manufacturing		P	P	P	P	
General Manufacturing		L3	L3	P	--	
Heavy Manufacturing		--	--	C	--	
Research and Development		P	P	P	P	
Construction Operations		L3	L3	L3	C	
Warehousing, Storage and Distribution						
A.	General Warehousing, Storage and Distribution	P	P	P	P	No retail component allowed in IG or IO. See Section 17.73.060
B.	General Outdoor Storage	C	L3	P	P	
C.	Self or Mini Storage	C	C	--	C	
D.	Container Storage	--	L3	P	--	
E.	Automotive Salvage and Junk Yards	--	--	L3	--	
Regional Freight & Transportation:						
A.	Seaport	--	--	P	C	
B.	Rail Yard	--	C	P	--	
Trucking & Trucking-related Activities:						
A.	Freight/Truck Terminal	L5	L3	P	--	If located within (150) feet of any residential zone boundary is
B.	Truck Yard	L5	C	P	C	
C.	Truck Weigh Stations	--	P	P	--	

**Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities**

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
D.	Truck & Other Heavy Vehicle Sales, Rental & Leasing	L6	P	P	P	pursuant to the design review procedure in Chapter 17.136.
E.	Truck & Other Heavy Vehicle Service, Repair, and Refueling	L5	P	P	--	
Recycling & Waste Related Activities						
A.	Satellite Recycling Collection Centers	C	C	C	C	
B.	Primary Collection Centers	L10	L10	L11	--	
Hazardous Materials Production, Storage & Waste-Related Activities						L12 See also Health & Safety Protection Zone (S-19)
A.	Small Scale Transfer and Storage	--	C	C	--	
B.	Industrial Transfer/Storage	--	--	C	--	
C.	Residuals Repositories	--	--	C	--	
D.	Oil and Gas Storage	--	--	L2	--	
<b>Agricultural and Extractive uses</b>						
	Plant nursery	P	P	P	--	
	Crop and animal raising	--	--	C	--	See Section 17.102.220
	Mining and Quarrying Extractive	--	--	C	--	



## Chapter 17.74

### S-1 MEDICAL CENTER ZONE REGULATIONS

#### Sections:

- 17.74.010 Title, purpose, and applicability.
- 17.74.020 Required design review process.
- 17.74.030 Permitted activities.
- 17.74.040 Conditionally permitted activities.
- 17.74.050 Permitted facilities.
- 17.74.060 Conditionally permitted facilities.
- 17.74.070 Special regulations applying to certain Commercial Activities.
- 17.74.075 Restrictions on Telecommunications Facilities
- 17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.74.090 Use permit criteria for Commercial Activities.
- 17.74.100 Limitations on Signs.
- 17.74.110 Minimum lot area, width, and frontage.
- 17.74.120 Maximum residential density.
- 17.74.130 Maximum floor-area ratio.
- 17.74.140 Maximum height.
- 17.74.150 Minimum yards and courts.
- 17.74.160 Minimum usable open space.
- 17.74.170 Buffering.
- 17.74.180 Special regulations for mini-lot and planned unit developments.
- 17.74.190 Other zoning provisions.

#### 17.74.020 Required design review process.

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

(Ord. 12606 Att. A (part), 2004; Ord. 11904 § 5.63 (part), 1996; prior planning code § 6102)

#### 17.74.030 Permitted activities.

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

- A. Residential Activities:
  - Permanent
  - Residential Care occupying a One-Family Dwelling Residential Facility
  - Semi-Transient
- B. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Health Care

Telecommunications

C. Commercial Activities:

Medical Service

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.75, 1996; prior planning code § 6103)

**17.74.050 Permitted facilities.**

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

A. Residential Facilities:

One-Family Dwelling

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

Two-Family Dwelling

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications:

Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23) 17.74.075

Mini, except when a Major Conditional Use Permit is required by Section

17.74.075

(Ord. 11904 § 5.79, 1996; prior planning code § 6105)

**17.74.060 Conditionally permitted facilities.**

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

A. Nonresidential Facilities:

Open

B. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Macro

Monopole

(Ord. 11904 § 5.83, 1996; prior planning code § 6106)

**17.74.075 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.76

### S-2 CIVIC CENTER ZONE REGULATIONS

#### Sections:

- 17.76.010 Title, purpose, and applicability.
- 17.76.040 Required design review process.
- 17.76.050 Permitted activities.
- 17.76.060 Conditionally permitted activities.
- 17.76.070 Permitted facilities.
- 17.76.080 Conditionally permitted facilities.
- 17.76.090 Special regulations applying to certain Commercial Activities.
- 17.76.095 Restrictions on Telecommunications Facilities
- 17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.76.110 Use permit criteria for Commercial Activities.
- 17.76.120 Limitations on Signs.
- 17.76.130 Minimum lot area, width, and frontage.
- 17.76.140 Maximum residential density.
- 17.76.150 Maximum floor-area ratio.
- 17.76.160 Maximum height.
- 17.76.170 Minimum yards and courts.
- 17.76.180 Minimum usable open space.
- 17.76.190 Buffering.
- 17.76.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
- 17.76.210 Other zoning provisions.

#### 17.76.050 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
  - Administrative
  - Telecommunications
- C. Commercial Activities:
  - Medical Service
  - Consultative and Financial Service
  - Administrative

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.76, 1996; prior planning code § 6153)

**17.76.070 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

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications:

Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23) 76.095

Mini, except when a Major Conditional Use Permit is required by Section 17.76.095

(Ord. 11904 § 5.80, 1996; prior planning code § 6155)

**17.76.080 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. Nonresidential Facilities:

Open

Drive-In

Sidewalk Cafes

B. Off-Street Parking Facilities serving fifty (50) or more vehicles.

C. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Macro

Monopole(Ord. 11904 § 5.84, 1996; prior planning code § 6156)

**17.76.095 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.78

### S-3 RESEARCH CENTER ZONE REGULATIONS

#### Sections:

17.78.010	Title, purpose, and applicability.
17.78.020	Required design review process.
17.78.030	Permitted activities.
17.78.040	Conditionally permitted activities.
17.78.050	Permitted facilities.
17.78.060	Conditionally permitted facilities.
17.78.065	<u>Restrictions on Telecommunications Facilities</u>
17.78.070	Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.78.080	Performance standards for Commercial Activities.
17.78.090	Limitations on Signs.
17.78.100	Minimum lot area, width, and frontage.
17.78.110	Maximum floor-area ratio.
17.78.120	Maximum height.
17.78.130	Minimum yards.
17.78.140	Buffering and landscaping.
17.78.150	Other zoning provisions.

#### 17.78.020 Required design review process.

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

(Ord. 12606 Att. A (part), 2004; Ord. 11904 § 5.63 (part), 1996; prior planning code § 6202)

#### 17.78.030 Permitted activities.

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

- A. Civic Activities:
  - Essential Service
  - Nonassembly Cultural
  - Telecommunications
- B. Commercial Activities:
  - Administrative
  - Research Service

(Ord. 11904 § 5.77, 1996; prior planning code § 6203)

#### 17.78.050 Permitted facilities.

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

- A. Nonresidential Facilities:
  - Enclosed
- B. Signs:
  - Special

Development  
Realty  
Civic  
Business

C. Telecommunications

~~Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A) (23) 78.065~~

Mini, except when a Major Conditional Use Permit is required by Section 17.78.065

(Ord. 11904 § 5.81, 1996; prior planning code § 6205)

**17.78.060 Conditionally permitted facilities.**

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

A. Nonresidential Facilities:

Open

B. Telecommunications:

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

Macro

Monopole

(Ord. 11904 § 5.85, 1996; prior planning code § 6206)

**17.78.065 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.80

### S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS

#### 17.80.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, ~~Mixed-Use-Development~~, Telecommunications Facility, Sign, or other associated structure in the S-4 combining zone 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. 12501 § 58, 2003: prior planning code § 6252)

## ~~Chapter 17.81~~

### ~~S-5 BROADWAY RETAIL FRONTAGE INTERIM COMBINING ZONE REGULATIONS~~

#### ~~Sections:~~

~~17.81.010 Title, purpose, and applicability.~~

~~17.81.020 Expiration for S-5 zone.~~

~~17.81.030 Zones with which the S-5 zone may be combined.~~

~~17.81.040 Relationship to base zone.~~

~~17.81.050 Required design review process.~~

~~17.81.060 Permitted and conditionally permitted activities.~~

~~17.81.070 Special regulations regarding facilities on the ground level of principal facilities.~~

~~17.81.080 Special ground floor height regulation.~~

~~17.81.090 Building location.~~

~~17.81.100 Special regulations applying to new construction over 10,000 square feet.~~

#### ~~17.81.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter shall be known as the S-5 Broadway retail frontage interim combining zone regulations. The S-5 zone is intended to create, preserve, and enhance ground level retail opportunities on the commercial areas of Broadway north of the Central Business District. These interim regulations anticipate the adoption of more comprehensive and detailed regulations and a plan to attract retail opportunities on this area of Broadway. (Ord. 12850 § 2 Exh. A (part), 2008)~~

#### ~~17.81.020 — Expiration for S-5 zone.~~

~~— The regulations contained in the S-5 zone shall remain in place and be effective for a continuous period of three years from the date of the adoption of the regulations or until the City Council adopts permanent regulations, whichever comes first. (Ord. 12850 § 2 Exh. A (part), 2008)~~

#### ~~17.81.030 Zones with which the S-5 zone may be combined.~~

~~— The S-5 zone may be combined with any commercial zone. (Ord. 12850 § 2 Exh. A (part), 2008)~~

#### ~~17.81.040 Relationship to base zone.~~

~~— The regulations in the S-5 zone are supplementary to the regulations applying in the zone or zones with which the S-5 zone is combined. Whenever any provision of the S-5 zone imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the S-5 zone shall control, except as otherwise expressly provided in the zoning regulations. (Ord. 12850 § 2 Exh. A (part), 2008)~~

#### ~~17.81.050 Required design review process.~~

~~— Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, Telecommunications Facility, Sign or other associated structure in the S-5 combining zone 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 17.125, or the Sign regulations in Chapter 17.104. (Ord. 12850 § 2 Exh. A (part), 2008)

**17.81.060 Permitted and conditionally permitted activities.**

— The following table lists activities permitted, conditionally permitted, and prohibited in the S-5 zone. 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) in the corresponding zone.

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

“—” designates activities that are prohibited in the corresponding zone.

Activity	Regulations	Additional Regulations
<i>Residential Activities</i>		
Permanent Residential	C(L1)	
Residential Care occupying a One Family Dwelling Residential Facility	C(L1)	17.102.212
Residential Care not occupying a One Family Dwelling Residential Facility	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L1)	17.102.212
Transitional Housing	C(L1)	17.102.212
Emergency Shelter	—	17.102.212
Semi-Transient Residential	—	17.102.212
<i>Civic Activities</i>		
Essential Service	P	
Limited Child Care	C(L1)	
Community Assembly	C(L1)	
Recreational Assembly	C(L1)	
Community Education	P(L1)	
Nonassembly Cultural	P	
Administrative	P(L1)	
Health Care	C	
Special Health Care	—	17.102.410
Utility and Vehicular	—	
Extensive Impact	—	
Telecommunication	P	17.128

Activity	Regulations	Additional Regulations
<i>Commercial Activities</i>		
General Food Sales	P	
Full Service Restaurant		
Limited Service Restaurant and Café		
Convenience Market	C	17.102.210
Fast Food Restaurant	C	
Alcoholic Beverage Sales	C	17.102.210
Mechanical or Electronic Games	-	17.102.210
Medical Service	P (L2)	
General Retail Sales	P	
Large Scale Combined Retail and Grocery Sales	-	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	-	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant		
Group Assembly	C	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P (L1)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	
Research Center	-	
General Wholesale Sales	-	
Transient Habitation	-	17.102.370
Wholesale Professional Building Material Sales	-	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	(L3)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	(L3)	17.114.050 (A)
Taxi and Light Fleet Based Service	-	
Automotive Fee Parking	C	
Transport and Warehousing	-	

Animal Care	€	
Animal Boarding	€	
Undertaking Service	-	
Scrap Operation	-	17-102.210

Activity	Regulations	Additional Regulations
<i>Manufacturing Activities</i>		
Custom Manufacturing	-	
Light Manufacturing	-	
General Manufacturing	-	
Heavy Manufacturing	-	
Small Scale Transfer and Storage Hazardous Waste Management	-	
Industrial Transfer/Storage Hazardous Waste Management	-	
Residuals Repositories Hazardous Waste Management	-	
<i>Agricultural and Extractive Activities</i>		
Plant Nursery	-	
Crop and Animal raising	-	
Mining and Quarrying Extractive	-	
<i>Accessory off street parking serving prohibited activities</i>	€	17-102.110

**Limitations:**

L1—These activities shall not be located on the ground floor of a building on a lot with a property line that abuts the Broadway or 27<sup>th</sup> Street right of way except for incidental pedestrian entrances that lead to one of these activities in stories above the ground floor.

L2—These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27<sup>th</sup> Street right of way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit.

(Ord. 12850 § 2 Exh. A (part), 2008)

L3—Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity must occur no later than six (6) months after discontinuation of such a activity, per section 17.114.050(A).

**17.81.070 Special regulations regarding facilities on the ground level of principal facilities.**

A. This section shall only apply to lots that have a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity must occur no later than six (6) months after discontinuation property line abutting either the Broadway, Valdez Street, 24th Street, 26th Street, 27th Street, or Bay Place right of

way.

B. For the purposes of this section, the front of a building on lots abutting more than one street shall be that side facing the most prominent street. The following is a ranking of the prominence of streets in the S-5 zone, from most prominent to least prominent: Broadway, 27th Street, Bay Place, Valdez Street, 24th Street, 26th Street, and then all other streets.

C. Except upon the granting of a conditional use permit (see subsection E of this section), only principal nonresidential facilities (excluding joint living and working quarters) shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on a corner lot that abuts the Broadway right of way.

D. Except upon the granting of a conditional use permit (see subsection E), only principal non-residential facilities (excluding joint living and working quarters) and a maximum one driveway shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on an interior lot that abuts the Broadway right of way. This driveway shall be a maximum nineteen (19) feet in width and lead to parking that is at least thirty feet (30) from the front of the building.

E. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, twenty (20) percent of the width of the front thirty (30) feet of the ground floor of a new principal facility may contain required parking. This conditional use permit 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 the following additional criterion:

—1.— That the requirements contained in subsections C or D of this section are infeasible due to lot dimensions, topographic features, or other site constraints.

F. The ground level of Broadway facing facades of new principal facilities shall have a store front appearance defined by at least the following design elements:

—1.— An ample amount of street facing ground level building facade comprised of clear, non-reflective windows that allow views of indoor commercial space. This includes:

—a.— A minimum of sixty (60) percent of the front building façade between three and one half feet and ten (10) feet in height comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. The total area of the front building façade shall not include the area with the driveway;

—b.— The bottom of any window or product display window being no more than four feet above the abutting sidewalk; and

—c.— Product display windows used to satisfy that are a minimum height of four and one half feet and internally lighted.

—2.— A prominent and primary entrance feature facing Broadway; and

—3.— An area designated for signage. (Ord. 12859 Exh. A, 2008; Ord. 12850 § 2 Exh. A (part), 2008)

#### **17.81.080 Special ground floor height regulation.**

The minimum height from the grade to the ground floor ceiling of newly constructed principal facilities shall be fourteen (14) feet. This regulation does not apply to additions to existing buildings. (Ord. 12850 § 2 Exh. A (part), 2008)

#### **17.81.090 Building location.**

The entire building façade that faces Broadway shall be located within five feet of the sidewalk. This standard shall not apply to plazas, recessed entrances, parks, or space designed to accommodate sidewalk seating areas for restaurants, cafes, and similar businesses. No more than fifty (50) percent of a building

~~frontage shall qualify for the exception for plazas, recessed entrances, or sidewalk seating areas. (Ord. 12850 § 2 Exh. A (part), 2008)~~

~~**17.81.100 Special regulations applying to new construction over 10,000 square feet.**~~

~~New construction shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. (Ord. 12850 § 2 Exh. A (part), 2008)~~

## Chapter 17.84

### S-7 PRESERVATION COMBINING ZONE REGULATIONS

#### 17.84.030 Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, ~~Mixed-Use Development~~, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.84.040, 17.84.050, and 17.84.060; the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. However, as an exception to subsection A above and after notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without such approval upon a determination by the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.84.060. Whenever it is proposed that demolition or removal be followed within a reasonable period of time by new construction, review of the new construction shall take place in conjunction with review of the demolition or removal.

(Ord. 12501 § 60, 2003; prior planning code § 6402)

## Chapter 17.90

### S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS

#### 17.90.030 Required Design review process. .

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, ~~Mixed-Use Development~~, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. 12501 § 62, 2003; prior planning code § 6552)

## Chapter 17.92

### S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS

#### 17.92.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, ~~Mixed-Use Development~~, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.  
(Ord. 12501 § 64, 2003; prior planning code § 6602)



## Chapter 17.96

### S-13 MIXED-USE DEVELOPMENT COMBINING ZONE REGULATIONS

#### 17.96.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, ~~Mixed-Use Development~~, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.96.080, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Prior planning code § 6702)

#### 17.96.050 Conditionally permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

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

Two-Family Dwelling

Multifamily Dwelling

(Prior planning code § 6706)

## Chapter 17.97

### S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

#### Sections:

17.97.010	Title, purpose, and applicability.
17.97.020	Required design review process.
17.97.030	Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.
17.97.040	Permitted activities.
17.97.050	Conditionally permitted activities.
17.97.060	Permitted facilities.
17.97.070	Conditionally permitted facilities.
17.97.080	Special regulations applying to certain Commercial and Manufacturing Activities.
17.97.085	<u>Restrictions on Telecommunications Facilities</u>
17.97.090	Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.97.100	Use permit criteria.
17.97.110	Limitations on Signs, marquees, awnings.
17.97.120	Minimum lot area, width, and frontage.
17.97.130	Maximum residential density.
17.97.140	Maximum nonresidential floor area ratio.
17.97.150	Maximum height.
17.97.160	Minimum yards and courts.
17.97.170	Minimum usable open space.
17.97.180	Buffering and landscaping.
17.97.190	Special regulations for mini-lot developments.
17.97.200	Special regulations for large scale developments.
17.97.210	Other zoning provisions.

#### 17.97.020 Required design review process.

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

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6851)

#### 17.97.040 Permitted activities.

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

- A. Residential Activities:
  - Permanent
- B. Civic Activities:
  - Essential Service
  - Limited Child Care
  - Community Assembly
  - Recreational Assembly
  - Community Education

Nonassembly Cultural  
Administrative  
Health Care  
Telecommunications

- C. Commercial Activities:  
General Food Sales  
Full Service Restaurant  
Limited Service Restaurant and Café  
Medical Service  
General Retail Sales  
Consumer Service  
Consultative and Financial Service  
Administrative  
Business, Communication, and Media Service  
Broadcasting and Recording Service  
Group Assembly  
Personal Instruction and Improvement and Small Scale Entertainment

(Ord. 11904 § 5.78, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6853)

**17.97.060 Permitted facilities.**

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

- A. Residential Facilities:  
Multifamily Dwelling
- B. Nonresidential Facilities:  
Enclosed  
Sidewalk Cafe
- C. Signs:  
Residential  
Special  
Development  
Realty  
Civic  
Business

- D. Telecommunications:

Micro, except when a Major Conditional Use Permit is required by as provided in Chapter 17.128 and Section 17.134.020(A)-(23)97.085

Mini, except when a Major Conditional Use Permit is required by Section 17.97.085

(Ord. 11904 § 5.82, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6855)

**17.97.070 Conditionally permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134:

- A. Residential Facilities:  
One-Family Dwelling  
Two-Family Dwelling
- B. Nonresidential Facilities:  
Open Facilities
- C. Telecommunications:

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

Macro

Monopole

(Ord. 11904 § 5.86, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6856)

**17.97.085 Restrictions on Telecommunications Facilities**

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

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

## Chapter 17.98

### S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

#### 17.98.030 Required design review process.

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

(Ord. 12289 § 3 (part), 2000)

#### 17.98.040 Permitted activities.

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

A. Civic Activities:

Essential Service

Limited Child-Care

Nonassembly Cultural (with less than ten thousand (10,000) square feet of gross floor area)

Administrative (with less than ten thousand (10,000) square feet of gross floor area)

Telecommunications

B. Commercial Activities:

General Retail Sales

Consumer Service

Consultative and Financial Service

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service (with less than ten thousand (10,000) square feet of gross floor area)

C. Industrial Activities:

Custom Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)

Light Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)

(Ord. 12289 § 3 (part), 2000)

#### 17.98.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.A-10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98.090:

A. Nonresidential Facilities:

Open

B. Telecommunications Facilities:

Mini

Micro

Macro

Monopole

**Chapter 17.100A**

**S-19 HEALTH AND SAFETY PROTECTION OVERLAY ZONE**

| 17.100A.030 Zones with Which the ~~S-21~~S-19 May Be Combined

## Chapter 17.100B

### S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS

#### 17.100B.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-20 historic preservation district combining zone regulations. The S-20 zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. The S-20 zone is similar to the S-7 preservation combining zone, but is designed for larger areas, often with a large number of residential properties that may not be individually eligible for landmark designation but which as a whole constitute a historic district. The S-20 zone provides generally more expeditious review procedures than those provided in the S-7 zone. These regulations shall apply in the S-20 zone, and are supplementary to the provisions of Section ~~17.102.030~~ 17.136.070 for designated landmarks and to the other regulations applying in the zones with which the S-20 zone is combined; if a property is both a landmark and located in the S-20 zone and is therefore subject to both landmark and S-20 regulations, the stricter regulations prevail. (Ord. 12513 Attach. A (part), 2003)

## CHAPTER 17.101A

### D-WS WOOD STREET DISTRICT COMMERCIAL ZONE REGULATIONS

#### Sections:

#### 17.101A.010 Title, purpose, and applicability.

#### 17.101A.010 Title, purpose, and applicability.

A. The provisions of this chapter shall be known as the D-WS Wood Street District Commercial Zone Regulations. The D-WS zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.

The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District described in Ordinance 12673 shall apply to the area of the zoning maps with a D-WS designation.



**CHAPTER 17.101B**

**D-OTN OAK TO NINTH DISTRICT REGULATIONS**

**Sections:**

**17.101B.010 Title, purpose, and applicability.**

**17.101B.010 Title, purpose, and applicability.**

A. The provisions of this chapter shall be known as the D-OTN Oak to Ninth District Regulations.

B. The "Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development" attached to Ordinance 12758 shall apply to the area designated in Ordinance 12759.

## **CHAPTER 17.81101C**

### **S-5D-BR BROADWAY RETAIL FRONTAGE INTERIM COMBINING DISTRICT ZONE REGULATIONS**

#### **Sections:**

- 17.81101C.010 Title, purpose, and applicability.**
- 17.81101C.020 Expiration for S-5D-BR zone.**
- 17.81101C.030 Zones with which the S-5D-BR zone may be combined.**
- 17.81101C.040 Relationship to base zone.**
- 17.81101C.050 Required design review process.**
- 17.81101C.060 Permitted and conditionally permitted activities.**
- 17.81101C.070 Special regulations regarding facilities on the ground level of principal facilities.**
- 17.81101C.080 Special ground floor height regulation.**
- 17.81101C.090 Building location.**
- 17.81101C.100 Special regulations applying to new construction over 10,000 square feet.**

#### **17.81101C.010 Title, purpose, and applicability.**

The provisions of this chapter shall be known as the ~~S-5-Broadway retail frontage interim combining zone regulations~~D-BR Broadway Retail Frontage Interim Combining District Zone Regulations. The ~~D-BRS-5~~ zone is intended to create, preserve, and enhance ground level retail opportunities on the commercial areas of Broadway north of the Central Business District. These interim regulations anticipate the adoption of more comprehensive and detailed regulations and a plan to attract retail opportunities on this area of Broadway.

#### **17.81101C.020 Expiration for S-5D-BR zone.**

The regulations contained in the S-5D-BR zone shall remain in place and be effective for a continuous period of three years from the date of the adoption of the regulations or until the City Council adopts permanent regulations, whichever comes first.

#### **17.81101C.030 Zones with which the S-5D-BR zone may be combined.**

The S-5D-BR zone may be combined with any commercial zone.

#### **17.81101C.040 Relationship to base zone.**

The regulations in the S-5D-BR zone are supplementary to the regulations applying in the zone or zones with which the S-5D-BR zone is combined. Whenever any provision of the D-BR S-5 zone imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the S-5D-BR zone shall control, except as otherwise expressly provided in the zoning regulations.

#### **17.81101C.050 Required design review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, Telecommunications Facility, Sign or other associated structure in the S-5D-BR combining zone 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 17.125, or the Sign regulations in Chapter 17.104.

**17.8+101C.060 Permitted and conditionally permitted activities.**

The following ~~Table~~ Table 17.101C.01 lists activities permitted, conditionally permitted, and prohibited in the S-5D-BR zone. 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) in the corresponding zone.

"L" designates activities subject to certain limitations listed at the bottom of the table.

"--" designates activities that are prohibited in the corresponding zone.

<b>Table 17.101C.01 Permitted and Conditionally Permitted Activities</b>		
<b>Activity</b>	<b>Regulations</b>	<b>Additional Regulations</b>
<b>Residential Activities</b>		
Permanent Residential	C (L1)	
Residential Care occupying a One-Family Dwelling Residential Facility	C (L1)	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C (L1)	17.102.212
Service-Enriched Permanent Housing	C (L1)	17.102.212
Transitional Housing	C (L1)	17.102.212
Emergency Shelter	--	17.102.212
Semi-Transient Residential	--	17.102.212
Bed and Breakfast		
<b>Civic Activities</b>		
Essential Service	P	
Limited Child-Care	C (L1)	
Community Assembly	C (L1)	
Recreational Assembly	C(L1)	
Community Education	P (L1)	
Nonassembly Cultural	P	
Administrative	P (L1)	
Health Care	C	
Special Health Care	--	17.102.410
Utility and Vehicular	--	
Extensive Impact	--	
<b>Commercial Activities</b>		
General Food Sales	P	
Full Service Restaurant	P	

**Table 17.101C.01 Permitted and Conditionally Permitted Activities**

Activity	Regulations	Additional Regulations
Limited Service Restaurant and Café	P	
Convenience Market	C	17.102.210
Fast-Food Restaurant	C	
Alcoholic Beverage Sales	C	17.102.210
Mechanical or Electronic Games	--	17.102.210
Medical Service	P (L2)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	--	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	--	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P (L1)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	
Research Center	--	
General Wholesale Sales	--	
Transient Habitation	--	17.102.370
Wholesale Professional-Building Material Sales	--	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--(L3)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	--(L3)	17.114.050 (A)
Taxi and Light Fleet-Based Service	--	
Automotive Fee Parking	C	
Transport and Warehousing	--	
Animal Care	C	
Animal Boarding	C	
Undertaking Service	--	

<b>Table 17.101C.01 Permitted and Conditionally Permitted Activities</b>		
<b>Activity</b>	<b>Regulations</b>	<b>Additional Regulations</b>
Scrap Operation	--	17.102.210
<i>Industrial Activities</i>	All Industrial Activities prohibited in these zones	
<i>Agricultural and Extractive Activities</i>	All Agricultural and Extractive Activities prohibited in these zones	
<i>Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100</i>	C	17.102.100
<i>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.</i>	C	17.102.110
<b>Manufacturing Activities</b>		
Custom Manufacturing	--	
Light Manufacturing	--	
General Manufacturing	--	
Heavy Manufacturing	--	
Small Scale Transfer and Storage Hazardous Waste Management	--	
Industrial Transfer/Storage Hazardous Waste Management	--	
Residuals Repositories Hazardous Waste Management	--	
<b>Agricultural and Extractive Activities</b>		
Plant Nursery	--	
Crop and Animal raising	--	
Mining and Quarrying Extractive	--	
<i>Accessory off-street parking serving prohibited activities</i>	C	17.102.110

**Limitations:**

- L1 - These activities shall not be located on the ground floor of a building on a lot with a property line that abuts the Broadway or 27<sup>th</sup> Street right of way except for incidental pedestrian entrances that lead to one of these activities in stories above the ground floor.
- L2- These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27<sup>th</sup> Street right of way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit. (Ord. 12850 § 2 Exh. A (part), 2008)

L3- Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity must occur no later than six (6) months after discontinuation of such a activity, per section 17.114.050(A).

**17.84101C.070 Special regulations regarding facilities on the ground level of principal facilities.**

A. This section shall only apply to lots that have a property line abutting either the Broadway, Valdez Street, 24th Street, 26th Street, 27th Street, or Bay Place right of way.

B. For the purposes of this section, the front of a building on lots abutting more than one street shall be that side facing the most prominent street. The following is a ranking of the prominence of streets in the S-5D-BR zone, from most prominent to least prominent: Broadway, 27th Street, Bay Place, Valdez Street, 24th Street, 26th Street, and then all other streets.

C. Except upon the granting of a conditional use permit (see subsection E of this section), only principal nonresidential facilities (excluding joint living and working quarters) shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on a corner lot that abuts the Broadway right of way.

D. Except upon the granting of a conditional use permit (see subsection E), only principal non-residential facilities (excluding joint living and working quarters) and a maximum one driveway shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on an interior lot that abuts the Broadway right of way. This driveway shall be a maximum nineteen (19) feet in width and lead to parking that is at least thirty feet (30) from the front of the building.

E. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, twenty (20) percent of the width of the front thirty (30) feet of the ground floor of a new principal facility may contain required parking. This conditional use permit 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 the following additional criterion:

1. That the requirements contained in subsections C or D of this section are infeasible due to lot dimensions, topographic features, or other site constraints.

F. The ground level of Broadway facing facades of new principal facilities shall have a store front appearance defined by at least the following design elements:

1. An ample amount of street-facing ground level building facade comprised of clear, non-reflective windows that allow views of indoor commercial space. This includes:

a. A minimum of sixty (60) percent of the front building façade between three and one half feet and ten (10) feet in height comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. The total area of the front building façade shall not include the area with the driveway;

b. The bottom of any window or product display window being no more than four feet above the abutting sidewalk; and

c. Product display windows used to satisfy that are a minimum height of four and one half feet and internally lighted.

2. A prominent and primary entrance feature facing Broadway; and

3. An area designated for signage.

**17.84101C.080 Special ground floor height regulation.**

The minimum height from the grade to the ground floor ceiling of newly constructed principal facilities shall be fourteen (14) feet. This regulation does not apply to additions to existing buildings.

**17.84101C.090 Building location.**

The entire building façade that faces Broadway shall be located within five feet of the sidewalk. This standard shall not apply to plazas, recessed entrances, parks, or space designed to accommodate sidewalk seating areas for restaurants, cafes, and similar businesses. No more than fifty (50) percent of a building frontage shall qualify for the exception for plazas, recessed entrances, or sidewalk seating areas.

**17.8+101C.100 Special regulations applying to new construction over 10,000 square feet.**

New construction shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

## Chapter 17.101D

### D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT Zones Regulations

#### Sections:

17.101D.010 Title, purpose and applicability.

17.101D.020 Special Regulations governing use and development in the D-KP-4 zone.

17.101D.030 Permitted and conditionally permitted activities in the D-KP-1, D-KP-2, and D-KP-3 zones.

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.

17.101D.050 Required Master Plan conformance and design review.

17.101D.060 Design Review.

17.101D.070 Design review application.

17.101D.080 Master Plan amendment.

17.101D.090 Minimum lot area width and frontage.

17.101D.100 Maximum floor area.

17.101D.110 Maximum height for new construction.

17.101D.120 Parking.

17.101D.130 Signs.

17.101D.140 Landscaping, buffering and screening.

17.101D.150 Demolition.

17.101D.160 Skybridges.

17.101D.010 Title, purpose and applicability.

A. The provisions of this chapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This chapter establishes land use regulations for the D-KP-1, D-KP-2 D-KP-3 and D-KP-4 zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center zones are to:

- Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership.
- Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital by January 1, 2013.
- Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards.
- Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood.



- Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community.
- Provide a set of procedures and practices to review and consider future design of new building construction.

**D-KP-1 Kaiser Permanente Oakland Medical Center District Commercial 1 Zone:** The D-KP-1 zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

**D-KP-2 Kaiser Permanente Oakland Medical Center Commercial District 2 Zone:** The D-KP-2 zone is intended for those properties south of MacArthur Boulevard.

**D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District 3 Zone:** The D-KP-3 zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

**D-KP-4 Kaiser Permanente Oakland Medical Center 4 Residential District Zone:** The D-KP-4 zone is intended for those single family residential properties on the east side of Manila Avenue which are, and will remain zoned R-70, and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

- B. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the D-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable D-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

**17.101D.020 Special regulations governing use and development in the D-KP-4 zone.**

- A. The properties in the D-KP-4 zones are zoned R-70 and shall remain subject to the regulations of the R-70 District contained in Chapter 17.28, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

- B. The existing single family residential buildings on the east side of Manila within the D-KP-4 Zone shall remain.

**17.101D.030 Permitted and conditionally permitted activities.**

Table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 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) in the corresponding zone

“—” designates uses that are prohibited in the corresponding zone

**Table 17.101D.01 Permitted and Conditionally Permitted Activities**

Activity	Regulations			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Activities</b>				
Permanent	P	P	P	
Residential Care	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient	C	C	C	17.102.212
Bed and Breakfast	C	C	C	
<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C	C	C	
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Café	P	P	P	
Convenience Market	P	C	C	
Fast-Food Restaurant	C	C	C	
Alcoholic Beverage Sales	C	C	C	
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	--	--	--	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	--	--	--	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	Regulations			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Industrial Activities</b>				
All Industrial Activities prohibited in these zones				
<b>Agricultural and Extractive Activities</b>				
All Agricultural and Extractive Activities prohibited in these zones				
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100	C	C	C	17.74.030 17.102.100
Additional activities which are permitted or conditionally permitted in an adjacent zone and lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110	C	C	C	17.102.110

**17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.**

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 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) in the corresponding zone

“—” designates uses that are prohibited in the corresponding zone

Table 17.101D.02 Permitted and Conditionally Permitted Activities				
Facility Types	Zone			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	102.360
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	--	--	--	
<b>Nonresidential Facilities</b>				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C	C	C	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	17.102.290
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	

<b>Table 17.101D.02 Permitted and Conditionally Permitted Activities</b>				
Facility Types	Zone			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	--	--	--	
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

**17.101D.050 Required Master Plan conformance and design review.**

- A. Substantial Conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* is required for all projects in the D-KP-1, D-KP-2, and D-KP-3 zones.
- B. No building, sign, or other facility shall be constructed or established, or altered in such a manner unless plans for such proposal have been approved pursuant to the Design Review Procedure set forth in section 17.101D.060.

**17.101D.060 Design Review.**

- A. Design Review Application
  - 1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted *Kaiser Permanente Oakland Medical Center Master Plan*. At the conference the city representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
  - 2. Application for Design Review: Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:

1. Any alteration or addition of existing floor area or footprint area determined by the Director of City Planning to be not visible from the street or from other public areas. An alteration or addition will normally be considered "not visible from the street or from other public areas" if it does not affect any street face or public face of a building or is located more than forty (40) feet from any street line, public path, park or other public area;
2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under 25,000 square feet, whichever is smaller ;
3. A change of sign face copy or new sign face so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120.
5. The alteration or addition is on a roof and does not project above the parapet walls.

C. Small Project Design Review. "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

1. Definition of Small Projects. Small Projects are limited to one or more of the following types of work:
  - (a) New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs;
  - (b) New or modified awnings;
  - (c) Color changes to buildings, signs, awnings or other facilities;
  - (d) Changes to storefronts or ground floor facades limited to replacement or construction of doors, windows; bulkheads and nonstructural wall infill; or installation or replacement of security grilles or gates; provided, however, they do not involve properties considered to be Historic Resources as defined by CEQA Guidelines section 15064.5 (14 CFR section 15064.5) and the City's Historic Preservation Element Policy 3.8;
  - (e) Installation of flags or banners having any permanent structure within the public right of way;

(f) Fences.

2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.

(a) The Director shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan.

(b) The Director may approve or disapprove the proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

(c) The Director's decision shall be in writing, shall be final immediately and is not appealable.

(d) Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

D. Regular Project Design Review. Unless determined exempt or subject to small project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:

(a) If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet or more of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.

(b) All other applications for regular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

(a) Decisions by the Planning Commission shall be made at a public hearing. At his or her discretion, the Director of City Planning may hold an administrative hearing for projects under his or her review.

(b) Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the

application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.

- (c) The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may potentially be affected.
- (d) The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan*, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
- (e) A determination by the Director shall become final ten days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not appealable.
- (f) An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

- (a) That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered; and
- (b) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and
- (c) That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council; and

(d) That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.

F. Adherence to Approved Plans. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.

G. Revocation/Enforcement. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.

H. Review by Landmarks Board. A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.

I. Design Review and Other Approvals. Whenever design review approval is required for a proposal also requiring a conditional use permit, or planned unit development permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

#### **17.101D.070 Design review application.**

The application for design review for one or more Campus Zones shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses.
2. Location and dimensions of structures.
3. Major landscaping features, including trees protected by Oakland Municipal Code Chapter 12.36, as it may be amended.
4. Creeks Protected by Oakland Municipal Code Chapter 13.16, as it may be amended.
5. The presence of any historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 14 of the California Code of Regulations.
6. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.
7. A tabulation of the land use area and gross floor area to be devoted to health care and retail uses, if any.
8. A public services and facilities plan including proposed location, extent and intensity of essential public services and facilities such as public streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities and a table comparing the descriptions to the existing location, extent and intensity of such essential public facilities and services.



9. If required, a Phasing Plan generally depicting projected development time frames sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services and parking.

**17.101D.080 Master Plan amendment.**

- A. The City Council shall not amend the *Kaiser Permanente Oakland Medical Center Master Plan* until after it has received, pursuant to this procedure, a recommendation from the Planning Commission. The purpose of these provisions is to set forth the procedure by which amendments may be made to the *Kaiser Permanente Oakland Medical Center Master Plan*.
1. Private Party Initiation. The owner of any property with a D-KP zone, or his or her authorized agent, may make application to the City Planning Commission to amend the *Kaiser Permanente Oakland Medical Center Master Plan*.
2. Commission Initiation. The City Planning Commission may, and upon request of the City Council, initiate a *Kaiser Permanente Oakland Medical Center Master Plan* amendment. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for amendment.
- B. A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the City's Master Fee Schedule. Upon receipt of a completed application, the Director shall, within a reasonable period of time, schedule a public hearing before the Planning Commission. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected.
- C. In the case of initiation by the City Planning Commission or initiation by a private party, the Commission shall, within 90 days from the date the submittal is deemed complete, hold a public hearing on the proposal. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.
- D. Upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. The Council may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.
- E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.
- F. Whenever a private party application has been denied by the City Council, no such application for the same proposal shall be filed within one year after the date of denial.

**17.101D.090 Minimum lot area width and frontage.**

The following table contains the minimum lot area, width and frontage requirements for the zones in this chapter.

Standard	Zone		
	D-KP-1	D-KP-2	D-KP-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width	25 ft	25 ft	25 ft
Minimum lot frontage	25 ft	25 ft	25 ft

Lot width and frontage for D-KP-4 based on R-70 zoning.

**17.101D.100 Maximum floor area.**

The maximum floor area for the aggregate of all the D-KP zoned properties shall not exceed 1.76 million square feet excluding parking structures. This includes approximately 432,300 square feet of existing buildings not to be redeveloped (the Piedmont, Howe, Fabiola, Mosswood and Kings Daughter Mental Health buildings) and a maximum of 1,353,000 square feet of new construction. The following floor area requirements will ensure that density of new construction is appropriately distributed throughout the D-KP zones.

- A. The maximum floor area of new construction in the D-KP-1 Zone shall be 172,700 square feet (165,000 square feet of medical office space and a maximum of 7,700 square feet retail)
- B. The maximum floor area of new construction in the D-KP-2 Zone shall be 957,000 square feet. An additional 60,000 square feet of space may be added to this building (to a maximum of 1,107,000 square feet) provided that Kaiser submit a schematic development plan that delineates the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage.
- C. The maximum floor area of new construction in the D-KP-3 Zone shall be 223,000 square feet. However, should Kaiser select to add the additional 60,000 square feet of space to Phase 2 as described in B above, then the maximum floor area of Phase 3 would be correspondingly reduced by as much as 60,000, to a maximum of 163,000 square feet.

**17.101D.110 Maximum height for new construction.**

The maximum heights for new construction in the D-KP zones shall be as follows:

- A. In the D-KP-1 Zone the maximum building height for the Medical Office Building shall be 85 feet. The maximum height of any freestanding parking structure shall be 41 feet (2 stories of parking above ground floor retail, with rooftop parking allowed).
- B. In the D-KP-2 Zone the maximum height for the new hospital tower shall be 210 feet.
- C. In the D-KP-3 Zone the maximum height of new buildings (not including parking structures) shall be 70 feet (5 stories at 14 feet per story). Parking structures shall be limited to a maximum of 53 feet. In the D-KP-3 Zone all structures shall be set back from the adjacent R-50 residential area by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height.

D. Maximum height for D-KP-4 is equivalent to R-70 requirements

**17.101D.120 Parking and Loading Areas**

- A. Parking shall be determined on a D-KP District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the D-KP district determined that upon completion of new construction to the full 1.78 million square foot total, approximately 3,584 parking spaces will be required. The actual amount of required parking shall be imposed as a condition of approval based on the current or updated parking study and the adopted Transportation Demand Management program, as approved by the City. The requirements set forth herein may be modified during the design review process, upon a finding that the modification is supported by an updated parking analysis prepared by a professional traffic engineer, as approved by the City.
- B. Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within 200 feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

**17.101D.130 Signs.**

- A. If a comprehensive sign program is adopted as part of the *Kaiser Permanente Oakland Medical Center Master Plan*, the provisions of the comprehensive sign program shall govern and shall supersede the provisions of Chapter 17.104.
- B. Design Review approval is not required for temporary or development signs; and periodic changes of copy.

**17.101D.140 Landscaping, buffering and screening.**

A landscaping, buffering and screening plan shall be submitted for every project that requires approval pursuant to the design review process. The landscaping, buffering and screening plan shall contain the following:

1. Landscaping that is consistent with the *Kaiser Permanente Oakland Medical Center Master Plan* with an automatic system of irrigation for all private landscaping shown in the plan.
2. Landscape treatment of any interface with a residentially zoned property including a buffering and screening plan.
3. The location of parking, loading and storage areas, and exterior lighting including a buffering and screening plan.

**17.101D.150 Demolition.**

Consistent with Oakland Municipal Code section 15.36.070, during the *Kaiser Permanente Oakland Medical Center Master Plan* approval process, the City Council may identify specific buildings for which a demolition permit may be issued without first obtaining a building permit because the issue of demolition was expressly considered as part of the *Kaiser Permanente Oakland Medical Center Master Plan* approval process. These buildings shall be listed in the *Kaiser Permanente Oakland Medical Center Master Plan* as eligible for demolition prior to the issuance of building permits.

**17.101D.160 Skybridges.**

- A. One pedestrian skybridge over the public right of way of Broadway, adjacent to Highway 580, (connecting D-KP-1 and D-KP-2) is permitted in the D-KP zone and no conditional use permit shall be required pursuant to Section 17.102.200. Authority pursuant to Chapter 12.08 is also granted for this pedestrian skybridge. While the exact location has not yet been determined, the general location of the skybridge is shown in the Kaiser Permanente Oakland Medical Center Master Plan. The design and final location will be determined during the Design Review Process.
- B. No other skybridge over Broadway shall be permitted.
- C. The other proposed pedestrian skybridges over the public right of way on MacArthur Boulevard is not needed until the completion of Phase 3 of the project (D-KP-3 Zone). Design Review for Phase 2 should consider means to ensure that a choice of skybridge versus tunnel versus surface street crossings at this location is preserved. The need for and final design and final location of a potential MacArthur Boulevard skybridge versus tunnels or surface street crossings will be determined during the Design Review Process and pursuant to Conditional Use permits for Phase 3.
- D. The Director of City Planning shall refer all Design Review processes regarding skybridges to the City Planning Commission for initial decision. An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

## Chapter 17.102

### GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

**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.**

A. Use Permit Criteria for Convenience Markets, Fast-Food Restaurants, and Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Convenience Market, Fast-Food Restaurant, or Alcoholic Beverage Sales Commercial Activity 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, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;

3. That the proposal will not interfere with the movement of people along an important pedestrian street;

4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;

5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression

6. That adequate litter receptacles will be provided where appropriate;

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten (10) p.m. and seven (7) a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity, except:

a. On-sale retail licenses located in the central district (defined for the purposes of this Chapter) as within the boundaries of I-980 and Brush street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or

b. Off-sale retail licenses located in the Jack London Square district (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or

bc. If the activity is in conjunction with a Full-Service Restaurant; or

ed. Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.

2. Alcoholic Beverage Sales Activities in conjunction with a Full Service Restaurant and located within any of the following 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: E. 14th Street; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying ~~north of between 16th Street Castro Street and Highway 1-980 and between 38<sup>th</sup> Street 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.

**17.102.300 Conditional use permit for dwelling units with five or more bedrooms.**

A. Use Permit Required. No existing Residential Facility shall be altered, through additions, division of existing rooms, or other means, so as to create a total of five (5) or more bedrooms in any dwelling unit except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Owner Occupants Exempt. The provisions of this section shall not apply to the alteration of any existing dwelling unit which is occupied by the legal owner of the property on the filing date of the application for the building permit to alter the dwelling unit, and which has been continuously occupied by the same legal owner for a period of at least one (1) year prior to that date. The burden of proof of owner occupancy shall be on the applicant and shall be verified by at least two forms of proof of continual owner occupancy covering the required time period, one of which shall be a valid homeowner's exemption issued by the Alameda County Assessor or other equivalent proof of owner occupancy.

C. 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 all of the following additional use permit criteria:

1. That off-street parking for residents of the entire facility, including any existing facility and any proposed alteration or addition, is provided as specified in the zone or zones in which the facility is located, as set forth in Section 17.116.060;

2. That a minimum of one (1) off-street visitor parking space is provided for the entire facility;

3. That the parking spaces provided in accordance with criteria 1 and 2, and all associated driveways, maneuvering aisles, and other related features, comply with the standards for required parking and loading facilities applicable in the base zone in which the facility is located, as set forth in Sections 17.116.170 through ~~17.116.290~~ 17.116.300;

4. That no required parking spaces are located other than on approved driveways between the front lot line and the front wall of the facility or its projection across the lot.

5. That the applicable requirements of the buffering regulations in Chapter 17.110 are met. (Prior planning code § 7035)

**17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.**

A. Use Permit Required. No Truck and Truck-related activity as described in Sections 17.10.470, 17.10.480, 17.10.490, and 17.10.500 shall be established or expanded in the West Oakland Community Development District except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. "West Oakland Community Development District" is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, Brush Street to the east and Interstate 580 to the north.

C. The term "Truck" shall be defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.

(Ord. 12289 § 4 (part), 2000)

**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 an upslope, a street-to-setback gradient of twenty (20) percent 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 upslopes 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. (Ord. 12533 § 3 (part), 2003; Ord. 12406 (part), 2002; Ord. 12376 (part), 2001)

**17.102.420 Special design requirements for lots located in a residential and commercial zones and the OS, S-1, S-2, S-3 and S-15 zones.**

The provisions of this section apply to any lot located in a residential or commercial zone, or are in the OS, S-1, S-2, S-3, or S-15 zone.

A. Restriction on barbed wire and razor wire. In any location visible from the public right of way, no barbed wire or razor wire may be attached to the exterior of any building or similar facility. Other restrictions on barbed wire and razor wire are specified in Section 17.108.140.

## Chapter 17.104

### GENERAL LIMITATIONS ON SIGNS

#### 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 two hundred ~~(200)~~ (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 ~~manufacturing~~ 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 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 exception to the maximum aggregate sign area may be approved pursuant to the small project design review procedure in Chapter 17.136:

a. Twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site.

##### C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any -freestanding sign in the C-30, C-35, C-40, M-20, M-30 and M-40 zones is twenty (20) feet. The maximum height in all other Commercial and ~~Manufacturing~~ Industrial zones in ten (10) feet.

#### 17.104.070 Master sign programs:

A. Submittal Requirements. In all Commercial and Industrial zones, as well as the S-1, S-2, S-3 and S-15 zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or 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, Manufacturing, 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.

B. Use permit criteria. A Master Sign Program may be allowed to deviate from the normally required sign standards in this Chapter, including but not limited to, total aggregate sign area. A Master Sign Program application which would deviate from the normally required sign standards shall be processed as a conditional use permit under the provisions of Chapter 17.134. A conditional use permit for a Master Sign Program may only be granted upon determination that the proposed sign program



conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That the proposal will be of a quality and character appropriate to the Commercial, Industrial Manufacturing, or mixed use building or complex;

2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;

3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

C. **Review of individual signs upon approval of a Master Sign Program.** Once a Master Sign Program is approved for any multi-tenant building or complex, the following provisions shall apply:

1. Sign applications determined to conform to the provisions of an approved Master Sign Program shall be exempt from design review as is otherwise specified in Chapter 17.136.

2. Sign applications determined to not conform to an approved Master Sign Program may only be granted upon approval of a revision to the original Master Sign Program conditional use permit.

## Chapter 17.108

### GENERAL HEIGHT, YARD, AND COURT REGULATIONS

#### 17.108.010 Height restrictions on lots abutting property in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.

(See illustration I-11a.) In the R-60, R-70, R-80, R-90, S-1, S-2, 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 the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone:

A. Where Side Lot Line Is Abutting Zone Boundary. Where an interior side lot line of the former lot abuts the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum side yard which is required by Section 17.26.140C or 17.108.090 as applicable, or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one foot for each foot by which it extends above that height.

B. Where Rear Lot Line Is Along Zone Boundary. Where the rear lot line of the former lot abuts the R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum rear yard which is required by Section 17.108.100, or is required on every lot by the applicable individual zone regulations, a minimum horizontal distance equal to one foot for each foot by which it extends above that height. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 4 (part), 2000: Ord. 11892 § 5, 1996: prior planning code § 7070)

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

A. General Height for Civic Facilities with Increased Yards. In the R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, C-10, C-20, C-27, C-28, C-30, C-31, M-20, HBX-1, HBX-2, HBX-3, S-15 and OS zones, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations or subsection B of this section, 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.

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

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
H. Microwave dishes and solar panels and other energy production facilities, subject where applicable to the provisions of Section 17.102.240.	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.

**17.108.050 Reduced front yard on steep slopes in residential zones.**

In all residential zones the minimum front yard depth otherwise required by the applicable individual zone regulations shall be reduced to five feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least twenty (20) feet. In no case can the cumulative building width within the otherwise required front yard exceed sixty (60) percent of the lot width. (See illustration I-12c.)

The street to setback gradient shall be based on the existing grade as measured from the outer edge of the sidewalk or, if there is no sidewalk, from the edge of the pavement to the normally required front setback line. The measurement shall be taken at the midpoint of the front lot line and perpendicular to the edge of the pavement. (Ord. 12376 § 3 (part), 2001; prior planning code § 7079) difference in topographic elevation along a perpendicular line that connects from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement, to the normally required front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line, or the closest point to the midpoint excluding any driveways, stairs and other built structures.

**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 (50) percent 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 <u>Required</u> Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (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.

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
<p><b>B.</b> Patio roofs and similar structures projecting from and serving a Residential Facility, if such structures do not exceed <u>twelve (12)</u> feet in height above the <del>required</del>-level of the <u>required</u> yard or court and if each has open, unwallled sides along not less than <u>fifty (50)</u> percent of its perimeter. (If less open, see subsection K.)</p>	<p>Four <u>(4)</u> feet into above yard.</p>	<p>Four <u>(4)</u> feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Two <u>(2)</u> feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Any distance into above yard.</p>	<p>Two<u>(2)</u> feet into court.</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
<p><b>C.</b> Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed <u>twelve (12)</u> feet in height above the <u>required</u> level of the <u>required</u> yard or court and <u>eight (8)</u> feet in width and if they are not enclosed on the sides. (If wider or less open, see subsection K.)</p>	<p>Four <u>(4)</u> feet into above yard.</p>	<p>Four <u>(4)</u> feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Two <u>(2)</u> feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Any distance into above yard.</p>	<p>Two <u>(2)</u> feet into court.</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><b>D.</b> Bay windows located above the first story of a building, if the aggregate width of bay windows on any one story does not exceed <u>fifty (50)</u> percent of the length of the wall containing them; if no individual bay window exceeds <u>fifteen (15)</u> feet in width; and if all such windows are cantilevered only.</p>	<p>Three (3) feet into above yard, though <u>not to within five (5) feet of the front lot line for One- or Two- Family Residential Facilities.</u></p>	<p>Three (3) feet into above yard, though <u>not to within five (5) feet of the front lot line for One- or Two- Family Residential Facilities.</u></p>		<p>Five (5) feet into above yard.</p>	

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
<p><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>level of the required level above the yard or 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.</p>	<p>Six (6) feet into above yard, <u>though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.</u></p>	<p>Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>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.</p>	<p>Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	



**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p>F. 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, and exterior corridors, and wheelchair ramps.</p>	<p>Four (4) feet into above yard.</p>	<p>Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	<p>Any distance into above yard if they meet the same provisos as stated in subsection K (not allowed otherwise).</p>	<p>Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.</p>	

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><b>G.</b> Unroofed porches, steps, 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 required level of the required yard or court.</p>	<p>Eight (8) feet into above yard; but may <u>extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u></p>	<p>Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K <u>or if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u></p>	<p>Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K <u>or if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u></p>	<p>Any distance into above yard.</p>	<p>Anywhere in court.</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
<p><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.)</p>			<p>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 <u>ten</u> (10) feet from any abutting residentially zoned lot.</p>	<p>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 <u>ten</u> (10) feet from any abutting residentially zoned lot.</p>	<p>Anywhere in court.</p>
<p><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.</p>				<p>Anywhere in above yard.</p>	<p>Anywhere in court.</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
<p>J. Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave dishes; and any energy production facilities such as solar panels and wind activated power generating equipment.</p>		<p>Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240 <del>or</del> microwave dishes and energy production facilities.</p>	<p>Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240 <del>or</del> microwave dishes and energy production facilities.</p>	<p>Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240 <del>or</del> microwave dishes and energy production facilities.</p>	<p>Anywhere in court, subject where applicable to the provisions of Section 17.102.240.</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><u>K. Detached</u> <del>Detached</del> gGarages; earports, and sheds; <u>detached or</u> <u>attached</u> <u>carports,</u> <u>parking</u> <u>podiums and</u> 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.</p>		<p>Anywhere in above yards, provided that:</p>	<p>Anywhere in above yards, provided that:</p>	<p>Anywhere in above yards, provided that:</p>	
		<p>1. The facility is within <u>thirty-five</u> (35) feet of the rear lot line; and</p>	<p>1. The facility is within <u>thirty-five</u> (35) feet of the rear lot line; and</p>	<p>1. The facility is within <u>thirty-five</u> (35) feet of the rear lot line; and</p>	

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		<p>2. The wall height of the facility does not exceed <u>nine (9)</u> 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 <u>twelve (12)</u> feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and</p>	<p>2. The wall height of the facility does not exceed <u>nine (9)</u> 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 <u>twelve (12)</u> feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and</p>	<p>2. The wall height of the facility does not exceed <u>nine (9)</u> 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 <u>twelve (12)</u> feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and</p>	
		<p>3. The facility itself does no contain any residential living quarters; and</p>	<p>3. The facility itself does no contain any residential living quarters; and</p>	<p>3. The facility itself does no contain any residential living quarters; and</p>	

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		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	
		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).	

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
		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 17.110.040C.	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 17.110.040C.	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 17.110.040C.	
L. 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.	



**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><b>M.</b> Unroofed parking and loading areas.</p>	<p>In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed <i>parking space</i> 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 any street line or alley.</p>	<p>In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed <i>parking space</i> 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 any street line or alley.</p>	<p>In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed <i>parking space</i> 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 any street line or alley.</p>	<p>In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed <i>parking space</i> 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 any street line or alley.</p>	<p>In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed <i>parking space</i> 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 any street line or alley.</p>
<p><b>N.</b> Covered, underground or partially excavated structures including, but not limited to garages, fallout shelters, wine cellars, and basements.</p>	<p>In any yard or court, provided that:</p>	<p>In any yard or court, provided that:</p>	<p>In any yard or court, provided that:</p>	<p>In any yard or court, provided that:</p>	<p>In any yard or court, provided that:</p>

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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>
	1. The <u>services surfaces</u> of such facilities are landscaped or developed as patios or terraces; and	1. The <u>services surfaces</u> of such facilities are landscaped or developed as patios or terraces; and	1. The <u>services surfaces</u> of such facilities are landscaped or developed as patios or terraces; and	1. The <u>services surfaces</u> of such facilities are landscaped or developed as patios or terraces; and	1. The <u>services surfaces</u> of such facilities are landscaped or developed as patios or terraces; and
	2. Such facilities do not extend more than <u>thirty (30)</u> 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 <u>thirty (30)</u> 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 <u>thirty (30)</u> 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 <u>thirty (30)</u> 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 <u>thirty (30)</u> 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.

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

<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 but excluding retaining walls; and earthen mounds and embankments and other fill.</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.

**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph  
(Blanks indicate that facility is not allowed.)**

Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p><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.</p>	<p>In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."</p>	<p>In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."</p>	<p>In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."</p>	<p>In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."</p>	<p>In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."</p>
<p><b>Q.</b> Signs.</p>	<p>In any yard or court, subject to the applicable limitations on Signs.</p>	<p>In any yard or court, subject to the applicable limitations on Signs.</p>	<p>In any yard or court, subject to the applicable limitations on Signs.</p>	<p>In any yard or court, subject to the applicable limitations on Signs.</p>	<p>In any yard or court, subject to the applicable limitations on Signs.</p>
<p><b>R.</b> Security fences (for Abandoned Fast-Food Facilities)</p>	<p>In any yard or court provided that such facilities:</p>	<p>In any yard or court provided that such facilities:</p>	<p>In any yard or court provided that such facilities:</p>	<p>In any yard or court provided that such facilities:</p>	<p>In any yard or court provided that such facilities:</p>
	<p>1. Shall not exceed <u>eight</u> (8) feet; and</p>	<p>1. Shall not exceed <u>eight</u> (8) feet; and</p>	<p>1. Shall not exceed <u>eight</u> (8) feet; and</p>	<p>1. Shall not exceed <u>eight</u> (8) feet; and</p>	<p>1. Shall not exceed <u>eight</u> (8) feet; and</p>

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."
S. 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.
T. Retaining walls; and earthen mounds, embankments, and other fill.	<u>In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)</u>	<u>In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)</u>	<u>In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)</u>	<u>In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)</u>	<u>In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)</u>

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

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

A. **Compliance with Oakland Traffic Code.** Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".

B. **Residential zones and Residential Facilities.** The provisions of this section apply to all properties located in residential zones, and to all properties located in any zone containing Residential Facilities.

1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following (see Illustration I-15a):

a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:

i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:

a) thirty five (35) feet from the rear lot line.

b) the distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or

ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.

c. In any other minimum yard or court: eight (8) feet; and

d. One entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet;

2. **Materials.** The following materials are restricted in constructing or rebuilding walls or fences:

a. Barbed wire or razor wire is not allowed to be used in fences, see also Section 17.102.420.

b. Chain link fencing ~~is not allowed to exceed forty two (42) inches in height is permitted in the following locations: only if it does not exceed 42 inches in height;~~

i. Street-fronting yards; or

ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.

c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.

C. **Commercial zones and in the S-1, S-2, S-3, and S-15 zZones.** The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls, but excluding retaining walls, located within all commercial zones and in the S-1, S-2, S-3, and S-15 zones.

1. Height:

a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.

2. **Restricted materials.** In any location visible from the adjacent public right of way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, see also Section 17.102.420.-

a. **Exceptions:** Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:

i. Public utility installations, including but not limited to electrical substations and gas substations.

ii. Rights of way and transit routes.

D. ~~Manufacturing-Industrial zones.~~ The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls located within all ~~manufacturing-industrial zoning~~ districts.

1. Height:

a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ~~ten (10)~~ feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (~~8~~) feet but no more than ~~ten (10)~~ feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

## Chapter 17.110

### BUFFERING REGULATIONS

#### 17.110.020 General buffering requirements--Residential and S-1, S-2, S-3, S-13, S-15 and OS zones.

(See illustration I-16.) The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, S-13, S-15 and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:

1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, lots, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.

B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, lots, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, ~~except in the case of a One-Family Dwelling with Secondary Unit, shall be nonflashing and shall be~~ directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

(Ord. 12501 § 77, 2003; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 9, 1996; prior planning code § 7110)

#### 17.110.030 General buffering requirements--Commercial and industrial zones.

(See illustration I-17.) The following regulations shall apply in all commercial and industrial zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5 ½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the



standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

B. ~~Screening of Open Parking, Loading, and Storage Areas in Certain Situations.~~ All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and

2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, ~~lot,~~ except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. Screened from any lot abutting the side or rear property lines ~~lot-~~located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. ~~Except in the case of sales, display, or service areas occupied by Automotive Servicing Commercial Activities, screened from that portion of any street, alley, or path, or private street or other way described in Section 17.106.020, directly across which or within one hundred fifty (150) feet, as measured parallel to the centerline of such public or private way, along which there is a lot in any residential zone, by dense landscaping not less than three and one half (3 ½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than three and one half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.~~

C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.

D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be ~~nonflashing and shall be~~ directed away from said facilities and lots so as to eliminate objectionable glare. (Prior planning code § 7111)

## Chapter 17.114

### NONCONFORMING USES

#### 17.114.020 Definitions.

As used in this chapter:

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

#### 17.114.040 Right to continue nonconforming use, subject to limitations.

A. Right to Continue. A nonconforming use which is in existence on the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such use nonconforming, and which existed lawfully under the previous zoning controls, or which is subsequently developed or changed pursuant to Section 17.114.030, may thereafter be continued and maintained indefinitely, and the rights to such use shall run with the land, except as otherwise specified in the nonconforming use regulations. However, no substitution, extension, or other change in activities and no alteration or other change in facilities is permitted except as otherwise provided in Section 17.114.030 and except as specifically provided hereinafter.

B. ~~Right to Continue for Nonconforming Auto and Truck Related Activities.~~ Uses in All Districts. As used in regards to all such nonconforming auto and truck related activities, the word “activity” refers solely to the unique function or operation occurring on the affected property, and does not refer to any other activity within an activity type with which that activity is grouped. Any right to substitute, extend or alter an existing auto or truck related activity refers solely to the specific existing function or operation, and does not provide any right to substitute, extend or alter that activity with any other type of activity within the activity type with which the activity is grouped.

~~C. Right to Continue for Nonconforming Auto and Truck Related Activities in the West Oakland Community Development District. Any auto or truck related activity in the West Oakland Community Development District which is nonconforming wholly or partly because it is not itself a permitted activity where it is located, and hereafter discontinues active operation, said facilities may thereafter only be utilized for a normally permitted or conditionally permitted activity. Therefore, once a nonconforming auto or truck related activity in the West Oakland Community Development District discontinues active operation, there shall be no right to substitute or extend that former activity with any other type of activity within the activity type with which the nonconforming activity is grouped.~~

~~1. “West Oakland Community Development District” is defined to include all areas between Interstate 980 plus the portion of Brush Street between 5th Street and 3rd Street to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.~~

~~2. The term “Truck” shall be defined as a “Commercial Vehicle” having a “Manufacturer’s Gross Vehicle Weight Rating” exceeding ten thousand (10,000) pounds or a “Trailer,” as those terms are defined in the California Vehicle Code.~~

### Article II Nonconforming Activities

#### 17.114.050 Nonconforming activity--Discontinuance.

A. Activity Nonconforming Because It Is Not a Permitted Activity. Other than: 1) an Alcoholic Beverage Sales Commercial Activity, 2) the sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B), or 3) an Automotive Servicing or Automotive Repair and Cleaning Activity in the S-5 Zone, whenever an activity that is nonconforming wholly or partly because it is not itself a permitted activity where it is located, occupies four hundred (400) square feet or more of floor area and hereafter discontinues active operation for a continuous period

of one year, or occupies less than four hundred (400) square feet of floor area and hereafter discontinues active operation for a continuous period of six months, and the facilities accommodating or serving such activity are not utilized for another activity during such period, said facilities may thereafter be utilized only for a normally permitted or conditionally permitted activity pursuant to Section 17.114.070A, except the former activity may be resumed after a longer period upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Whenever an Alcoholic Beverage Sales Commercial Activity, or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B), discontinues active operation for more than ninety (90) days or ceases to be licensed by the State Department of Alcoholic Beverage Control, it may be resumed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Section 17.114.070A. Section 17.114.060 shall also apply.

C. Whenever an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BR S-S-Zone discontinues active operation for more than six (6) months, it may be resumed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Section 17.114.070(A). Section 17.114.060 shall also apply.

D. Activity Nonconforming for Other Reasons. A nonconforming activity which is itself a permitted activity where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities, may be resumed regardless of the period during which it may have discontinued active operation. However, if another activity has replaced it, the former activity may thereafter be resumed only if such resumption would constitute an allowable change under Section 17.114.070B. Section 17.114.060 shall also apply. (Ord. 12017 § 2, 1997; prior planning code § 7420)

#### **17.114.060 Nonconforming activity—Damage or destruction.**

~~A. General. Except as noted in subsection B of this section, the facilities accommodating or serving any nonconforming activity are damaged or destroyed to the extent of not more than seventy-five (75) percent of their current replacement cost as estimated by the Building Inspector, they may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent of said cost, the facilities may not thereafter be restored to accommodate or serve any nonconforming activity, except that for a Residential Activity such restoration may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~A. Nonconforming Nonresidential Activities. Facilities accommodating or serving any nonconforming nonresidential activity which are damaged or destroyed to the extent of not more than seventy-five (75) percent may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent, the nonconforming facilities may thereafter only be restored to accommodate or serve the prior nonconforming activity upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~CB. Nonconforming Residential Activities. Facilities accommodating or serving a nonconforming residential activity which are damaged or destroyed to the extent of not more than seventy-five (75) percent may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent, the nonconforming facilities may thereafter only be restored to accommodate or serve the prior nonconforming residential nonconforming activity provided all of the following conditions are met: Within the Adams Point Rezoning Area. In the area generally bounded by Grand Avenue, Lake Merritt, the MacArthur Freeway (I-580), Kempton Avenue, and Fairmount Avenue, if the facilities accommodating or serving any nonconforming residential activity are damaged or destroyed to the extent of not more than seventy-five (75) percent of their current replacement costs as estimated by the Building Inspector, they may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent of said costs, the facility~~

may thereafter be restored to accommodate or serve any residential nonconforming activity, provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);
2. That no expansion in the number of dwellings-living units of the previous floor area occurs;
- 3.a. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and  
That if the project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- b. That if the project involves or results in three or more dwelling units on a lot, no Residential Facility shall be constructed or established, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
4. That a building permit is obtained and the nonconforming structure(s) is replaced in compliance with the building code;
- 4.5. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, the replacement facility must comply with all applicable zoning code provisions in effect on the date of such replacement. (Ord. 11861 § 7; 1996: prior planning code § 7421)

**17.114.070 Nonconforming activity--Allowed substitutions and other changes in activity.**

A. Activity Nonconforming Because It Is Not a Permitted Activity. The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table
Any zone.	Any such activity.	Any activity otherwise permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, any activity otherwise conditionally permitted in the same location.
Any Residential zone or S-1, S-2, or S-3 zone.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Civic or Commercial Activity permitted in the C-10 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	Any Civic or Commercial Activity permitted in the C-35 zone.
	Research Service	(see below)
	General Wholesale Sales	(see below)
	Wholesale Professional Building Material Sales	(see below)
	Automobile and Other Light Vehicle Sales and Rental	(see below)
	Automotive and Other Light Vehicle Repair and Cleaning	(see below)
	Taxi and Light Fleet-Based Service	(see below)
	Transport and Warehousing	(see below)
	Animal Care	(see below)
	Animal Boarding	(see below)
	Undertaking Service	(see below)
	Scrap Operation	(see below)

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table
		Any Civic or Commercial Activity permitted in the C-35 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	Administrative Civic Activities.
	General Food Sales	Any Commercial Activity permitted in the C-10 zone. (see below)
	Full Service Restaurant	Administrative Commercial Activities. (see below)
	Limited Service Restaurant and Café	(see below)
	Convenience Market	(see below)
	Fast-Food Restaurant	(see below)
	Alcoholic Beverage Sales	(see below)
	Mechanical or Electronic Games	(see below)
	General Retail Sales	(see below)
	Consumer Service	(see below)
	Consumer Cleaning and Repair Service	(see below)
	Consumer Dry Cleaning Plant	(see below)
	Group Assembly	(see below)
	Personal Instruction and Improvement and Small Scale Entertainment	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the C-10 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	Administrative Civic Activities.
	Medical Service	The following Commercial Activities: see below
	Consultative and Financial Service	Medical Services see below
	Administrative	Consultative and Financial Services see below
		Administrative Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other such Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the C-35 zone.
Any Commercial zone.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the C-45 zone.
Any Industrial zone.	Any such Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the C-35 zone.

**Article III  
Nonconforming Facilities**

**17.114.120 Nonconforming facility--Damage or destruction.**

A. Nonconforming Nonresidential Facilities. Nonconforming nonresidential facilities which are damaged or destroyed to the extent of not more than seventy-five (75) percent may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five (75) percent, the nonconforming facilities may thereafter only be restored to their prior condition upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. **Nonconforming Residential Facilities.** Nonconforming residential facilities which are damaged or destroyed to the extent of not more than seventy-five (75) percent may be restored to their prior condition. If such damage or destruction exceeds seventy-five (75) percent, the ~~noneconforming~~ facilities may thereafter be restored to their prior condition provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);

2. That no expansion in the number of ~~dwelling~~ living units occurs;

3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and

4. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

~~— If a noneconforming facility is damaged or destroyed, to the extent of not more than seventy-five (75) percent of its current replacement cost as estimated by the Building Inspector, it may be restored to its prior condition. If such damage or destruction exceeds seventy-five (75) percent of said cost, the facility may be restored only as a conforming facility, except that for a Residential Facility restoration may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

Chapter 17.116

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Article II  
Off-Street Parking Requirements

17.116.060 Off-street parking--Residential Activities.

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	R-1, R-10, R-20, R-30, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit occupying a lot fronting on a street with parking allowed on one or both sides of the street; three spaces for each dwelling unit occupying a lot fronting on a street with parking prohibited on both sides of the street except that two spaces shall be required on such lots with an average lot width of fifty five (55) feet or less, and two spaces shall be required on such lots where the site area to be covered by the structure has a gradient greater than twenty (20) percent or the street to setback gradient as measured from the edge of pavement to the front setback line is greater than twenty (20) percent; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.

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

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.		One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games.			
Medical Service.			
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Service.			
Consumer Laundry-Cleaning and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.	CBD-P, CBD-C, CBD-X, S-15	--	No spaces required
	C-45, C-51, S-2.	1,000 square feet of floor area.	One space for each 900 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 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 400 square feet of floor area.
C. Consultative and Financial Service.			
Administrative.			
Business, Communication, and Media Service.			
Broadcasting and Recording Service			
Research Service.			



Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-55, CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,400 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 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 600 square feet of floor area.
<b>D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.</b>			
<del>Wholesale Professional Building</del>			
<del>Material Sales.</del>			
Automotive Sales and Service.			
Automobile and Other Light Vehicle Sales and Rental.	C-55, S-15	--	No spaces required
	C-45, C-51, S-15, CBD-P, CBD-C, CBD-X, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
<b>E. Group Assembly, and Personal Instruction and Improvement and Small Scale Entertainment.</b>	C-55, CBD-P, CBD-C, CBD-X, S-15.	-	No Spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-5, C-10, C-28, C-31, C-35.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), S-15.	-	No spaces required.
	C-55, CBD-P, CBD-C, CBD-X.	No minimum.	One space for each unit in a motel and one space for each two units in a hotel.
	Any other zone.	No minimum.	One space for each unit in a motel and three spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances.		-	
Consumer Laundry-Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.			

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Animal care and Animal Boarding.	C-55, CBD-P, CBD-C, CBD-X, S-15.	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
<b>H. Automobile and Other Light Vehicle Gas Station and Servicing.</b>			
Automotive and Other Light Vehicle Repair and Cleaning.			
Automotive Fee Parking.	C-55, CBD-P, CBD-C, CBD-X, S-15	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	No minimum.	One space for each 1,000 square feet of floor area.
<b>I. Transport and Warehousing.</b>	C-55, CBD-P, CBD-C, CBD-X.	--	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One space for each three employees.
<b>J. Scrap Operation.</b>	C-51, C55, CBD-P, CBD-C, CBD-X..	-	No spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	C-55, CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
	C-45, C-51.	10,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-28, C-31, C-35, S-2.	2,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 200 square feet of floor area.

**17.116.140 Off-street loading--Commercial Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
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<b>Commercial Activity and Total Size of Facilities Occupied</b>	<b>Requirement</b>
<b>A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Laundry-Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Wholesale Professional-Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:</b>	
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
<b>B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:</b>	
Less than 50,000 square feet.	No berths required.*
50,000--149,999 square feet.	One additional berth.*
150,000--299,999 square feet.	One berth.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two berths. One additional berth.*
<b>C. Undertaking Service, occupying facilities with the following floor area:</b>	
Less than 2,500 square feet.	No berths required.*
2,500--24,999 square feet.	One berth.
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
<b>D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:</b>	
Less than 25,000 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
<b>E. All other Commercial Activities.</b>	No berths required.*

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7523)

**17.116.220 Loading berth dimensions.**

All required loading berths shall have the minimum dimensions set forth below when serving the indicated activities; provided that where one or both of the long sides of a berth which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other similar obstruction, each of the widths specified below shall be increased by three feet. However, the minimum height or length of a required berth may in any case be reduced upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such smaller dimensions are ample for the size and type of trucks or goods which foreseeably will be involved in the loading operations of the activity served.

A. For all Industrial Activities and for General Wholesale Sales, ~~Wholesale-Professional~~ Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, forty-five (45) feet long, twelve (12) feet wide, and fourteen (14) feet high;

B. For Undertaking Service Commercial Activities: twenty-five (25) feet long, ten feet wide, and eight feet high;

C. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high.

(Prior planning code § 7541)

## Chapter 17.117

### BICYCLE PARKING REQUIREMENTS

#### Article III

#### Minimum Number of Required Bicycle Parking Spaces

##### 17.117.090 Required Bicycle Parking – Residential Activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

##### 17.117.110 Required Bicycle Parking – Commercial Activities

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Retail</b>		
1. General Food Sales. 2. Full Service Restaurant 3. Limited Service Restaurant and Café	1 space for each 12,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 2,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.
4. Convenience Market. 5. Fast-Food Restaurant. 6. Alcoholic Beverage Sales. 7. Mechanical or Electronic Games. 8. General Retail Sales. 9. Large-scale combined retail and grocery sales. 10. Consumer Service. 11. Consumer Cleaning and Repair Service. 12. Consumer Dry Cleaning Plant 13. Check Cashier and Check Cashing.	1 space for each 12,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 5,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.
14. General Wholesale Sales. 15. Wholesale Professional-Building Material Sales.	1 space for each 12,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 <del>s.f.</del> <del>sf</del> square feet of floor area. Minimum requirement is 2 spaces.

##### 17.117.120 Required Bicycle Parking – Industrial, Manufacturing and Other Activities

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Industrial, Manufacturing, Agricultural and Extractive Activities and All Other Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

## Chapter 17.124

### LANDSCAPING AND SCREENING STANDARDS

#### Sections:

- 17.124.010 Title, purpose, and applicability.
- 17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.
- 17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.
- 17.124.040 Residential landscape requirements for downslope lots.
- 17.124.050 Assurance of landscaping completion.
- 17.124.060 Maintenance.
- 17.124.070 Required materials and opacity.
- 17.124.080 Combination of materials.
- 17.124.090 Reference level for prescribed heights.
- 17.124.100 Exceptions to requirements.
- 17.124.110 Frequently Planted Tree Species List for Oakland

#### 17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding secondary units of five hundred (500) square feet or less, and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this chapter, Title 12 Street, Sidewalks and Public Spaces and including the following:

A. Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.

B. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire resistant and, to the satisfaction of the Director of City Planning, a substantial portion of the planted area shown on submitted landscape plans shall be drought tolerant plant materials. The City Planning Department shall maintain lists of plant materials considered fire resistant and drought tolerant.

C. All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season. (Ord. 12376 § 3 (part), 2001)

#### 17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this chapter, Title 12 Street, Sidewalks and Public Spaces and the standards for required landscaping and screening, including the following.

A. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six (6) feet, street trees shall be provided to the satisfaction of the Director of City Planning, as provided in Section 17.124.110. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List. Alternative species may be approved by the Director of City Planning. with consideration given to Selection of street tree species shall be based upon compatibility



with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

B. All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

**17.124.030 Residential landscape requirements for street frontages.**

(See illustration I-21b.) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation City Planning. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List, as provided in Section 17.124.110. Alternative species may be approved by the Director of City Planning. with consideration given to Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants. (Ord. 12376 § 3 (part), 2001)

17.124.110 Frequently Planted Tree Species List for Oakland

No.	Botanical Name	Common Name	Size	H X S
1.	<i>Arbutus unedo</i>	Strawberry Tree	S	25 X 25
2.	<i>Cercis canadensis</i>	Eastern Redbud	S	25 X 25
3.	<i>Lagerstroemia indica</i> X <i>L. fauriei</i>	Crape Myrtle	S	30 X 20
4.	<i>Photinia fraseri</i>	Photinia	S	20 X 15
5.	<i>Prunus cerasifera</i> 'Thundercloud'	Purple Leaf Plum	S	30 X 20
6.	<i>Pyrus kawakamii</i>	Evergreen Pear	S	25 X 30
7.	<i>Rhus lancea</i>	African Sumac	S	20 X 20
8.	<i>Tristania laurina</i> 'Elegant'	Water Gum	S	25 X 20
9.	<i>Acer buergerianum</i>	Trident Maple	M	30 X 25
10.	<i>Aesculus carnea</i> 'Briotii'	Red Horsechestnut	M	40 X 35
11.	<i>Eriobotrya deflexa</i>	Bronze Loquat	M	20 X 20
12.	<i>Geijera parviflora</i>	Australian Willow	M	30 X 30
13.	<i>Ginkgo biloba</i> 'Saratoga' or 'Autumn Gold'	Maidenhair Tree	M	35 X 30
14.	<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	M	30 X 30
15.	<i>Koelreuteria paniculata</i>	Golden Rain Tree	M	30 X 30
16.	<i>Laurus nobilis</i> 'Saratoga'	Saratoga Laurel	M	40 X 20
17.	<i>Magnolia grandiflora</i> 'Saint Mary'	Saint Mary Magnolia	M	20 X 20
18.	<i>Maytenus boaria</i> 'Green Showers'	Mayten Tree	M	30 X 25
19.	<i>Metrosideros excelsus</i>	New Zealand Christmas Tree	M	30 X 30
20.	<i>Olea europa</i> 'Swan Hill'	Olive	M	40 X 40
21.	<i>Pyrus calleryana</i> 'Aristocrat'	Aristocrat Pear	M	40 X 30
22.	<i>Carpinus betulus</i> 'Fastigiata'	European Hornbeam	L	50 X 40
23.	<i>Fraxinus oxycarpa</i> 'Raywood'	Raywood Ash	L	35 X 25
24.	<i>Gliditsia triacanthos inermis</i> 'Shademaster'	Thornless Honey Locust	L	40 X 30
25.	<i>Nyssa sylvatica</i>	Sour Gum or Tupelo	L	50 X 25
26.	<i>Pistacia chinensis</i> 'Keith Davey' or 'Pearl Street'	Chinese Pistache	L	50 X 30
27.	<i>Platanus acerifolia</i> 'Yarwood'	London Plane	L	70 X 50
28.	<i>Podocarpus gracilior</i>	African Fern Pine	L	30 X 20
29.	<i>Quercus rubra</i>	Red Oak	L	50 X 40
30.	<i>Quercus coccinea</i>	Scarlet Oak	L	75 X 50

1. Size: (S) Small, (M) Medium, (L) Large

2. H X S: Height by Spread

## Chapter 17.126

### USABLE OPEN SPACE STANDARDS

#### 17.126.040 Private usable open space.

(See illustration I-22.) All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in subsection B of this section, on the same lot as the living unit it serves; and shall conform to the following standards:

A. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than ~~four feet high~~ the minimum height required by the Oakland Building Code.

## Chapter 17.134

### CONDITIONAL USE PERMIT PROCEDURE

#### 17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:

a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;

b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, R-90, C-51, C-55, S-2, or S-15 zones;

c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:

i. Three or more dwelling units in the R-36 or R-40 zone,

ii. Seven (7) or more dwelling units in the R-50 zone.

d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results resulting in 7 or more living units in the R-60, R-70, R-80, R-90, or CBD-R zone.

e. Large Scale Developments. Any development which is located in the R-80, R-90, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, C-51, C-55, S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area.

2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:

h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.134.040(B)(1);

(Ord. 12501 § 80, 2003; Ord. 12450 § 19, 2002; Ord. 12350 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4, 2000; Ord. 12234 § 4, 2000; Ord. 12224 § 7, 2000; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 9 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; Ord. 12072 § 12, 1998; Ord. 12016 § 2 (part), 1997; Ord. 11904 § 5.91, 1996; Ord. 11892 § 21, 1996; Ord. 11539 § 2, 1993; prior planning code § 9201)

#### 17.134.050 General use permit criteria.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

E. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

F. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council. (Ord. 12376 § 3 (part), 2001: prior planning code § 9204)

## Chapter 17.136

### DESIGN REVIEW PROCEDURE

#### 17.136.025 Exemptions from Design Review.

B. **Definition.** The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):

1. Additions or Alterations.
  - a. Projects not requiring a building permit, except if otherwise specified below;
  - b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the building;
  - ce. Demolition or removal of structures on a site where neither the demolition or replacement project requires any discretionary zoning approvals, pursuant to Title 17 of the Oakland Planning Code; or demolition or removal of structures declared unsafe or a public nuisance by a City Department, their respective appeals boards, or the City Council;
    - eed. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.102.360;
    - fee. Floor area additions within the existing building envelope not involving the creation of a living dwelling unit;
    - gef. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
    - hfg. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; ~~g.~~ and a Any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
    - hh. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.
2. Signs.
  - a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark; or
  - b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;
  - c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.
3. Other Projects.
  - a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.102.335.
  - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

#### 17.136.030 Small Project Design Review.

A. **Applicability.** "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);
2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning code;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and
4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

B. **Definition of "Small Project".** Small Projects are limited to one or more of the following types of work:

1. Additions or Alterations.
  - a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
  - b. ~~Except as otherwise specified in Sections 17.136.025, and 17.136.040, demolition or removal of structures not involving a Local Register Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;~~ ~~Except as otherwise specified in Sections 17.136.025 and 17.136.040, demolition or removal of structures on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;~~
    - bc. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
    - d—e. Secondary ~~Units~~ ~~units~~ of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.102.360;
    - jed. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: ~~that involve either:~~ (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
2. ~~Fences, barriers, and similar freestanding walls.~~
  - a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall fences exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;
  - b. For Commercial Zones, ~~Manufacturing-Industrial Zones~~, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall fences exceeding eight (8) feet in height within ten (10) feet of any abutting property in a residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.
3. Signs.
  - a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070; Advertising Signs; and Signs extending above the roofline;
  - b. New or modified awnings or other similar facilities;

- c. Color changes to Signs, awnings or other similar facilities;
- d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.102.335B;

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

1. **Track One Procedure - Small Project Design Review Proposals Not Involving a Local Register Property;** or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection (C)(3): to a One- or Two- Unit Primary Dwelling Unit of More than 250 Square Feet in Floor Area:

a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

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

a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX-1, HBX-2, and HBX-3 zones ~~unit primary dwelling unit of more than 250 square feet in floor area that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements,~~ shall be reviewed according to the Track Three procedure in Section 17.136.030(C)(3).

b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

3. **Track Three Procedure - Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility Unit Primary Dwelling Unit of More than 250 Square Feet in Floor Area;** or an over eight (8) foot increase in the height of a building any Building Facility in the HBX-1, HBX-2, and HBX-3 zones, not including allowed projections above the height limits listed in 17.108.030:

a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and



mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a "Notice to Neighboring Property Owners" form which includes the project description and contact information.

c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

d. All required posting of the site and notification of adjacent and across the street property ~~proper~~-owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.

e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

#### **17.136.035 Small Project Design Review Criteria.**

A Small project design review approval shall be granted for proposals that conform to each of the applicable criteria set forth in subdivisions (1), (2), and (3) below, and if also applicable, to the criteria in subdivision (4) below:

1. That for Nonresidential Facilities ~~commercial, civic, or industrial facilities~~ and the nonresidential portions of Mixed Use Development projects, the proposed design conforms with the adopted checklist criteria for nonresidential facilities, Small Project Design Guidelines, as may be amended;

2. That for Residential Facilities with one or two primary dwelling units and the residential portions of Mixed Use Development projects with one or two primary dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with 1-2 primary dwelling units, as may be amended;

3. That for Residential Facilities with three or more dwelling-living units and the residential portions of Mixed Use Development projects with three or more dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with three or more dwelling-living units, as may be amended;

4. That for Local Register Properties, the proposed design-project will not substantially impair the visual, architectural, or historic value of the affected site or facility.

#### **17.136.040 Regular Design Review.**

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

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

2. ~~Any Construction-construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;~~

3. New construction of one or two dwelling units, other than a secondary unit;

4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;

5. New construction of principal facilities in the HBX zone;

6. The creation of any new HBX 'work/live' unit or HBX 'live/work' unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;

7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;

9. ~~New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030; Advertising Signs, and Signs extending above the roofline;~~

10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B).

11. ~~Demolition or removal of any structure, or portion thereof, where either the replacement project requires Regular Design Review, Conditional Use Permit or Variance;~~

12. ~~Demolition or removal of any Local Register Property, Designated Historic Property (DHP), or Potential Designated Historic Property (PDHP), subject to the following additional provisions:~~

~~a. For the Central Business District (CBD), see Section 17.136.055;~~

~~b. For landmarks outside of the CBD, see Sections 17.136.060 and 17.136.070;~~

~~c. For the S-7 zone, see Sections 17.84.040, 17.84.050, 17.84.060, and 17.136.060;~~

~~d. For "contributors" or "potential contributors" to the S-20 Historic Preservation District, as determined by the City's Cultural Heritage Survey, see Sections 17.100.050, 17.100.060, 17.100.070, and 17.136.060.~~

~~1. Demolition or removal of any structure, or portion thereof, where either the replacement project requires Regular Design Review, Conditional Use Permit or Variance; where the structure, or portion thereof, that is slated for demolition or removal is:~~

~~a. Designated as a landmark, subject to the additional provisions in Sections 17.136.060 and 17.136.070;~~

~~b. Located in the S-7 zone, subject to the additional provisions in Sections 17.84.040, 17.84.050, 17.84.060, and 17.136.060;~~

~~c. Designated as a "contributor" or "potential contributor" to the S-20 Historic Preservation District, as determined by the City's Cultural Heritage Survey, subject to the additional provisions in Sections 17.100.050, 17.100.060, 17.100.070, and 17.136.060;~~

#### 17.136.070 Special regulations for designated landmarks.

B. **Design Review for Construction or Alteration.** Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Mixed-Use Development, Telecommunications Facility, Sign, or other associated structure on any designated landmark site shall be constructed or established, or altered in such a manner as to affect exterior appearance unless plans for the

proposal have been approved pursuant to the design review procedure in this chapter and the applicable provisions of this section. Furthermore, for a publicly owned landmark, the designating ordinance may require such approval of proposed changes to major interior architectural features.

a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

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

~~a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character defining elements. "Character defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One or Two Family Residential Facility or to any Building Facility in the HBX 1, HBX 2, and HBX 3 zones unit primary dwelling unit of more than 250 square feet in floor area that is determined eligible for small project design review and to not have a significant effect on the property's character defining elements, shall be reviewed according to the Track Three procedure in Section 17.136.030(C)(3).~~

~~b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.~~

~~c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.~~

~~3. **Track Three Procedure**—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One or Two Family Residential Facility Unit Primary Dwelling Unit of More than 250 Square Feet in Floor Area; or an over eight (8) foot increase in the height of a building any Building Facility in the HBX 1, HBX 2, and HBX 3 zones, not including allowed projections above the height limits listed in 17.108.030:~~

~~a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.~~

~~b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a "Notice to Neighboring Property Owners" form which includes the project description and contact information.~~

~~c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot, and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a~~

copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

~~d. All required posting of the site and notification of adjacent and across the street property proper owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.~~

~~e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.~~

~~f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.~~

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## Chapter 17.156

### DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS

#### Article II Definitions

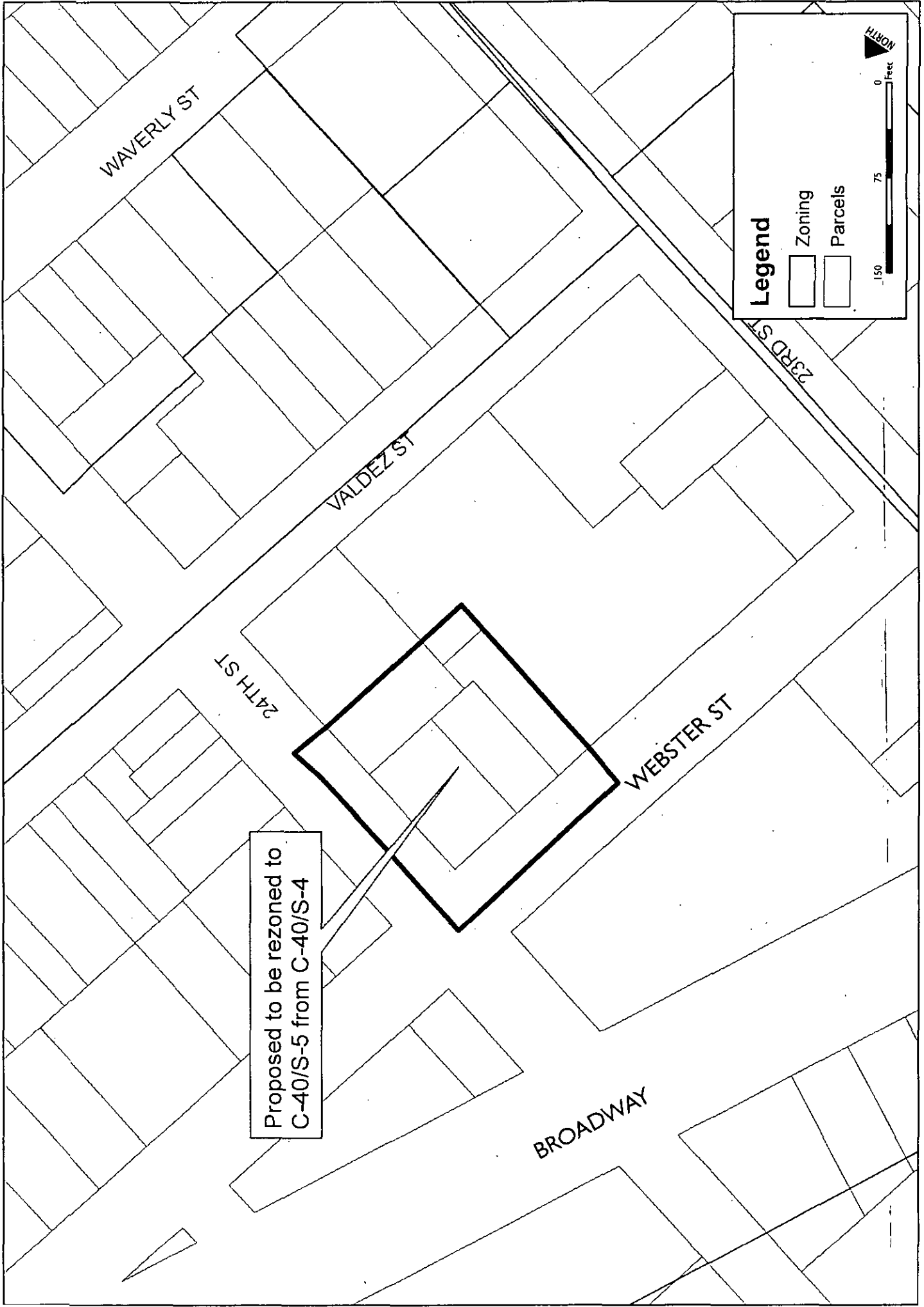
##### 17.156.060 Title, purpose, and applicability.

The provisions of this article shall be known as the definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Deemed Approved Alcoholic Beverage Sale regulations. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout the Deemed Approved Alcoholic Beverage Sale regulations, except where the context of such words or phrases clearly indicates a different meaning or construction. (Ord. 11624 § 2, 1993; prior planning code § 15100)

##### 17.156.070 Definitions.



As used in this chapter:

“**Restricted street**” means that area applied to a depth of two hundred (200) feet on each side of and including the following streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: E. 14th Street; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying ~~north of between 16th Street Castro Street and Highway I-980 and between 38<sup>th</sup> Street and I-580~~; that portion of Edes Avenue lying between Clara Street and Bergedo Drive. (Ord. 12154 § 2, 1999; Ord. 11624 § 2, 1993; prior planning code § 15100--15120)



Proposed to be rezoned to  
C-40/S-5 from C-40/S-4

**Legend**

-  Zoning
-  Parcels

0 Feet  
75  
150

NORTH

Proposed to be rezoned to R-50 from R-50/S-16;  
Current General Plan Designation of Business Mix remains

Proposed to be rezoned to M-20 from M-20/S-16;  
Current General Plan Designation of Business Mix remains

Proposed to be rezoned to R-50 from R-50/S-16;  
Current General Plan Designation of Business Mix remains

Proposed to be rezoned to R-36 from R-36/S-16;  
Current General Plan Designation of Mixed Use Housing Type remains


Proposed to be rezoned to R-36 from R-36/S-16;  
Current General Plan Designation of Mixed Use Housing Type remains

Proposed to be rezoned to R-36 from R-36/S-16;  
Current General Plan Designation of Mixed Use Housing Type remains

**Legend**

- Zoning
- Parcels

0.25 0.125 0 Miles



## EXHIBIT C

The following shows proposed changes to this document as of October 28, 2009. Deletions are in ~~strikeout~~; additions are underlined. Only sections of the guidelines proposed for change are shown in this attachment.

### **Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations**

Adopted by the  
City of Oakland  
City Planning Commission

May 6, 1998

Amended November 3, 1999 (100-31)  
Amended August 8, 2001  
Amended December 5, 2001  
Amended July 15, 2003  
(Minor typographical changes May 28, 2004)  
Amended October 31, 2006  
Amended July 21, 2009  
*Amended November xx, 2009*



**CHARTS, TABLES AND CHECKLISTS**

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighborhood Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	General Industrial***	Institutional	Central Business District	Mixed-Use Water front (See Table 5A)	Housing Business Mix***	Open Space -RCA	Open Space (Other)
<b>Residential Activities:</b>															
Permanent	✓	✓	✓	✓	✓	✓	✓	NA X	NA	✓	NA		NA		
Semi-Transient	X	X	X				X	NA X	NA		NA		NA	X	X
Residential Care															
Service-Enriched Permanent Housing															
Transitional Housing															
Emergency Shelter															
<b>Civic Activities:</b>															
Essential Service								NA	NA		NA		NA		
Limited Child-Care								NA X	NA		NA		NA		
Nursing Home								NA X	NA	✓	NA		NA	X	X
Community Assembly	✓	✓	✓	✓	✓	✓	✓	NA X	NA	✓	NA		NA		
Recreational Assembly	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Community Education	✓	✓	✓	✓	✓	✓		NA X	NA	✓	NA		NA		
Non-Assembly Cult.	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Administrative					✓	✓	✓	NA	NA	✓	NA		NA		
Residential Care								NA X	NA	✓	NA		NA	X	X
Health Care						✓		NA X	NA	✓	NA		NA	X	X
Utility and Vehicular								NA	NA		NA		NA		
Extensive Impact								NA	NA		NA		NA		
Telecommunications															
<b>Commercial Activities:</b>															
General Food Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Full Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Limited Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Convenience Market						✓		NA	NA		NA		NA	X	X
Fast-Food Restaurant	X	X	X					NA	NA		NA		NA	X	X

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Alcohol Beverage Sales								NA	NA		NA		NA		
Consumer Service				✓	✓	✓	✓	NA	NA		NA		NA	X	X
Mechanical or Electrical Games								NA	NA		NA		NA	X	X
Medical Service						✓		NA	NA	✓	NA		NA	X	X
General Retail Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA	X	X
Consultative & Financial Services	X	X				✓	✓	NA	NA		NA		NA	X	X
Consumer Laundry/Cleaning & Repair	X	X				✓	✓	NA	NA				NA	X	X
Consumer Dry Cleaning Plant															
Group Assembly	X	X				✓	✓	NA	NA		NA		NA	X	X
Personal Instruction & Improvement & Small Scale Entertainment/Amprv	X	X				✓	✓	NA	NA		NA		NA	X	X
Administrative	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Business, /Communications & Media	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Broadcasting & Recording	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Research Service	X	X						NA	NA		NA		NA	X	X
General Wholesale Sales	X	X	X	X	X			NA	NA		NA		NA	X	X
Transient Habitation/B&B							✓	NA	NA		NA		NA	X	X
Wholesale Professional Building Material Sales	X	X	X	X	X			NA	NA	X	NA		NA	X	X
Auto & Light Vehicle Sales & Rental/Deliv	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X
Automobile & Light Vehicle /Gas Station & /Servicing	X	X	X			✓	✓	NA	NA		NA		NA	X	X
Automobile Auto & Light Vehicle Repair & /Cleaning	X	X	X	X	X	✓		NA	NA		NA		NA	X	X
Auto Fee Parking	X	X	X					NA	NA		NA		NA	X	X
Taxi & Light Fleet Service	X	X	X	X	X			NA	NA		NA		NA	X	X

TABLE 2: LAND USE ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X: Clearly Does not Conform NA: Zoning regulations apply	GENERAL PLAN LAND USE CLASSIFICATIONS														
	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighborhood Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	General Industrial***	Institutional	Central Business District	Mixed-Use Water front (See Table 5A)	Housing Business Mix***	Open Space =RCA	Open Space (Other)
Transport/Warehouse	X	X	X	X	X			NA	NA		NA		NA	X	X
Animal Boarding								NA	NA		NA				
Animal Care								NA	NA		NA		NA		
Undertaking Service	X	X	X					NA	NA		NA		NA	X	X
Scrap Operation	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X
<b>Manufacturing Industrial Activities:</b>															
Custom Manufacturing	X	X	X	X	X			NA ✓	NA	X	NA		NA	X	X
Light Manufacturing	X	X	X	X	X			NA ✓	NA	X	NA		NA	X	X
General Manufacturing	X	X	X	X	X	X	X	NA ✓	NA	X	NA		NA	X	X
Heavy/ High Impact Manufacturing	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X
<b>Agricultural/Extractive:</b>															
Plant Nursery								NA	NA		NA		NA	X	X
Crop/Animal Raising								NA	NA		NA		NA		
Mining and Quarrying								NA	NA		NA		NA	X	X
<b>Residential Facilities:</b>															
One-Family Dwelling	✓	✓	✓					NA X	NA		NA		NA		
One-Family dwelling w/ Secondary unit	✓	✓	✓					NA X	NA		NA		NA	X	X
One-Fam. w/ Second	✓	✓	✓					NA X	NA		NA		NA	X	X
Two-Family Dwelling	X	X	✓					NA X	NA		NA		NA	X	X
Multi-Family Dwelling	X	X	✓	✓	✓	✓	✓	NA X	NA	✓	NA		NA	X	X
Rooming House								NA X	NA		NA		NA	X	X
Mobile Home								NA X	NA		NA		NA	X	X
Downtown Live-Work*	X	X	X	✓	✓	✓	X	NA	NA	✓	NA		NA	X	X
<b>Nonresidential Facilities:</b>															
Enclosed				✓	✓			NA	NA		NA		NA		
Open								NA	NA		NA		NA		
Drive-In	X	X	X					NA	NA		NA		NA	X	X
Sidewalk Café				✓	✓	✓	✓	NA	NA		NA		NA	X	X

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
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Shopping Center**	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X
Drive-Through	X	X	X		X	✓	✓	NA	NA		NA		NA	X	X
<b>Signs:</b>															
Residential								NA	NA		NA		NA	X	X
Special								NA	NA		NA		NA		
Development								NA	NA		NA		NA	X	X
Realty								NA	NA		NA		NA	X	X
Civic								NA	NA		NA		NA		
Business								NA	NA		NA		NA		
Advertising								NA	NA		NA		NA	X	X
<b>Telecommunications</b>															
Micro								NA	NA		NA		NA		
Mini								NA	NA		NA		NA		
Macro								NA	NA		NA		NA		
Monopole								NA	NA		NA		NA		
Tower								NA	NA		NA		NA	X	X
<b>Accessory Activ./Facil.</b>															
Live/work			✓					NA	NA	X	NA		NA	X	X

\* Downtown building conversions to Live/Work are governed by a June 1999 ordinance which regulates and designates a specific downtown area for this type of conversion, regardless of General Plan Land Use Classification. See "Residentially-Oriented Live Work" regulations.

\*\* "Shopping Center" is defined as a Non-residential facility type, but is not listed as permitted or conditionally permitted in any zone. This definition is used in conjunction with 1000' foot rule for Fast-Food Restaurants (Section 17.102.210(E)(1)).

\*\*\*The permitted, conditionally permitted, and prohibited activities for the Housing and Business Mix, ~~Business Mix~~, General Industrial and Transportation, ~~Business Mix~~, and Central Business District General Plan classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

The Mixed Use Waterfront Classification is superseded by the Estuary Policy Plan Land Use Classifications. See Table 2A.