

PROPOSED NEW DOWNTOWN DISTRICT ZONES (D-DT) CHAPTER

The following Chapter 17.101K is proposed to be inserted, in its entirety, into the Planning Code. This does not include proposed new Chapter 17.98 (S-16 Interstate Corridor Commercial Zones Regulations) and code amendments related to the new zones, which are contained in Exhibits B and C, respectively.

CHAPTER 17.101K – D-DT DOWNTOWN DISTRICT ZONES REGULATIONS

Articles:

Article I – Title, Intent and Applicability of the D-DT Zones

Article II – Special Permit Requirements

Article III – Use Requirements

Article IV – Development and Design Standards

Article V – D-DT Combining Zones

Article I – Title, Intent and Applicability of the D-DT Zones

Section 17.101K.010 – Title, intent, and applicability.

17.101K.010 – Title, intent, and applicability.

- A. Title, intent, and applicability. The provisions of this Chapter shall be known as the D-DT Downtown District Zones Regulations. These regulations shall apply to the corresponding D-DT Zones on the Zoning Map. The intent of the D-DT Zones is to implement the Downtown Oakland Specific Plan (DOSP). These zones are consistent with the following goals of the DOSP:
- Create opportunities for economic growth and security for all Oaklanders;
 - Ensure sufficient housing is built and retained to meet the varied needs of current and future residents;
 - Make downtown’s streets comfortable, safe, and inviting and improve connections throughout the city so that everyone has efficient and reliable access to downtown’s jobs and services;
 - Encourage diverse voices and forms of expression to flourish;
 - Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come; and
 - Develop downtown in a way that meets community needs and preserves Oakland’s unique character.
- B. **Intent of primary zones.** This Chapter establishes land use regulations for the following ten (10) primary zones as established on the Zoning Map:
- 1. D-DT-P Downtown District Pedestrian Commercial Zone.** The intent of the D-DT-P Zone is to create, maintain, and enhance the downtown core for pedestrian-oriented and active uses on the ground floor. Upper stories are intended for a wide range of commercial and residential activities.
 - 2. D-DT-C Downtown District General Commercial Zone.** The intent of the D-DT-C Zone is to create, maintain, and enhance areas of Downtown appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended for a wide range of commercial and residential activities.
 - 3. D-DT-CX Downtown District Mixed Commercial Zone.** The intent of the D-DT-CX Zone is to designate areas of downtown appropriate for a wide range of residential, commercial, and compatible service and production activities.

4. D-DT-R Downtown District Residential Zone. The intent of the D-DT-R Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential development with small-scaled compatible ground-level commercial uses.

5. D-DT-RX Downtown District Mixed Residential Zone. The intent of the D-DT-RX Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential and mixed-use buildings.

6. D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone. The intent of the D-DT-CPW Zone is to encourage and facilitate comprehensively planned public space, streets and residential and commercial developments that contribute to the Estuary and Lake Merritt Channel waterfronts and help connect Brooklyn Basin to Downtown.

7. D-DT-CW Downtown District Estuary Waterfront Commercial Zone. The D-DT-CW Zone is intended to create, maintain, and enhance areas of the Estuary Waterfront District to have a mix of marine, office, and other commercial uses.

8. D-DT-AG Downtown District Art and Garage Commercial Zone. The intent of the D-DT-AG Zone is to create, preserve, and enhance commercial areas in downtown's Art and Garage District that are appropriate for specific service and production activities and provide adaptable space for artisans and craftspeople.

9. D-DT-PM Downtown District Produce Market Commercial Zone. The intent of the D-DT-PM Zone is to create, preserve, and enhance mixed industrial/commercial areas in Jack London's historic Produce Market District that are appropriate for a wide range of retail, work/live, and commercial and wholesale establishments.

10. D-DT-JLI Downtown District Jack London Industrial Zone. The intent of the D-DT-JLI Zone is to create, maintain, and enhance mixed industrial/commercial areas along the western edge of the Jack London District that will act as a transition between the more intensive West Oakland industrial area south of I-880 and the Jack London commercial area extending to the east. This transitional industrial area requires enhanced design and site plan review to ensure that future development does not adversely impact adjoining zones.

C. Intent of Combining Zones. This Chapter establishes land use regulations for the following combining zones as established on the Zoning Map. All land located a combining zone is subject to regulations of the primary zone unless specifically modified by provisions of regulations in this Chapter.

1. Employment Priority Combining Zone. The intent of the Employment Priority Combining Zone is to require office and other employment creating activities in certain areas of the Downtown District.

2. BAMBD Arts and Culture Combining Zone. The intent of BAMBD Arts and Culture Combining Zone is to celebrate and support Oakland's Black and African-American community, culture and heritage. In doing this, the zone fosters a sense of belonging for all Oaklanders; highlights Oakland's rich history and diverse cultures, celebrates and strengthens an ethnic enclave; supports a community harmed by racial inequities; and increases access to cultural expression. In particular, the intent of the Zone is to:

A. Support a critical mass of arts and entertainment establishments, which are essential to nurture and retain all residents including the creative workforce essential to recruiting and retaining employers in the modern economy;

B. Animate the public space, rejuvenate the streetscape, improve local business viability, improve public safety, and bring diverse people together to inspire and be inspired by the legacies and

contemporary manifestations of Black owned businesses and arts rooted in the Black cultural experience;

- C. Support a healthy and flourishing arts community, driving civic engagement, community involvement and public health;
- D. Serve and strengthen ethnic and racial communities harmed by racial disparities; and
- E. Accomplish the General Plan's historic preservation goal to preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.

3. The Green Loop Combining Zone. The intent of the Green Loop Combining Zone is to:

- a. Provide inviting landscaped pedestrian links between Downtown's Lake Merritt, Channel and Estuary waterfronts;
- b. Connect surrounding neighborhoods to Downtown's open space, cultural and entertainment areas; and
- c. Create an enhanced pedestrian experience with distinctive storefront and landscaping enhancements.

4. Sea Level Rise Combining Zone. The Sea Level Rise Combining Zone is intended to ensure that new development accounts for scientifically accepted future rises in sea level to ensure the health and safety of future occupants and the long-term viability of new construction and associated infrastructure.

Article II – Special Permit Requirements

17.101K.020 – Special regulations for Large-Scale Developments.

17.101K.030 – Required Design Review process.

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

17.101K.020 – Special regulations for Large-Scale Developments.

No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred seventy-five (275) feet in height, shall be permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units, other than manager's units, or that have been approved according to the Planned Unit Development (PUD) procedure (see Chapter 17.140 for the PUD procedure).

17.101K.030 – Required Design Review process.

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

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

No new building development in the D-DT-CPW Zone shall be permitted except upon the granting of a Planned Unit Development Permit (see Chapter 17.140 for the Planned Unit Development (PUD) Procedure and Chapter 17.142 for the PUD Requirements). In addition to the general PUD criteria contained in Section 17.140.080, these proposals must also meet the following criterion:

- A. The proposal is consistent with planned street and other infrastructure improvements in the Downtown Oakland Specific Plan, particularly those that create an enhanced connection to the rest of the Jack London District to the west and adapt to and protect the public from sea level rise.

Article III – Use Requirements

17.101K.050 – Permitted and conditionally permitted activities.

17.101K.060 – Permitted and conditionally permitted facilities.

17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.

17.101K.050 – Permitted and Conditionally Permitted Activities.

A. The following activity classification are added for the purposes of this Chapter only. The descriptions of the other activity classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

- 1. Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities.

Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

B. Permitted and Conditionally Permitted Activities

Table 17.101K.01 lists the permitted, conditionally permitted, and prohibited activities in the D-DT Zones. The descriptions of these activities are contained in Chapter 17.10 and in Subsection A, above.

"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 17.101K.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Residential Activities												
Permanent	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Residential Care	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	17.103.010
Supportive Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Transitional Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Emergency Shelter	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L2)(L3)	--(L4)	--(L4)	--(L4)	--(L4)	C(L3)	17.103.010 17.103.015
Semi-Transient	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Bed and Breakfast	P	P	P	P	P	--	--(L4)	--(L4)	--(L4)	--(L4)	--	17.103.125
Civic Activities												
Essential Service	P	P	P	P	P	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	P(L2)	P	--	--	--	P	
Community Assembly	C(L7)	C	C	C	C	C(L2)	C	--	--	C	C	
Recreational Assembly	P	P	P	P	P	P(L2)	P	--	C	C	P	
Community Education	P(L16)(L18)	P(L18)	P(L18)	P(L5)(L18)	P(L18)	P(L2)(L18)	--	--	--	--	--	
Nonassembly Cultural	P	P	P	P(L5)(L8)	P	P(L2)	P	P	C	P	P	
Administrative	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P(L22)	P(L22)	P	P	
Health Care	P(L5)(L16)(L17)	P(L5)(L17)	P(L5)(L17)	P(L5)(L8)(L17)	P(L5)(L17)	P(L5)(L2)(L17)	--	P(L5)(L17)(L22)	--	C(L17)	C	
Special Health Care	C(L7)(L16)(L17)	C(L9)(L17)	C(L9)(L17)	--	C(L9)(L17)	C(L2)(L9)(L17)	--	--	--	C(L9)(L17)	--	17.103.020
Utility and Vehicular	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	
Extensive Impact	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	
Commercial Activities												
General Food Sales	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P(L5)	P	
Full-Service Restaurants	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	P(L5)	P	

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Limited Service Restaurant and Café	P	P	P	P(L5) (L8)	P	P(L2)	P	P(L19))	P	P(L5)	P	
Fast-Food Restaurant	C	C	C	=	C	C(L2)	C	=	=	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	C(L8)	C	C(L2)	C	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L29)	C(L29)	C(L29)	C(L8)	C	C(L2)(L29)	C(L29)	C(L29))	C(L29)	C(L29)	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	C(L8)	P	P(L2)	P	P	P	=	P	
Medical Service	P(L16) (L17)	P(L17)	P(L17)	P(L5) (L8)(L17)	P(L17)	P(L2)(L17)	P(L17)	=	=	C(L17)	P	
General Retail Sales	P	P	P	P(L5) (L8)	P	P(L2)	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	=	=	=	=	=	=	=	=	=	=	=	
Consumer Service	P (L10)	P(L10)	P(L10)	P(L5) (L8)(L10)	P(L10)	P(L2)(L10)	P(L10)	P(L10))	P(L10)	P(L10)	P(L10)	
Consultative and Financial Service	P(L16)	P	P	P(L5) (L8)	P	P(L2)	P	P(L5) (L22)	P(L5) (L22)	-	P	
Check Cashier and Check Cashing	C(L11)	C(L11)	C(L11)	=	=	C(L2)(L11)	=	=	=	=	=	17.103.040
Consumer Cleaning and Repair Service	P	P	P	P(L5) (L8)	P	P(L2)	P	P(L5)	P(L5)	P	P	
Consumer Dry Cleaning Plant	P(L20)	P(L20)	P(L20)	P(L5)(L8) (L20)	P(L20)	P(L2)(L20)	P(L20)	=	=	P(L20)	P(L20)	
Artisan Production	P(L28)	P(L28)	P(L28)	P(L5)(L8) (L28)	P(L28)	P(L2)(L28)	P(L28)	P(L28))	P(L28)	P(L28)	P(L28)	
Group Assembly	P(L5)(L12)	P(L12)	P(L12)	P(L5)(L6) (L8)(L12)	P(L5) (L6)(L12)	P(L2)(L12)	P(L12)	P(L12))	C(L12)	P(L12)	P(L12)	
Personal Instruction and Improvement Services	P	P	P	P(L8)	P	P(L2)	P	P	C	P	P	
Administrative	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5) (L22)	P(L5)	P	P	

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Business, Communication, and Media Services	P	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5)	P(L5)	P	P	
Broadcasting and Recording Services Commercial Activities	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P	P(L5)	P	P	
Research Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5)(L22)	P(L5)	P	P	
General Wholesale Sales	==	==	C	==	==	C(L2)	==	==	P	P	C	
Transient Habitation	C(L7)	C	C	C	C	C(L2)	C	==	==	==	==	17.103.050
Building Materials Sales	==	==	==	==	==	==	==	==	==	==	==	
Boat and Marine-Related Sales, Rental, Repair and Servicing	==	==	C(L13)	==	==	C(L2)	P	==	==	P(L13)	==	
Automobile and Other Light Vehicle Sales and Rental	==	==	C(L13)	==	==	==	==	P(L13)	==	C(L13)	==	
Automobile and Other Light Vehicle Gas Station and Servicing	==	C(L13)	C(L13)	==	==	==	==	P(L13)	==	P(L13)	==	
Automobile and other light Vehicle Repair and Cleaning	==	==	==	==	==	==	==	P	==	P(L13)	==	
Taxi and Light Fleet-Based Services	==	C(L13)	C(L13)	==	==	C(L2)(L13)	==	C(L13)	==	C	==	
Automotive Fee Parking	C(L7)(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L2)(L14)	==	==	==	C	==	
Animal Boarding	==	==	==	==	==	P(L2)(L24)	==	==	==	C	==	
Animal Care	P(L16)	P	P	P	P	P(L2)	P	==	P(L5)	P	P	
Undertaking Service	==	C	C	==	==	==	==	==	==	C	==	
Industrial Activities												

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Agriculture and Extractive Activities												
Limited Agriculture	==	P(L15)	P(L15)	P(L15)	P(L15)	P(L2)(L15)	==	==	==	P(L15)	==	
Extensive Agriculture	==	==	==	==	==	==	==	==	==	==	==	
Plant Nursery	==	==	==	==	==	C(L2)	==	==	==	P	==	
Mining and Quarrying	==	==	==	==	==	==	==	==	==	==	==	
Accessory off-street parking serving prohibited activities	C(L7)	C	C	C	C	C(L2)	C	C	C	C	==	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	17.102.110

Limitations on Table 17.101K.01:

* The Employment Priority Combining Zone activity regulations supersede the regulations of the base zone.

L1. See Table 17.101K.02 for limitations on the construction of new ground-floor Residential Facilities and new Residential Facilities.

L2. See Table 17.101K.02 for requirements and limitations regarding the construction of Residential Facilities, principal buildings, D-DT-Work/Live Nonresidential Facilities, additions, and accessory structures in the D-DT-CPW Zone.

L3. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone.

L4. These activities are only permitted in existing Residential Facilities. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior the effective date of this Chapter.

L5. With the exception of parcels facing Broadway, San Pablo Avenue, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). However, the total floor area devoted to Consumer Cleaning and Repair on the ground floor may

only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. With the exception of seasonal sales and special events, a Group Assembly Commercial Activity in conjunction with an Open Nonresidential Facility is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L7. 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 Section 17.134.050, when these activities are located both on the ground floor of a building and within thirty (30) feet of the principal street facade (with the exception of incidental pedestrian entrances that lead to one (1) of these activities elsewhere in the building), these conditionally permitted ground floor proposals must also meet both of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades; and
- b. The proposal will not weaken the concentration and continuity of ground-floor commercial and will not impair the retention or creation of an important shopping frontage.

L8. These activities shall only be located on or below the ground floor of a building with the following two (2) exceptions:

- a. An activity is permitted anywhere above the ground floor if the floor area devoted to the activity is three thousand (3,000) square feet or less; and
- b. An activity located on the ground floor may extend to the second floor of a building if both: 1) 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 2) there is a direct internal connection between the ground floor and the second story activities.

L9. No new or expanded Special Health Care Civic Activity shall be located closer than two-thousand five-hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L10. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations regarding laundromats.

L11. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L12. No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

L13. 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. Gas stations as a principal activity are prohibited.

L14. Automotive fee parking is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and must be either a parking structure or in a below-grade parking lot. Automotive fee parking is otherwise prohibited.

L15. Limited Agriculture is permitted if it occupies less than twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet. The activity is conditionally permitted if larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L16. With the exception of retail bank branches, these activities are not permitted when they are located both on the ground floor of a building and within thirty (30) feet of the principal street facade. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

L17. See Table 17.101K.04 for regulations regarding special ground floor transparency requirements for Health Care Civic and Special Health Care Civic Activities and Medical Services Commercial Activities.

L18. Daycare facilities, preschools, and elementary schools with more than fifty (50) enrollees require a pickup and drop-off management plan approved by the Bureau of Planning that prevents double parking and assures the safe pickup and drop-off of students.

L19. These activities must be in a space shared by an art gallery, performance space, auto garage, Artisan Production Commercial Activity, or Light or Custom Manufacturing Industrial Activity. At least fifty (50) percent of floor area shall be solely devoted to one (1) or more of these three (3) activities.

L20. These activities are only permitted as accessory to Consumer Cleaning and Repair Service facilities.

L21. These activities shall only be located on the ground floor of a principal building if they are open to the public and provide services to customers on-site.

L22. With the exception of coworking spaces, these activities are not permitted on the ground floor of a building.

L23. Administrative activities accessory to an Industrial Activity are limited to twenty percent (20%) of floor area in the D-DT-JLI Zone.

L24. These activities are only permitted as accessory to an Animal Care Commercial Activity.

L25. These activities are only permitted if they have ground floor space dedicated to General Retail Sales, General Food Sales, Limited Service Restaurant and Café, or Full-Service Restaurant Commercial Activities within thirty (30) feet of the principal street facade.

L26. These activities are only permitted in existing buildings. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this Chapter.

L27. Residential Activities are only permitted in the Employment Priority Combining Zone if the project meets the nonresidential floor area requirements contained in Table 17.101K.02, note L4.

L28. During operating hours, ground floor Artisan Production Commercial Activities shall be open to the public to purchase and view items produced on site. On other floors, these activities shall either be open to the public during operating hours or available by appointment to view and purchase items produced on site.

L29. Any on-sale and/or off-sale of alcoholic beverages in conjunction with an approved arts, entertainment, or cultural use in these zones does not require a Conditional Use Permit (CUP), but instead shall obtain a Central District Entertainment Venue Permit as described in Oakland Municipal Code Chapter 5.12. Arts, entertainment,

Activities	Primary Zones										Combining Zone*	Additional Regulations	
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority		
													17.103.085
Nonresidential Facilities													
Enclosed Nonresidential	P	P	P	P	P	P(L9)	P	P(L8)	P(L8)	P	P		
Open Nonresidential	P	P(L10)	P(L10)	C(L5)	C(L5)	P(L9)(L10)	P	P	P	P	P(L10)		
Sidewalk Café Nonresidential	P	P	P	P	P	P(L9)	--	P	P	P	P		17.103.090
Drive-In Nonresidential	--	--	--	--	--	--	--	--	--	--	--		
Drive-Through Nonresidential	--	--	--	--	--	--	--	--	--	--	--		17.103.100
D-DT Work/Live Nonresidential	P(L3)(L6)	P(L6)	P(L6)	P(L6)(L7)	P(L6)	P(L6)(L9)	P(L6)	P(L6)(L8)	P(L6)(L8)	--	--		17.101K.070
Telecommunications Facilities													
Micro Telecommunications	P	P	P	P	P	P	P	P	P	P	P		17.128
Mini Telecommunications	P	P	P	C	C	P	P	P	P	P	P		17.128
Macro Telecommunications	C	C	C	C	C	C	C	C	C	C	C		17.128
Monopole Telecommunications	C	C	C	--	--	--	--	--	--	C	C		17.128
Tower Telecommunications	--	--	--	--	--	--	--	--	--	--	--		17.128
Sign Facilities													
Residential Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Special Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Development Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Realty Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Civic Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Business Signs	P	P	P	P	P	P	P	P	P	P	P		17.104
Advertising Signs	--	--	--	--	--	--	--	--	--	--	--		17.104

Limitations on Table 17.101K.02:

* If a D-DT Primary Zone also has the Employment Priority Combining Zone, the Employment Priority regulations supersede the Primary Zone.

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities; provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.
- L2. See Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units.
- L3. Except as indicated in a. below, construction of new ground-floor Residential Facilities and D-DT Work/Live Nonresidential Facilities is not permitted within thirty (30) feet of the principal street facade:
 - a. Incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement. See Section 17.101K.080 for how to identify the principal street.
- L4. These facilities may only be established if forty percent (40%) or more of the maximum base Floor Area Ratio (FAR) is developed with Enclosed Nonresidential Facilities.
- L5. No Conditional Use Permit (CUP) is required to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L6. See Section 17.101K.070 for special regulations for D-DT Work/Live Units.
- L7. These facilities are only permitted on the ground floor.
- L8. New Enclosed Nonresidential Facilities and D-DT Work-Live Nonresidential Facilities are only permitted above existing buildings and the addition must be stepped back at least fifteen (15) feet from any street fronting facade.
- L9. With the exception of public utility facilities, no new buildings or additions to existing buildings (including accessory structures) shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height is measured to the floor of the top story.
- L10. With the exception of seasonal sales and special events, an Open Nonresidential Facility accommodating a Group Assembly Commercial Activity is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.

- A. Definition of a D-DT Work/Live Unit. D-DT Work/Live Units are units contained within D-DT Work/Live Nonresidential Facilities that are designed to contain working space with accessory living space, are used for living and working, and meet the requirements of this Section.
- B. A D-DT Work/Live Nonresidential Facility must meet all applicable regulations contained in this Section. Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into Joint Living and Working Quarters (JLWQs) does not apply to the D-DT Zones.
- C. D-DT Work/Live Units are Nonresidential Facilities and counted towards the nonresidential Floor Area Ratio, not the residential density.
- D. All D-DT Work/Live Units shall be designed under the Building Code to accommodate customers and employees. In the D-DT-AG and D-DT-PM Zones, D-DT Work/Live Units shall be designed under the Building Code to allow Manufacturing Activities.
- E. At least two-thirds of each unit shall be designated for working activities. Working and living activities shall be designated according to the following requirements:
 - 1. In unpartitioned kitchens or work areas that include kitchen fixtures and appliances, the following areas are considered living space: the counters, cabinets, eating space, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front these items.

2. If there is only one bathroom, half the bathroom shall be counted as living space and half shall be counted as workspace. Otherwise, bathrooms are counted as living space if their access is through living space. For instance, a bathroom in a loft is considered living space if the loft is a sleeping area. If the bathroom is accessed directly from the workspace, the bathroom shall be counted as workspace. If accessed directly from both, half the bathroom is considered living space and the other half commercial.
 3. Interior hallways and closets shall be counted as part of the space to which they are adjacent.
 4. Living and working spaces shall be within the same Work/Live Unit and be directly connected.
 5. To accommodate flexible work activities, working areas shall be open and with as few interior walls as possible. "Offices" enclosed by four walls are considered living space because they are indistinguishable from bedrooms and cannot be used flexibly for different working activities.
 6. All ground-floor units adjacent to the front façade shall have a street entrance directly into the working area. For these units, the working area shall be adjacent to the street right-of-way.
- F. Regular Design Review required. Establishment of a D-DT Work/Live Unit are only permitted upon determination that the proposal conforms to the Regular Design Review criteria set forth in the Design Review Procedure in Chapter 17.136 and to each of the following additional criteria:
1. Units on the ground-floor level of a building have a business presence on the street, including signage. For units in Commercial Zones, this includes a storefront-style façade as described in 17.101K.130(d). For units in Industrial Zones, this includes extra wide entrances and, if feasible, roll-up doors. For units in Residential Zones, this includes a business door that is oriented towards the street.
 2. The layout of nonresidential floor areas within a Work/Live Unit provides a functional open area for working activities.
 3. The floor and site plan for the project includes an adequate provision for the delivery of items required for a variety of businesses, including artist's work. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items;
 - b. Extra-large slop sinks;
 - c. Doors, corridors, and stairwells wide and/or straight enough to deliver large items; and
 - d. Loading areas located near stairs and/or elevators;
- G. Activity, auto parking, bicycle parking, loading, open space, and unit size standards. Table 17.101K.03 below prescribes special regulations for D-DT Work/Live Units in applicable D-DT zones.

Table 17.101K.03 Special Regulations for D-DT Work/Live Units

Standard	Requirement	Notes
Activities allowed in a Work/Live Unit	Same permitted and conditionally permitted activities as described in Section 17.101K.050 for the applicable primary zone. For Residential Zones, activities permitted as Home Occupations are also permitted. Chapter 17.112 contains the Home Occupation regulations.	
Minimum size of a Work/Live Unit	800 square feet	
Required auto parking	No auto parking spaces required	
Required bicycle parking	One long-term space for each unit; minimum requirement is four long-term spaces. Five short-term spaces for each 20 units; minimum requirement is four short-term spaces.	<u>1</u>

Standard	Requirement	Notes
Required usable open space	For new D-DT Work/Live Units that are completely or partially outside the envelope of an existing building, the usable open space requirements for regular dwelling units are applied (see Section 17.101K.150 for these open space requirements). No additional usable open space is required for D-DT Work/Live Units that are completely within the envelope of an existing building. For these conversions, maintaining existing usable open space to at least the minimum standards for regular dwelling units is required.	
Required loading		<u>1,2</u>
Less than 50,000 sf.	No berth	
50,000—199,999 sf.	One berth	
200,000 sf. or more	Two berths	

Notes:

1. See Chapter 17.117 for bicycle parking standards.
2. Loading requirements apply to new construction only. For conversion of existing buildings, maintaining existing loading to at least these minimum number of berths is required. Also, see Chapter 17.116 for loading standards.

Article IV – Development and Design Standards

17.101K.080 – Determination of Principal and Secondary Streets.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

17.101K.100 – Base Height and Intensity Standards

17.101K.110 – Zoning Incentive Program

17.101K.120 - Increased Density and Floor Area Ratio Through the Transfer of Development Rights in the D-DT Zones

17.101K.130 – General Design Standards

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

17.101K.150 – Usable Open Space Standards

17.101K.080 – Determination of Principal and Secondary Streets.

- A. This section describes how to determine the principal street abutting a lot.
- B. The number of principal and secondary streets shall be determined in the following manner:
 1. For lots with one abutting street, the abutting street is the principal street;
 2. For lots with two frontages, one (1) abutting street shall be the principal street and the other the secondary street;
 3. For lots with three (3) or four (4) frontages, two (2) streets shall be principal streets and the remaining shall be secondary street(s);
 4. For lots with five (5) or more frontages, three (3) streets shall be principal streets and the remaining shall be secondary street(s).

- C. The street(s) abutting a site with the highest priority as described in Subsection (D) shall be designated as the principal street(s). When streets have the same priority, the Planning Director or their designee shall determine the principal street(s). In this case, streets intended to have a high volume of pedestrian traffic and/or ground-floor commercial activity and streets with the most intact pattern of pedestrian entrances shall be identified as the principal street(s).
- D. In order of priority, the following shall be principal streets when they abut a development site:
 1. Broadway, Telegraph Avenue, and San Pablo Avenue;
 2. Streets in the D-DT-P Zone;
 3. Thomas Berkley Way, 20th Street, and Oak Street;
 4. Streets in the Arts and Cultural Combining Zone;
 5. Streets in the Green Loop Combining Zone;
 6. Streets in the D-DT-C Zone; and
 7. All other streets.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

Table 17.101K.04 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. "N/A" designates the standard is not applicable to the specified zone.

Table 17.101K.04 Development Standards for Downtown District Zones

	<u>Base Zones</u>										<u>Combining Zone</u>	<u>Note s</u>
	<u>D-DT-P</u>	<u>D-DT-C</u>	<u>D-DT-CX</u>	<u>D-DT-R</u>	<u>D-DT-RX</u>	<u>D-DT-CPW</u>	<u>D-DT-CW</u>	<u>D-DT-AG</u>	<u>D-DT-PM</u>	<u>D-DT-JLI</u>	<u>Employment Priority*</u>	
<u>Minimum Parcel Requirements</u>												
<u>Lot Width Mean</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>100 ft.</u>	<u>1</u>
<u>Frontage</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>100 ft.</u>	<u>1</u>
<u>Lot Area</u>	<u>7,500 sf.</u>	<u>7,500 sf.</u>	<u>7,500 sf.</u>	<u>3,000 sf.</u>	<u>3,000 sf.</u>	<u>20,000 sf.</u>	<u>7,500 sf.</u>	<u>3,000 sf.</u>	<u>7,500 sf.</u>	<u>7,500 sf.</u>	<u>30,000 sf.</u>	<u>1</u>
<u>Minimum and Maximum Setbacks</u>												
<u>Minimum front setback</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>2, 3, 4, 5</u>
<u>Maximum front and street side setback for the ground floor</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5/10 ft.</u>	<u>N/A</u>	<u>5/10 ft.</u>	<u>5/10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>N/A</u>	<u>10 ft.</u>	<u>6</u>
<u>Minimum interior side setback</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	
<u>Minimum street side setback</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>2, 4, 5</u>
<u>Rear setback</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0/10 ft.</u>	<u>0 ft.</u>	<u>2, 4, 5, 7</u>
<u>Ground Floor Requirements</u>												

	<u>Base Zones</u>										<u>Combining Zone</u>	<u>Notes</u>	
<u>Minimum façade transparency for ground floor Nonresidential Facilities</u>	<u>65%</u>	<u>55%</u>	<u>55%</u>	<u>55%</u>	<u>55%</u>	<u>55%</u>	<u>65%</u>	<u>55%</u>	<u>55%</u>	<u>N/A</u>	<u>65%</u>	<u>8, 9</u>	
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>N/A</u>	<u>15 ft.</u>	<u>10</u>

Additional Regulations for Table 17.101K.04:

* If a D-DT Base Zone also has the Employment Priority Combining Zone, the Employment Priority regulations supersede the Base Zone.

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel. See Section 17.101K for other requirements for development adjacent to the Channel.
3. There is no front setback required, except as described in note 2; and there is a six (6) foot front setback required for new construction when the ground floor contains residential units adjacent to the principal street.
4. In the D-DT-PM and D-DT-AG Zones, any upper-story addition shall be stepped back at least fifteen (15) feet from any street fronting facade.
5. See Section 17.108.130 for allowed projections into setbacks and Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
6. The following notes apply to the maximum yard requirements:
 - a. In the D-DT-RX, D-DT-CX, and D-DT-CPW Zones, the maximum front and street side setback for the first story is five (5) feet for Commercial Facilities and ten (10) feet for Residential Facilities.
 - b. 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 (see Section 17.101K.080 for how to identify the principal street).
 - c. The requirements do not apply to new construction of facilities containing Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - d. These maximum setbacks apply to seventy-five percent (75%) of the principal street facade and fifty percent (50%) on secondary streets, if any (see Section 17.101K.080 for how to identify the principal and secondary streets). All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the Design Review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet the following criterion:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants, or to transition to the front setback of a neighboring Designated Historic Property or Potentially Designated Historic Property (see Section 17.101K.080 for how to identify the principal street).

Regulation	Base Height and Intensity Area (HIA)										Notes
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	
setback for each story											
Tower Regulations											
Average per story lot coverage for nonresidential buildings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Average per story lot coverage for residential buildings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum elevation length for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum diagonal length for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum distance between towers on the same lot for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum front and street side stepback from the façade of the base	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

Table 17.101K.05 (continued), Height and Intensity Areas 13-25

Regulation	Base Height and Intensity Area								Notes
	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	
Maximum Density (Square Feet of Lot Area Required Per Unit)									
Regular Dwelling units	N/A	250	110	110	100	90	90	90	1, 2
Rooming Units	N/A	125	55	55	50	45	45	45	1, 2
Efficiency Dwelling Units	N/A	125	55	55	50	45	45	45	1, 2
Maximum Nonresidential Floor Area Ratio	7.5	5.0	8.0	12.0	14.0	17.0	20.0	20.0	2
Maximum Height	95 ft.	135 ft.	175 ft.	175 ft.	275 ft.	275 ft.	450 ft.	No Limit	3, 4
Minimum Height	N/A	110 ft.	65 ft.	65 ft.	65 ft.	65 ft.	110 ft.	110 ft.	4, 5, 6, 7
Building Base Regulations									
Minimum Base Height	N/A	45 ft.	45 ft.	45 ft.	55 ft.	55 ft.	65 ft.	65 ft.	7, 8
Maximum Base Height	N/A	65 ft.	95 ft.	95 ft.	95 ft.	95 ft.	95 ft.	95 ft.	
Maximum front and street side	N/A	Same as maximum ground floor front and street side setbacks in Table 17.101K.04							9

Regulation	Base Height and Intensity Area								Notes
	11	12	13	14	15	16	17	18	
setback for each story									
Tower Regulations									
Average per story lot coverage for nonresidential buildings	N/A	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	85% of site area or 40,000 sf., whichever is greater	10, 11, 12, 13
Average per story lot coverage for residential buildings	N/A	70% of site area or 15,000 sf., whichever is greater	70% of site area or 15,000 sf., whichever is greater	70% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000 sf., whichever is greater	75% of site area or 20,000 sf., whichever is greater	85% of site area or 25,000 sf., whichever is greater	10, 11, 12, 13
Maximum elevation length for residential towers	N/A	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	175 ft.	200 ft.	
Maximum diagonal length for residential towers	N/A	180 ft.	180 ft.	180 ft.	200 ft.	200 ft.	210 ft.	235 ft.	
Minimum distance between towers on the same lot for residential towers	N/A	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	
Minimum stepback from base on two facades for residential towers	N/A	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10, 12, 14, 15

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives and Section 17.101K.120 for the transfer of development rights from other parcels in the Downtown District (D-DT) Zones.
2. For mixed use projects in the D-DT Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height to the

floor of the top story. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction and additions.

5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
6. The minimum height limit of properties within the Employment Priority Combining Zone is one hundred seventy five (175) feet.
7. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities as principal activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
8. The minimum height of the base can be reduced to allow transition to a lower-scale neighboring Potentially Designated Historic Property (PDHP) or Designated Historic Property.
9. These required setbacks are in Table 17.101K.04 and include Note 3 of that table. Also, see Section 17.108.030 for allowed projections above height limits.
10. See 17.101K.130(A)(1)(b) and 17.101K.130(A)(1)(c) for more tower and base requirements.
11. The average floor plate area of the stories above the base cannot exceed this percentage of lot area, with the following two qualifications:
 - a. The floor plate area of an individual story cannot be more than fifteen percent (15%) greater than the maximum average per story floor area above base.
 - b. A story that is more than fifteen percent (15%) less than the maximum average floor plate area is not included in the average per story floor area above the base.
12. This regulation does not apply in the Employment Priority Combining Zone.
13. For the purpose of this regulation, a “nonresidential building” means a building with more than one-third (1/3) floor area devoted to Nonresidential Activities.
14. For the purpose of this regulation, a “residential building” means a building with at least two-thirds (2/3) floor area designated for Residential Activities.
15. The following additional regulations apply to the tower stepback:
 - a. Unenclosed recreational, landscaping, and open space facilities are permitted within this stepback area.
 - b. A lesser stepback is permitted if it precludes the construction of the maximum average per story lot coverage.
 - c. For nonresidential towers, a stepback is only required on sites adjacent to a right-of-way that is less than eighty (80) feet.

17.101K.110 – Zoning Incentive Program (ZIP)

Zoning Incentives in Exchange for Community Benefits. Under the Zoning Incentive Program (ZIP), projects may exceed the base height and intensity standards in Section 17.101K.100 up to the standards described in Subsection A., provided they contribute the benefits described in Subsection B. Projects may only participate in the ZIP if they are in one of the ZIP areas designated in the Zoning Map.

- A. Maximum Height, Density, Tower, and Building Base regulations under the ZIP. Table 17.101K.06 shows the maximum permitted height and intensity in each ZIP Height and Intensity Area for projects participating in the ZIP. These ZIP Height and Intensity Areas are designated on the Zoning Map. ZIP Height and Intensity Area maximums may only be exceeded if the applicant utilizes the State Density Bonus Law or the City’s Density Bonus regulations. If an applicant chooses to utilize both the ZIP and the State Density Bonus Law, the State Density Bonus is calculated from the density established through the ZIP.

Table 17.101K.06: Maximum Height and Intensity in the ZIP Areas

Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 10)	C	D (same as Base HIA 14)	E (same as Base HIA 15)	F (same as Base HIA 16)	G (same as Base HIA 17)	H	I	
Maximum Density (Square Feet of Lot Area Required Per Unit)										

Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 10)	C	D (same as Base HIA 14)	E (same as Base HIA 15)	F (same as Base HIA 16)	G (same as Base HIA 17)	H	I	
base on two facades										

Notes:

1. See Chapter 17.107 for additional affordable and senior housing density incentives and Section 17.101K.120 for the transfer of development rights from other parcels in the Downtown District (D-DT) Zones.
2. For mixed use projects the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction.
5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
6. The minimum height limit of properties within the Employment Priority Combining Zone is one hundred seventy-five (175) feet.
7. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities as principal activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
8. The minimum height of the base can be reduced to allow transition to a lower scale neighboring Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP).
9. These required setbacks are in Table 17.101K.04 and include Note 3 of that table. Also, see Section 17.108.030 for allowed projections above height limits.
10. See 17.101K.130(A)(1)(b) and 17.101K.130(A)(1)(c) for more tower and base requirements.
11. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following two qualifications:
 - a. The floor area of an individual story cannot be more than fifteen percent (15%) greater than the maximum average per story floor area above base.
 - b. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.
12. This regulation does not apply in the Employment Priority Combining Zone.
13. For the purpose of this regulation, a “residential building” means a building with at least two-thirds (2/3) floor area designated for Residential Activities.
14. For the purpose of this regulation, a “nonresidential building” means a building with more than one-third (1/3) floor area devoted to Nonresidential Activities.
15. The following additional regulations apply to the tower stepback:
 - a. Unenclosed recreational, landscaping, and open space facilities are permitted within this stepback area.
 - b. A lesser stepback is permitted if it precludes the construction of the maximum average per story lot coverage.
 - c. For nonresidential towers, a stepback is only required on sites adjacent to a right of way that is less than eighty (80) feet.

B. Community Benefit Contributions.

1. In order to qualify for the ZIP to exceed the normally required base maximum height and intensity requirements contained in Table 17.101K.05, applicants must provide the community benefits and comply with the requirements of this Subsection. An applicant may provide any combination of the benefits identified in this Subsection.
2. The amount of community benefits and/or fees required per incentive depends on in which ZIP Benefit Area the project is located and whether the project is receiving a residential incentive (increase in maximum permitted dwelling units) or a commercial incentive (increase in maximum permitted nonresidential floor area). The Residential and Commercial ZIP Benefit Areas are designated on the Zoning Maps.
3. The increase in the maximum permitted dwelling units and/or nonresidential floor area depends on the amount of community benefits and/or ZIP fees provided, as shown in Tables 17.101K.07 and 17.101K.08. Regardless of the community benefit contribution, the number of dwelling units or amount of nonresidential floor area cannot exceed the maximums prescribed in Subsection A (Table 17.101K.06).
4. The applicant shall provide one or more of the community benefits described in Subsections a(i-iv) to participate in the ZIP. The additional development potential earned by providing these community benefits is in Tables 17.101K.07 and 17.101K.08.

a. Types of Community Benefits

- i. Funding for Affordable Housing, Infrastructure Improvements, and Employment Training. Fees charged to a developer placed as allocated below in the following funds for the following purposes:
 1. Fifty percent (50%) of the contribution goes into the Affordable Housing Trust Fund as described in OMC Chapter 15.72;
 2. Twenty-five percent (25%) of the contribution goes into the Economic and Workforce Development Miscellaneous Fee Revenue Account to provide employment training and services, prioritizing residents harmed by racial income and unemployment disparities. Fifty percent (50%) of these funds are dedicated for construction training and apprenticeships programs.
 3. Twenty-five percent (25%) of the contribution goes into the Economic and Workforce Development Miscellaneous Fee Revenue Account to provide the Downtown improvements. This funding shall be used to implement public streetscape, open space, and/or flood control improvements that are consistent with the Downtown Oakland Specific Plan.
- ii. Below-Market Commercial Space. On site, ground floor space provided at fifty (50) percent of market rental rate for qualified retail, commercial, arts, and non-profit tenants that meet the City's tenancing priorities for tenants that achieve the City's goals to reduce racial inequities. In the BAMBD Arts and Culture Combining Zone (see Section 17.101K.010), such tenants should also meet the intent of the district. A development requires a minimum of five hundred (500) square feet of commercial space to qualify for this incentive.
- iii. Public Restrooms. On-site, ground floor, gender-neutral restroom facilities that are open to the public at least between 8:30am and 6:00pm each day of the week.
- iv. Streetscape, Open Space, and Flood Control Improvements. Public streetscape and/or open space improvements, provided by the developer, that are consistent with improvements called

for in the Downtown Oakland Specific Plan. These improvements shall not include those generally required as part of a project approval in the D-DT Zone. The benefit may include pedestrian right-of-way and open space improvements such as plaza construction, landscaping, tree planting, and public art installation, plazas, street furniture, and other items that create an inviting public realm and, where applicable, support the development of cultural districts. Improvements may also include the implementation of flood control improvements in the Sea Level Rise Combining Zone that serve areas beyond the project site.

- b. Tables 17.101K.07 and 17.101K.08, below, contain the residential and nonresidential development potential, respectively, earned beyond the base amount (i.e., additional dwelling units and/or nonresidential floor area) by providing community benefits. The stated amount of benefit earns either the additional residential units described in Table 17.101K.07 or the additional nonresidential floor area described in Table 17.101K.08, or a combination of these. However, the stated amount of benefit cannot be “double counted” to earn the full amount of both residential and commercial benefits. For instance, providing 100 square feet of Below-Market Commercial Space can earn 1.3 additional dwelling units over the base permitted in Area R-A or 1,318 square feet of additional nonresidential floor area over the base permitted in Area C-A, but not both.

Table 17.101K.07 Residential ZIP Benefits: Community Benefits Required to Earn Additional Residential Units, by ZIP Benefit Area

Benefit Increment Provided	Number of Dwelling Units Permitted Above the Base		
	Benefit Area R-A	Benefit Area R-B	Area R-C
\$15,000 Funding for Affordable Housing, Infrastructure Improvements and Employment Training (See Notes 1., 2., 3., and 8)	0.7 additional market-rate dwelling units above the base maximum	1.0 additional market-rate dwelling units above the base maximum	1.25 additional market-rate dwelling units above the base maximum
100 Square Feet of Below-Market Commercial Space (See Notes 2., 3. 4., and 8)	1.3 dwelling units	1.9 dwelling units	2.4 dwelling units
Two or More Public Restrooms (See Notes 5, 6., and 8)	41 dwelling units	60 dwelling units	75 dwelling units
\$150,000 in Streetscape, Open Space, and Flood Control Improvements (See Notes 2, 3, 7., and 8)	7 dwelling units	10 dwelling units	12.5 dwelling units

Notes:

- Additional dwelling units are only permitted for each increment of \$15,000 spent on Affordable Housing, Infrastructure Improvements and Employment Training. For instance, \$20,000 worth of Affordable Housing, Infrastructure Improvements and Employment Training in a project does not provide any more dwelling units above the base than \$15,000. Providing an additional benefit would require an increment of at least \$15,000 worth of additional funding.
- Every July 1st beginning on July 1, 2024, the amount of benefit for these items shall be adjusted upward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
- When the amount of Funding for Affordable Housing, Infrastructure Improvements and Employment Training, Below-Market Commercial Space, or Streetscape, Open Space, and Floor Control

- Improvements results in a fractional number of additional dwelling units permitted above the base, the number of units permitted above the base is rounded up to the nearest whole number.
4. Additional dwelling units are only permitted for each increment of 100 Square Feet of Below-Market Commercial Space. For instance, 150 square feet of Below-Market Commercial Space in a project does not allow any more dwelling units above the base than 100 square feet. Additional benefits would require an increment of at least 100 more square feet.
 5. The additional dwelling units above the base shown in this row of the table is the maximum permitted for providing public restrooms, regardless of the number of public restrooms provided.
 6. Every July 1st beginning on July 1, 2024, the number of additional units permitted through providing two public restrooms shall be adjusted downward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
 7. Additional dwelling units are only permitted for each increment of \$150,000 of investment in Streetscape, Open Space, and Flood Control Improvements. For instance, \$200,000 worth of improvements does not allow any more dwelling units above the base than \$150,000. Additional benefits would require an additional increment of at least \$150,000.
 8. See Section 15.72.100(B)5 for Affordable Housing Impact Fees requirements when using the Zoning Incentive Program.

Table 17.101K.08 Non-Residential ZIP Benefits: Community Benefits Required to Earn Additional Nonresidential Floor Area, by ZIP Benefit Area

<u>Benefit Increment Provided</u>	<u>Square Feet of Nonresidential Floor Area Earned Above the Base Maximum</u>		
	<u>Benefit Area C-A</u>	<u>Benefit Area C-B</u>	<u>Benefit Area C-C</u>
<u>\$15,000 of Funding for Affordable Housing, Infrastructure Improvements, and Employment Training</u> (See Note 1., 2.)	<u>682 sf. of nonresidential floor area above the base maximum</u>	<u>1,000 sf. of nonresidential floor area above the base maximum</u>	<u>1,250 sf. of nonresidential floor area above the base maximum</u>
<u>100 Square Feet of Below-Market Commercial Space</u> (See Notes 2., 3.)	<u>1,318 sf.</u>	<u>1,933 sf.</u>	<u>2,417 sf.</u>
<u>Two or More Public Restrooms</u> (See Notes 2., 4., 5.)	<u>40,909 sf.</u>	<u>60,000 sf.</u>	<u>75,000 sf.</u>
<u>\$150,000 in Streetscape, Open Space, and Flood Control Improvements</u> (See Notes 2, 6)	<u>6,820 sf.</u>	<u>10,000 sf.</u>	<u>12,500 sf</u>

Notes:

1. Additional nonresidential floor area above the base is only permitted for each increment of \$15,000 of Funding for Affordable Housing, Infrastructure Improvements and Employment Training.
2. Every July 1st beginning on July 1, 2024, the amount of additional floor area for these community benefits (not including restroom community benefit) shall be adjusted upward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
3. At least 1,000 square feet of Below-Market Commercial Space must be provided to qualify for additional nonresidential floor area above the base. Additional nonresidential floor area above the base is only permitted for each increment of 100 Square Feet of Below-Market Commercial Space. For instance, 150

square feet of Below-Market Commercial Space in a project does not provide any more nonresidential floor area above the base than 100 square feet. An additional benefit would require an additional increment of at least 100 more square feet.

4. The additional nonresidential floor area above the base shown in this row of the table is the maximum permitted for providing public restrooms, regardless of the number of public restrooms provided.
5. Every July 1st beginning on July 1, 2024, the amount of additional floor area permitted through providing two public restrooms shall be adjusted downward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
6. Additional nonresidential floor area above the base only permitted for each increment of \$150,000 of investment in Streetscape, Open Space, and Flood Control Improvements. For instance, \$200,000 worth of improvements does not allow any more floor area above the base than \$150,000. Additional benefits would require an additional increment of at least \$150,000.

17.101K.120 – Increased density and floor area ratio through the transfer of development rights in the D-DT Zones.

A. Definitions. The following definitions shall apply to this Section:

1. “Development Rights” means the maximum allowed dwelling units and floor area established in the zoning regulations for a specific lot.
2. “Net Development Rights” means the difference between: 1) the development rights on a lot, and 2) the existing floor area and number of dwelling units on the same lot. For example, if the underlying zoning permits a maximum of fifty (50) dwelling units on a lot, and the same lot contains forty (40) dwelling units, then the net development rights for density available for transfer is ten (10) dwelling units.
3. “Transfer of Development Rights (TDR)” means the transfer of some or all of the net development rights from a sending site to a designated receiving site, resulting in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. For example, a transfer of development rights for number of dwelling units has occurred if the sending site described in definition (2), above, transfers all its net development rights to allow a receiving site to construct ten (10) dwelling units more than normally permitted in the zoning regulations. In this case, the sending site would not be permitted to contain more than the existing forty (40) dwelling units, because it transferred the site’s net development rights to the receiving site.
4. Receiving Site. A development site that receives net development rights from a sending site.
5. Sending Site. A lot that sends some or all its net development rights to another proposed development site.

B. A transfer of development rights from a sending site to a receiving site in a D-DT Zone is only permitted if it meets the requirements of this section. This section shall supersede the regulations contained in Section 17.106.050.

C. Development rights from a single sending site may be transferred as a group to a single receiving site or in separate increments to several receiving sites. Development rights may be transferred from the original owner of the development rights to either: 1) the owner of a receiving site, or 2) to an entity(s) that holds them for subsequent transfer to the owner(s) of a receiving site(s).

- D. Prior to the transfer of development rights, the owner of the sending site shall submit for approval by the Bureau of Planning, in consultation with the Office of Cultural Heritage Survey, a maintenance plan. The plan shall describe any proposed preservation work that guarantees the maintenance and upkeep of the sending site. This plan shall include:
1. A plan for the ongoing maintenance for the sending site, including clearing any outstanding Notices of Violation;
 2. Information regarding the nature and cost of any preservation work to be conducted on the sending site, including information about any required seismic, life safety, or disability access work; and
 3. Any other information that the Bureau of Planning requires to determine compliance to this subsection.
- E. For any transfers of development rights, the owners of the sending site shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder under the addresses of both the receiving and sending sites, incorporating the restricted development rights at the sending site, the plan described in Subsection D, and the expanded development rights at the receiving site.
- F. After the transfer of development rights, the principal building(s) on the sending site shall not be demolished unless there is an imminent danger to health and safety as determined by the Building Official.
- G. Characteristics of the sending and receiving sites.
1. Both the receiving and sending sites must be within a D-DT Zone.
 2. The sending site shall be at least one of the following: 1) a Designated Historic Property (DHP); 2) a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); or 3) a property rated "A" or "B" by the Office of the Cultural Heritage Survey.
 3. The receiving site shall be neither: 1) a Designated Historic Property (DHP); 2) a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); nor 3) a property rated "A" or "B" by the Office of the Cultural Heritage Survey.
 4. A receiving site being granted additional density over the base must be in a location that permits Residential Facilities, and a receiving site being granted additional nonresidential floor area over the base must be at a location that permits Enclosed Nonresidential Facilities.
- H. Relationship to the Zoning Incentive Program and the State Density Bonus Law.
1. The number of units and/or floor area greater than what is permitted under the base density at a receiving site achieved through a transfer of development rights shall not be more than half of the maximum of what could be achieved through the D-DT Zoning Incentive Program (see Section 17.101K.110 for the ZIP regulations) . For example, if the ZIP allows twenty (20) more units and fifty thousand (50,000) more square feet than what is normally allowed by the base intensity regulations at a site, then the maximum a transfer of development rights can achieve is ten (10) units and twenty-five thousand (25,000) square feet over what is allowed under the base intensity at the site.
 2. The intensity achieved through the TDR program plus the intensity achieved under the ZIP shall not exceed the maximum permitted under the ZIP.
 3. If an applicant chooses to utilize both the TDR program and the State Density Bonus Law, the State Density Bonus is calculated from the new base density established through the TDR, plus any additional development generated under the Zoning Incentive Program.
- I. Construction at a receiving site above the maximum height that is permitted in the applicable base zone are only permitted upon the granting of Regular Design Review Approval. This increase over the maximum height shall meet both of the following requirements:

- a. The additional height shall be limited to only that required to physically accommodate the transferred net development rights. The additional height required to accommodate the transferred development rights shall be based on the average size of the dwelling units (including common hallways) at the sending site and the nonresidential floor area transferred to the receiving site.

17.101K.130 – General Design Standards

A. The following regulations apply to newly constructed principal buildings, with the exception of new industrial buildings.

1. Ground Floor Treatment

- a. Entrance. Buildings shall have at least one prominent pedestrian entrance on the ground floor facing and oriented toward the street on the principal street façade (see Section 17.101K.080 for how to identify the principal street). Entrances at building corners facing both the principal street and a secondary 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 change in material, an awning above a door, additional detailing and transparency surrounding the entrance, stairs leading to the door, and other features. The entrance for Nonresidential Facilities shall be at grade. Entrances shall be recessed at least three (3) feet from the façade of all buildings.
- b. Ground Floor Materials. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include stone, poured concrete, tile, brick, metal panel systems, glass, and/or other similar materials.
- c. Distinguishing Ground Floor. The ground level of the building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This shall be achieved by designing a ground floor facade that is distinct from the rest of the building through some combination of two or more of the following: change of material, enhanced detailing, cornices, awnings, canopies, and/or other elements.
- d. Ground Floor Commercial Façade Elements. For buildings with ground floor commercial space, the ground floor shall be modulated into a regular cadence of storefront-sized windows and entrances and contain a window base or kickplate, and transom windows. The design of these elements shall be consistent with the style of the building. Ground floor commercial facades shall be within five (5) feet of the front property line.
- e. Active Space Requirement. Parking spaces; locker areas; utility, storage, and trash rooms; and similar non-active spaces shall not be located within thirty (30) feet from the principal ground floor street facade, except for incidental entrances to such activities elsewhere in the building. Exceptions to this requirement can be made through the Design Review Procedure (See Chapter 17.136). Proposals requiring Regular Design Review approval may only be granted upon determination that the proposal conforms to the criteria contained in Section 17.136.050, and to both of the following additional criteria:
 - i. There is no other feasible location for the non-active space and the amount of non-active space in the front thirty (30) feet of the building is minimized to the maximum amount practically achievable; and
 - ii. When feasible, active space is placed between the non-active space and the street.
- f. Trash and Storage. Trash and storage shall be in the garage, underground, or be otherwise concealed from view of the public right-of-way. Trash and storage shall not be placed adjacent to the principal

street facade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street).

- g. Utilities. Backflow prevention devices and utility meters shall not be placed on the principal street facade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street). These elements shall be placed in a building alcove, underground, landscaped area, or utility room, and completely screened from view from the public right-of-way unless required otherwise by a department of the City. Whenever feasible, transformers shall be placed out of public view and not on the principal street facade. If this is infeasible, transformers shall be screened by landscaping. Transformers shall never be placed above ground in the right-of-way.
- h. Parking and Loading Access Location. 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 a secondary street facade or an alley (see Section 17.101K.080 for how to identify the principal street). Open parking areas shall not be located between the sidewalk and a principal building.

2. Base Design.

- a. Transition to Historic Buildings. The design of the building base shall create a transition to adjacent lower scale Designated Historic Properties (DHPs) and Potentially Designated Historic Properties (PDHPs). This shall be accomplished through matching cornice lines, floor heights and other building elements, and creating volumes at the facade of the base that relate to the scale of the historic building.
- b. Building Base Articulation. The facade(s) of the base that are more than seventy-five (75) feet in width and visible from the street shall use both vertical and horizontal plane offsets, articulations, and material changes that create shadow and relief.
- c. For buildings with a clear pattern of individual ground floor residential unit entrances: wherever feasible, articulate and modulate the principal facade of the building base to correspond to the entrances.
- d. Windows and Façade Treatment. Each building base facade facing a street shall contain windows. Expanses of solid walls without windows on these facades shall not exceed ten (10) feet in width. However, wider solid walls required by the Building Code for structural purposes are permitted.
- e. For corner buildings, design the building base to emphasize the intersection of two streets right-of-ways that are both eighty (80) feet or wider in width through a combination of building corner architectural detailing such as added transparency, particularly floor to ceiling windows, a corner entrances, articulation, and high-quality materials, and chamfering the corner.
- f. Parking, loading, or circulation located above the ground floor shall be lined by habitable floor area along all street frontages. If the applicant demonstrates that this is not feasible, parking, loading or circulation located above the ground floor shall be screened from the street with a facade treatment that is integrated into the design of the building facade(s).

3. Tower Design. The following standards apply to towers, which is defined as construction above the base of a building.

- a. Each facade shall include some combination of fenestration, sculpting, volumes, articulation, and/or material patterns to reduce the perception of building mass and avoid the appearance of repeated identical floors.

- b. For tower facades over one-hundred and fifty (150) feet in width, provide a change in massing by providing one or more articulations, stepbacks, or notches greater than twenty (20) feet wide and ten (10) feet deep to reduce apparent building bulk.
 - c. Design Integration with Base. Vertically integrate with and/or extend design elements of a tower to building the base façade facing the street. This technique shall be used to avoid the appearance of towers being isolated from the street and the base.
 - d. Windows. Each visible tower facade shall contain windows, including façades facing interior and rear property lines. Expanses of solid walls without windows that are visible from the street shall not exceed twenty (20) feet in width.
 - e. Building Terminus. The top of buildings shall include elements that provide a distinct visual terminus. The visual terminus shall be integrated into the overall architectural design concept of the building as seen in the skyline. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, symmetric volumes toward the middle of the roof, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to also screen all rooftop mechanical equipment from view.
4. General building design requirements.
- a. Massing. The mass of 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 section shall be applied on all visible facades and achieved through a coordinated combination of two or more of the following: changes in plane, sculpting, 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.
 - b. Heavily tinted bronze, black, or gray glass shall not predominate on or be a signature feature of facades.

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

- A. The regulations of this section apply to the new construction of principal buildings on parcels that are adjacent to the Lake Merritt Channel or its adjacent open space.
- B. The following definition only applies to this Section:
 - 1. Lake Merritt Channel Facade - Lake Merritt Channel Facade refers to the façade and private and public space that abuts either: 1) the Lake Merritt Channel; or 2) existing and/or planned parks and open spaces that border the Lake Merritt Channel.
- C. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel.
- D. In addition to the findings required in Chapter 17.136, the following Regular Design Review findings are required to be met for all development projects that include the construction of a new principal building on a lot that is adjacent to the Lake Merritt Channel open space area:
 - 1. The project contributes to and protects the unique environmental resources at the Channel and coordinates with ongoing and proposed capital improvements and restoration projects associated with the Lake Merritt Channel.
 - 2. The project landscaping integrates with and visually transitions to existing or planned adjacent natural and open spaces.
 - 3. The Lake Merritt Channel façade provides visual interest for pedestrians at the Lake Merritt Channel.
- E. New development shall comply with the following building orientation, facade, and landscape requirements:

1. Whenever feasible, no Lake Merritt Channel Facade shall include utility meters, utility boxes, or vehicle entryways. If it is unavoidable to place utility meters and/or boxes on the Lake Merritt Channel Façade, they shall be screened by dense landscaping. No garages shall face the channel, and at least one prominent entrance shall face the channel.
2. Developments shall include open spaces in the form of walkways, landscaped passive recreation areas or terraced plazas between the Lake Merritt Channel Facades and the Channel.

17.101K.150 – Usable Open Space Standards

- A. General. This Section contains the usable open space standards and requirements for residential development in the D-DT Zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-DT usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Level Plaza". Public ground-level plazas (plazas) are group usable open space located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
 1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of at least sixty (60) square feet per Regular Dwelling Unit, and thirty (30) square feet per Rooming Unit and Efficiency Dwelling Unit. No additional open space is required for newly established living units located entirely within an existing facility. However, if the amount of open space on the lot equals or is less than required, then that existing amount must be preserved with the establishment of new living units. If there is more open space on the lot than required, then the amount of open space can be reduced to the minimum required.
 2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.101K.12: Required Dimensions of Usable Open Space

<u>Type of Usable Open Space</u>	<u>Minimum Dimension</u>	<u>Notes</u>
<u>Private</u>	<u>10 ft</u>	
<u>Public Ground-Level Plaza</u>	<u>10 ft</u>	
<u>Courtyard</u>	<u>15 ft</u>	
<u>Rooftop</u>	<u>15 ft</u>	<u>Areas occupied by vents or other structures which do not enhance usability of the space shall not be</u>

<u>Type of Usable Open Space</u>	<u>Minimum Dimension</u>	<u>Notes</u>
		<u>counted toward the above dimension.</u>

3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot.
5. 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, dust-free surfacing. Slope shall not exceed ten percent (10%). 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 whenever necessary for space on a roof but shall not be more than the minimum height required by the Oakland Building Code.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
7. Landscaping requirements. At least ten percent (10%) of rooftop, courtyard, or public ground-level plaza usable open space area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

Article V – D-DT Combining Zones

17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

17.101K.170 – Green Loop Combining Zone

17.101K.180 – Sea Level Rise Combining Zone.

17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

- A. The regulations of this section only apply to areas designated to be within the Black Arts Movement and Business District Arts and Culture Combining Zone (D-DT-BA Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Definition of BAMBD Arts and Culture Activities.

1. BAMBD Arts and Culture Activities. BAMBD Arts and Culture Activities produce, display, sell, foster, support or disseminate artistic and cultural expression representative of the multi-ethnic character of the BAMBD. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. All BAMBD Arts and Culture Activities are categorized in one of the following two subclassifications:
 - a. BAMBD Administrative Arts and Culture Activities. These types of activities support the intent of this combining zone through general administrative functions. These include, but are not limited to, administrative support for art- and culture-related non-profit educational organizations, institutions, and businesses. These activities also include organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities represented by the BAMBD and/or harmed by racial disparities.
 - b. BAMBD Active Arts and Culture Activities. These types of activities provide pedestrian-oriented, accessible, active and/or high visibility functions. These uses include, but are not limited to, the following:
 - i. Public and private performance spaces, including dance, theater and spoken-word venues;
 - ii. Schools focusing on arts and/or cultural education;
 - iii. Artisan Production Commercial Activities, as described in Section 17.58.040;
 - iv. Art studios;
 - v. Libraries;
 - vi. Museums and galleries; and
 - vii. Retail stores, bookstores, consumer services such as barber shops and salons, cafes, restaurants and bars that display rotating visual art, host performances and/or are oriented toward the specific cultures or ethnicities identified in the intent of this Combining Zone.
- C. Determination of a BAMBD Arts and Culture Activity. The determination of whether a proposal is a BAMBD Arts and Culture Activity shall be made by the Planning Director, or his or her designee. Such determination shall be subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- D. Ground floor non-BAMBD Arts and Culture Activities that are permitted or conditionally permitted in the primary zone are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). Any approval shall meet the findings contained in Section 17.134.050 and the following additional findings:
 - a. The proposal will enhance the character of the D-DT-BA Combining Zone;
 - b. For projects within both the D-DT-P Zone and D-DT-BA Combining Zone, the proposal will bring customers to the area and will not weaken the concentration and continuity of BAMBD Active Arts and Culture Activities at ground level;
 - c. For proposals within the D-DT-BA Combining Zone but outside the D-DT-P Zone, the proposal will not weaken the concentration and continuity of BAMBD Arts and Culture Activities at the ground level.

17.101K.170 – Green Loop Combining Zone

- A. The regulations of this section apply to areas designated to be within the Green Loop Combining Zone (D-DT-GL Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Green Loop Frontage Regulations. The following regulations are required for developments that include the construction of a new principal building:

1. Buildings that include ground-floor commercial storefronts shall be designed to accommodate at least one (1) form of outdoor seating and/or tables for patrons. Examples include parts of a building frontage setback for full-service tables, built-in benches, and plazas.
 2. Building entrances and/or storefronts shall include awnings or canopies at the ground floor to provide weather protection and sense of enclosure for pedestrians.
 3. A six (6) foot space shall be provided between any ground floor residential façade and the sidewalk for the placement of landscaping.
 4. Ground floors shall be illuminated by building-mounted hooded decorative lights.
 5. New development of a principal building that is three (3) stories or more shall incorporate at least one (1) of the following ground-floor facade treatment(s):
 - a. Vining plant supports which contain vertical or hanging gardens; or
 - b. Landscaped trellises or other structural additions.
- C. Green Loop Landscape Standards. Development that includes the new construction of a principal building shall be landscaped according to the following standards:
1. At least seventy-five percent (75%) of any ground floor open area between the principal building and the sidewalk shall be improved with features such as decorative paving, stepped planter formations, decorative planting containers, and in-ground landscaping.
 2. At least fifteen percent (15%) of any courtyard usable open space between the principal building and the sidewalk shall include planting, as described in Section 17.101K.150.
 3. Landscaping shall be composed of a combination of trees, plants, vines, and shrubbery that is suited to the Oakland climate.
 4. Fencing or other screening feature shall not create a significant visual barrier between the public right-of-way and any publicly accessible ground floor open space area.

17.101K.180 – Sea Level Rise Combining Zone.

- A. The regulations of this section apply to areas designated to be within the Sea Level Rise Combining Zone (D-DT-SLR Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Developments that include the construction of any new principal building within the Sea Level Rise Combining Zone shall be required to submit a Sea Level Rise Adaptation Plan (SLRAP) for: 1) the review and approval of the Director of Planning or their designee, and 2) implementation by the applicant.
- C. The SLRAP shall be written by a licensed civil engineer or architect approved and managed by the Director of Planning or their designee.
- D. The SLRAP shall describe required site-specific measures to adapt to changes in rising sea level and related groundwater intrusion through 2050, including methods to protect human life and health; protect property; minimize the need for rescue and relief efforts associated with flooding; minimize prolonged evacuations and business interruptions due to flooding; and minimize damage to surrounding public utilities and infrastructure. All structures and infrastructure elements must be designed to be resilient to flood impacts.
- E. The SLRAP shall consider site-predicted base flood elevations, inundation levels, storm surge, and groundwater table changes, and any other relevant items.

Where physically feasible, the minimum height of the finished floor of the bottom story of new buildings shall be at least twenty-four (24) inches higher than the future potential inundation level. Only nonhabitable spaces, including but not limited to parking and storage are permitted below this finished floor; and this under-floor area shall include openings that easily allow water to flow into and out of the space. Other resiliency measures may include anchoring the building, siting the building in areas least vulnerable to flooding, and locating utilities outside predicted inundation areas.

PROPOSED NEW S-16 INTERSTATE CORRIDOR COMMERCIAL ZONES
REGULATIONS CHAPTER

The following Chapter 17.98 is proposed to be inserted, in its entirety, into the Planning Code. This does not include proposed a new Chapter 17.101K (D-DT Downtown District Zones Regulations) and related changes to the Planning Code, which are contained in Exhibits A and C, respectively.

Chapter 17.98 – S-16 INTERSTATE CORRIDOR COMMERCIAL ZONES REGULATIONS

Sections:

17.98.010 – Title, Intent and Description

17.98.020 – Required Design Review Process

17.98.030 – Permitted and Conditionally Permitted Activities.

17.98.040 – Permitted and Conditionally Permitted Facilities.

17.98.050 – Property Development Standards.

17.98.010 – Title, Intent and Description

A. Intent. The provisions of this Chapter shall be known as the S-16 Interstate Corridor Commercial Zones Regulations. The intent of the S-16 Interstate Corridor Commercial (S-16) Zones is to maximize the community potential of California Department of Transportation (Caltrans) Freeway Lease Areas (FLA) under and adjacent to Interstates 880 (I-880) and 980 (I-980) by allowing the creation of safe, high-quality activities in FLAs. These regulations shall apply to the S-16 Zones.

B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:

1. **S-16-A Commercial Zone.** The S-16-A Zone is intended to enhance areas beneath and adjacent to I-880 and I-980 by providing opportunity for activities that support community functions.
2. **S-16-B Commercial Zone.** The S-16-B Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent residential and commercial areas.
3. **S-16-C Industrial Zone.** The S-16-C Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent industrial and mixed commercial areas.

17.98.020 – Required Design Review Process

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

17.98.030 – Permitted and Conditionally Permitted Activities.

Table 17.98.01 lists the permitted, conditionally permitted, and prohibited activities in the S-16 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities. Any proposed activity also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

Table 17.98.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	S-16-A	S-16-B	S-16-C	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Supportive Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)(L3)	17.07.060A
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	—	—	—	
Community Assembly	—	—	—	
Recreational Assembly	P	P	—	
Community Education	—	—	—	
Nonassembly Cultural	P(L5)	P(L5)	—	
Administrative	—	—	—	
Health Care	—	—	—	
Special Health Care	—	—	—	
Utility and Vehicular	—	P(L4)	P	
Extensive Impact	—	—	—	
Commercial Activities				
General Food Sales	—	—	—	
Full-Service Restaurants	—	—	—	
Limited-Service Restaurant and Cafe	P(L5)	P(L5)	—	Chapter 9.52 (Special Event Permits)
Fast-Food Restaurant	—	—	—	
Convenience Market	—	—	—	
Alcoholic Beverage Sales	—	—	—	
Mechanical or Electronic Games	—	—	—	
Medical Service	—	—	—	
General Retail Sales	P(L5)	P(L5)	—	Chapter 9.52 (Special Event Permits)
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	P(L5)	P(L5)	—	Chapter 9.52 (Special Event Permits)
Personal Instruction and Improvement Services	—	—	—	
Administrative	—	—	—	

Activities	Zones			Additional Regulations
	S-16-A	S-16-B	S-16-C	
<u>Business, Communication, and Media Services</u>	=	=	=	
<u>Broadcasting and Recording Services</u>	=	=	=	
<u>Research Service</u>	=	=	=	
<u>General Wholesale Sales</u>	=	=	=	
<u>Transient Habitation</u>	=	=	=	
<u>Building Material Sales</u>	=	=	=	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	=	=	=	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	=	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	P(L4)	P(L4)	
<u>Automotive Fee Parking</u>	C(L9)	P(L9)	P(L9)	17.103.055
<u>Animal Boarding</u>	=	=	=	
<u>Animal Care</u>	=	=	=	
<u>Undertaking Service</u>	=	=	=	
Industrial Activities				
<u>Custom Manufacturing</u>	=	=	=	
<u>Light Manufacturing</u>	=	=	=	
<u>General Manufacturing</u>	=	=	=	
<u>Heavy/High Impact</u>	=	=	=	
<u>Research and Development</u>	=	=	=	
<u>Construction Operations</u>	=	=	=	
<u>Warehousing, Storage and Distribution-Related</u>	=	=	=	
<u>Regional Freight Transportation</u>				
<u>Trucking and Truck-Related</u>				
<u>A. Freight/Truck Terminal</u>	=	=	=	
<u>B. Truck Yard</u>	=	=	P(L6)	
<u>C. Truck Weigh Stations</u>	=	=	=	
<u>D. Truck and Other Heavy Vehicle Sales, Rental and Leasing</u>	=	=	=	
<u>E. Truck and Other Heavy Vehicle Service, Repair and Refueling</u>	=	=	=	
<u>Recycling and Waste Related</u>	=	=	=	
Agricultural and Extractive Activities				
<u>Limited Agriculture</u>	P(L7)	P(L7)	P(L7)	
<u>Extensive Agriculture</u>	=	=	=	
<u>Plant Nursery</u>	P(L7)	P(L7)	P(L7)	
<u>Mining and Quarrying</u>	=	=	=	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	
Activities that are listed as prohibited, but are permitted or conditionally	=	=	=	

Activities	Zones			Additional Regulations
	S-16-A	S-16-B	S-16-C	
<u>permitted on nearby lots in an adjacent zone</u>				

Limitations on Table 17.98.01:

L1. As specified in Section 17.07.060A, Emergency Shelter Residential Activities, as defined in Section 17.10.118 of the Oakland Planning Code, and Emergency Housing and Emergency Housing Facilities, as defined in Section 15.04.3.2400 of the Oakland Building Code, shall be permitted by right with no discretionary approvals, including design review, on all properties owned or leased by the City that are designated by the City Administrator for use as temporary emergency housing sites for the duration of a state of emergency or local emergency (defined in California Government Code § 8558) or a shelter crisis (defined in Government Code §§ 8698.1 et seq.) declared by the City Council. Facilities under this provision must meet the standards codified in Section 15.04.3.2400 of the Oakland Building Code, as may be amended.

L2. Except as may be permitted in Section 17.07.060A, no Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other Emergency Shelter Residential Activity or Facility. See Section 17.103.010 for other regulations regarding these activities.

L3. Emergency Shelters are permitted by-right within the I-880 Freeway Lease Areas (FLAs) in direct proximity to the area surrounding Third Street described in Section 17.103(A)(5) - specifically the FLA areas bounded by Martin Luther King Jr. Way to the east, Fifth Street to the south, Sixth Street to the north and Union Street to the west, subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L2 above.

L4. Utility and Vehicular Civic Activities shall be limited to public parking only. All parking sites shall be improved with pavement, curb, gutter, and wheel stops. Fencing and landscaping shall be provided along the perimeter of the applicable lease areas. Any plantings shall be of a type that will survive in the environment under and adjacent to the freeway.

L5. General Retail Sales, Limited-Service Restaurant and Café, Group Assembly Commercial Activities, and Nonassembly Cultural Civic Activities are restricted to temporary “pop-up” establishments approved through a city Special Event permit.

L6. Truck Yards shall be primarily for the purpose of truck parking and/or electric truck charging and not include other storage or repair activities. The site shall be improved with pavement, curb, and gutter; and fencing and landscaping shall be provided along the perimeter of the applicable lease areas. All plantings shall be of a type that will survive in the environment under and adjacent to the freeway.

L7. Limited Agriculture and Nurseries shall occupy less than one (1) acre of land.

L8. In addition to the provisions Chapter 17.134 of Conditional Use Permit (CUP) procedure established in Chapter 17.134, activities seeking a CUP in the S-16 Zones shall also meet the following use permit criterion:

- a. The proposed activity will not introduce safety or environmental hazards to visitors, pedestrians, employees, or drivers.

L9. Any Auto Fee Parking areas in the S-16-A Zone that are designated as mitigation for the loss of parking due to the Oakland Alameda Access Project shall not be subject to the otherwise required Conditional Use Permit. For all auto fee parking sites in the S-16 Combining Zones, the parking areas shall be improved with pavement, curb,

gutter, and wheel stops. Fencing and landscaping shall be provided along the perimeter of the applicable lease areas. Any plantings shall be of a type that will survive in the environment under and adjacent to the freeway.

17.98.040 – Permitted and Conditionally Permitted Facilities.

Table 17.98.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-16 Zones. The descriptions of these facilities are contained in Chapter 17.10. Any proposed facility also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.98.02 Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	S-16-A	S-16-B	S-16-C	
Residential Facilities				
One-Family Dwelling	—	—	—	
Two-Family Dwelling	—	—	—	
Multifamily Dwelling	—	—	—	
Rooming House	—	—	—	
Vehicular	—	—	P(L1)	17.07.060A, 17.103.085
Nonresidential Facilities				
Enclosed Nonresidential	P(L2)(L3)(L4)	P(L2)(L3)(L4)	P(L2)(L3)(L4)	
Open Nonresidential	P(L2)(L3)(L4)	P(L2)(L3)(L4)	P(L2)(L3)(L4)	
Sidewalk café	—	—	—	
Drive-In	—	—	—	
Drive Through	—	—	—	
Telecommunications Facilities				
Micro Telecommunications	—	—	—	
Mini Telecommunications	—	—	—	
Macro Telecommunications	—	—	—	
Monopole Telecommunications	—	—	—	
Tower Telecommunications	—	—	—	
Sign Facilities				
Residential Signs	—	—	—	
Special Signs	P	P	P	17.104
Development Signs	—	—	—	
Realty Signs	—	—	—	
Civic Signs	P	P	P	17.104
Business Signs	P(L5)	P(L5)	P(L5)	17.104
Advertising Signs	—	—	—	

Limitations on Table 17.98.02:

- L1.** Vehicular Residential Facilities are permitted only when part of an approved Emergency Shelter Activity.
- L2.** No new construction of permanent buildings is permitted except those built by a public agency for transportation purposes. The construction of subgrade foundations, pilings, grade changes, retaining walls, and concrete structures are not permitted.
- L3.** Only transportation-related facilities installed by a public agency can be permanently or temporarily affixed to any component of the freeway, including columns, footings, beams and roadbeds.
- L4.** Nonresidential Facilities are restricted to temporary “pop-up” establishments approved through a city Special Event permit.
- L5.** Business Signs are restricted to temporary “pop-up” establishments approved through a city Special Event permit.

17.98.050 – Property Development Standards.

Table 17.98.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified zone.

Table 17.98.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	S-16-A	S-16-B	S-16-C	
Minimum Setbacks				
Front	0 ft.	10 feet	10 feet	1,2
Interior side	0 ft.	4 ft.	4 ft.	1,2
Street side	0 ft.	4 ft.	4 ft.	1,2
Rear	0 ft.	4 ft.	4 ft.	1,2
Maximum Height	14 ft.	14 ft.	14 ft.	1,3

Additional Regulations for Table 17.98.03:

- 1. Transportation facilities constructed by a public agency are exempt from maximum height and minimum setback requirements.
- 2. See Section 17.108.130 for allowed projections into setbacks.
- 3. See Section 17.108.030 for allowed projections above height limits.

PROPOSED PLANNING CODE AMENDMENTS
RELATED TO ESTABLISHMENT OF THE D-DT ZONES

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is proposed to be amended as follows. Additions are shown in underline and deletions are shown in ~~strike through~~. Note that only the relevant code subsections being amended are included and unamended portions are omitted. This does not include proposed new Chapters 17.101K (D-DT Downtown District Zones Regulation) and 17.98 (S-16 Interstate Corridor Commercial Zones Regulations), which are contained in Exhibits A and B.

Chapter 17.09 DEFINITIONS

17.09.040 Definitions.

"Alcoholic beverage license overconcentrated areas" means a police beat not located in the Central District (as defined in this Section) with crime rates that exceed the City median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median.

"Car-share, private" means a service provided within a development that provides motor vehicles available only to occupants and only on an hourly basis or in smaller intervals.

"Central District" means the area 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.

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

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

"Coworking Space" means a facility that contains workspaces that are made available to individuals and businesses for short-term intervals through a membership or rental basis. These spaces include shared business resources such as internet and office equipment and shared social, networking, conferencing and gathering spaces. A coworking space may also include an accessory café or other retail component and other amenities.

"Day" means calendar day.

"Principal street" means:

For any lot that abuts only one street, the street that abuts a lot.

On lots that are outside the D-DT Zones and abut more than one street, the street(s) that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element (LUTE) of the General Plan. Where streets have the same street hierarchy, the principal street or streets shall be determined by the Planning Director or his or her designee based on development patterns, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.

For lots that are within the D-DT Zones and abut more than one street, see Section 17.101K.080.

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

"Principal street façade" means the building façade facing a principal street

"Private Access Easement" means a privately owned and maintained right-of-way which provides vehicular access to each of not more than four (4) lots. A private access easement allows

the creation of no more than four (4) lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easements shall not be named. Addresses for the living units served by the easement shall conform to the address range of the street upon which the easement abuts.

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

"Secondary street" means the street(s) abutting a lot that are not principal streets. There is at least one secondary street on a corner lot.

"Secondary street facade" means the building façade(s) facing a secondary street.

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

Chapter 17.10 USE CLASSIFICATIONS

17.10.190 Nonassembly Cultural Civic Activities.

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

- Publicly owned and nonprofit art galleries;
- Plant conservatories;
- Libraries;
- Museums;
- Observatories.

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

17.10.378 Artisan Production Commercial Activities

Artisan Production Commercial Activities include the creation, exhibition and on-site sale of multi-media art and artisan products. This includes street-oriented displays of artistic products and publicly-accessible studio and sales spaces. These activities do not include manufacture, fabrication or production processes that produce noise, vibration, air pollution, fire hazard, or noxious emissions that could disturb or endanger neighboring properties. This classification does not include the production of alcoholic beverages classified in Section 17.10.550 Custom Manufacturing Industrial Activities. Artisan Production Activities include, but are not limited to:

- A. Painting;
- B. Drawing;
- C. Sculpture;
- D. Small-scale jewelry, metalworking, furniture, and woodworking production;
- E. Photography, picture framing, printshop, digital print lab;
- F. Fashion design, sewing, textiles fabrication;
- G. Art gallery galleries (excluding those classified as a Nonassembly Cultural Civic Activity in Section 17.10.190);
- H. Food Production (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with five thousand (5,000) square feet or less of floor area.

17.10.380 Group Assembly Commercial Activities.

Group Assembly Commercial Activities include the provision of instructional, amusement, and other services of a similar nature to group assemblages of people. This classification does not include any activity classified in Section 17.10.160 Community Assembly Civic Activities, Section 17.10.170 Recreational Assembly Civic Activities, ~~or~~ Section 17.10.180 Community Education Civic Activities, or Section 17.10.190 Nonassembly Cultural 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 five thousand (5,000) square feet or more of classroom or instructional space;
- Drive-in theaters;
- Theaters or venues with five thousand (5,000) square feet or more of performance, lobby space, and audience floor area;
- Cabarets, night clubs, dance halls, pool halls, bowling alleys, and adult entertainment, ~~and pool halls~~;
- Banquet halls;
- Fitness clubs with five thousand (5,000) square feet or more of floor area.

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

17.10.420 Research Service Commercial Activities.

Research Service Commercial Activities include research and development of a scientific, medical, pharmaceutical, or small- and medium-scale industrial nature leading to the development of new products and processes. These activities generally occur in an office or laboratory setting. This classification does not include activities that fall into the Research and Development Industrial Activities classification or laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (see Section 17.10.580 Heavy/High Impact Manufacturing Activities). This classification includes certain activities accessory to the above, as specified in Section 17.10.040.

~~Research Service Commercial Activities include research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm, other than a public utility firm. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.~~

17.10.581 Research and Development Industrial Activities.

Research and Development Industrial Activities include large scale industrial research and product prototype development in advance of full-scale manufacturing of final products. These activities take place in an industrial setting. The only manufacturing uses in this classification consist of the creation of prototype processes, products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale.

This classification excludes laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (see Section 17.10.580 Heavy/High Impact Manufacturing Activities). This classification also includes certain

activities accessory to the above, as specified in Section 17.10.040.

~~Research and Development Industrial Activities include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.~~

~~This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities).~~

~~This classification includes, but is not limited to, biotechnology firms, "clean tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.~~

Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS ⁽¹³⁾

Sections:

~~17.30.010 Title, purpose, and applicability.~~

~~17.30.040 Required design review process.~~

~~17.30.050 Permitted activities.~~

~~17.30.060 Conditionally permitted activities.~~

~~17.30.070 Permitted facilities.~~

~~17.30.080 Conditionally permitted facilities.~~

~~17.30.100 Performance standards for Commercial Activities.~~

~~17.30.120 Limitations on signs.~~

~~17.30.130 Minimum lot area, width, and frontage.~~

~~17.30.140 Maximum residential density.~~

~~17.30.150 Maximum Floor Area Ratio.~~

~~17.30.160 Maximum height.~~

~~17.30.170 Minimum yards and courts.~~

~~17.30.180 Minimum usable open space.~~

~~17.30.190 Buffering.~~

~~17.30.200 Special regulations for Planned Unit Developments and Large Scale Developments.~~

~~17.30.210 Other zoning provisions.~~

~~17.30.010 Title, purpose, and applicability.~~

~~The provisions of this Chapter shall be known as the R-80 High-Rise Apartment Residential Zone Regulations. The intent of the High-Rise Apartment Residential (R-80) Zone is to create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations. These regulations shall apply in the R-80 Zone.~~

~~17.30.040 Required design review process.~~

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

17.30.050 Permitted activities.

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

A. Residential Activities:

~~Permanent~~

~~Residential Care~~

~~Supportive Housing~~

~~Transitional Housing~~

~~Semi-Transient~~

~~Emergency Shelter (Emergency Shelters are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)~~

B. Civic Activities:

~~Administrative, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)~~

~~Essential Service~~

~~Limited Child Care~~

~~Community Assembly~~

~~Recreational Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Telecommunications~~

C. Commercial Activities:

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~Administrative, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)~~

~~Personal Instruction and Improvement Services~~

~~Consumer Service (see Section 17.102.170 for special regulations relating to massage services)~~

~~Consultative and Financial Service, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)~~

~~D. Agricultural and Extractive Activities:~~

~~Limited Agriculture, permitted if the activity occupies less than twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure)~~

~~17.30.060 Conditionally permitted activities.~~

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

~~A. Civic Activities:~~

~~Health Care~~

~~Utility and Vehicular~~

~~Extensive Impact~~

~~B. Commercial Activities:~~

~~General Food Sales~~

~~Convenience Market~~

~~Alcoholic Beverage Sales~~

~~Medical Service~~

~~C. Agricultural and Extractive Activities:~~

~~Extensive Agriculture, with additional use permit criteria that the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic~~

~~D. Off street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.116.075.~~

~~E. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone subject to the conditions set forth in Section 17.102.110.~~

17.30.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

Two-to-Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

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:

A. Telecommunications Facilities:

Micro Telecommunications

Mini Telecommunications

Macro Telecommunications

Monopole Telecommunications

17.30.100 Performance standards for commercial activities.

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

17.30.120 Limitations on signs.

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

17.30.130 Minimum lot area, width, and frontage.

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

17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure.

A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements

~~for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~

~~5. One Family Dwellings and Two to Four Family Dwellings. A One Family Dwelling or Two to Four Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~

~~B. Increased Density Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:~~

- ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~
- ~~2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

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

~~17.30.150 Maximum Floor Area Ratio.~~

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

~~A. Permitted Floor Area Ratio (FAR). The maximum permitted Floor Area Ratio is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~

~~B. Conditionally Permitted Floor Area Ratio (FAR). The Floor Area Ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:~~

- ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~
- ~~2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

~~17.30.160 Maximum height.~~

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

~~minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.~~

~~17.30.170 Minimum yards and courts.~~

~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085:~~

- ~~A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.~~
- ~~B. Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:
 - ~~1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two (2) or more living units.~~~~
- ~~C. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet.~~
- ~~D. Courts. On each lot containing Residential Facilities with a total of two (2) or more living units, courts shall be provided when and as required by Section 17.108.120.~~

~~17.30.180 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy five (75) square feet per Regular Dwelling Unit plus thirty eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~17.30.190 Buffering.~~

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

~~17.30.200 Special regulations for Planned Unit Developments and Large-Scale Developments.~~

- ~~A. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.~~
- ~~B. **Large-Scale Developments.** No development which involves more than one hundred~~

~~thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units, other than manager's units, or where a valid Planned Unit Development permit is in effect.~~

~~**17.30.210 Other zoning provisions.**~~

- ~~A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~
- ~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
- ~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
- ~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
- ~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 Zone.~~
- ~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 Zone.~~

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 activities.~~

~~17.54.095 Reserved.~~

~~17.54.100 Special regulations applying to the conversion of a dwelling 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 Planned Unit Developments.~~

~~17.54.200 Other zoning provisions.~~

~~17.54.010 Title, purpose, and applicability.~~

~~The provisions of this Chapter shall be known as the C-40 Community Thoroughfare Commercial Zone Regulations. The Community Thoroughfare Commercial (C-40) Zone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. These regulations shall apply in the C-40 Zone.~~

17.54.040 Required design review process.

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

17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.)

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~~

~~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~~

~~Mechanical or Electronic Games~~

~~Group Assembly — but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities~~

~~Personal Instruction and Improvement Services~~

~~Administrative~~

~~Business, Communication, and Media Service~~

~~Broadcasting and Recording Service~~

~~Research Service~~

~~General Wholesale Sales~~

~~Building Material Sales~~

~~Automobile and Other Light Vehicle Sales and Rental~~

~~Automobile and Other Light Vehicle Gas Station and Servicing — but only if located on the same site with, and operated as accessory to, an approved Automobile and Other Vehicle Sales and Rental Commercial Activity; conditionally permitted if located elsewhere in the zone (see Chapter 17.134 for the CUP procedure).~~

~~Automotive and Other Light Vehicle Repair and Cleaning – but only if located on the same site with, and operated as accessory to, an approved Automobile and Other Vehicle Sales and Rental Commercial Activity; conditionally permitted if located elsewhere in the zone (see Chapter 17.134 for the CUP procedure).~~

~~Automotive Fee Parking~~

~~D. **Industrial Activities:**~~

~~Custom Manufacturing~~

~~E. **Agricultural and Extractive Activities:**~~

~~Limited Agriculture, permitted outright if the activity occupies less than twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)~~

~~F. Off street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.116.075.~~

~~**17.54.060 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:**~~

~~Extensive Impact~~

~~Utility and Vehicular (communications equipment installations and exchanges, only)~~

~~Special Health Care Civic Activities~~

~~B. **Commercial Activities:**~~

~~Check Cashier and Check Cashing~~

~~Fast Food Restaurant~~

~~Convenience Market~~

~~Alcoholic Beverage Sales~~

~~Transient Habitation (see Section 17.103.050)~~

~~Animal Care~~

~~Animal Boarding~~

~~Undertaking Service~~

~~C. Industrial Activities:~~

~~Light Manufacturing~~

~~D. Agricultural and Extractive Activities:~~

~~Plant Nursery~~

~~Extensive Agriculture (see Section 17.54.090)~~

~~E. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110~~

17.54.070 Permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~

~~Two-to-Four-Family Dwelling~~

~~Multifamily Dwelling~~

~~Rooming House~~

~~Vehicular~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~

~~Open~~

~~Drive-In~~

~~Sidewalk Cafes, subject to the provisions of Section 17.103.090~~

~~C. Signs:~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications Facilities:~~

~~Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~17.54.080 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:~~

~~Drive-Through~~

~~B. Off-Street Parking Facilities serving 50 or more vehicles.~~

~~C. Telecommunications Facilities:~~

~~Macro Telecommunications~~

~~Monopole Telecommunications~~

~~17.54.090 Special regulations applying to certain activities.~~

~~A. Fast Food Restaurants, Convenience Markets, and Certain Establishments Selling Alcoholic Beverages. See Section 17.103.030~~

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

~~1. Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities shall not involve open storage of goods or materials. All repair and lubrication performed by such activities shall take place in an enclosed building.~~

~~2. See Section 17.54.180B for special landscaping requirements.~~

~~3. See Section 17.54.110 for limitations on Signs.~~

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

~~1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide~~

runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

~~17.54.095 Reserved.~~

~~17.54.100 Special regulations applying to the conversion of a dwelling unit to a Nonresidential Activity.~~

~~See Section 17.102.230.~~

~~17.54.110 Limitations on Signs.~~

~~A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.~~

~~17.54.120 Minimum lot area, width, and frontage.~~

~~Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~17.54.130 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure.~~

~~A. Permitted Density.~~

- ~~1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~
- ~~2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each two hundred twenty five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty five (225) square feet.~~
- ~~3. Rooming Units. One (1) Rooming Unit is permitted for each two hundred twenty five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty five (225) square feet.~~

~~4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~

~~5. One Family Dwellings and Two to Four Family Dwellings. A One Family Dwelling or Two to Four Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~

~~B. Increased Density Allowed in Certain Situations. The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:~~

~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~

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

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

17.54.140 Maximum nonresidential Floor Area Ratio.

The maximum Floor Area Ratio (FAR) of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum FAR on lots containing both Residential and Nonresidential Facilities:

- A. ~~Permitted Floor Area Ratio. The maximum permitted Floor Area Ratio is 3.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~
- B. ~~Conditionally Permitted Floor Area Ratio. The Floor Area Ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~
- C. ~~Floor Area Ratio for BART Owned Parcels Subject to Assembly Bill (AB) 2923 (2018). The maximum permitted Floor Area Ratio is 7.2 for all activities.~~

17.54.150 Maximum height.

~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.54.110 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.~~

17.54.160 Minimum yards and courts.

~~No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085:~~

- A. ~~Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.~~
- B. ~~Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.~~
- C. ~~Side Yard—Interior Lot Line.~~
 - 1. ~~A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~
 - 2. ~~A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~
- D. ~~Rear Yard.~~

~~1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~

~~2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~

~~E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.~~

~~F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

~~17.54.170 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy five (75) square feet per Regular Dwelling Unit plus thirty eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of twenty (20) square feet per Regular Dwelling Unit plus ten (10) square feet per Rooming Unit or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~17.54.180 Buffering and landscaping.~~

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

~~B. Landscaping for Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities. One and one-half percent (1.5%) of the lot area devoted to Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities shall be developed with lawn, ground cover, garden, or shrubs, and one street tree shall be provided for each one hundred (100) feet of street line abutting the lot, subject to the standards for required landscaping and screening in Chapter 17.124.~~

~~17.54.190 Special regulations for Planned Unit Developments.~~

~~A. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally~~

~~required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.~~

~~17.54.200 Other zoning provisions.~~

- ~~A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off street parking and loading requirements in Chapter 17.116.~~
- ~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
- ~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
- ~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
- ~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-40 Zone.~~
- ~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-40 Zone.~~

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 75 feet of front lot line.~~

~~17.56.095 Special regulations regarding extensive agriculture.~~

~~17.56.100 Special regulations applying to Fast Food Restaurants, Convenience Markets, and certain establishments selling alcoholic beverages.~~

~~17.56.105 Reserved.~~

~~17.56.110 Special regulations applying to the conversion of a dwelling 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 Planned Unit Developments.~~

~~17.56.210 Other zoning provisions.~~

17.56.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the C-45 Community Shopping Commercial Zone Regulations. The Community Shopping Commercial (C-45) Zone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares. These regulations shall apply in the C-45 Zone.

~~17.56.040 Required design review process.~~

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

~~17.56.050 Permitted activities.~~

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

~~A. Residential Activities:~~

~~Permanent~~

~~Residential Care~~

~~Supportive Housing~~

~~Transitional Housing~~

~~Semi-Transient~~

~~Emergency Shelter (Emergency Shelters are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)~~

~~B. Civic Activities:~~

~~Essential Service~~

~~Limited Child Care~~

~~Recreational Assembly~~

~~Community Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Administrative~~

~~Health Care~~

~~C. Commercial Activities:~~

~~General Food Sales~~

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~Medical Service~~

~~General Retail Sales Consumer Service~~

~~Consultative and Financial Service~~

~~Consumer Cleaning and Repair Service~~

~~Consumer Dry Cleaning Plant~~

~~Mechanical or Electronic Games~~

~~Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities~~

~~Personal Instruction and Improvement Services~~

~~Administrative~~

~~Business, Communication, and Media Service~~

~~Broadcasting and Recording Service~~

~~Research Service~~

~~D. **Industrial Activities:**~~

~~Custom Manufacturing~~

~~E. **Agricultural and Extractive Activities:**~~

~~Limited Agriculture, permitted if the Activity occupies less than twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the Activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)~~

~~17.56.060 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~~

~~Special Health Care Civic~~

~~Extensive Impact Civic~~

~~B. Commercial Activities:~~

~~Check Cashier and Check Cashing~~

~~Fast-Food Restaurant~~

~~Convenience Market~~

~~Alcoholic Beverage Sales~~

~~General Wholesale Sales~~

~~Transient Habitation (see Section 17.103.050)~~

~~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~~

~~Animal Care~~

~~Animal Boarding~~

~~Undertaking Service~~

~~C. Industrial Activities:~~

~~Light Manufacturing~~

~~D. Agricultural and Extractive Activities:~~

~~Plant Nursery~~

~~Extensive Agriculture (see Section 17.56.095)~~

~~E. Off-street parking serving activities other than those listed above or in Section 17.56.050, subject to the conditions set forth in Section 17.116.075.~~

~~F. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110.~~

17.56.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See ~~Section 17.103.080 and Chapter 17.88~~ for regulations regarding permitted Accessory Dwelling Units:

~~A. Residential Facilities:-~~

~~One-Family Dwelling~~

~~Two to Four-Family Dwelling~~

~~Multifamily Dwelling~~

~~Rooming House~~

~~Vehicular~~

~~B. Nonresidential Facilities:-~~

~~Enclosed~~

~~Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only~~

~~Sidewalk Cafes, subject to the provisions of Section 17.103.090~~

~~C. Signs:-~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications Facilities:~~

~~Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~17.56.080 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, accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events~~

~~Drive-in~~

~~Drive-Through~~

~~B. Telecommunications Facilities:~~

~~Macro Telecommunications~~

~~Monopole Telecommunications~~

~~17.56.090 Restriction on accessory parking and loading within 75 feet of front lot line.~~

~~Accessory off-street parking and loading activities, areas, and driveways shall not be located within seventy-five (75) feet from the front lot line of the lot on which they are located, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~17.56.095 Special regulations regarding extensive agriculture.~~

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

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

~~17.56.100 Special regulations applying to Fast-Food Restaurants, Convenience Markets, and certain establishments selling alcoholic beverages.~~

~~See Section 17.103.030.~~

~~17.56.105 Reserved.~~

~~Editor's note—~~

~~17.56.110 Special regulations applying to the conversion of a dwelling unit to a Nonresidential Activity.~~

~~See Section 17.102.230.~~

~~17.56.120 Limitations on Signs.~~

~~A.—General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.~~

~~17.56.130 Minimum lot area, width, and frontage.~~

~~Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width mean is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~17.56.140 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.~~

~~A.—Permitted Density.~~

- ~~1.—Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~
- ~~2.—Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.~~
- ~~3.—Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.~~

~~4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~

~~5. One Family Dwellings and Two to Four Family Dwellings. A One Family Dwelling or Two to Four Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~

~~B. Increased Density Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:~~

- ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~
- ~~2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

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

~~17.56.150 Maximum Floor Area Ratio.~~

~~The maximum Floor Area Ratio (FAR) of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor Area Ratio on lots containing both Residential and Nonresidential Facilities:~~

~~A. Permitted Floor Area Ratio. The maximum permitted Floor Area Ratio is 7.00, except that this ratio may be exceeded:~~

- ~~1. By ten percent (10%) on any corner lot; and~~
- ~~2. By ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot; and~~
- ~~3. In the case of a Nonresidential Facility, by not to exceed fifteen percent (15%) if one (1) square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven (7) square feet of additional floor area.~~

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

- ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions in Section 17.106.040;~~
- ~~2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

~~17.56.160 Maximum height.~~

~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that~~

~~the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.56.120 for maximum height of Signs, Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.~~

~~17.56.170 Minimum yards and courts.~~

~~No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085:~~

- ~~A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.~~
- ~~B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.~~
- ~~C. Side Yard—Interior Lot Line.
 - ~~1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~
 - ~~2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~~~
- ~~D. Rear Yard.
 - ~~1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~
 - ~~2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~~~
- ~~E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.~~
- ~~F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

~~17.56.180 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy five (75) square feet per Regular Dwelling Unit plus thirty eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~17.56.190 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.56.090.~~

~~17.56.200 Special regulations for Planned Unit Developments.~~

~~A. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-45 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.~~

~~17.56.210 Other zoning provisions.~~

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

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

- ~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
- ~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
- ~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-45 Zone.~~
- ~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-45 Zone.~~

~~Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS~~ ^[25]

~~Sections:~~

- ~~17.58.010 Title, purpose, and applicability.~~
- ~~17.58.020 Required design review process.~~
- ~~17.58.030 Special Regulations for Large Scale Developments.~~
- ~~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.~~
- ~~17.58.080 Other zoning provisions.~~

~~17.58.010 Title, purpose, and applicability.~~

- ~~A. Intent. The provisions of this Chapter shall be known as the CBD Central Business District Zones Regulations. The intent of the Central Business District (CBD) Zones is to:
 - ~~1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.~~
 - ~~2. Encourage, support, and enhance a mix of large scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.~~
 - ~~3. Enhance the skyline and encourage well designed, visually interesting, and varied buildings.~~
 - ~~4. Encourage and enhance a pedestrian-oriented streetscape.~~
 - ~~5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.~~
 - ~~6. Preserve and enhance distinct neighborhoods in the Central Business District.~~~~
- ~~B. Description of zones. This Chapter establishes land use regulations for the following four (4) zones:
 - ~~1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R Zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small scaled compatible ground level commercial uses.~~
 - ~~2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P Zone is to create, maintain, and enhance areas of the Central Business District for ground level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.~~~~

- ~~3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C Zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.~~
- ~~4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X Zone is to designate areas of the Central Business District appropriate for a wide range of upper-story and ground-level residential, commercial, and compatible light industrial activity.~~

~~17.58.020 Required design review process.~~

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

~~17.58.030 Special Regulations for Large-Scale Developments.~~

~~No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred fifty (250) feet in height, shall be permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units, other than manager's units, or that have been approved according to the Planned Unit Development procedure (see Chapter 17.140 for the PUD procedure).~~

~~17.58.040 Permitted and conditionally permitted activities.~~

~~Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-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	CBD-R	CBD-P	CBD-C	CBD-X	Additional-Regulations
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P(L2)	17.103.010
Supportive Housing	P	P(L1)	P(L1)	P	
Transitional Housing	P	P(L1)	P(L1)	P	
Emergency Shelter	P(L2)	P(L2)	P(L2)	P(L2)	17.103.010 17.103.015
Semi-Transient	P	P(L1)	P(L1)	P	
Bed and Breakfast	P	P	P	P	17.10.125
Civic Activities					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	€	€(L6)	€	€	
Recreational Assembly	P(L3)(L4)	P(L4)	P	P	
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	—	€(L6)(L8)	€(L8)	€(L8)	17.103.020
Utility and Vehicular	€	€	€	€	
Extensive Impact	€	€	€	€	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	
Fast-Food Restaurant	—	€	€	€	17.103.030 and 8.09
Convenience Market	€(L7)	€	€	€	17.103.030

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Alcoholic Beverage Sales	€(L7)	€	€	€	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	P	P	P	
Medical Service	P(L4)(L7)	P(L18)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L4)(L7)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry-Cleaning Plant	—	€	€	€	
Artisan Production	—	P	P	P	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L7)	P	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-Commercial Activities	—	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	—	—	—	€	
Transient Habitation	€	€	€	€	17.103.050
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle-Sales and Rental	—	—	€	€	
Automobile and Other Light Vehicle-Gas Station and Servicing	—	—	C(L13)	C(L13)	
Automobile and Other Light Vehicle-Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(L13)	C(L13)	
Automotive Fee Parking	€(L14)	€(L14)	€(L14)	€(L14)	17.103.055

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Animal Boarding	—	—	—	—	
Animal Care	—	C(L6)	€	€	
Undertaking Service	—	—	€	€	
Industrial Activities					
Custom Manufacturing	C(L13)	C(L13)	C(L13)	C(L13)	
Light Manufacturing	—	C(L13)	C(L13)	C(L13)	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	P(L5)(L13)	P(L5)(L13)	P(L5)(L13)	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution Related					
A. General Warehousing, Storage and Distribution	—	—	—	C(L13)	
B. General Outdoor Storage	—	—	—	—	
C. Self or Mini Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck Related	—	—	—	—	
Recycling and Waste Related					
A. Satellite Recycling Collection Centers	—	—	€	€	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management Related	—	—	—	—	
Agricultural and Extractive Activities					
Limited Agriculture	P(L15)	P(L15)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	
Mining and Quarrying	—	—	—	—	

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Accessory off-street parking serving prohibited activities	€	€	€	€	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	€	€	€	€	17.102.110

Limitations on Table 58.01:

~~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. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.~~

~~L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).~~

~~L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

~~L5. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located both on the ground floor of a building and within thirty (30) feet of the principal street frontage. 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 Section 17.134.050, ground floor proposals that are conditionally permitted must also meet each of the following additional 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 ground floor commercial facilities, 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 Section~~

~~17.134.050, when these activities are located both on the ground floor and within thirty (30) feet of the principal street frontage (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 shall only be located on or below the ground floor of a building with the following two exceptions:~~

~~a) The floor area devoted to the activity above the ground floor is less than or equal to three thousand (3,000) square feet; and~~

~~b) An activity located on the ground floor may extend to the second floor of a building if 1) 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 2) there is a direct internal connection between the ground floor and the second-story activities.~~

~~L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.~~

~~L9. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats.~~

~~L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.~~

~~L11. No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.~~

~~L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.~~

~~L13. 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.~~

~~L14. Automotive 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 or in a below grade parking lot. Auto fee parking is otherwise prohibited.~~

~~L15. Limited Agriculture is permitted if the activity occupies less than five thousand (5,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).~~

~~L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:~~

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

~~L17. Community Gardens are permitted if they do not include livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives.~~

~~L18. A Medical Service Commercial Activity that is located on the ground floor of a building and occupies either: 1) a street corner space, or 2) an interior lot space with more than thirty five (35) linear feet of frontage facing the principal street, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD 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

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two to Four Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Rooming House	P	P	P	P	
Vehicular	P	P	P	P	17.103.080 17.103.085
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Open Nonresidential	C(L3)	C(L3)	C(L3)	C(L3)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive In Nonresidential	—	—	—	C	
Drive Through Nonresidential	—	—	—	C(L2)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	P	P	P	17.128
Mini Telecommunications	C	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitations on Table 17.58.02:

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. See also Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

L2. No new or expanded Fast Food Restaurants with Drive Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive Through Nonresidential Facilities.

L3. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

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. "N/A" designates the standard is not applicable to the specified zone.

Table 17.58.03: Property Development Standards

Development Standards	Zones				Additional-Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum Lot Dimensions					
Lot Width mean	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
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2,9
Maximum front and street side for the first story	N/A	5 ft.	5 ft.	10 ft.	3,9
Maximum front and street side for the second and third stories or 35 ft., whatever is lower	N/A	5 ft.	5 ft.	N/A	3,9
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4,9
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	9
Rear	10 ft.	0 ft.	0 ft.	0 ft.	5,9
Design Regulations					
Minimum facade transparency of ground floor Nonresidential Facilities	55%	65%	55%	55%	6
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground-floor living space	2.5 ft.	N/A	N/A	2.5 ft.	8

Additional Regulations for Table 17.58.03:

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 percent (50%) 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, Agricultural 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 percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet each of the following criteria:~~

~~i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;~~

~~ii. The proposal will not impair a generally continuous wall of building facades;~~

~~iii. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage; and~~

~~iv. The proposal will not interfere with the movement of people along an important pedestrian street.~~

~~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 Section 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 2nd- and 3rd-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 five (5) 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. See Section 17.108.130 for allowed projections into required yards.~~

~~5. 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 five (5) 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; and~~

~~b. See Section 17.108.130 for allowed projections into required yards.~~

~~6. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one half (1/2) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.~~

~~7. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.~~

~~8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.~~

~~9. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.~~

~~**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 facade. 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. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.~~

Table 17.58.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Regular-Dwelling-Unit	300	200	90	90	90	90	90	1,2

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Rooming Unit	150	100	45	45	45	45	45	1,2
Efficiency Dwelling Unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft.	85 ft.	55 ft.	85 ft.	85 ft.	85 ft.	120 ft.	3
Total	55 ft.	85 ft.	170 ft.	275 ft.	400 ft.	No height limit	No height limit	3
Minimum Height								
New principal buildings	N/A	N/A	N/A	45 ft.	45 ft.	45 ft.	45 ft.	4
Maximum Lot Coverage								
Building base (for each story)	N/A	N/A	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the building base	N/A	N/A	50% of site area or 7,500 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	85% of site area or 10,000 sf., whichever is greater	6
Tower Regulations								
Maximum average area of floor plates	N/A	N/A	10,000 sf.	15,000 sf.	20,000 sf.	25,000 sf.	No maximum	6

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum tower elevation length	N/A	N/A	115 ft.	150 ft.	175 ft.	195 ft.	No maximum	7
Maximum diagonal length	N/A	N/A	145 ft.	180 ft.	210 ft.	235 ft.	No maximum	
Minimum distance between towers on the same lot	N/A	N/A	40 ft.	40 ft.	40 ft.	40 ft.	No minimum	

Notes:

- ~~1. See Chapter 17.107 for affordable and senior housing density incentives.~~
- ~~2. For mixed use projects in the Central Business District (CBD) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.~~
- ~~3. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.~~
- ~~4. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.~~
- ~~5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:~~
 - ~~a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is fifteen thousand (15,000) square feet and the 5th story of the other tower is twenty thousand (20,000) square feet, then the total floor area of the 5th story is thirty five thousand (35,000) square feet.~~
 - ~~b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen percent (15%) greater than the maximum average per story floor area above base.~~

~~c. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.~~

~~6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:~~

~~a. The floor area of an individual tower floor plate cannot be more than fifteen percent (15%) greater than the maximum average tower floor plate.~~

~~b. An individual tower floor plate that is more than fifteen percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.~~

~~7. The following regulation applies to lots that both: 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two thirds (2/3) the length of any east or west side property line.~~

~~17.58.070 Usable open space standards.~~

~~A. **General.** This Section contains the usable open space standards and requirements for residential development in the CBD Zones. These requirements shall supersede those in Chapter 17.126.~~

~~B. **Definitions of CBD usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:~~

~~1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.~~

~~2. "Public Ground Level Plaza". Public ground level plazas (plazas) are group usable open space located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.~~

~~3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.~~

~~4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.~~

~~C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:~~

~~1. **Area.** On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate sixty (60) square feet per Regular Dwelling Unit and thirty (30) square feet per Rooming Unit or Efficiency Dwelling Unit.~~

2. ~~**Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:~~

Table 17.58.05: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Level Plaza	10 ft.	
Rooftop	15 ft.	1
Courtyard	15 ft.	

Notes for Table 17.58.05:

a. ~~Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.~~

3. ~~**Openness.** There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.~~

4. ~~**Location.** Required usable open space may be located anywhere on the lot.~~

5. ~~**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, dust-free surfacing. Slope shall not exceed ten percent (10%). 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 whenever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code.~~

6. ~~**Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.~~

D. ~~**Landscaping requirements.** At least ten percent (10%) of rooftop, courtyard, or ground-level plaza usable open space area shall include landscaping enhancements. Landscaping~~

~~enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, or playground structures.~~

~~17.58.080 Other zoning provisions.~~

- ~~A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off street parking and loading requirements in Chapter 17.116.~~
- ~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
- ~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
- ~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
- ~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD Zones.~~
- ~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD Zones.~~

Chapter 17.72 ~~M-20, M-30, AND~~ M-40 INDUSTRIAL ZONES REGULATIONS ^[32]

17.72.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the ~~M-20, M-30, and M-40~~ Industrial Zones Regulations. This Chapter establishes regulations for the ~~(M-20) Light Industrial, (M-30) General Industrial, and (M-40) Heavy Industrial~~ Zones. The intent of the ~~M-20, M-30, and M-40~~ Industrial Zones is to ~~create, preserve and enhance areas containing manufacturing, industrial, and related establishments.~~
- B. ~~Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:~~
1. ~~**M-20 Light Industrial Zone.** The M-20 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial and related establishments with limited external impact within an open and attractive setting, and is typically appropriate to locations adjacent to residential communities.~~
 2. ~~**M-30 General Industrial Zone.** The M-30 Zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing, industrial, and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.~~
 3. ~~**M-40 Heavy Industrial Zone.** The M-40 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial, or related establishments that are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities.~~

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01 lists the permitted, conditionally permitted, and prohibited activities in the ~~M-20, M-30, and M-40~~ Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Supportive Housing	—	—	—	
Transitional Housing	—	—	—	

Emergency Shelter	—	P(L1)	—	17.103.015
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Civic Activities				
Essential Service	P(L16)	P	P	
Limited Child-Care Activities	C(L17)	C(L17)	C(L17)	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C(L17)	C(L17)	C(L17)	
Nonassembly Cultural	P	P	P	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	—	—	
Special Health Care	C(L3)	C(L3)	C(L3)	17.103.020
Utility and Vehicular	C	C	P(L4)	
Extensive Impact	C	C	C	17.102.440
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L2)	P(L2)	P(L2)	
General Retail Sales	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	

Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	€	€	C	
Consumer Dry Cleaning Plant	€	€	C	
Group Assembly	P(L7)	P(L7)	P(L7)	

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Personal Instruction and Improvement Services	P(L7)	P(L7)	P(L7)	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C(L20)	P(L9)	P(L9)	
Automobile and Other Light Vehicle Sales and Rental	P(L9)	€	P(L9)	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L8)	P(L8)(L9)	P(L8)(L9)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L8)(L9)	P(L8)(L9)	P(L8)(L9)	
Taxi and Light Fleet-Based Services	C(L20)	P(L9)	P(L9)	
Automotive Fee Parking	P	—	P	
Animal Boarding	€	€	C	
Animal Care	€	€	C	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	P	P	P	
Light Manufacturing	P(L9)(L10)	P(L9)	P(L9)	
General Manufacturing	C(L10)(L20)	C(L10)(L20)	C(L10)(L20)(L1)	17.103.065
Heavy/High Impact	—	—	—	
Research and Development	P	P	P	

Construction Operations	€(L20)	P(L9)	P(L9)	17.103.065
Warehousing, Storage, and Distribution-Related				
A. General Warehousing, Storage and Distribution	€(L20)	P(L9)(L19)	P(L9)(L19)(L16)	17.103.065
B. General Outdoor Storage	€	P(L9)	P(L9)	
C. Self- or Mini-Storage	€(L17)	€(L17)	C(L17)	

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
D. Container Storage	€	P	P	
E. Salvage/Junk Yards	€	€	P(L11)	
Regional Freight Transportation	€(L20)	€(L20)	C(L20)(L1)	17.103.065
Trucking and Truck-Related				
A. Freight/Truck Terminal	€(L20)	P(L8)(L9)(L12)	P(L8)(L9)(L12)	17.103.065
B. Truck Yard	€(L20)	P(L8)(L9)(L12)	P(L8)(L9)(L12)	17.103.065
C. Truck Weigh Stations	€(L20)	P(L8)(L9)(L12)	P(L8)(L9)(L12)	17.103.065
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	€(L20)	P(L9)(L13)	P(L9)(L13)	17.103.065
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	€(L20)	P(L8)(L9)(L12)	P(L8)(L9)(L12)	17.103.065
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	€	€	C	
B. Primary Recycling Collection Centers	—	€(L20)	PC(L20L1)	17.103.060 17.103.065
Hazardous Materials Production, Storage, and Waste Management-Related	€(L13)	€(L13)	C(L13)	
Agriculture and Extractive Activities				
Plant Nursery	€	P	P	
Limited Agriculture	P(L14)	P(L14)	P(L14)	
Extensive Agriculture	€(L15)	€(L15)	C(L15)	
Mining and Quarrying	€(L18)	€(L18)	C(L18)	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	€	€	C	17.102.110

Limitations on Table 17.72.01:

~~L1. Emergency Shelters are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.~~

L1. See Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L9. These activities are only permitted upon the granting of a Conditional Use Permit if located within six hundred (600) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure), and Section 17.103.065 for special findings and additional regulations for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

L16. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

~~L16. Community Gardens are permitted if they do not include livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives.~~

L17. A Conditional Use Permit is required if located within six hundred (600) feet of any Residential Zone boundary (see Chapter 17.134 for the CUP procedure); prohibited if located elsewhere in the zone. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L18. Prohibited if located within six hundred (600) feet of any Residential Zone boundary. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

~~L19. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

~~L20. See Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.~~

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02 lists the permitted, conditionally permitted, and prohibited facilities in the M-20, M-30, and M-40 Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—(L1)	17.103.015
Two- to Four-Family Dwelling	—	—(L4)	—(L1)	17.103.015
Multifamily Dwelling	—	—(L4)	—(L1)	17.103.015
Rooming House	—	—(L4)	—(L1)	17.103.015
Vehicular	—	—(L4)	—(L1)	17.103.015
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C(L1)(L3)	P(L1)	P(L2±)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	€	P	P	
Drive-Through	€	€	C	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	€	P	P	17.128
Tower Telecommunications	—	€	C	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104

Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitations on Table 17.72.02:

L1. All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

L2. Off-street parking facilities serving fifty (50) or more vehicles are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

~~**L2.** No new or expanded Fast Food Restaurants with Drive Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive Through Nonresidential Facilities.~~

~~**L3.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.~~

~~**L4.** All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.~~

17.72.050 Property development standards.

A. **Zone Specific Standards.** Table 17.72.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

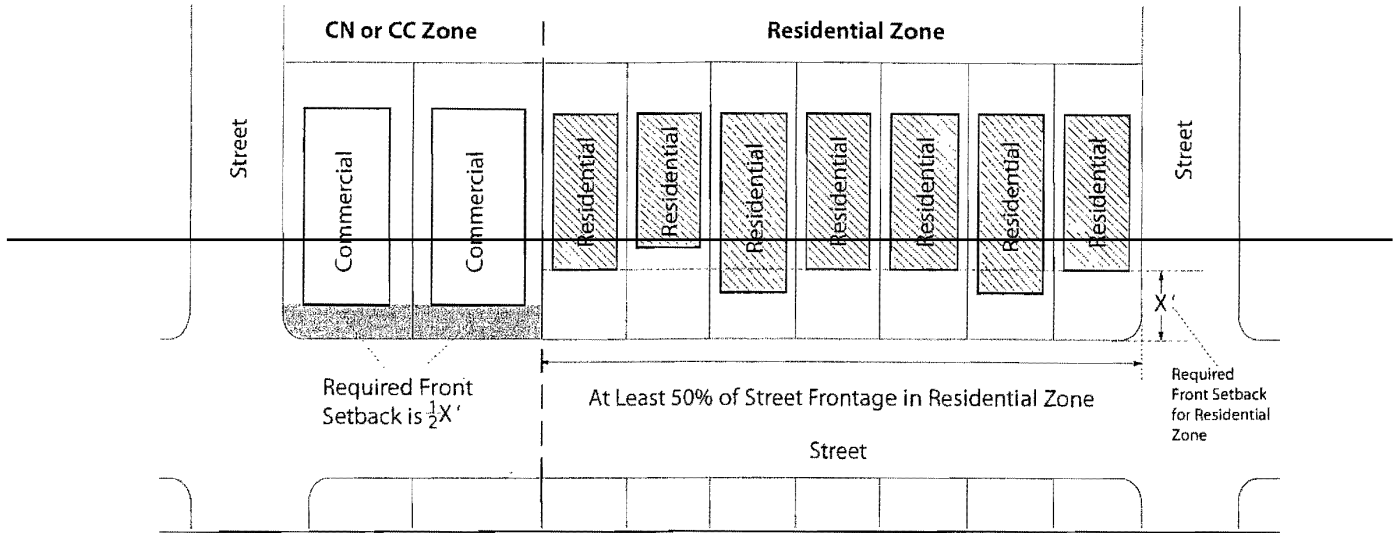
Table 17.72.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	M-20	M-30	M-40	
Minimum Lot Frontage	25 feet	25 feet	25 feet	1
Minimum/Maximum Setbacks				
Minimum front	5 ft.	0 ft.	0 ft.	2, 3
Minimum interior side	0 ft.	0 ft.	0 ft.	<u>43</u>
Minimum street side	0 ft.	0 ft.	0 ft.	<u>54</u>
Rear (Nonresidential Facilities)	0/10 ft.	0/10 ft.	0/10 ft.	<u>56, 7</u>
Maximum Height	None	None	None	<u>78</u>
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking regulations			
Courtyard Regulations	See Section 17.108.120			

Additional Regulations for Table 17.72.03:

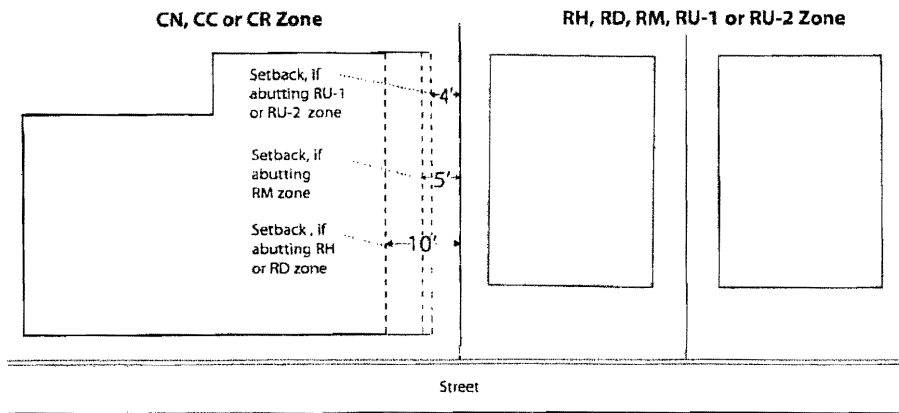
~~3. In the M-20 Zone, this minimum front yard shall, except for accessory driveways and walkways, be developed with lawn, ground cover, harden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124.~~

Illustration for Table 17.72.03 [Additional Regulation 2]
 *for illustration purposes only



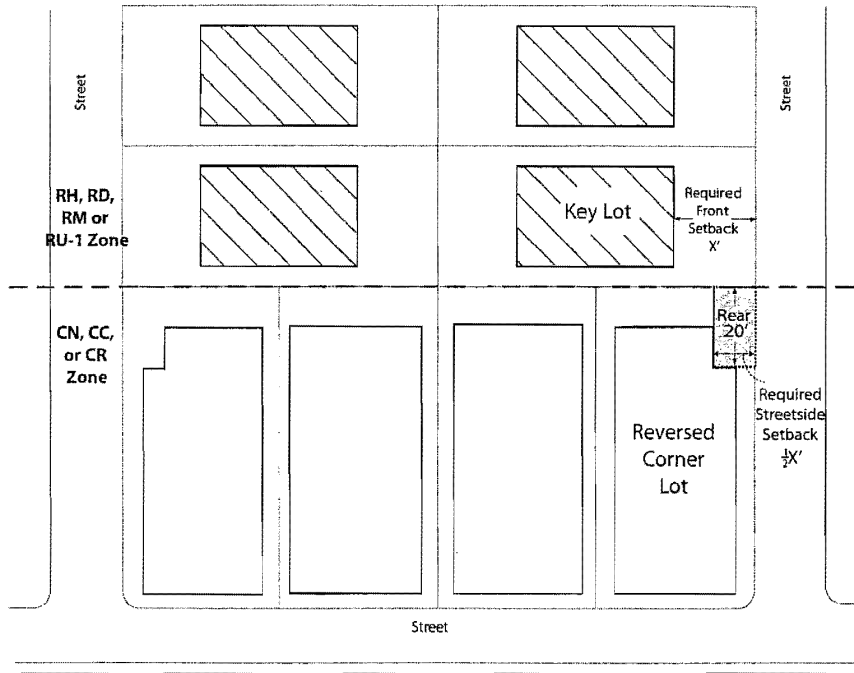
4.3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, a side setback of six (6) feet is required. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts an interior side lot line of any lot located in an RU-1 or RU-2 Zone, a side setback of four (4) feet is required (see Illustration for Table 17.72.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.72.03 [Additional Regulation 4]
 *for illustration purposes only



5.4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ten (10 feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.72.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.72.03 [Additional Regulation 5]
 *for illustration purposes only

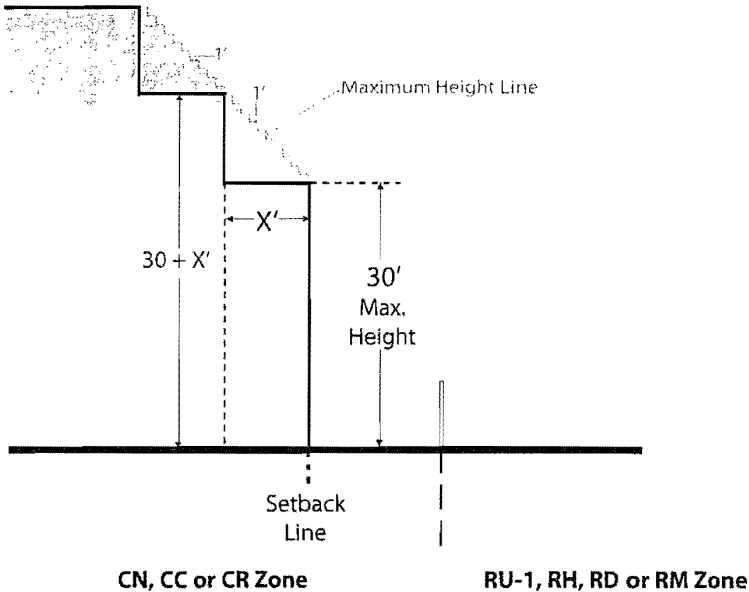


6.5. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

7.6. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

8.7. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.72.03 [Additional Regulation 8, below]). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.72.03 [Additional Regulation 8]
 *for illustration purposes only



17.72.060 Special Regulations for Planned Unit Developments.

- A. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the ~~M-20, M-30, and M-40 Zones~~, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.72.070 Other zoning provisions.

- A. Performance Standards.
1. ~~In the M-20 Zone, all Commercial and Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.~~
 2. In the ~~M-30 and M-40~~ Zones, all Commercial and Industrial Activities which are located within six hundred (600) feet from any boundary of a Residential Zone shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
- B. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the ~~M-20, M-30, and M-40~~ Zones.
- E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the ~~M-20, M-30, and M-40~~ Zones.

F. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the ~~M-20, M-30, and M-40~~ Zones.

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

17.73.020 Permitted and conditionally permitted activities and facilities.

The following table lists the permitted, conditionally permitted, and prohibited activities and facilities in the CIX, IG, and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

"P" designates permitted activities and facilities in the corresponding zone.

"C" designates activities and facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

"L" designates activities and facilities subject to certain limitations listed at the bottom of the Table.

"—" designates activities and facilities that are prohibited in the corresponding zone.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types	Base Zones								Combining Zone T*	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Residential Activities										
Permanent	—	—	—	—	—	C(L1)	—	—	—	
Residential Care	—	—	—	—	—	C(L1)	—	—	—	
Supportive Housing	—	—	—	—	—	C(L1)	—	—	—	
Transitional Housing	—	—	—	—	—	C(L1)	—	—	—	
Emergency Shelter	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.015
Civic Activities										
Essential Service	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	
Limited Child-Care	C(L23)	C(L23)	C(L23)	C(L23)	—	—	—	—	—	

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Community Assembly	C	C	C	C	C(L23)	C(L23)	—	C		
Recreational Assembly	C	C	C	C	C(L23)	C(L23)	—	C		
Community Education	C(L23)	C(L23)	C(L23)	C(L23)	C(L23)	C(L23)	—	C(L23)		
Nonassembly Cultural	P	P	P	P	P	C	—	C		
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	—	—	—	—	P	
Special Health Care	—	—	—	—	C(L22)	C(L22)	—	—		
Utility and Vehicular	C	C	C	C	C	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		17.102.440
Commercial Activities										
General Food Sales	P	P	P	P	P	P(L17)	P(L2)	P(L2)		
Full Service Restaurant	P	P	P	P	P	P(L17)	P(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L2)	P(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C	C	See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C	C	

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Alcoholic Beverage Sales	C	C	C	C	C	C	—	—		See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	C	P	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L17)	—	P(L17)		
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		
Consumer Service	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	—	C(L20)		
Consultative and Financial Service	P	P	P	P	P	C	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	C	C	—	—		
Group Assembly	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	C		

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Personal Instruction and Improvement Services	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	C		
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		
Research Service	P	P	P	P	P	P	P	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		
Transient Habitation	C	C	C	C	—	—	—	—		17.103.050
Building Material Sales	P(L4)	P(L4)	P(L4)	P(L4)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	P(L4)	—	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P(L4)	P(L4)	P	—	P(L4)	

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Automotive and Other Light Vehicle Repair and Cleaning	P(L7)	P(L7)	P(L7)	P(L7)	P(L4)	P(L4)	P	—	P(L4)	
Taxi and Light Fleet- Based Services	C	C	C	C	P(L4)	P(L4)	P	—	P	
Automotive Fee Parking	C	C	C	C	P(L4)	P	P	P		
Animal Care	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Animal Boarding	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Undertaking Service	C	C	—	—	C	C	C	—		
Industrial Activities										
Custom Manufacturing	P	P	P	P	P	P	P	P		
Light Manufacturing	P	P	P	P	P	P	P	P		
General Manufacturing	P(L4)	P(L4)	P(L4)	—	P(L4)	P(L4)	P(L4)	—	P(L4)	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C(L6)	—		
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L4)	P(L4)	P(L4)	C	P(L4)	P(L4)	P(L4)	C	P(L4)	17.103.065

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and Distribution	P(L4)(L18)	P(L4)(L18)	P(L4)(L18)	C	P(L4)	P(L4)	P(L4)	P(L4)	P	17.103.065
B. General Outdoor Storage	C(L6)	C(L6)	C(L6)	C(L6)	C(L6)	P(L4)	P(L4)	C(L6)		
C. Self- or Mini-Storage	—	—	—	—	C(L23)	C(L23)	—	C(L23)	C	
D. Container Storage	—	—	—	—	—	P(L4)	P(L4)	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
Regional Freight Transportation-Related:										
A. Seaport	—	—	—	—	—	—	P	C		17.103.065
B. Rail Yard	—	—	—	—	—	C	P	—		
Trucking and Truck-Related:										
A. Freight/Truck Terminal	—	—	—	—	C(L6)	C(L6)	P(L4)	—	P	17.103.065
B. Truck Yard	—	—	—	—	C(L6)	C(L6)	P(L4)	C(L6)	P	17.103.065
C. Truck Weigh Stations	—	—	—	—	—	P(L4)	P(L4)	—		17.103.065
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P(L7)	P(L4)	P(L4)	P	17.103.065

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	C(L6)	C(L6)	P(L4)	—	P	17.103.065
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection Centers	—	—	—	—	C(L1)	C(L1)	P(L12)	—	—	See Section 17.73.035 and 17.103.065
Hazardous Materials Production, Storage & and Waste Management-Related:										
A. Small Scale Transfer and Storage	—	—	—	—	—	C(L6)	C(L6)	—		L12 - See also Health and Safety Protection Zone (S-19)
B. Industrial Transfer/Storage	—	—	—	—	—	—	C(L6)	—		
C. Residuals Repositories	—	—	—	—	—	—	C(L6)	—		
D. Oil and Gas Storage	—	—	—	—	—	—	C(L6)	—		
Agricultural and Extractive Activities										
Plant Nursery	P	P	P	C	P	P	P	—		
Limited Agriculture	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	C(L15)	C(L15)	C(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)		

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Mining and Quarrying Extractive	—	—	—	—	—	—	C(L6)	—		See Chapter 17.155
Accessory off-street parking serving prohibited activities	C	C	C	C	P	P	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	C	C	C	C		17.102.110

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D Base Zone also has the T Combining Zone, the T regulations shall supersede the Base Zone. Wherever the T Combining Zone regulations are silent, the Base Zone regulations shall supersede.

Facility Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Residential Facilities	All Residential Facilities are prohibited in the CIX, IG and IO Zones, except for those approved in conjunction with a permitted Emergency Shelter Activity; or a conditionally permitted conversion of an existing Transient Habitation Commercial Activity in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road, as indicated in Limitation L1 below.									
Nonresidential Facilities										

Enclosed Nonresidential	P	P	P	P	P	P	P	P	P	
Open Nonresidential	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	
Sidewalk Cafe	P	P	P	P	P	P	—	—	—	See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—	—	
Drive- Through Nonresidential	C	C	C	C	C	C	C	C	C	See Section 17.103.100
Telecommunications Facilities										
Micro Telecommunications	P	P	P	P	P	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	P	
Macro Telecommunications	C	C	C	C	C	C	P	P	P	
Monopole Telecommunications	C	C	C	C	C	C	P	P	P	
Tower Telecommunications	—	—	—	—	—	—	P	P	P	
Sign Facilities										
Residential Signs	—	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	P	P	P	P	P	P	P	P	P	
Development Signs	P	P	P	P	P	P	—	—	—	

Realty Signs	P	P	P	P	P	P	P	P	P
Civic Signs	P	P	P	P	P	P	P	P	P
Business Signs	P	P	P	P	P	P	P	P	P
Advertising Signs	—	—	—	—	—	—	—	—	—

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D Base Zone also has the T Combining Zone, the T regulations shall supersede the Base Zone. Wherever the T Combining Zone regulations are silent, the Base Zone regulations shall supersede.

Limitations on Table 17.73.020:

L4. A Conditional Use Permit is required if located within six hundred (600) feet of a Residential Zone boundary or one-half (1/2) mile of a BART Station (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). Permitted if located beyond six hundred (600) feet of a Residential Zone or one-half (1/2) mile of a BART Station.

L6. Prohibited if located within six hundred (600) feet of a Residential Zone or one-half (1/2) mile of a BART Station. A Conditional Use Permit is required elsewhere throughout the zone. (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-CE-5, D-CE-6, D- CO-5, and D-CO-6 Zones).

Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL 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 Special regulations applying to Extensive Agriculture.~~
- ~~17.76.100 Special regulations applying to the conversion of a dwelling 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 Planned Unit Developments and large-scale developments.~~
- ~~17.76.210 Other zoning provisions.~~

~~17.76.010 Title, purpose, and applicability.~~

~~The provisions of this Chapter shall be known as the S-2 Civic Center Zone Regulations. The Civic Center (S-2) Zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate to portions of the Oakland Central District and to outlying areas of public facilities. These regulations shall apply in the S-2 Zone.~~

~~(Prior planning code § 6150)~~

17.76.040 Required design review process.

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

17.76.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)

B. Civic Activities:

Essential Service (Community Gardens are permitted if they do not include any livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives)

Limited Child Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

C. Commercial Activities:

General Food Sales

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~General Retail Sales~~

~~Consumer Service (see Section 17.102.170 for special regulations relating to massage services)~~

~~Consumer Cleaning and Repair Service~~

~~Group Assembly— but only if the total floor area devoted to these activities on any single lot does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities~~

~~Personal Instruction and Improvement Services~~

~~Medical Service~~

~~Consultative and Financial Service~~

~~Administrative~~

~~Business, Communication, and Media Service~~

~~Broadcasting and Recording Service Research Service~~

~~D. Agricultural and Extractive Activities:~~

~~Limited Agriculture, permitted if the activity occupies less than twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)~~

~~17.76.060 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:~~

~~Health Care~~

~~Utility and Vehicular~~

~~Extensive Impact~~

~~B. **Commercial Activities:**~~

~~Fast-Food Restaurant~~

~~Convenience Market~~

~~Alcoholic Beverage Sales~~

~~Consumer Dry-Cleaning Plant~~

~~Transient Habitation (see Section 17.103.050)~~

~~Automobile and Other Light Vehicle Gas Station and Servicing~~

~~Automotive Fee Parking (see Section 17.103.055 for Automotive Fee Parking on parcels containing a principal activity in a principal facility)~~

~~C. **Agricultural and Extractive Activities:**~~

~~Extensive Agriculture (see Section 17.76.095)~~

~~D. Off-street parking serving activities other than those listed above or in Section 17.76.050, subject to the conditions set forth in Section 17.116.075.~~

~~E. Activities that are listed neither as permitted nor conditionally permitted but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110~~

~~**17.76.070 Permitted facilities.**~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:~~

~~A. **Residential Facilities:**~~

~~One-Family Dwelling~~

~~Two-to-Four-Family Dwelling~~

~~Multifamily Dwelling~~

~~Rooming House~~

~~Vehicular~~

~~B. **Nonresidential Facilities:**~~

~~Enclosed~~

~~Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only~~

~~C. Signs:-~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications:~~

~~Micro, except when a Major Conditional Use Permit is required by Section 17.128.025-~~

~~Mini, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~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, accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events~~

~~Drive-In~~

~~Sidewalk Cafes~~

~~B. Off-Street Parking Facilities serving 50 or more vehicles.~~

~~C. Telecommunications:-~~

~~Macro Telecommunications~~

~~Monopole Telecommunications~~

~~17.76.090 Special regulations applying to certain Commercial Activities.~~

~~All conditionally permitted Commercial Activities other than Automotive Fee Parking shall, except for open-air dining facilities, accessory off-street parking and loading, and maintenance of accessory landscaping and screening, be conducted entirely within enclosed buildings. See also Section 17.103.030.~~

~~17.76.095 Special regulations applying to Extensive Agriculture.~~

~~Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section~~

~~17.134.050, this activity must meet the following use permit criteria:~~

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

~~**17.76.100 Special regulations applying to the conversion of a dwelling unit to a Nonresidential Activity.**~~

~~See Section 17.102.230.~~

~~**17.76.110 Use permit criteria for Commercial Activities.**~~

~~A conditional use permit for any conditionally permitted 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 and to all of the following additional use permit criteria:~~

- ~~A. That the proposed activity is intended primarily to serve the civic center area in which it is located or the employees and patrons of the center;~~
- ~~B. That the proposed activity will not create or aggravate traffic congestion or interfere with the movement of traffic generated by permitted activities;~~
- ~~C. That the proposed activity is accommodated or served by facilities of such size, design, and location as will tend to keep the activity subordinate in impact and function to permitted activities within the civic center area.~~

~~See also Section 17.102.210.~~

~~**17.76.120 Limitations on Signs.**~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.030.~~

~~**17.76.130 Minimum lot area, width, and frontage.**~~

~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.03.010. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~**17.76.140 Maximum residential density.**~~

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.~~

- ~~A. Permitted Density.~~

- ~~1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.~~
 - ~~2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.~~
 - ~~3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.~~
 - ~~4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~
 - ~~5. One Family Dwellings and Two to Four Family Dwellings. A One Family Dwelling or Two to Four Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.~~
- ~~B. Increased Density Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:~~

- ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~
- ~~2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

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

~~17.76.150 Maximum Floor-Area Ratio.~~

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

- ~~A. Permitted Floor-Area Ratio (FAR). The maximum permitted FAR is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.~~
- ~~B. Conditionally Permitted Floor-Area Ratio (FAR). The FAR permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:~~
 - ~~1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;~~
 - ~~2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

~~17.76.160 Maximum height.~~

~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.76.120 for maximum height of Signs, Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.~~

~~17.76.170 Minimum yards and courts.~~

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

- ~~A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.~~
- ~~B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten (10) feet.~~

- ~~C. Side Yard—Interior lot line. No side yard is generally required along an interior side lot line except as follows:
 - ~~1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.~~
 - ~~2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~~~
- ~~D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet, except as a lesser depth is allowed by Section 17.108.110.~~
- ~~E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.~~
- ~~F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

~~17.76.180 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy five (75) square feet per Regular Dwelling Unit, plus thirty eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~17.76.190 Buffering.~~

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

~~17.76.200 Special regulations for Planned Unit Developments and large-scale developments.~~

- ~~A. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.~~

~~B. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to development that include one hundred percent (100%) affordable housing units or where a valid Planned Unit Development permit is in effect.~~

~~17.76.210 Other zoning provisions.~~

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

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

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

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

~~E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-2 Zone.~~

~~F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the S-2 Zone.~~

Chapter 17.99 S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS

17.99.010 Title, purpose and applicability.

The provisions of this Chapter shall be known as the S-17 Downtown Residential Open Space Combining Zone Regulations. The Downtown Residential Open Space Combining (S-17) Zone is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the City's Central Business Downtown District. These regulations shall apply in the S-17 Zone, and are supplementary to the regulations applying in the zones with which the S-17 Zone is combined.

17.99.020 Zones with which the S-17 Zone may be combined.

The S-17 Zone may be combined with the portion of any zoning district that is located within ~~the General Plan designated Central Business Districts~~ Downtown District (D-DT) Zone.

**Chapter 17.100A S-19 HEALTH AND SAFETY PROTECTION COMBINING ZONE
REGULATIONS ^[38]**

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

- A. The standards of the S-19 Combining Zone shall apply to the following zoning districts:
1. Housing and Business Mix (HBX) Zones;
 2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
 3. CIX-1 (Commercial Industrial Mix-1) and D-DT-JLI (Downtown District Jack London Industrial) Zones;

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

17.101E.030 Permitted and conditionally permitted activities.

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

A. Definitions.

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

Table 17.101E.01 lists the permitted, conditionally permitted, and prohibited activities in the D-CE Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

Table 17.101E.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Activities							
Permanent	—	—	P	P	—	—	
Residential Care	—	—	P(L1)	P(L1)	—	—	17.103.010
Supportive Housing	—	—	P	P	—	—	
Transitional Housing	—	—	P	P	—	—	
Emergency Shelter	—	—	P(L1)	P(L1)	—	—	17.103.010
Semi-Transient	—	—	P	P	—	—	17.103.010
Bed and Breakfast	—	—	P	—	—	—	17.10.125
Civic Activities							

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Essential Service	P(L18)	P(L18)	P(L22)	P(L22)	P(L18)	P(L18)	
Limited Child-Care Activities	—	—	P	—	—	—	
Community Assembly	—	—	P(L2)	—	C	—	
Recreational Assembly	P	C	P(L2)	C	C	—	
Community Education	P	P	C	C	C	—	
Nonassembly Cultural	P	P	P(L2)	P(L3)	C	—	
Administrative	P	P	P(L3)	P(L3)	C	—	
Health Care	—	—	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
Commercial Activities							
General Food Sales	P	P	P(L2)(L12)	P(L4)(L12)	P(L5)	P(L5)	
Full Service Restaurants	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Limited Service Restaurant and Cafe	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Fast-Food Restaurant	—	C	—	—	C	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	—	17.103.030
Alcoholic Beverage Sales	C	C	C	C	C	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	—	—	
Medical Service	—	—	P(L2)	—	—	—	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
General Retail Sales	P	P	P(L5)	P(L5)	P(L5)	P(L6)	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P	P	P	P	P	—	
Consultative and Financial Service	P	P	P(L3)	P	C	—	
Check Cashier and Check Cashing	—	C	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P	C	C	C	—	
Consumer Dry Cleaning Plant	—	—	—	—	C	C	
Group Assembly	C	C	C	C	C	C(L8)	
Personal Instruction and Improvement Services	P	P	P	P	C	C(L8)	
Administrative	P	P	P(L3)	P(L3)	P	—(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	—	P(L7)	P(L2)	P(L3)	P(L3)(L11)	P	
Transient Habitation	C	C	C	C	—	—	17.103.050
Building Material Sales	—	P	P(L2)(L10)	P(L2)(L10)	P	—	
Boat and Marine-Related Sales, Rental, Repair and Servicing	P	—	—	—	—	C	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Automobile and Other Light Vehicle Sales and Rental	—	C	—	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	C	—	—	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	—	C(L13)	—	—	C	P(L14)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	C	
Automotive Fee Parking	—	—	—	C	C	C	17.103.055
Animal Boarding	—	C	C	C	—	—	
Animal Care	—	P	C	C	—	—	
Undertaking Service	—	—	—	—	C	C	
Industrial Activities							
Custom Manufacturing	C	P	P(L3)(L10)(L12)	P(L3)(L10)(L12)	P	P	17.120
Light Manufacturing	C	P	P(L2)(L10)(L12)	P(L3)(L10)(L12)	P	P	17.120
General Manufacturing	—	—	—	—	P	P	
Heavy/High Impact	—	—	—	—	—	C(L24)	
Research and Development	P(L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	—	—	—	C(L10)	P(L14)	P(L14)	17.103.065
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	C	—	P(L2)(L10)	P(L2)(L10)	P(L23)	P(L23)	17.103.065

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
B. General Outdoor Storage	—	—	—	—	P(L14)	P(L14)	
C. Self- or Mini-Storage	—	—	—	—	C(L25)	—	
D. Container Storage	—	—	—	—	P(L14)	P(L14)	
E. Salvage/Junk Yards	—	—	—	—	—	C(L24)	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	C	
B. Rail Yard	—	—	—	—	C	C	17.103.065
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	P(L14)	P(L14)	17.103.065
B. Truck Yard	—	—	—	—	C(L24)	P(L14)	17.103.065
C. Truck Weigh Stations	—	—	—	—	P(L14)	P(L14)	17.103.065
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	P(L14)	P(L14)	17.103.065
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L14)	P(L14)	17.103.065
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	P(L15)	P(L15)	P(L15)	P(L15)	P(L15)	17.10.040
B. Primary Recycling Collection Centers	—	—	—	—	—	C(L16)	17.73.035 17.103.065
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	C(L24)	C(L17)(L24)	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
B. Industrial Transfer/Storage	—	—	—	—	—	C(L17)(L24)	
C. Residuals Repositories	—	—	—	—	—	C(L17)(L24)	
D. Oil and Gas Storage	—	—	—	—	—	C(L17)(L24)	
Agriculture and Extractive Activities							
Limited Agriculture	C(L19)	C(L19)	P(L20)	P(L20)	C(L19)	C(L19)	
Extensive Agriculture	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	
Plant Nursery	—	C	C	C	P	P	
Mining and Quarrying	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101E.01:

L10. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

L14. A Conditional Use Permit is required if located within six hundred (600) of: a) the estuary shoreline; b) the D-CE-3 or D-CE-4 Zone; or c) any Open Space Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones) This activity is permitted if located beyond six hundred (600) feet.

L16. This activity is not permitted within six hundred (600) feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 Zone; or c) any Open Space Zone. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck- Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). All special regulations for primary collection centers in the Industrial Zones must be met as listed in Section 17.73.035.

L23. A Conditional Use Permit is required if located within six hundred (600) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE- 5, D-CE-6, D-CO-5, and D-CO-6 Zones). Permitted if located beyond six hundred (600) feet of a Residential Zone.

L24. Prohibited if located within six hundred (600) feet of a Residential or Open Space Zone; or the estuary shoreline. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE- 5, D-CE-6, D-CO-5, and D-CO-6 Zones).

L25. A Conditional Use Permit is required if located within six hundred (600) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE- 5, D-CE-6, D-CO-5, and D-CO-6 Zones); prohibited if located elsewhere throughout the zone.

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

17.101H.030 Permitted and conditionally permitted activities.

Table 17.101H.01 lists the permitted, conditionally permitted, and prohibited activities in the D-CO zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

Table 17.101H.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Activities							
Permanent	P	P	—	C(L4)	—	—	
Residential Care	P(L1)	P(L1)	—	C(L1)(L4)	—	—	17.103.010
Supportive Housing	P	P	—	C(L4)	—	—	
Transitional Housing	P	P	—	C(L4)	—	—	
Emergency Shelter	P(L1)	P(L1)	—	P(L1)(L4)	—	—	17.103.010
Semi-Transient	P	P	—	C(L4)	—	—	17.103.010
Bed and Breakfast	—	—	—	—	—	—	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	—	C(L6)	—	—	
Community Assembly	C	C	C	C	C	C	
Recreational Assembly	P	P	P	P	C	C	

Community Education	P	P	C	C	—	C	
Nonassembly Cultural	P	P	P	P	C	C	
Administrative	P	P	P	P	C	C	
Health Care	C	C	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Extensive Impact	C	C	C(L5)	C	C	C	
Commercial Activities							
General Food Sales	P	P	P	P(L2)	P(L2)	P(L2)	
Full Service Restaurants	P	P	P	P(L2)	P(L2)	P(L2)	
Limited Service Restaurant and Cafe	P	P	P	P(L2)	P(L2)	P(L2)	
Fast-Food Restaurant	C	C	C	—	—	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	—	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	P	C(L6)	—	—	—	
Medical Service	P	P	C	C	C	C	

General Retail Sales	P	P	P	P	P(L10)	P	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P(L8)	P(L8)	P(L8)	P(L8)	C	C	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	P	P	—	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	17.103.040

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Consumer Cleaning and Repair Service	P	P	P	P	—	—	
Consumer Dry Cleaning Plant	C	C	C	C	—	—	
Group Assembly	P(L14)	P(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Personal Instruction and Improvement Services	P	P	P	C	C	C	
Administrative	P	P	P	P	P	P	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P	P	P	P	
General Wholesale Sales	P(L2)	P(L2)	P(L3)	P(L2)	P	P(L2)	

Transient Habitation	C	C	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	C	—	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L11)	—	—	—	
Automobile and Other Light Vehicle	—	—	C(L11)	—	—	—	

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Repair and Cleaning							
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	
Automotive Fee Parking	C	C	C(L11)(L15)	C	C	C	
Animal Boarding	—	—	C(L11)(L13)	—	—	—	
Animal Care	C	C	C	—	—	—	
Undertaking Service	—	—	—	—	—	—	
Industrial Activities							
Custom Manufacturing	P	P	P	P	P	P	17.120
Light Manufacturing	C	P	P	P(L3)	P	P	17.120
General Manufacturing	—	—		—	C(L11)(L13)	—	17.103.065

Heavy/High Impact	—	—	—	—	—	—	
Research and Development	P	P	P	P	P	P	
Construction Operations	—	—	—	—	C(L7)	—	17.103.065
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	—	P(L3)(L9)	P(L9)	P(L3)(L9)	P(L9)	P(L9)	17.103.065
B. General Outdoor Storage	—	—	—	—	C(L11)(L13)	C(L13)	

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
C. Self- or Mini-Storage	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	—	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	—	
B. Rail Yard	—	—	—	—	—	—	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	C(L7)	—	17.103.065
B. Truck Yard	—	—	—	—	C(L7)	—	17.103.065
C. Truck Weigh Stations	—	—	—	—	C(L7)	—	17.103.065

D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	C(L7)	—	17.103.065
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	C(L7)	—	17.103.065
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	17.73.035

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	—	—	
B. Industrial Transfer/Storage	—	—	—	—	—	—	
C. Residuals Repositories	—	—	—	—	—	—	
D. Oil and Gas Storage	—	—	—	—	—	—	
Agriculture and Extractive Activities							
Limited Agriculture	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	
Extensive Agriculture	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	
Plant Nursery	—	C	C	C	C(L12)	C(L12)	

Mining and Quarrying	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101H.01:

L2. The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D- CO-5, and D-CO-6 Zones).

L3. The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D- CE-6, D-CO-5, and D-CO-6 Zones).

L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L11. Except for such uses that are accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity, these activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.120 Removal of dirt or other minerals—Residential and S-1, ~~S-2~~, ~~S-3~~, S-15, and OS Zones.

17.102.120 Removal of dirt or other minerals—Residential and S-1, ~~S-2~~, ~~S-3~~, S-15 and OS Zones.

In all Residential Zones and in the S-1, ~~S-2~~, ~~S-3~~, S-15 and OS Zones, no grading or excavation shall involve the removal of any soil, rock, sand, or other material for purposes of sale, fill, building, or other construction usage off the premises, unless a conditional use is granted pursuant to the conditional use permit procedure in Chapter 17.134. However, excavations in any street, alley, or other public place and excavations for foundations, basements, or cellars for the erection of any buildings for which a building permit has been issued shall be exempt from the above restriction.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zones.

In all Commercial Zones, no Industrial Activity shall be conducted within any building above any story thereof occupied wholly or partly by Residential Activities, except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. However, this requirement shall not apply to:

- A. Nonresidential Activities within:
 - 1. HBX, ~~CIX~~, ~~IG~~, ~~IO~~, D-DT, or D-CE Work/Live Nonresidential Facilities;
 - 2. Joint Living and Working Quarters, pursuant to Section 17.102.190;
 - 3. Residentially-Oriented Joint Living and Working Quarters, pursuant to Section 17.102.195; or
- B. An approved home occupation, pursuant to Chapter 17.112.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

17.103.030 Fast-Food Restaurant, and Convenience Market Commercial Activities, and Establishments Selling Alcoholic Beverages.

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity or sale of alcoholic beverages shall be located closer than one thousand (1,000) feet to any other establishment selling alcoholic beverages measured between closest building walls, except:
 - a. ~~On-sale retail licenses located in the Central District (defined in Section 17.09.040 for the purposes of this Chapter only 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 that fall within the exception for CUP for Alcoholic Beverage Sales Commercial Activities listed in Table 17.101K.01, L.30 and are located in the Central District (defined in Section 17.09.040) Jack London District (defined for the purposes of this Chapter only 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~~
 - c. If the activity is in conjunction with a Full-Service Restaurant or Limited-Service Restaurant and Café Commercial Activity; or
 - d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees or a total floor area of twelve thousand (12,000) square feet or more; or
 - e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:
 - i. For the purposes of this Chapter only, an “alcoholic beverage manufacturer” means a Custom or Light Manufacturing Industrial Activity producing alcoholic beverages as a principal activity, with a State of California Department of Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.
 - ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit (CUP), regardless of whether such Custom or Light Manufacturing Industrial Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).
 - iii. Also, no additional CUP findings are required, regardless of whether such sale of alcoholic beverages at an alcoholic beverage manufacturer meets normally required separation requirements, and/or is located in an over-concentrated area.
2. In addition to the above criteria, projects located outside of the Central District, the

Hegenberger Road Corridor, and the D-CO-2 and D-CO-3 Zones shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twelve thousand (12,000) square feet or more:

- a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full-Service Restaurant and Limited-Service Restaurant and Café Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and
 - b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.
3. See Chapter 17.156 for Deemed Approved Alcoholic Beverage Sale regulations.
 4. Standards for Limited-Service Restaurant and Café Commercial Activities that include the service of alcoholic beverages:
 - a. Hours of operation shall not exceed a closing time of 12:00 a.m., unless a Cabaret Permit is obtained.
 - b. Food service shall be offered at all times the Limited-Service Restaurant or Café is open, with the exception that the establishment may elect to close the kitchen up to two (2) hours prior to closing.
 - c. Minors shall be admitted at all times, unless a ~~Cabaret~~ Entertainment Venue Permit is obtained.
 - d. No admission shall be charged, unless a ~~Cabaret~~ Entertainment Venue Permit is obtained.
 - e. Window clarity shall be maintained at or restored to fifty percent (50%) ~~seventy-five percent (75%)~~ minimum.
 - f. Floor plan shall depict a dining area and no bar.
 - g. Off-sale (retail bottle sales of beer and / or wine) shall be considered with to-go food orders after a period of six (6) months of operation by same operator and upon completion of a satisfactory administrative compliance review.
 - h. Sale of alcoholic beverages shall not exceed fifty-percent (50%) of revenues.
 - i. That where the proposed use is abutting and facing 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 10:00 p.m. and 7:00 a.m.
 - j. Applicants for projects involving alcohol sales are encouraged to conduct outreach early in the permit review process, including but not limited to, contact with the City Council District Office, Neighborhood Crime Prevention Council/NCPC (can be contacted through the City's Neighborhood Service Coordinators), merchant groups, and any other applicable neighborhood groups. Outcomes should be reported to the Planning Bureau in writing.
- B. Special Restrictions Applying to Fast-Food Restaurants.
1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central District

(defined in Section 17.09.040 for the purposes of this Chapter only as within the boundaries of 1-980 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), within the main building of Shopping Center Facilities, and in the D-CO-2 and D-CO-3 Zones.

17.103.065 Truck-Intensive Industrial Activities.

- B. Special Conditional Use Permit Criteria. In the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones, a Conditional Use Permit is required for a Truck-Intensive Industrial Activity to be located within six hundred (600) feet of any Residential Zone boundary and shall only be granted upon determination that the proposal conforms to the general criteria set forth in the Conditional Use Permit procedure (see Section 17.134.050) and to all of the following additional use permit criteria:
- C. Special Performance Standards (in addition to those Performance Standards contained in Chapter 17.120). Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D- CO-5, and D-CO-6 Zones located within six hundred (600) feet of any Residential Zone boundary shall be subject to the following special requirements to ensure that the criteria contained in Subsection B, above are fulfilled:
- a. Truck access points to the activity site shall only be from truck routes designated by the City of Oakland;
 - b. All trucks associated with the activity shall comply with California Air Resources Board idling regulations;
 - c. All loading docks shall have electric plug-in capabilities;
 - d. New truck parking areas and loading docks shall be sited so as to minimize impacts on sensitive receptor locations, including but not limited to orienting them away from residential and open space areas;
 - e. Identification, directional and informational signs shall be provided on site. At a minimum, the following information shall be posted:
 - i. Business Identification. 24-hour contact information of facility operator near the entrance(s) and perimeter of the facility;
 - ii. A map of authorized truck routes to the facility posted at the office and available to customers, truck operators, and the public; and
 - iii. "No Idling" signs near loading docks and truck parking and staging areas.
 - f. After business hours, all facility-owned vehicles shall be stored on-site or at an approved alternative off-street location;
 - g. The operation shall meet the requirements of the Bay Area Air Quality Management District (BAAQMD);

- h. The proposal shall comply with all applicable performance standards contained in Chapter 17.120;
 - i. All equipment shall be maintained and kept in good working order and meet current regional and state air quality standards;
 - j. The business operator shall maintain a 24-hour "hotline" where neighbors can log complaints regarding nuisance activity associated with or emanating from the facility. Complaint logs shall be maintained and made available to the City for inspection/copying upon reasonable notice.
- D. Standard Buffering and Landscaping Condition for Truck-Intensive Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones. A combination of wall and vegetative buffer shall be used as a method to block diesel and other emissions from sensitive receptor locations. For a vegetative buffer, dense rows of trees and other vegetation between sensitive receptor locations and emission sources shall be planted. See Appendix A. of the City of Oakland's Gateway Industrial District Design Standards for approved landscape buffers and a plant list. Street trees as required by Section 17.124.025 shall also be installed. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.

Chapter 17.104 GENERAL LIMITATIONS ON SIGNS

Sections:

17.104.030 General limitations on Signs—S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones.

17.104.020 General limitations on Signs—RU-4 and RU-5 Zones, and all Commercial and Industrial Zones.

C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
2. Freestanding Signs. The maximum height of any freestanding sign in the CC, ~~M-20, M-30, M-40~~, CIX, IG, IO, D-DT-JLI, D-CE, D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial Zones is ten (10) feet.

17.104.030 General limitations on Signs—S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones.

The following limitations shall apply to the specified Signs in the S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations or development control maps:

- B. Permitted Aggregate Sign Area. S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.

1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
 - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the Small project design review procedure in Chapter 17.136;
 - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.

C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones is ten (10) feet.

17.104.070 Master Sign Programs.

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

Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS

Sections:

17.106.050 Use permit criteria for increased density or Floor Area Ratio with acquisition of nearby development rights outside of the D-DT Zones.

17.106.050 Use permit criteria for increased density or Floor Area Ratio with acquisition of nearby development rights outside of the D-DT Zones.

Except as indicated in the D-DT Zones, A-a Conditional Use Permit for an increase in the number of allowed living units or Floor Area Ratio (FAR) upon acquisition of the development rights of lots within three hundred (300) feet of the subject development site may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the applicant has acquired development rights from the owners of lots within three hundred (300) feet of the subject development site, restricting the number of living units or the amount of floor area which may be developed thereon so long as the facilities proposed by the applicant are in existence;
- B. That the owners of all such nearby lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- C. That the resultant reduction in potential number of living units or amount of floor area on such nearby lots is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.

In the D-DT Zone, any proposed increase in the number of living units or Floor Area Ratio (FAR) through the acquisition of development rights shall be reviewed instead according to the transfer of development rights regulations in Section 17.101K.120.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

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

Unless specified otherwise in the applicable individual zone, the following special height restriction regulations shall apply to every lot in the RU-4 and RU-5 Zones, and RU-1, R-80, S-1, S-2, S-3, and S-15 Zones, and all Commercial and Industrial Zones ~~which~~ that abuts any lot located in an RH, RD, or RM Zone:

- A. Where Side Lot Line Is Abutting Zone Boundary. Where an interior side lot line of the former lot abuts a RH, RD, or RM 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 or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one (1) foot for each foot by which it extends above that height if the principal building on the abutting lot has a height of thirty (30) feet or less. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback or lot line.

17.108.020 Different maximum height in certain situations.

General Height for Civic Facilities with Increased Yards. On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, ~~M-20, S-15, OS, D-CO, and D-CE~~ Zones that have a height limit of less than ninety-five (95) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to ninety-five (95) 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 (1) 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.

17.108.130 Exceptions to required openness of minimum yards and courts.

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees and Accessory Dwelling Units in conformance with all requirements in Section 17.103.080, 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 exceptions allowed for Nonconforming Uses in Chapter 17.114, Accessory Dwelling Units in Section 17.103.080, and 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.

Facilities	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.)				
	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
M. Unroofed parking and loading areas.	In any yard or court, except that in all Residential Zones and in the S-1, S-2, and S-3 Zones, no unroofed parking space which <u>that</u> is located on any lot containing three (3) or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of the edge of pavement of any street or alley.				

17.108.140 Fences, dense hedges, barriers, and similar freestanding walls.

- C. Commercial Zones and in the OS, S-1, ~~S-2~~, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all Commercial Zones and in the OS, S-1, ~~S-2~~, S-3, D-CO-1, and S-15_Zones.
1. Height.
 - a. The maximum height allowed by right of any fence, dense hedge, barrier, or similar freestanding wall located within ten (10) feet of the public right-of-way or any abutting property located in a Residential or Open Space Zone is eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations if installed with additional landscape screening and upon the granting of Design Review pursuant to the 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 is ten (10) feet.
 2. Restricted Materials. In any location visible from the adjacent public right-of-way, no
 3. barbed wire, razor wire, or electrified wire shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.
 - a. Exceptions. Fences or walls shall be exempted from the above limitation on barbed wire, razor wire, or electrified wire where the Director of City Planning, or his or her designee, determines that it will increase safety and security or that trespassing could present a public safety hazard. The Director of City Planning, or his or her designee, is hereby authorized to institute standards consistent with this subsection to guide implementation of this exception.

Chapter 17.110 BUFFERING REGULATIONS

Sections:

17.110.020 General buffering requirements—Residential and S-1, ~~S-2~~, S-3, S-15, D-CO-1, and OS Zones.

17.110.030 General buffering requirements —Commercial and Industrial Zones.

17.110.040 Special buffering requirements.

17.110.020 General buffering requirements—Residential and S-1, ~~S-2~~, S-3, S-15, D-CO-1, and OS Zones.

The following regulations shall apply in all Residential Zones and in the S-1, ~~S-2~~, S-3, S-15, D-CO-1, and OS Zones, and are in addition to the provisions set forth in Section 17.110.040:

17.110.040 Special buffering requirements.

- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, ~~M-20~~, D-CE-3, D-CO-1, and S-15 Zones. In the CN, CR-1, ~~M-20~~, D-CE-3, D-CO-1, and S-15 Zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in Subsections A. and B. of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

Chapter 17.114 NONCONFORMING USES

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) an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BV Zones, or 3) Truck-Intensive Industrial Activities as defined in Section 17.103.065, Trucking and Truck-Related Industrial Activities, and Recycling and Waste-Related Industrial Activities in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D- CO-6 Zones, 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 (1) year, or occupies less than four hundred (400) square feet of floor area and hereafter discontinues active operation for a continuous period of six (6) 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 Subsection 17.114.070.A., 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.
- D. Whenever a nonconforming Truck-Intensive Industrial Activities as defined in Section 17.103.065, Trucking and Truck-Related Industrial Activity, or Recycling and Waste-Related Industrial Activity in the M-40, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones discontinues active operation for more than zero (0) days, based on purposeful abandonment, the right to continue the nonconforming use shall expire immediately upon discontinuance of use. However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

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 Provisions 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 Commercial Activity permitted in the CN-4 Zone.

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	Research Service	(see below)
	General Wholesale Sales	(see below)
	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)
	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 Provisions Listed Below This Table
		Any Commercial Activity permitted in the CC-2 Zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	General Food Sales	(see below)
	Full Service Restaurant	(see below)
	Limited Service Restaurant and Cafe	(see below)
	Fast-Food Restaurant	(see below)
	Convenience Market	(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 Services	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the CN-4 Zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	
	Medical Service	(see below)
	Consultative and Financial Service	(see below)

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	Administrative	(see below)
		Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 Zone.
Any Commercial Zone.	Any such Commercial or Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 Zone.
Any Industrial Zone.	Any such Commercial or Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 Zone.

Article III Nonconforming Facilities

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D~~1~~2 and D-DT-JLI and ~~M-20~~ Zones—Screening required within three (3) years.

17.114.130 Nonconforming open storage on same lot as Residential Facility—Screening required within three years.

On any lot containing a Residential Facility, any open area which is devoted to storage or display of goods or materials shall, within three (3) years after the effective date of the zoning regulations, be either removed or made to conform to the applicable screening requirements of Section 17.110.040A.

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and D-DT-JLI, and ~~M-20~~ Zones—Screening required within three (3) years.

In the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, D-DT-JLI and ~~M-20~~ Zones, all open storage areas shall, within three (3) years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040.B.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Article II Off-Street Parking Requirements

17.116.105 Special regulations in the ~~CBD~~ D-DT and D-LM Zones.

17.116.060 Off-street parking—Residential Activities.

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

1. **Minimum Parking for Permanent and Semi-Transient Residential Activities.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling.	RH Zones, except when combined with the S-9 or S-11 Zone.	Two (2) spaces for each dwelling unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
	RH Zones combined with the S-9 or S-11 Zone.	One (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
	D-DT, CBD, S-2, S-15, D-CO-1, and D-LM Zones.	No spaces required.

Residential Facility Type	Zone	Total Required Parking
	Any other zone.	One (1) space for each dwelling unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Accessory Dwelling Unit (in conjunction with One-Family, Two-to Four-Family, or Multifamily Dwelling).	D-DTCBD, S-2, S-15, D-CO-1, and D-LM Zones, except when combined with the S-9 or S-11 Zone.	No additional spaces required for the Accessory Dwelling Unit.
	All other zones (including any zone combined with the S-9 or S-11 Zone).	One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.
Two- to Four-Family Dwelling. Multifamily Dwelling.	D-DTCBD, S-2, S-15, D-CO-1, and D-LM Zones.	No spaces required.
	All other zones.	One-half (½) space for each dwelling unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Rooming House.	D-DTCBD, S-2, S-15, D-CO-1, D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units.
	All other zones.	One-half (½) space for each Rooming Unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Micro-Living Quarters	D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)	No spaces required.
Vehicular.	All zones.	See Section 17.103.085.
Bed and Breakfast.	D-DTCBD, S-2, S-15, D-CO-1, and D-LM Zones.	No spaces required.

Residential Facility Type	Zone	Total Required Parking
	All other zones.	One (1) space for each two (2) guest rooms, plus the required parking for a One-Family Dwelling in the underlying zone, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

2. **Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities (If the property is a BART-owned parcel subject to Assembly Bill (AB) 2923 (2018), the maximum number of parking spaces shall be 0.375 spaces for each dwelling unit):

Residential Facility Type	Zone	Maximum Number of Parking Spaces
One-Family Dwelling.	S-15 and D-CO-1 Zones.	One-half (½) space for each dwelling unit.
Two- to Four-Family Dwelling.	D-DTCBD, S-2, and D-LM Zones.	Three-quarters (¾) space per dwelling unit.
Multifamily Dwelling.	All other zones.	No maximum parking requirement.
Rooming House.	D-DTCBD, S-2, S-15, D-LM, and D-CO-1 Zones	One-half (½) space for each Rooming Unit.
	All other zones.	No maximum parking requirement.
Vehicular.	All zones.	See Section 17.103.085.
Bed and Breakfast.	D-DTCBD, S-2, S-15, D-LM, and D-CO-1 Zones.	One (1) space per each two (2) guest rooms, plus the maximum allowed parking for a One-Family Dwelling in the underlying zone.
	All other zones.	No maximum parking requirement.

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Article III and elsewhere in this Title, 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 Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
A. Essential Service and Limited Childcare.	All zones.	—	No spaces required.
B. Community Assembly and Recreational Assembly: <ul style="list-style-type: none"> • Playgrounds and playing fields; • Concessions located in public parks; • Temporary nonprofit festivals; • Private non-profit clubs and lodges. 	All zones.	—	No spaces required.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
Churches and all other.	CBD-P, CBD-C, CBD-XD-DT, S-2, S-15, D-CO-1, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
C. Community Education: high schools.	CBD-P, CBD-C, CBD-XD-DT, S-2, S-15, D-CO-1, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
All others.	CBD-P, CBD-C, CBD-XD-DT, S-2, S-15, <u>S-16</u> , D-CO-1, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	Any other zone.	No minimum.	One-half (1/2) space for each classroom, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
D. Nonassembly Cultural. Administrative.	CBD-P, CBD-C, CBD-XD-DT, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area.	One (1) space per one thousand (1,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
E. Health Care: hospitals.	CBD-C, CBD-X, D-DT, S-2, S-15, D-CO-1, and D-LM-2 through D-LM-5.	No minimum.	No spaces required.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Clinics.	C-45, CBD-P, CBD-C, CBD-X, S-2, D-DT, S-15, D-CO-1, and D-LM-2 through D-LM-5.	—	No spaces required.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
All other.	D-DTC-45, CBD-P, CBD-C, CBD-X, S-2, S-15, S-16, D-CO-1, and D-LM-2 through D-LM-5 Zones.	No minimum.	No spaces required.
	Any other zone.	No minimum.	One (1) space for each six (6) beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
F. Utility and Vehicular.	D-DT, CDB-P, CBD-C, CBD-X, S-2, S-15, S-16, D-CO-1, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	Five thousand (5,000) square feet of floor area.	One (1) space for each three (3) employees plus one space for each vehicle used in connection with the activities, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
G. Extensive Impact: colleges and universities.	D-DT, CBD-P, CBD-C, CBD-X, S-15, D-CO-1, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
All other.	All zones.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

17.116.080 Off-street parking—Commercial Activities.

A. Minimum Parking for Commercial Activities.

Except as otherwise provided in Article III and elsewhere in this Title, the following table contains the amounts of off-street parking that are required in the indicated location for all Commercial Activities.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
Group Assembly – only theaters, cabarets, nightclubs with performance	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
and/or dance space. Go to "All other activities," below for other Group Assembly Activities.	All other zones.	Ten thousand (10,000) square feet of floor area.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
General Wholesale. Building Material Sales. Automobile and Other Light Vehicle Sales and Rental.	CBD-P, CBD-C, CBD-X, D-DT, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.
Automobile and Other Light Vehicle Gas Station and Servicing.	All other zones.	Ten thousand (10,000) square feet of floor area.	One (1) space for each one thousand (1,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Taxi and Light Fleet-Based Service.	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15, and S-16 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area and outdoor storage.	One (1) space for each one thousand (1,000) square feet of floor area, plus one space for each vehicle used in connection with the activities, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
Automobile and Other Light Vehicle Repair and Cleaning.	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.

	All other zones.	No minimum.	One (1) space for each one thousand (1,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
Automotive Fee Parking.	All zones.	—	No spaces required.
Animal Boarding.	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.
	All other zones.	Five thousand (5,000) square feet.	One (1) space for each 1,000 square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.
All other activities	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet in the D-BV Zones and five thousand (5,000) square feet for all other zones.	One (1) space for each one thousand (1,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

B. Maximum Parking for Commercial Activities. Except as otherwise provided elsewhere in this Title, no more than the following amounts of off-street parking are permitted for Commercial Activities when located in the indicated zones (If the property is a BART-owned parcel subject to Assembly Bill (AB) 2923 (2018), the maximum number of parking spaces shall be 0 spaces per 1,000 square feet for Administrative Commercial and Administrative Civic Activities):

Commercial Activity	Zone	Maximum Number of Parking Spaces
General Food Sales. Limited Service Restaurant and Café. Fast-Food Restaurant. Convenience Market. 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 Services. Administrative. Business, Communication, and Media Service. Broadcasting and Recording Service.	D-DT, CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO-1, and S-15 Zones.	One (1) space for each five hundred (500) square feet of floor area.
Research Service. Animal Care.	All other zones.	No maximum parking requirement.
All other Commercial Activities.	All zones	No maximum parking requirement.

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in this Title, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
D-DT, CBD-P, CBD-C, CBD-X, D-CO-1, D-LM, S-2, and S-15 Zones.	—	No spaces required.

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
All other zones.	25,000 square feet of floor area.	One (1) space for each five thousand (5,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in this Title, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-DT, CBD-P, CBD-C, CBD-X, S-2, S-15, D-CO-1, and D-LM Zones.	—	No spaces required.
All other zones.	Ten thousand (10,000) square feet of floor area and outdoor sales area.	A number of spaces to be prescribed by the Planning Director, pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.

17.116.105 Special regulations in the ~~CBD~~ D-DT and D-LM Zones.

The following regulations shall apply to new Multifamily Residential Facilities of five (5) or more dwelling units in the ~~CBD~~ D-DT and D-LM Zones.

17.116.120 Off-street loading—Residential 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 Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter: (See illustration I-18.)

Residential Activity and Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.
50,000 square feet or more.	One (1) berth.*

*Off-street loading is not required in a D-DT~~CBD-P~~ Zone when combined with the S-7 Zone.

17.116.130 Off-street loading—Civic 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 Civic 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.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000 square feet or more.	Two (2) berths.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in a D-DT~~the CBD-P~~ zone when combined with the S-7 zone.

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 V of this Chapter:

Commercial Activity and Floor Area of Facilities Occupied	Requirement
<p>A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Large-Scale Combined Retail and Grocery Sales, Consumer Cleaning and Repair Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive Fee Parking, or Undertaking Service – occupying facilities with the following floor area:</p>	
<p>Less than 25,000 square feet.</p>	<p>No berths required.*</p>
<p>25,000—149,999 square feet.</p>	<p>One (1) berth.*</p>
<p>150,000 square feet or more.</p>	<p>Two (2) berths.*</p>
<p>B. Mechanical or Electronic Games, Medical Service, Consultative and Financial Service, Administrative, Transient Habitation, Check Cashier and Check Cashing, Consumer Dry Cleaning Plant, Group Assembly, Personal Instruction and Improvement Services, Business, Communication, and Media Service, Broadcasting and Recording Service, Automobile and Other Light Vehicle Sales and Rental, Automotive and Other Light Vehicle Repair and Cleaning, Taxi and Light Fleet-Based Service, Animal Care, or Animal Boarding - occupying facilities with the following floor area:</p>	

Commercial Activity and Floor Area of Facilities Occupied	Requirement
Less than 50,000 square feet.	No berths required.*
50,000—199,999 square feet.	One (1) berth.*
200,000 square feet or more.	Two (2) berths.*

*Off-street loading is not required in the ~~CBD-P~~ D-DT Zone when combined with the S-7 Zone.

17.116.150 Off-street loading—Industrial 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 all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Industrial Activity and Total Floor Area of Facilities Occupied	Requirement
Less than 25,000 square feet.	No berths required.*
25,000—99,999 square feet.	One (1) berth.*
100,000—199,999 square feet.	Two (2) berths.*
Each additional 150,000 square feet or fraction of two-thirds or more thereof.	One (1) additional berth.*

*Off-street loading is not required in the ~~CBD-P~~ D-DT Zone when combined with the S-7 Zone.

17.116.170 Property on which parking and loading is provided.

- A. **Parking Spaces and Loading.** Off-street parking spaces and loading berths shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290.B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area. Required parking provided on a lot other than the Facility or Activity it serves shall not count toward any of the required parking serving the Facility or Activity on the off-site lot.

Facility and Activity it Serves	Zone	Location

Parking spaces for any Residential or Commercial Activity.	RU-4, RU-5, CN, CC, CR, C-40, C-45, <u>D-DT, CBD, S-1, S-2,</u> S-3, S-15, D-BV, D-CE, D-LM, and D-CO Zones.	On the same lot as the activity served; or either, subject to the provisions of Section 17.116.180: 1. On another lot that both is located within six hundred (600) feet and contains an enclosed principal facility containing a principal activity; or 2. Upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) on another lot that both is located within six hundred (600) feet and does not contain an enclosed principal facility containing a principal activity.
	All other zones.	On the same lot as the activity served, but for One-Family and Two- to Four-Family Dwelling Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards:

Facility and Activity it Serves	Zone	Location
		<ol style="list-style-type: none"> 1. The minimum pavement width along the entire length of the adjoining street is at least twenty (20) feet; 2. The parking stalls shall be located perpendicular to the edge of the street pavement, curb, or sidewalk; 3. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement resulting from the project, including any curbs or sidewalks; and 4. The number of parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the residential parking spaces.
Parking spaces for any Industrial Activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within six hundred (600) feet.
Parking spaces for any other activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet or, upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), within six hundred (600) feet.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot, except that an off-street loading facility for Nonresidential Activities in any zone, or for Residential Activities in the S-1, S-2 , S-3, S-15, D-CE, D-CO, D-LM, D-BV, D-DT, CBD , CN, and CC, C-40, and C-45 Zones, may, upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

17.116.270 Screening and setback of parking and loading areas.

- A. In all Residential Zones and in the S-1, ~~S-2~~, S-3, and OS Zones. In all Residential Zones and in the S-1, ~~S-2~~, S-3 and OS Zones, all open off-street parking areas on any lot containing

three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170

17.116.280 Control on artificial illumination of parking and loading facilities.

In all Residential Zones and in the S-1, ~~S-2~~, S-3, and OS Zones, artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street loading areas on any lot, and of driveways related thereto, 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. In Commercial and Industrial Zones, artificial illumination of off-street parking and loading facilities shall be controlled when and as specified in Section 17.110.030 of the buffering regulations.

17.116.310 Unbundled Parking.

With the exception of affordable housing as defined by Section 17.107.020, the following rules shall apply to new Multifamily Dwelling Residential Facilities of five (5) or more units:

- B. Off-street parking spaces shall only be offered to residents of the dwelling units served by the off-street parking. In the RU-4, RU-5, ~~D-DTCBD~~ and any Commercial Zone, any spaces (required or not required) not purchased or rented by residents may be rented to non-residents. Such spaces must be vacated on thirty (30) days' notice if requested by residents to be made available to them.

Chapter 17.120 PERFORMANCE STANDARDS

17.120.060 Vibration.

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

17.120.070 Smoke.

All Commercial and Industrial Activities located in a Residential Zone or in any HBX, D-CO, D-DT-JLI, D-CE, CIX, or M-40 Zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

17.120.080 Particulate matter and air contaminants.

All Commercial and Industrial Activities which are located in a Residential Zone or the ~~M-20~~, S-3, CIX, HBX, D-DT-JLI, D-CO, D-CE-3, or D-CE-4 Zones, or which are located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, ~~M-30~~, M-40, IG, or IO Zones within four hundred (400) feet of any boundary of a Residential Zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities.

17.120.090 Odor.

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

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20 , S-3, the HBX Zones, <u>D-DT-JLI</u> , D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone.	At or beyond any lot line of the lot containing the activities.
D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30 , M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

17.120.110 Humidity, heat, cold, and glare.

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

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

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20 , S-3, HBX Zones, <u>D-DT-JLI</u> , D-CE 3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones.	At or beyond any lot line of the lot containing the activities.
D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30 , M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

17.120.120 Electrical disturbance.

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

Chapter 17.126 USABLE OPEN SPACE STANDARDS

17.126.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Usable Open Space Standards. The purpose of these provisions is to prescribe standards for the development and maintenance of open areas which serve the need for leisure, recreation, and space. These standards shall apply to all usable open space required by other provisions of the zoning regulations, except as otherwise specified within the D-DTCBD, D-BV and D-LM Zones, and the S-17 Downtown Residential Open Space Combining Zone.

No additional open space is required for newly established living units located entirely within an existing facility. However, if the amount of open space on the lot equals or is less than required, then that existing amount must be preserved with the establishment of new living units. If there is more open space on the lot than required, then the amount of open space can be reduced to the minimum required.

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 (CUP) is considered a Major Conditional Use Permit if it involves any of the following:

1. **Thresholds.** Any project requiring a Conditional Use Permit 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 (1) acre;
 - b. Nonresidential projects involving more than twenty-five thousand (25,000) square feet of floor area, except in the ~~R-80, D-DT~~CBD-R, CBD-P (when not combined with the S-7 Zone), ~~CBD-C, CBD-X, S-2, S-15,~~ D-BV, D-CO, or D-LM Zones;
 - c. Large-Scale Developments.
 - i. Any development not involving one hundred percent (100%) affordable housing units, other than manager's units, which is located in the S-15, D-CO, or D-LM Zones, and results in more than one hundred thousand (100,000) square feet of new floor area;
 - ~~ii. Any development not involving one hundred percent (100%) affordable housing units, other than manager's units, which is located in the R-80 or S-2 Zones, and results in more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height;~~
 - ~~iii. ii.~~ Any development not involving one hundred percent (100%) affordable housing units, other than manager's units, which is located in the D-DT Zones ~~CBD-R, CBD-P~~ (when not combined with the S-7 Zone), ~~CBD-C, or CBD-X~~ Zones, and results in more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred fifty (250) feet in height.
 - d. Projects that request to be considered for an exception to the D-LM Height/Bulk/Intensity Area standards, as described in Table 17.101G.04, Note 2.
3. **Special Situations.** Any project requiring a Conditional Use Permit that involves any of the following situations:
 - a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Residential Zone and occupies more than seven thousand five hundred (7,500) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the ~~C-40, D-DT (except the D-DT-JLI)~~CBD-P, CBD-C, CBD-X, S-2, and D-LM Zones serving fifty (50) or more vehicles;
 - d. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any Residential or HBX Zone;
 - e. A project in the OS Zones listed as requiring a Major Conditional Use Permit in Chapter 17.11, except that any improvement or change in use consistent with a Park Master Plan that has been adopted by the Oakland City Council shall not

require a Conditional Use Permit (as specified in Section 17.135.050), even where it involves facilities or activities that would otherwise require a Major Conditional Use Permit in Section 17.11.060;

- f. An Electroplating Activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- g. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential Zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
- h. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, or the D-CE-3 or D-CE-4 Zone;
- i. A project requiring a Conditional Use Permit as set forth under Section 17.153.050 for any demolition or conversion of Residential Hotel Units or a Residential Hotel.
- j. A Park Master Plan for a City-Owned Park, subject to the provisions of Section 17.135.050(A).

17.134.130 Termination of a Conditional Use Permit

- A. A Conditional Use Permit (CUP) granted pursuant to the provisions of this Chapter that permits an activity shall not be of any force or effect if the following is true:
 - 1. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity is nonresidential and has ceased, or has been suspended, for a consecutive period of three (3) or more years. In the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones, the subject Truck-Intensive Industrial Activity (as defined in Section 17.103.065) has ceased, or has been suspended, for a consecutive period of six (6) or more months.
- B. A single, one-year extension of the period described in subsection (A) may be granted by, and at the discretion of, the Director of the Bureau of Planning, or his or her designee. The request for the extension shall be: 1) in writing, 2) made by the applicant or owner of the subject site, and 3) made prior to the three (3) year period described in subsection (A). Notwithstanding the above, no extension request shall be granted for Truck-Intensive Industrial Activities (as defined in Section 17.103.065) in the M-40, CIX, IG, IO, D-DT-JLI, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

Chapter 17.136 DESIGN REVIEW PROCEDURE

17.136.055 Special regulations for historic properties in the ~~Central Business~~Downtown District (D-DT) and the Lake Merritt Station Area District (D-LM) Zones.

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):
- a. Additions or Alterations.
 - i. Projects not requiring a building permit, except if otherwise specified below;
 - ii. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
 - iii. After notice to the Director of City Planning, demolition or removal of either:
 1. Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
 2. Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.
 - iv. Except as specified in Section 17.136.030, Accessory Dwelling Units that conform to all regulations in Section 17.103.080 and Chapter 17.88;
 - v. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;
 - vi. Except as otherwise specified in Subsection B.1.g for Nonresidential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, 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;
 - vii. For Nonresidential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
 - viii. For Commercial, Civic, or Industrial Facilities and the Nonresidential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and 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 be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
 - ix. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches

above finished grade.

b. Signs.

- i. 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;
- ii. 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;
- iii. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.

c. Other Projects.

- i. Sidewalk Cafes in the public right-of-way, pursuant to Section 17.103.090;
- ii. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district;
- iii. Projects involving no more than four (4) Vehicular Residential Facilities pursuant to Section 17.103.085, and projects involving any number of Vehicular Residential Facilities when occupied by an Emergency Shelter Residential Activity and located in an area where Emergency Shelter Residential Activities are permitted by-right pursuant to Section 17.103.015;
- iv. Electrical Vehicle Charging Stations or other similar facilities.

17.136.030 Small project design review.

B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

a. Additions or Alterations.

- i. 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;
- ii. Except as otherwise specified in Sections 17.136.025, 17.136.038, 17.136.040, and 17.136.075, demolition or removal of structures not involving a Designated Historic 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;
- iii. Except as otherwise specified in Sections 17.136.025 and 17.136.038 for Nonresidential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, 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 (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
- iv. 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: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.

- v. Accessory Dwelling Units that: 1) do not conform with objective design standards established by the Planning Director or his or her designee pursuant to Section 17.103.080.A.11 proposed in front or on a side of the primary structure; or 2) were established and occupied without Planning or Building approval prior to January 1, 2021, and request a waiver of any provision of the underlying zoning or applicable development standards that would preclude the preservation of said unit, pursuant to Section 17.103.080.A.15.
- b. Fences, barriers, and similar freestanding walls.
 - i. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall 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;
 - ii. For Commercial Zones, and Industrial Zones and S-1, ~~S-2~~, S-3, S-15, and ~~D-CO-4~~ Zones, any fence, barrier, or similar freestanding wall 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.
 - iii. For Industrial Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of the public right-of-way or any abutting property in a Residential or Open Space Zone, but not exceeding twelve (12) feet in height, pursuant to Section 17.108.140. Any fence, dense hedge, barrier, or similar freestanding wall located elsewhere on a lot in an Industrial Zone may only be permitted to exceed twelve (12) feet in height if installed with additional landscape screening and upon the granting of Small Project Design Review pursuant to the Design Review procedure in Section 17.136.030(C).
 - c. Signs.
 - i. 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;
 - ii. New or modified awnings or other similar facilities;
 - iii. Color changes to Signs, awnings or other similar facilities;
 - iv. 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 17.103.090.B.

17.136.038 Special project design review.

- A. Applicability. "Special Project Design Review" shall apply to Nonresidential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.075 and Chapter 17.73.

"Special 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 "Special Project" in Section 17.136.038(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 does not involve the demolition or removal of structures on a site in the CIX-1A Zone as specified in Section 17.136.075, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080.
- B. Definition of "Special Project". Special Projects are limited to one or more of the following types of work:
1. Cumulative additions to Non-residential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX- 1B, CIX-1C, and CIX-1D Zones over a three (3) year period that are outside the existing building envelope and exceed three thousand (3,000) square feet or fifty percent (50%) of the total floor area or footprint on site, whichever is less;
 2. New construction of principal Non-residential Facilities in the D-DT-JLI, D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones.
- D. Design Review Criteria—Special Project Design Review. A Special project design review approval shall be granted for proposals that conform with the adopted checklist criteria for Non-residential Facilities in the D-DT-JLI, ~~Coliseum Specific Plan Area~~ D-CO-5, and D-CO-6, ~~Zones or West Oakland Specific Plan Area~~ CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, as may be amended, based on applicable design review guidelines or criteria which have been adopted by the Planning Commission or City Council as part of the Coliseum Area Specific Plan or the West Oakland Specific Plan.

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 By-Right Residential Approval as set forth in Section 17.136.023, a design review exemption as set forth in Section 17.136.025, Small Project Design Review as set forth in Section 17.136.030, or Special Project Design Review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-DT-JLI, D—CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, 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 By-Right Residential Approval as set forth in Section 17.136.023, a design review exemption as set forth in Section 17.136.025, Small Project Design Review as set forth in Section 17.136.030, or Special Project Design Review as set forth in Section 17.136.038;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. New construction of one (1) or two (2) dwelling units, excluding any permitted Accessory Dwelling Units;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site, excluding any permitted Accessory

Dwelling Units;

5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX Work/Live unit or HBX Live/Work unit (see Sections 17.65.160 and 17.65.170); any new D-DT Work/Live unit, D-CE Work/Live unit or D-CE Live/Work unit (see Sections 17.101E.070 and 17.101E.080); or any new CIX, IG, or IO Work/Live unit (see Section 17.73.040). This requirement shall apply for both: a) conversions of existing facilities to contain any of these unit types, and b) the construction of new buildings that contain any of these unit types;
 7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for One- and Two-to Four-Family Residential Facilities in Section 17.116.300;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or Small Project Design Review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
 12. Demolition or removal of any Designated Historic Property (DHP), Potential Designated Historic Property (PDHP), or structure in the CIX-1A Zone pursuant to Section 17.136.075.
 13. Proposals involving five (5) or more Vehicular Residential Facilities.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for Regular Design Review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet of new nonresidential floor area and is located in any zone other than the ~~R-80, D-DT, CBD-R, CBD-P~~ (when not combined with the S-7 Zone or in the D-DT-JLI Zone), ~~CBD-C, CBD-X, S-2, D-LM, D-CO, or S-15 Zones~~, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all owners and occupants within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for a hearing

before the Commission. During the required noticing period, the Planning and Building department shall receive and consider comments from any interested party.

3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, 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.
4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.136.055 Special regulations for historic properties in the ~~Central Business District~~Downtown District (D-DT) and the Lake Merritt Station Area District (D-LM) Zones.

- A. The provisions of this Section shall only apply to proposals in the Downtown District (D-DT) ~~Central Business District (CBD)~~ Zones and Lake Merritt Station Area District (D-LM) Zones.

Chapter 17.142 PLANNED UNIT DEVELOPMENT REGULATIONS ^[42]

17.142.004 Applicability.

These regulations shall apply to ~~all~~either:

- A. Planned Unit Developments (PUDs) located on a single tract of land of at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in all other zones, or on two (2) or more tracts of land equaling at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in total in all other zones which may be separated only by a street or other right-of-way; or.
- B. Projects in the D-DT-CPW Zone involving construction at or above one hundred (100) feet in height.

17.142.020 Definition of Planned Unit Development.

- A. A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located either:
 - 1. On a single tract of land of at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in all other zones;
 - 2. On two (2) or more tracts of land equaling at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in total in all other zones which may be separated only by a street or other right-of-way; or
 - 3. In the D-DT-CPW Zone that involves construction at or above one hundred (100) feet in height.

~~A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in all other zones, or on two (2) or more tracts of land equaling at least four (4) acres in the RH Zones, and thirty thousand (30,000) square feet or more in total in all other zones which may be separated only by a street or other right-of-way. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.~~

B. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.142.030 Developments for which Planned Unit Development permit approval is required or requested.

- A. The following developments are permitted only upon the granting of a Planned Unit

Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.

1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with thirty thousand (30,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.
3. Any development in the D-DT-CPW Zone involving construction at or above one hundred (100) feet in height.

17.142.080 Zones in which bonuses may be granted.

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a Planned Unit Development in any Residential or Commercial Zone, or in the S-1, ~~S-2~~, S-3, S-15, or D-CO-1-Zones.