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## AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Rachel Flynn

**SUBJECT:** Oakland's Agricultural Regulations and other  
Planning Regulation Changes

**DATE:** September 19, 2014

City Administrator  
Approval

Date

9.29.14

**COUNCIL DISTRICT:** All

### RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and upon conclusion adopt:

**An Ordinance, as Recommended by the City Planning Commission, Amending the Oakland Planning Code to Update the City's Agricultural Regulations; and Make Other Miscellaneous Planning Code Text, Map, and Height Area Amendments, Including but Not Limited To:** 1) Clarifying the Process and Exceptions to the Maximum Yard Requirements; 2) Standardizing Design Review Procedure Language; 3) Clarifying the Definitions of "Live/work" and "Work/live"; 4) Streamlining the Process for Allowing Alcoholic Beverage Manufacturers to Sell their Products on Site; 5) Modifying the CUP Findings for Hotels; 6) Adding "Taxi and Light-Based Fleet Services" to the Activity Chart for the CIX-1, CIX-2, IG, and IO Zones; 7) Modifying the Minimum Lot Frontage and Width Requirements in the CIX-1C and CIX-1D zones; 8) Clarifying the Application of the S-19 Combining Zone; 9) Adding Height Area Designations to Certain CC zoned parcels in West Oakland; 10) Changing the Zoning from CIX-1A to CIX-1B for Certain Properties in the 3rd and 7th Street Corridors in West Oakland; 11) Adding the T Overlay to Two Blocks between 3rd and 5th, Market and Brush Streets; 12) Adjusting the Boundary Between the CC-2 and RM-2 Zones Near the Intersection of 7th and Peralta Streets; 13) Modifying the Regulation of Pharmacies in the D-BV Zones; 14) Amending the Wood Street Zoning District Development Standards in Support of Redevelopment of the 16th Street Train Station; and 15) Making other Minor Zoning Text Changes to Improve the Clarity of the Planning Code, and Make Appropriate California Environmental Quality Act Determinations.

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## **EXECUTIVE SUMMARY**

The proposed Planning Code Text, Map, and Height Area amendments fall into two basic categories: (1) Urban Agriculture-Related Changes, and (2) Miscellaneous Code Update Changes.

1. Urban Agriculture-related changes include: (a) The creation of two new Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type: "Limited Agriculture" and "Extensive Agriculture"; (b) A modification to the definition of "Community Gardens" to add prohibitions on the use of heavy mechanized farming equipment and allow for seasonal sales, which are limited to 4 times per year; (c) Revisions to the Permitted Activity Charts throughout the Planning Code to specify when "Community Gardens", "Limited Agriculture", and "Extensive Agriculture" are a Permitted, Conditionally Permitted, or Prohibited Activity; and (d) A change to the definition of a "Home Occupation" to allow small-scale bee keeping.
2. Miscellaneous Code update changes include Code clean-up items following the adoption of the West Oakland Specific Plan and Broadway Valdez Specific Plan, as well as miscellaneous text changes to improve the standards throughout the Planning Code.

### **Urban Agriculture-Related Changes**

Many Oakland residents have turned to Urban Agriculture as a way of providing healthy food to their families and their communities. Unfortunately, the Oakland Planning Code, which was largely adopted in 1965, has not kept pace with the need to address food access, the local food movement or the national trend of bringing small-scale agriculture back into urban areas. The City's current Agricultural regulations have resulted in uncertainty by the public regarding what can be grown and/or raised, and where these activities can occur. Therefore, the Bureau of Planning is pleased to propose the following citywide update to Oakland's Urban Agriculture regulations for review by the City Council.

### **Miscellaneous Code Update Changes**

Miscellaneous Planning Code Text, Map, and Height Area changes incorporated into this proposal, including:

- Clarifying the process and exceptions to the maximum yard requirements in the CN, CC, and CBD Zones;
- Standardizing the design review procedure language in the C-40, C-45, S-1, S-2, and S-3 Zones;
- Removing a potentially confusing Building Code reference from the definition of "Live/Work" in the HBX and D-CE Zones;
- Modifying the definition of the Type 3 "Work/Live" unit in the HBX Zones and the permitted activities chart for the HBX-4 Zone;

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- Simplifying the process for allowing alcoholic beverage manufacturers, such as wineries and breweries, to sell their products on site;
- Modifying the CUP findings for hotels;
- Adding "Taxi and Light-Based Fleet Services" to the permitted activities chart for the CIX-1, CIX-2, IG, and IO Zones;
- Changing the Minimum Lot Frontage and Lot Width requirement in the CIX-1C and -1D Zones to match the requirement in the CIX-1A and -1B Zones;
- Specifying that the S-19 Combining Zone applies to the CIX-1A, -1B, -1C, and -1D Zones located between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north only;
- Adding height area designations to the CC zoned parcels along 7th and Brush Streets that were erroneously not mapped with a height area designation during the West Oakland Specific Plan process;
- Changing the zoning designation from CIX-1A to -1B for the West Oakland Post Office and block between 3rd St, 5th St, Union, and I-880 to better reflect the intent of the West Oakland Specific Plan;
- Adding the T Overlay to two blocks between 3rd and 5th, Market and Brush Streets to better define the boundary of the intensive use area along the 3rd Street corridor;
- Adjusting the boundary between the CC-2 and RM-2 Zones near the intersection of 7th and Peralta Streets to better reflect the existing building character;
- Clarifying that in the D-BV Zones, pharmacies that fall within the General Retail Sales Commercial Activities and are associated with the sale of convenience goods are only permitted upon the granting of a CUP and do not count toward the minimum retail floor area required to develop Residential Facilities;
- Amending the development standards in the Wood Street Zoning District to: (a) increase the Maximum Area of, and Floor Area Ratio for, Non-Residential Uses in Development Area 5, (b) eliminate the Minimum Density for Residential Uses in Development Area 6, (c) modify the permitted activities chart, primarily as it relates to Development Areas 5 and 6; and (d) make other related changes in support of the redevelopment of the 16th Street Train Station;
- Clarifying the long-standing practice that appeals are not heard "de novo"; and
- Making other minor Zoning Text changes to improve the interpretability and clarity of the Planning Code.

## **OUTCOME**

The lack of access to healthy food, rising food costs, and the buy-local movement have resulted in many Oakland residents turning toward urban agriculture as a way to provide healthy food to their families and their communities. In addition, urban farming has beautified vacant lots and fostered a sense of community in local neighborhoods, especially in respect to Community Gardens.

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Unfortunately, the Oakland Planning Code, which was largely adopted in 1965, has not kept pace with the need to address food access, the local food movement or the national trend of bringing small-scale agriculture back into urban areas. The City's current Agricultural regulations have resulted in uncertainty by the public regarding what can be grown and/or raised, and where these activities can occur. Therefore, the Bureau of Planning is pleased to propose the following citywide update to Oakland's Urban Agriculture regulations for review by the City Council. The Council's adoption of the proposed amendments to the City's Agricultural Regulations would advance Oakland's sustainable food system goals.

In addition, there are a number of miscellaneous Planning Code text, map, and height area changes included in this proposal, with many being clean-up items following adoption of the West Oakland Specific Plan and Broadway Valdez Specific Plan.

## **BACKGROUND/LEGISLATIVE HISTORY**

### *Project History*

In December 2005, the City Council passed a resolution authorizing the Mayor's Office of Sustainability to develop an Oakland Food Policy and Plan for 30% local area food production (Resolution #79680 C.M.S).

In December 2006, the City Council passed a resolution authorizing the City to provide \$50,000 in start-up funding for the purpose of establishing a Food Policy Council (FPC) for the City of Oakland. In 2009, the Oakland Food Policy Council (OFPC) was formed and held its initial meetings.

In November 2010, the Oakland Food Policy Council (OFPC) published a report titled "*Transforming the Oakland Food System: A Plan for Action*", which called for "a coordinated City policy and programming strategy to support and expand Urban Agriculture (UA), including zoning, public land access, water access, promotion of sustainable growing practices, and incubation and coordination of UA activities."

In April 2011, the City Council adopted new residential and commercial zones for the entire City. The new zoning districts allowed "Crop and Animal Raising Agricultural Activities" with approval of a Conditional Use Permit in all Residential and Commercial areas in the City.

In 2011-2012, the Oakland Planning Department worked with the community on a proposal to comprehensively update the City's zoning regulations related to Urban Agriculture. The Oakland Food Policy Council, other Urban Agriculture groups, and the interested public were very much involved in this attempted update, but in the end, consensus could not be reached on certain critical issues among the various constituencies, so the update effort was suspended.

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In 2014, the Oakland Planning Department initiated a new effort to comprehensively update the City's zoning regulations related to Urban Agriculture, with the primary intent of increasing the public's ability to practice small-scale crop-focused agriculture throughout the City, along with small-scale bee keeping.

Previous Review by the City Planning Commission

As mentioned earlier in this report, the City Planning Commission conducted a public hearing on September 17, 2014, to consider the above proposal to amend the City's Agricultural Regulations throughout the Planning Code and make other miscellaneous Planning Text, Map, and Height Area Amendments. The Commission recommended that the City Council approve the proposed amendments, with the following changes:

- (1) That "Community Gardens" be allowed by right in the City's Transit Oriented Development Zones (S-15, S-15W);
- (2) That "Limited Agriculture" be allowed by right in the City's Central Business District Zones (CBD-R, CBD-P, CBD-C, CBD-X) and Transit Oriented Development Zones (S-15, S-15W);
- (3) That revised standards for the on-site sale of agricultural products in Residential areas, as submitted by staff at the September 17<sup>th</sup> City Planning Commission hearing, be incorporated into the proposed Agricultural Regulations; and
- (4) That a revised limitation for pharmacies in the Broadway Valdez D-BV zones, as submitted by staff at the September 17<sup>th</sup> City Planning Commission hearing, be incorporated into the proposed miscellaneous Planning Code Text Amendments.

**ANALYSIS**

As stated above, the proposed Planning Code Text, Map, and Height Area amendments fall into two basic categories: (I) Urban Agriculture-Related Changes, and (II) Miscellaneous Code Update Changes.

- I. Urban Agriculture-related changes include: (a) The creation of two new Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type: "Limited Agriculture" and "Extensive Agriculture"; (b) A modification to the definition of "Community Gardens" to add prohibitions on the use of heavy mechanized farming equipment and allow for seasonal sales, which are limited to 4 times per year; (c)

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Revisions to the Permitted Activity Charts throughout the Planning Code to specify when "Community Gardens", "Limited Agriculture", and "Extensive Agriculture" are a Permitted, Conditionally Permitted, or Prohibited Activity; and (d) A change to the definition of a "Home Occupation" to allow small-scale bee keeping.

- II. Miscellaneous Code update changes include Code clean-up items following the adoption of the West Oakland Specific Plan and Broadway Valdez Specific Plan, as well as miscellaneous text changes to improve the standards throughout the Planning Code.

The content of these proposed changes is summarized below. Please see adopting Ordinance with the complete Planning Code amendment text shown in **Exhibit A** (proposed text additions are shown as underline and proposed deletions are shown as ~~strikethrough~~):

### I. URBAN AGRICULTURE-RELATED CHANGES

Proposed Code additions below are shown as underline and proposed deletions are shown as ~~strikethrough~~:

- Change to the current definition of "**Community Gardens**" in Section 17.10.140 - Essential Service Civic Activities to clarify that: "*For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by ~~more than one or more~~ more than one or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;"*
- Creation of a new stand-alone "**Limited Agriculture**" Activity Type through revisions to the current definition of "Crop and Animal Raising" in Section 17.10.610: "*Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.*"

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- Creation of a new stand-alone “**Extensive Agriculture**” Activity Type in Section 17.10.615: “Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including bee keeping involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities.”
- Revisions to the Permitted Activity Charts throughout the Planning Code to specify when “**Community Gardens**”, “**Limited Agriculture**”, and “**Extensive Agriculture**” are a Permitted, Conditionally Permitted, or Prohibited Activity (see **Attachments C, D, and E** for summary charts that list the proposed level of allowed activity for “Community Gardens”, “Limited Agriculture”, and “Extensive Agriculture” in each Zoning District).
- A change to the current definition of a “Home Occupation” in Section 17.112.020 to allow small-scale bee keeping:  
“(A)...a “home occupation” is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, or for ~~crop growing~~ Limited Agricultural ~~Activities~~ and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, ~~crop growing~~ Limited Agricultural ~~Activities~~ (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, and 17.112.050. (B). For the purpose of this chapter, a “~~crop growing activity~~” is Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. (C). For the purpose of this Chapter only, a “bee keeping activity” is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.”
- Similar changes are proposed for the specialized definitions of a “**Home Occupation**” in Section 17.112.060 for the West Oakland Specific Plan Area only and in Section 17.101E.100 for the Central Estuary D-CE-3 Zone only.

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The following section summarizes the proposed Urban Agriculture-related changes to the specific Planning Code Sections and Chapters. Code Sections and Chapters are shown in **bold** type, and staff explanations, where necessary, are in normal type. To minimize unnecessary detail, changes that effect one or more entire Planning Code Chapters are summarized in bullet form.

**17.10.140 Essential service civic activities.**

**Essential Service Civic Activities include the maintenance and operation of the following installations:**

- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by ~~more than one or more persons~~ for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;**

Explanation: This amendment, combined with proposed revisions to the Permitted Activity Charts throughout the Planning Code discussed later in this report, would allow for single individuals to undertake a broad range of agricultural activities for personal consumption and/or donation, as well as for limited seasonal sales, in most Zoning Districts throughout the City.

**17.10.610 ~~Crop and animal raising~~ Limited agricultural activities.**

**Crop and Animal Raising Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. ~~the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase.~~ This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.**

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Explanation: This amendment would create a new "Limited Agriculture" Land Use Activity Type - one of two new Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type. The proposed new "Limited Agriculture" activity type will allow for the more permissive regulation throughout the City of small-scale commercial crop growing, as well as small-scale bee keeping (3 or fewer hives).

**17.10.615 Extensive agricultural activities.**

**Extensive Agricultural Activities include the keeping, grazing, or feeding of animals, including bee keeping involving more than three (3) hives, by agricultural methods intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities.**

Explanation: This amendment would create a new "Extensive Agriculture" Land Use Activity Type - one of two new Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type. The proposed new "Extensive Agriculture" activity type will allow the City to continue to apply the Conditional Use Permit process to the consideration of any proposal to keep, graze, or feed farm animals outside the scope what is permitted as part of either a Home Occupation or Community Garden.

**Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS**

- "Community Gardens" would only be permitted with a Conditional Use Permit (CUP).
- "Community Gardens" activity type moved from "Crop and Agricultural Raising" to "Essential Service Civic" in the Chapter 17.11 Permitted Activity Chart.
- "Crop and Animal Raising" activity type would be deleted and replaced in the Permitted Activity Chart for the OS Zones with a separate listing of "Limited Agriculture" and "Extensive Agriculture".
- The new "Limited Agriculture" and "Extensive Agriculture" activity types would continue to be prohibited in the OS Zones just like "Crop and Animal Raising" is today.

Explanation: This amendment would correct an existing error in Chapter 17.11 showing "Community Gardens" as a 'Crop and Agricultural Raising Activity' in the OS Zones.

**Chapter 17.13 – RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

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**Chapter 17.15 – RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS**

**Chapter 17.17 – RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS**

**Chapter 17.19 – RU URBAN RESIDENTIAL ZONES REGULATIONS**

**Chapter 17.30 – R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE  
REGULATIONS**

**Chapter 17.65 – HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES  
REGULATIONS**

- “Community Gardens” would be allowed by right.
- “Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for each Zoning District above with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.
- “Limited Agriculture” would be allowed by right if the activity occupies less than one (1) acre of land area and any on-site sales in a Residential Area 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 land area, or in sales area, frequency, or hours of operation.
- “Extensive Agriculture” would continue to only be permitted upon the granting of a CUP, just like “Crop and Animal Raising” is today.

**Chapter 17.35 – CC COMMUNITY COMMERCIAL ZONES REGULATIONS**

**Chapter 17.54 – C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE  
REGULATIONS**

**Chapter 17.56 – C-45 COMMUNITY SHOPPING COMMERCIAL ZONE  
REGULATIONS**

**Chapter 17.58 – CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS**

**Chapter 17.72 – M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS**

**Chapter 17.74 – S-1 MEDICAL CENTER ZONE REGULATIONS**

**Chapter 17.76 – S-2 CIVIC CENTER ZONE REGULATIONS**

**Chapter 17.78 – S-3 RESEARCH CENTER ZONE REGULATIONS**

**Chapter 17.97 – S-15 TRANSIT ORIENTED DEVELOPMENT ZONES REGULATIONS**

- “Community Gardens” would be allowed by right.
- “Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for each Zoning District above with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.

- **“Limited Agriculture” would be allowed by right if the activity occupies less than one (1) acre of land area and any sales area is one thousand (1,000) square feet or less; conditionally permitted if the activity is larger in either land or sales area.**
- **“Extensive Agriculture” would only be permitted upon the granting of a CUP.**

**Chapter 17.101A – D-WS WOOD STREET DISTRICT ~~COMMERCIAL~~-ZONE REGULATIONS**

**Chapter 17.101B – D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS**

**Chapter 17.101D – D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS**

- **In the D-KP Zones: “Community Gardens” would be allowed by right.**
- **In the D-WS and D-OTN Zones: “Community Gardens” would only be permitted with a CUP.**
- **“Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for each Zoning District above with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.**
- **Both “Limited Agriculture” and “Extensive Agriculture” would only be permitted with a CUP.**

**Chapter 17.33 – CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**

- **“Community Gardens” would be allowed by right.**
- **“Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for the CN Zones with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.**
- **In the CN-1 and CN-2 Zones: both “Limited Agriculture” and “Extensive Agriculture” would only be permitted upon the granting of a Conditional Use Permit.**
- **In the CN-3 and CN-4 Zones: “Limited Agriculture” would be allowed by right if the activity occupies less than one (1) acre of land and any sales area is one thousand (1,000) square feet or less; conditionally permitted if the activity is larger in either land or sales area.**
- **“Extensive Agriculture” in the CN-3 and CN-4 Zones would only be permitted with a CUP.**

**Chapter 17.37 – CR REGIONAL COMMERCIAL ZONES REGULATIONS**

- **“Community Gardens” would be allowed by right.**

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- **“Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for the CR Zone with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.**
- **Both “Limited Agriculture” and “Extensive Agriculture” would be prohibited within three hundred (300) feet of Hegenberger Road.**
- **“Limited Agriculture” would be allowed by right if the activity is located further than three hundred (300) feet of Hegenberger Road, and occupies less than one (1) acre and any sales area is one thousand (1,000) square ft. or less; conditionally permitted if larger in land or sales area.**
- **“Extensive Agriculture” that’s located further than 300 feet of Hegenberger Road would only be permitted upon the granting of a CUP.**

#### **Chapter 17.73 – CIX, IG, AND IO INDUSTRIAL ZONES REGULATIONS**

- **“Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for the CIX, IG, and IO Zones with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.**
- **In the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones: “Community Gardens” would be allowed by right if the Zone is not combined with the T Overlay. “Limited Agriculture” would also be allowed by right if the Zone is not combined with the T Overlay, and the activity occupies less than one (1) acre of land and any sales area is one thousand (1,000) square feet or less; conditionally permitted in the CIX-1A, -1B, -1C, and -1D Zones if larger in land or sales area *or* if combined with the T Overlay. “Extensive Agriculture” would only be permitted upon the granting of a CUP.**
- **In the CIX-1 and CIX-2 Zones: “Community Gardens” would be allowed by right. “Limited Agriculture” would also be allowed by right if the activity occupies less than one (1) acre and any sales area is one thousand (1,000) square ft. or less; conditionally permitted if larger in land or sales area. “Extensive Agriculture” would only be permitted upon the granting of a CUP.**
- **In the IG and IO Zones: “Community Gardens”, “Limited Agriculture”, and “Extensive Agriculture” would only be permitted with a CUP.**

#### **Chapter 17.101C – D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONE REGULATIONS**

- **“Crop and Animal Raising” would be deleted and replaced in the Permitted Activity Chart for the D-BV Zones with a separate listing of “Limited Agriculture” and “Extensive Agriculture”.**

- In the D-BV-1, D-BV-2, and D-BV-3 Zones: "Community Gardens" would only be permitted with a CUP. Both "Limited Agriculture" and "Extensive Agriculture" would be prohibited.
- In the D-BV-4 Zone: "Community Gardens" would be allowed by right. Both "Limited Agriculture" and "Extensive Agriculture" would only be permitted with a CUP.

#### Chapter 17.101E – D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

- "Crop and Animal Raising" would be deleted and replaced in the Permitted Activity Chart for the D-CE Zones with a separate listing of "Limited Agriculture" and "Extensive Agriculture".
- In the D-CE-1, D-CE-2, D-CE-5, and D-CE-6 Zones: "Community Gardens", "Limited Agriculture", and "Extensive Agriculture" would only be permitted with a CUP.
- In the D-CE-3 and D-CE-4 Zones: "Community Gardens" would be allowed by right. "Limited Agriculture" would also be allowed by right if the activity occupies less than one (1) acre of land area and any on-site sales in a Residential Area 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 land area, or in sales area, frequency, or hours of operation. "Extensive Agriculture" would only be permitted upon the granting of a CUP.

#### Chapter 17.101F – D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS

- In the D-GI Zone: "Community Gardens", "Limited Agriculture", and "Extensive Agriculture" would be prohibited.

#### Summary of Proposed Changes to Allowed Activity for "Community Gardens":

- Under existing regulations, "Community Gardens" are allowed by right in the following Zones: (Residential Districts – RH, RD, RM, RU, R-80); (Commercial Districts – CC, CR, C-40, C-45, HBX-4); (Special Districts – D-CE-1, D-CE-2, D-CE-5, D-CE-6); and (Industrial Districts – M-30, M-40, CIX-1A, CIX-1B, CIX-1C, CIX-1D, CIX-1, CIX-2, IG, IO).
- The proposal (as amended by the Planning Commission) would add the following Zones to the areas where "Community Gardens" would be allowed by right: (Commercial Districts – CN, CBD, HBX-1, HBX-2, HBX-3); (Special Districts – S-1, S-2, S-3, D-KP-1, D-KP-2, D-KP-3, D-BV-4, D-CE-3, D-CE-4); (Industrial Districts – M-20); and (Transit Oriented Development Districts – S-15, S-15W).

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- The proposal would also add restrictions to "Community Gardens" in the following Zones by changing them from allowed by right to only allowed with a CUP: (Industrial Districts – IG, IO, [CIX-1A, CIX-1B, CIX-1C, CIX-1D when combined with the T Overlay]); and (Special Districts – D-CE-1, D-CE-2, D-CE-5, D-CE-6).

Summary of Proposed Allowed Activity for the new "Limited Agriculture" activity:

- The proposal (as amended by the Planning Commission) would allow "Limited Agriculture" by right (with limitations as described above) in the following Zones: (Residential Districts – RH, RD, RM, RU, R-80); (Commercial Districts – CN-3, CN-4, CC, CR, C-40, C-45, CBD, HBX); (Special Districts –D-CE-3, D-CE-4); (Industrial Districts – M-20, M-30, M-40, CIX-1A, CIX-1B, CIX-1C, CIX-1D, CIX-1, CIX-2); and (Transit Oriented Development Districts – S-15, S-15W).
- "Limited Agriculture" would only be allowed with a CUP in the following Zones: Commercial Districts – CN-1, CN-2); (Special Districts –D-WS, D-OTN, D-BV-4, D-KP-1, D-KP-2, D-KP-3, D-CE-1, D-CE-2, D-CE-5, D-CE-6); and (Industrial Districts – IG, IO).
- "Limited Agriculture" would be prohibited in the following Zones: Open Space Districts – (OS); (Special Districts –D-BV-1, D-BV-2, D-BV-3); and (Industrial Districts – D-GI).

Summary of Proposed Allowed Activity for the new "Extensive Agriculture" activity:

- "Extensive Agriculture" would only be allowed with a CUP in the following Zones: (Residential Districts – RH, RD, RM, RU, R-80); (Commercial Districts – CN, CC, CR, C-40, C-45, CBD, HBX); (Special Districts – S-1, S-2, S-3, D-WS, D-OTN, D-BV-4, D-CE); (Industrial Districts – M-20, M-30, M-40, CIX-1A, CIX-1B, CIX-1C, CIX-1D, CIX-1, CIX-2, IG, IO); and (Transit Oriented Development Districts – S-15, S-15W).
- "Extensive Agriculture" would be prohibited in the following Zones: Open Space Districts – (OS); (Special Districts –D-BV-1, D-BV-2, D-BV-3, D-KP-1, D-KP-2, D-KP-3); and (Industrial Districts – D-GI).

Consistency of Proposed Urban Agricultural-Related Changes with General Plan Policies

In June 1996, the City of Oakland adopted the "Open Space Conservation and Recreation" (OSCAR) Element of the General Plan. OSCAR Policy OS-2.3 requires the city to: "Maintain and support a viable community gardening program to foster an appreciation of local ecology, instill a sense of stewardship and community, and provide a multi-ethnic, multi-generational activity open to all." The proposed amendments to the City's Agricultural Regulations support this General Plan policy by increasing the area where "Community Gardens" will be allowed.

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## II. MISCELLANEOUS CODE UPDATE CHANGES

The following section summarizes the proposed miscellaneous Planning Code update changes. The list of specific changes is numbered below, with additional detail added as needed to each numbered item through the inclusion of specific Code Sections and Chapters shown in **bold type**, and staff explanations, where necessary, in normal type.

1. Staff is proposing amendments to the notes and limitations following Table 17.33.03 for the CN Zones, Table 17.35.03 for the CC Zones, and Table 17.58.03 for the CBD Zones to clarify the process and exceptions to the maximum yard requirements. All changes are similar to the following:

### **Additional Regulations for Table 17.33.03:**

- 3.c. 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 approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in Section 17.136.050, 17.136.035, the proposal to reduce to fifty percent (50%) must also meet each of the following criteria:**
      - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;**
2. Staff is proposing to standardize the design review procedure language in the C-40, C-45, S-1, S-2, and S-3 Zones with that used in the rest of the Planning Code.
3. In the HBX Zones in Chapter 17.65.040 [Permitted and conditionally permitted facilities] and the D-CE Zones in Chapter 17.101E.040 [Permitted and conditionally permitted facilities], Staff is proposing to remove a potentially confusing Building Code reference from the definition of "Live/Work" by revising the language in both sections to read as follows:

**For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in the table below are contained in the Oakland Planning Code Chapter 17.10.**

### **A. Definitions.**

- 1. "Live/Work" means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both residential and nonresidential activities. ~~This definition is the equivalent to~~**

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**~~the definition for Residentially Oriented Joint Living and Working Quarters (JLWQ) contained in the Building Code, Chapter 3B, Section 3B.2.4.~~**

4. In Chapter 17.65.150 [Special regulations for HBX work/live units], Staff is proposing to modify the following definition of a Type 3 "Work/Live" unit:

Type 3	55 percent	<p>1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; <u>and</u></p> <p><del>2. The unit must have no residential floor area at the ground level; and</del></p> <p><del>2. 3. The ground floor units entrance must have be clearly designated as a clearly designated business entrance.</del></p>	<p><b>Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 1, below, for an exception for kitchens).</b></p>
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Explanation: This amendment would correct an internal inconsistency in the definition and allow for more flexibility in the location of the unit's kitchen.

5. Also in Chapter 17.65, Staff is proposing to correct an oversight in the new HBX-4 Zone and only allow Auto Repair and Cleaning with a Conditional Use Permit (CUP).
6. Staff is proposing to simplify the process for allowing alcoholic beverage manufacturers, such as wineries and breweries, to sell their products on site, by making such activity accessory to the production of alcoholic beverages and allowing the consideration of sales with a Minor CUP:

**17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.**

**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 Alcoholic Beverage Sales Commercial Activity measured between closest building walls, except:**
- a. **On-sale retail licenses located in the Central District (defined for the purposes of this Chapter) 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); or
- b. Off-sale retail licenses located in the Jack London district (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or
  - c. If the activity is in conjunction with a Full-Service Restaurant 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 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, regardless of whether such Custom or Light Manufacturing 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.

Explanation: This amendment is intended to help foster and encourage the current urban winery and microbrewery movement in Oakland by lowering the threshold, time, and expense for these and other types of alcoholic beverage manufacturers to add an on-site tasting room or other complementary element to their production facility.

- 7. Staff is proposing to modify the following special CUP findings for the granting of a new hotel:

**17.103.050 Transient Habitation Commercial Activities.**

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- A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria; ~~except in the West Oakland Specific Plan area, where criteria 3. below shall not apply:~~
1. That the proposal is consistent with the goal of attracting first-class, luxury hotels located in downtown, along the waterfront, near the airport, along the I-880 freeway, in a specific plan area, and/or in an area with a concentration of amenities for hotel patrons, including but not limited to restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit;
  2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services;
  3. ~~That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, along the I-880 freeway or in a specific plan area, which provide:~~
    - a. ~~A minimum of one hundred (100) sleeping rooms;~~
    - b. ~~A full service restaurant providing three (3) meals per day; and~~
    - c. ~~On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts;~~
  34. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:
    - a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;
    - b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;
    - c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;
    - d. The majority of the parking is located either to the side or rear of the site, or and where appropriate, is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;
    - e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;
    - f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;

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**g. Lighting standards for hotel buildings, grounds and parking lots that are not overly bright and direct the downward placement of light.**

**45. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets;**

**56. The proposed operator of the facility shall be identified as part of the project description at the time of application.**

Explanation: This amendment is intended to encourage consideration of new smaller "boutique"-style hotels in the City, which are essentially prohibited today by the above special findings due to the current requirement that any new hotel have at least 100 rooms and an on-site restaurant. An exception to this existing criteria (the "100 rooms and an on-site restaurant" requirement), was previously adopted by City Council in July 2014 for the West Oakland Specific Plan Area only, so this amendment would simply eliminate that same criteria for all areas in the City where hotels are encouraged.

8. In Chapter 17.73, Staff is proposing to correct an oversight by adding "Taxi and Light-Based Fleet Services" to the permitted activities chart for the CIX-1, CIX-2, IG, and IO Zones.
9. Also in Chapter 17.73, staff is proposing to change the Minimum Lot Frontage and Lot Width requirement in the new CIX-1C and CIX-1D Zones from 50 feet to 25 feet, in order to match the same requirement in the new CIX-1A and CIX-1B Zones.

Explanation: This amendment would address a public concern staff heard during the West Oakland Specific Plan adoption process by standardizing one of the new CIX development standards.

10. Staff is proposing to amend Chapter 17.100A to specify that the S-19 Combining Zone applies only to the CIX-1A, -1B, -1C, and -1D Zones located between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north.

Explanation: This amendment is intended to clarify that the S-19 overlay does not apply to the CIX-zoned portions of the 3rd Street industrial corridor.

11. Staff is proposing to change the zoning designation from CIX-1A to CIX-1B for the West Oakland Post Office and the block between 3rd Street, 5th Street, Union, and I-880 (see adopting Ordinance with the proposed Zoning Map amendments shown in **Exhibit B**).

Explanation: This amendment would bring the zoning for these properties in line with the intent of the West Oakland Specific Plan. Both areas are envisioned by the Plan to grow and change over time, while the CIX-1A Zone is intended to discourage the removal of existing buildings.

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12. Staff is proposing to add the T Overlay to two blocks between 3rd and 5th, Market and Brush Streets to better define the boundary of the 3rd Street industrial corridor (see adopting Ordinance with the proposed Zoning Map amendments shown in *Exhibit B*).
13. Staff is proposing to correct an oversight by adding height area designations to the CC zoned parcels along 7th and Brush Streets and to the CC zoned parcels along Brush Street near West Grand that were inadvertently not mapped with a height area designation during the West Oakland Specific Plan process (see adopting Ordinance with the proposed Zoning Height Area amendments shown in *Exhibit C*).
14. Staff is proposing to adjust the boundary between the CC-2 and RM-2 Zones near the intersection of 7th and Peralta Streets to better reflect the existing building character.  
Explanation: This amendment would bring 3 properties located just north of the intersection of 7th and Peralta Street (713, 715 and 716 Peralta) into the CC-2 zone. All three properties are currently zoned RM-2, but based on their existing character and adjacency to the CC-2 Commercial zone, staff supports this property owner request for a zoning map change. The 716 Peralta property contains an historic structure with a currently unused commercial ground floor that the property owner would like to re-activate with commercial uses if the zoning is changed as proposed. The 713 and 715 Peralta properties are directly across the street from 716, and contain a large apartment building –which would also be more appropriately designated as CC-2 based on its existing density, character, and location (see adopting Ordinance with the proposed Zoning Map amendments shown in *Exhibit B*).
15. Staff is proposing to extend the existing 45-foot height area to parcels between Campbell and Peralta and to the new CC parcels discussed above near the intersection of 7th and Peralta Streets to create more consistent height limit along this portion of 7th Street (see adopting Ordinance with the proposed Zoning Height Area amendments shown in *Exhibit C*).
16. Staff is proposing to clarify that for pharmacies that fall within the General Retail Sales Commercial Activities in the new D-BV Zones adopted as part of the Broadway Valdez Specific Plan: (a) if the retail component of the store is predominantly comparison goods, then the activity is permitted and counts toward the minimum retail floor area that is required in order to develop Residential Facilities; (b) if the retail component of the store is predominantly convenience goods, then the activity does not count toward the minimum retail floor area that is required in order to develop Residential Facilities and is only permitted upon the granting of a Conditional Use Permit (CUP). As described in the Broadway Valdez District Specific Plan and as further determined by the Planning Director: comparison goods include items such as clothing, jewelry, toys, books, sporting goods, home furnishings, appliances, and electronics; and convenience goods include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers.

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Explanation: This amendment will clarify existing Broadway Plan policy that pharmacies which are associated with a store predominantly selling *convenience goods* cannot be counted toward the minimum retail floor area required to develop Residential Facilities in the Retail Priority Areas. This revised proposal distinguishes between comparison goods and convenience goods in relation to pharmacies, thereby allowing more flexibility in store formatting, while also adding clarity and avoiding confusion for staff and applicants. The intent is to encourage the type of destination retail in the Retail Priority Areas that the Broadway Plan envisions.

17. Staff is proposing to amend the development standards in the Wood Street Zoning District (Chapter 17.101A) to support redevelopment of the 16th Street Train Station. The changes would: (a) increase the Maximum Area of, and Floor Area Ratio for, Non-Residential Uses in Development Area 5; (b) eliminate the *Minimum* Density for Residential Uses in Development Area 6 (see adopting Ordinance with the complete Planning Code amendment text shown in *Exhibit A*, which includes the proposed amendments to the Wood Street Zoning District Development Standards Summary Table 5.10-1); (c) modify the permitted activities chart to provide more use options, primarily as it relates to Development Areas 5 and 6; and (d) make other related changes in support of the re-use of the 16th Street Train Station.
18. Staff is proposing to amend Chapters 17.130.050, 17.134, 17.136, 17.140, 17.148, 17.156, and 17.157 to clarify the long-standing practice that appeals are not heard "de novo", but rather must be decided on the issues and evidence submitted during the previously-held public hearing or during the previous 17-day public comment period related to that Agenda item.
19. Staff is also proposing to make other minor Zoning Text changes to improve the interpretability and clarity of the Planning Code.

### **COORDINATION**

This report and legislation have been reviewed by the Office of the City Attorney and by the Budget Office.

### **PUBLIC OUTREACH/INTEREST**

Prior to the September 17, 2014 City Planning Commission hearing on this item, Staff distributed summary tables of the proposed Agricultural-related Code amendments through email to a long list of interested parties. In addition, the Oakland Food Policy Council (OFPC) helped to inform the public of the proposal through social media and their website.

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### **COST SUMMARY/IMPLICATIONS**

Implementation of the proposed Planning Code Text, Map, and Height Area changes will be a routine component of project review administered by the Department of Planning and Building, which collects fees for such as established in the Master Fee Schedule. Staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations as part of all applicable Planning applications. If adopted by the City Council, there will be no impact on costs or fees to the City.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The proposal will maximize Oakland residents' self-reliance and capacity to grow and provide sustainable and nutritious local food for its citizens. It will also increase food growing opportunities that create direct links between local producers and consumers.

***Environmental:*** The proposal will support the protection of environmental resources by increasing the consumption of locally and sustainably grown food. Local agricultural activities also provide an opportunity to beautify vacant lots throughout the City.

***Social Equity:*** The proposal will promote increased access to local, safe and nutritious food for Oakland residents, and could minimize the need for some emergency and charity-based food sources. Local agricultural activities also support the development of balanced food environments that allow residents the opportunities to make healthy food choices and reduce environmental causes of obesity, diabetes, heart disease, and other diet-related illnesses. The proposal has the potential to improve the food environment in communities that suffer from disproportionately high rates of diet-related disease and are currently underserved by healthy, fresh food options.

### **CEQA**

The proposed amendments to the Planning Code Text, Map, and Height Areas rely on the previously certified Final Environmental Impact Reports for the Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

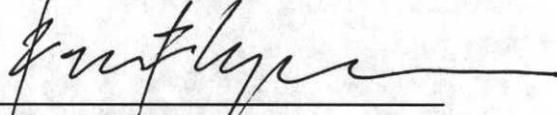
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For questions regarding this report, please contact Ed Manasse, Strategic Planning Manager at (510) 238-7733.

Respectfully submitted,



RACHEL FLYNN

Director, Department of Planning and Building

Reviewed by:

Darin Ranelletti, Deputy Planning Director

Prepared by:

Ed Manasse, Strategic Planning Manager

**Attachments**

- A. Summary of Current Allowed Activity for "*Crop and Animal Raising*" in each Zoning District
- B. Summary of Current Allowed Activity for "*Community Gardens*" in each Zoning District
- C. Summary of Proposed Allowed Activity for "*Community Gardens*" in each Zoning District
- D. Summary of Proposed Allowed Activity for "*Limited Agriculture*" in each Zoning District
- E. Summary of Proposed Allowed Activity for "*Extensive Agriculture*" in each Zoning District

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Existing Definition of "Crop and Animal Raising":

**17.10.610 Crop and animal raising agricultural activities.**

Crop and Animal Raising Agricultural Activities include the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

**Crop and Animal Raising – Current Allowed Activity in Each Zone**

Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.11 – OS Open Space Zones Regulations</b>				
• OS(RCA)			X	Only "Community Gardens" allowed with CUP
• OS(RSP)			X	"
• OS(CP)			X	"
• OS(NP)			X	"
• OS(AMP)			X	"
• OS(PMP)			X	"
• OS(LP)			X	"
• OS(SU)			X	"
• OS(AF)			X	"
<b>Ch. 17.13 – RH Hillside Residential Zones Regulations</b>				
• RH-1		X		Additional CUP findings required <sup>1</sup>
• RH-2		X		"
• RH-3		X		"
• RH-4		X		"
<b>Ch. 17.15 – RD Detached Unit Residential Zones Regulations</b>				
• RD-1		X		Additional CUP findings required (typ.)
• RD-2		X		"

<sup>1</sup> Additional CUP findings for Crop and Animal Raising (typ.): **1.** The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic; **2.** Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and **3.** The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

<b>Crop and Animal Raising – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations</b>				
• RM-1		X		Additional CUP findings required (typ.)
• RM-2		X		“
• RM-3		X		“
• RM-4		X		“
<b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>				
• RU-1		X		Additional CUP findings required (typ.)
• RU-2		X		“
• RU-3		X		“
• RU-4		X		“
• RU-5		X		“
<b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b>				
• R-80		X		(n/a)
<b>Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations</b>				
• CN-1		X		Additional CUP findings required (typ.)
• CN-2		X		“
• CN-3		X		“
• CN-4		X		“
<b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>				
• CC-1		X		Additional CUP findings required (typ.)
• CC-2		X		“
• CC-3		X		“
<b>Ch. 17.37 – CR Regional Commercial Zone Regulations</b>				
• CR-1		X		Additional CUP findings required (typ.) / Prohibited within 300 ft. of a lot line adjacent to Hegenberger Rd.
<b>Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations</b>				
• C-40		X		Additional CUP findings required (typ.)
<b>Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations</b>				
• C-45		X		Additional CUP findings required (typ.)

<b>Crop and Animal Raising – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.58 – CBD Central Business District Zones Regulations</b>				
• CBD-R			X	Prohibited
• CBD-P			X	Prohibited
• CBD-C			X	Prohibited
• CBD-X			X	Prohibited
<b>Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations</b>				
• HBX-1		X		Additional CUP findings required (typ.)
• HBX-2		X		"
• HBX-3		X		"
• HBX-4		X		"
<b>Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations</b>				
• M-20		X		Additional CUP findings required (typ.)
• M-30		X		"
• M-40		X		"
<b>Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations</b>				
• CIX-1A		X		Additional CUP findings required (typ.)
• CIX-1B		X		"
• CIX-1C		X		"
• CIX-1D		X		"
• CIX-1		X		"
• CIX-2		X		"
• IG		X		"
• IO			X	Prohibited
<b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>				
• S-1			X	Prohibited
<b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>				
• S-2			X	Prohibited
<b>Ch. 17.78 – S-3 Research Center Zone Regulations</b>				
• S-3			X	Prohibited

<b>Crop and Animal Raising – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b>				
• S-15			X	Prohibited
• S-15W		X		Additional CUP findings in <b>Section 17.97.100</b> required
<b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>				
• D-WS		X		
<b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>				
• D-OTN		X		
<b>Ch. 17.101C – D-BV Broadway Valdez District Commercial Zones Regulations</b>				
• D-BV-1			X	Prohibited
• D-BV-2			X	Prohibited
• D-BV-3			X	Prohibited
• D-BV-4		X		Additional CUP findings required (typ.)
<b>Ch. 17.101D – D-KP Kaiser Permanent Oakland Medical Center District Zones Regulations</b>				
• D-KP-1			X	Prohibited
• D-KP-2			X	Prohibited
• D-KP-3			X	Prohibited
<b>Ch. 17.101E – D-CE Central Estuary District Zones Regulations</b>				
• D-CE-1		X		Additional CUP findings required (typ.)
• D-CE-2		X		“
• D-CE-3		X		“
• D-CE-4		X		“
• D-CE-5		X		“
• D-CE-6		X		“
<b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b>				
• D-GI			X	Prohibited

*Existing Definition of "Community Gardens":*

**17.10.140 Essential service civic activities.**

Essential Service Civic Activities include the maintenance and operation of the following installations:

- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by more than one person for personal consumption and/or donation. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;

**Community Gardens (Essential Service Civic) – Current Allowed Activity in Each Zone**

Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.11 – OS Open Space Zones Regulations</b>				
• OS(RCA)		X		"Community Gardens – Crop and Agricultural Raising Activity" allowed with Conditional Use Permit (CUP) only
• OS(RSP)		X		"
• OS(CP)		X		"
• OS(NP)		X		"
• OS(AMP)		X		"
• OS(PMP)		X		"
• OS(LP)		X		"
• OS(SU)		X		"
• OS(AF)		X		"
<b>Ch. 17.13 – RH Hillside Residential Zones Regulations</b>				
• RH-1	X			Permitted outright
• RH-2	X			"
• RH-3	X			"
• RH-4	X			"
<b>Ch. 17.15 – RD Detached Unit Residential Zones Regulations</b>				
• RD-1	X			Permitted outright
• RD-2	X			"

<b>Community Gardens (Essential Service Civic) – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations</b>				
• RM-1	X			Permitted outright
• RM-2	X			"
• RM-3	X			"
• RM-4	X			"
<b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>				
• RU-1	X			Permitted outright
• RU-2	X			"
• RU-3	X			"
• RU-4	X			"
• RU-5	X			"
<b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b>				
• R-80	X			Permitted outright
<b>Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations</b>				
• CN-1		X		Allowed with CUP only
• CN-2		X		"
• CN-3		X		"
• CN-4		X		"
<b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>				
• CC-1	X			Permitted outright
• CC-2	X			"
• CC-3	X			"
<b>Ch. 17.37 – CR Regional Commercial Zone Regulations</b>				
• CR-1	X			Permitted outright
<b>Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations</b>				
• C-40	X			Permitted outright
<b>Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations</b>				
• C-45	X			Permitted outright

<b>Community Gardens (Essential Service Civic) – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.58 – CBD Central Business District Zones Regulations</b>				
• CBD-R		X		Allowed with CUP only
• CBD-P		X		“
• CBD-C		X		“
• CBD-X		X		“
<b>Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations</b>				
• HBX-1		X		Allowed with CUP only
• HBX-2		X		“
• HBX-3		X		“
• HBX-4	X			Permitted outright
<b>Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations</b>				
• M-20		X		Allowed with CUP only
• M-30	X			Permitted outright
• M-40	X			“
<b>Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations</b>				
• CIX-1A	X			Permitted outright
• CIX-1B	X			“
• CIX-1C	X			“
• CIX-1D	X			“
• CIX-1	X			“
• CIX-2	X			“
• IG	X			“
• IO	X			“
<b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>				
• S-1		X		Allowed with CUP only
<b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>				
• S-2		X		Allowed with CUP only

<b>Community Gardens (Essential Service Civic) – Current Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.78 – S-3 Research Center Zone Regulations</b>				
• S-3		X		Allowed with CUP only
<b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b>				
• S-15		X		Allowed with CUP only
• S-15W		X		"
<b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>				
• D-WS		X		Allowed with CUP only
<b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>				
• D-OTN		X		Allowed with CUP only
<b>Ch. 17.101C – D-BV Broadway Valdez District Commercial Zones Regulations</b>				
• D-BV-1		X		Allowed with CUP only
• D-BV-2		X		"
• D-BV-3		X		"
• D-BV-4		X		"
<b>Ch. 17.101D – D-KP Kaiser Permanent Oakland Medical Center District Zones Regulations</b>				
• D-KP-1		X		Allowed with CUP only
• D-KP-2		X		"
• D-KP-3		X		"
<b>Ch. 17.101E – D-CE Central Estuary District Zones Regulations</b>				
• D-CE-1	X			Permitted outright
• D-CE-2	X			"
• D-CE-3		X		Allowed with CUP only
• D-CE-4		X		Allowed with CUP only
• D-CE-5	X			Permitted outright
• D-CE-6	X			"
<b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b>				
• D-GI			X	Prohibited

*Proposed Revision to the Definition of "Community Gardens":*

**17.10.140 Essential service civic activities.**

Essential Service Civic Activities include the maintenance and operation of the following installations:

- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by more than one or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;

**Community Gardens (Essential Service Civic) – Proposed Allowed Activity in Each Zone**

Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.11 – OS Open Space Zones Regulations</b>				
• OS(RCA)		X		"Community Gardens - Essential Service Civic" allowed with Conditional Use Permit (CUP) only
• OS(RSP)		X		"
• OS(CP)		X		"
• OS(NP)		X		"
• OS(AMP)		X		"
• OS(PMP)		X		"
• OS(LP)		X		"
• OS(SU)		X		"
• OS(AF)		X		"
<b>Ch. 17.13 – RH Hillside Residential Zones Regulations</b>				
• RH-1	X			Permitted outright
• RH-2	X			"
• RH-3	X			"
• RH-4	X			"
<b>Ch. 17.15 – RD Detached Unit Residential Zones Regulations</b>				
• RD-1	X			Permitted outright
• RD-2	X			"

<b>Community Gardens (Essential Service Civic) – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations</b>				
• RM-1	X			Permitted outright
• RM-2	X			"
• RM-3	X			"
• RM-4	X			"
<b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>				
• RU-1	X			Permitted outright
• RU-2	X			"
• RU-3	X			"
• RU-4	X			"
• RU-5	X			"
<b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b>				
• R-80	X			Permitted outright
<b>Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations</b>				
• CN-1	X			Permitted outright
• CN-2	X			"
• CN-3	X			"
• CN-4	X			"
<b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>				
• CC-1	X			Permitted outright
• CC-2	X			"
• CC-3	X			"
<b>Ch. 17.37 – CR Regional Commercial Zone Regulations</b>				
• CR-1	X			Permitted outright
<b>Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations</b>				
• C-40	X			Permitted outright
<b>Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations</b>				
• C-45	X			Permitted outright

<b>Community Gardens (Essential Service Civic) – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.58 – CBD Central Business District Zones Regulations</b>				
• CBD-R	X			Permitted outright
• CBD-P	X			"
• CBD-C	X			"
• CBD-X	X			"
<b>Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations</b>				
• HBX-1	X			Permitted outright
• HBX-2	X			"
• HBX-3	X			"
• HBX-4	X			"
<b>Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations</b>				
• M-20	X			Permitted outright
• M-30	X			"
• M-40	X			"
<b>Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations</b>				
• CIX-1A	X			Permitted outright, <i>except when combined with T Overlay – then CUP required</i>
• CIX-1B	X			"
• CIX-1C	X			"
• CIX-1D	X			"
• CIX-1	X			Permitted outright
• CIX-2	X			Permitted outright
• IG		X		Allowed with CUP only
• IO		X		Allowed with CUP only
<b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>				
• S-1	X			Permitted outright
<b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>				
• S-2	X			Permitted outright

<b>Community Gardens (Essential Service Civic) – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.78 – S-3 Research Center Zone Regulations</b>				
• S-3	X			Permitted outright
<b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b>				
• S-15	X			Permitted outright
• S-15W	X			"
<b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>				
• D-WS		X		Allowed with CUP only
<b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>				
• D-OTN		X		Allowed with CUP only
<b>Ch. 17.101C – D-BV Broadway Valdez District Commercial Zones Regulations</b>				
• D-BV-1		X		Allowed with CUP only
• D-BV-2		X		"
• D-BV-3		X		"
• D-BV-4	X			Permitted outright
<b>Ch. 17.101D – D-KP Kaiser Permanent Oakland Medical Center District Zones Regulations</b>				
• D-KP-1	X			Permitted outright
• D-KP-2	X			"
• D-KP-3	X			"
<b>Ch. 17.101E – D-CE Central Estuary District Zones Regulations</b>				
• D-CE-1		X		Allowed with CUP only
• D-CE-2		X		"
• D-CE-3	X			Permitted outright
• D-CE-4	X			Permitted outright
• D-CE-5		X		Allowed with CUP only
• D-CE-6		X		"
<b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b>				
• D-GI			X	Prohibited

*Proposed Revision to the Current Definition of "Crop and Animal Raising" to a Create New Stand-alone Activity Type:*

**17.10.610 Crop and animal raising Limited agricultural activities.**

Crop and Animal Raising Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale, the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

**Limited Agriculture – Proposed Allowed Activity in Each Zone**

Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.11 – OS Open Space Zones Regulations</b>				
• OS(RCA)			X	Prohibited
• OS(RSP)			X	"
• OS(CP)			X	"
• OS(NP)			X	"
• OS(AMP)			X	"
• OS(PMP)			X	"
• OS(LP)			X	"
• OS(SU)			X	"
• OS(AF)			X	"
<b>Ch. 17.13 – RH Hillside Residential Zones Regulations</b>				
• RH-1	X			Permitted outright with limitations for Residential Zones <sup>1</sup>
• RH-2	X			"
• RH-3	X			"
• RH-4	X			"

<sup>1</sup> Limitations on permitted Limited Agriculture in Residential Zones (typ.): the activity occupies less than one (1) acre 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).

<b>Limited Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.15 – RD Detached Unit Residential Zones Regulations</b>				
• RD-1	X			Permitted outright with limitations for Residential Zones (typ.)
• RD-2	X			"
<b>Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations</b>				
• RM-1	X			Permitted outright with limitations for Residential Zones (typ.)
• RM-2	X			"
• RM-3	X			"
• RM-4	X			"
<b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>				
• RU-1	X			Permitted outright with limitations for Residential Zones (typ.)
• RU-2	X			"
• RU-3	X			"
• RU-4	X			"
• RU-5	X			"
<b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b>				
• R-80	X			Permitted outright with limitations for Residential Zones (typ.)
<b>Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations</b>				
• CN-1		X		Additional CUP findings for Limited Agriculture required <sup>2</sup>
• CN-2		X		Additional CUP findings for Limited Agriculture required (typ.)
• CN-3	X			Permitted outright with limitations for Commercial/Industrial Zones <sup>3</sup>

<sup>2</sup> **Additional CUP findings for Limited Agriculture (typ.):** **1.** The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic; **2.** Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and **3.** The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

<b>Limited Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
• CN-4	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>				
• CC-1	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
• CC-2	X			"
• CC-3	X			"
<b>Ch. 17.37 – CR Regional Commercial Zone Regulations</b>				
• CR-1	X			Prohibited within 300 feet of Hegenberger Road / Permitted outright elsewhere with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations</b>				
• C-40	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations</b>				
• C-45	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.58 – CBD Central Business District Zones Regulations</b>				
• CBD-R	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
• CBD-P	X			"
• CBD-C	X			"
• CBD-X	X			"

<sup>3</sup> Limitations on permitted Limited Agriculture in Commercial/Industrial Zones (typ.): the activity occupies less than one (1) acre 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.

Limited Agriculture – Proposed Allowed Activity in Each Zone				
Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations</b>				
• HBX-1	X			Permitted outright with limitations for Residential Zones (typ.)
• HBX-2	X			"
• HBX-3	X			"
• HBX-4	X			"
<b>Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations</b>				
• M-20	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
• M-30	X			"
• M-40	X			"
<b>Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations</b>				
• CIX-1A	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.), <i>except when combined with T Overlay</i> – then CUP with additional findings for Limited Agriculture required (typ.)
• CIX-1B	X			"
• CIX-1C	X			"
• CIX-1D	X			"
• CIX-1	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
• CIX-2	X			"
• IG		X		Additional CUP findings for Limited Agriculture required (typ.)
• IO		X		Additional CUP findings for Limited Agriculture required (typ.)
<b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>				
• S-1	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)

<b>Limited Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>				
• S-2	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.78 – S-3 Research Center Zone Regulations</b>				
• S-3	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
<b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b>				
• S-15	X			Permitted outright with limitations for Commercial/Industrial Zones (typ.)
• S-15W	X			"
<b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>				
• D-WS		X		Additional CUP findings for Limited Agriculture required (typ.)
<b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>				
• D-OTN		X		Additional CUP findings for Limited Agriculture required (typ.)
<b>Ch. 17.101C – D-BV Broadway Valdez District Commercial Zones Regulations</b>				
• D-BV-1			X	Prohibited
• D-BV-2			X	Prohibited
• D-BV-3			X	Prohibited
• D-BV-4		X		Additional CUP findings for Limited Agriculture required (typ.)
<b>Ch. 17.101D – D-KP Kaiser Permanent Oakland Medical Center District Zones Regulations</b>				
• D-KP-1		X		Additional CUP findings for Limited Agriculture required (typ.)
• D-KP-2		X		"
• D-KP-3		X		"

<b>Limited Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.101E – D-CE Central Estuary District Zones Regulations</b>				
• D-CE-1		X		Additional CUP findings for Limited Agriculture required (typ.)
• D-CE-2		X		"
• D-CE-3	X			Permitted outright with limitations for Residential Zones (typ.)
• D-CE-4	X			"
• D-CE-5		X		Additional CUP findings for Limited Agriculture required (typ.)
• D-CE-6		X		"
<b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b>				
• D-GI			X	Prohibited

*Proposed Revision to the Current Definition of "Crop and Animal Raising" to Create a New Stand-alone Activity Type:*

**17.10.615 Extensive agricultural activities.**

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including bee keeping involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment.

**Extensive Agriculture – Proposed Allowed Activity in Each Zone**

Zone Designations	Permitted	Conditionally Permitted	Prohibited	Limitations
<b>Ch. 17.11 – OS Open Space Zones Regulations</b>				
• OS(RCA)			X	Prohibited
• OS(RSP)			X	"
• OS(CP)			X	"
• OS(NP)			X	"
• OS(AMP)			X	"
• OS(PMP)			X	"
• OS(LP)			X	"
• OS(SU)			X	"
• OS(AF)			X	"
<b>Ch. 17.13 – RH Hillside Residential Zones Regulations</b>				
• RH-1		X		Additional CUP finding for Extensive Agriculture required <sup>1</sup>
• RH-2		X		"
• RH-3		X		"
• RH-4		X		"
<b>Ch. 17.15 – RD Detached Unit Residential Zones Regulations</b>				
• RD-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• RD-2		X		"

<sup>1</sup> **Additional CUP finding for Extensive Agriculture (typ.): 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.

<b>Extensive Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations</b>				
• RM-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• RM-2		X		"
• RM-3		X		"
• RM-4		X		"
<b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>				
• RU-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• RU-2		X		"
• RU-3		X		"
• RU-4		X		"
• RU-5		X		"
<b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b>				
• R-80		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations</b>				
• CN-1		X		Additional CUP finding for Animal Raising required (typ.)
• CN-2		X		"
• CN-3		X		"
• CN-4		X		"
<b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>				
• CC-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• CC-2		X		"
• CC-3		X		"
<b>Ch. 17.37 – CR Regional Commercial Zone Regulations</b>				
• CR-1		X		Prohibited within 300 feet of Hegenberger Road / CUP with additional finding for Extensive Agriculture (typ.) required elsewhere

<b>Extensive Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations</b>				
• C-40		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations</b>				
• C-45		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.58 – CBD Central Business District Zones Regulations</b>				
• CBD-R		X		Additional CUP finding for Extensive Agriculture required (typ.)
• CBD-P		X		"
• CBD-C		X		"
• CBD-X		X		"
<b>Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations</b>				
• HBX-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• HBX-2		X		"
• HBX-3		X		"
• HBX-4		X		"
<b>Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations</b>				
• M-20		X		Additional CUP finding for Extensive Agriculture required (typ.)
• M-30		X		"
• M-40		X		"
<b>Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations</b>				
• CIX-1A		X		Additional CUP finding for Extensive Agriculture required (typ.)
• CIX-1B		X		"
• CIX-1C		X		"
• CIX-1D		X		"
• CIX-1		X		"
• CIX-2		X		"

<b>Extensive Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
• IG		X		"
• IO		X		"
<b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>				
• S-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>				
• S-2		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.78 – S-3 Research Center Zone Regulations</b>				
• S-3		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b>				
• S-15		X		Additional CUP findings in <b>Section 17.97.100</b> required
• S-15W		X		Additional CUP findings in <b>Section 17.97.100</b> required
<b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>				
• D-WS		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>				
• D-OTN		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.101C – D-BV Broadway Valdez District Commercial Zones Regulations</b>				
• D-BV-1			X	Prohibited
• D-BV-2			X	Prohibited
• D-BV-3			X	Prohibited
• D-BV-4		X		Additional CUP finding for Extensive Agriculture required (typ.)
<b>Ch. 17.101D – D-KP Kaiser Permanent Oakland Medical Center District Zones Regulations</b>				
• D-KP-1			X	Prohibited
• D-KP-2			X	Prohibited
• D-KP-3			X	Prohibited

<b>Extensive Agriculture – Proposed Allowed Activity in Each Zone</b>				
<b>Zone Designations</b>	<b>Permitted</b>	<b>Conditionally Permitted</b>	<b>Prohibited</b>	<b>Limitations</b>
<b>Ch. 17.101E – D-CE Central Estuary District Zones Regulations</b>				
• D-CE-1		X		Additional CUP finding for Extensive Agriculture required (typ.)
• D-CE-2		X		"
• D-CE-3		X		"
• D-CE-4		X		"
• D-CE-5		X		"
• D-CE-6		X		"
<b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b>				
• D-GI			X	Prohibited

## OAKLAND CITY COUNCIL

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

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO UPDATE THE CITY'S AGRICULTURAL REGULATIONS; AND MAKE OTHER MISCELLANEOUS PLANNING CODE TEXT, MAP, AND HEIGHT AREA AMENDMENTS, INCLUDING BUT NOT LIMITED TO: 1) CLARIFYING THE PROCESS AND EXCEPTIONS TO THE MAXIMUM YARD REQUIREMENTS; 2) STANDARDIZING DESIGN REVIEW PROCEDURE LANGUAGE; 3) CLARIFYING THE DEFINITIONS OF "LIVE/WORK" AND "WORK/LIVE"; 4) STREAMLINING THE PROCESS FOR ALLOWING ALCOHOLIC BEVERAGE MANUFACTURERS TO SELL THEIR PRODUCTS ON SITE; 5) MODIFYING THE CUP FINDINGS FOR HOTELS; 6) ADDING "TAXI AND LIGHT-BASED FLEET SERVICES" TO THE ACTIVITY CHART FOR THE CIX-1, CIX-2, IG, AND IO ZONES; 7) MODIFYING THE MINIMUM LOT FRONTAGE AND WIDTH REQUIREMENTS IN THE CIX-1C AND CIX-1D ZONES; 8) CLARIFYING THE APPLICATION OF THE S-19 COMBINING ZONE; 9) ADDING HEIGHT AREA DESIGNATIONS TO CERTAIN CC ZONED PARCELS IN WEST OAKLAND; 10) CHANGING THE ZONING FROM CIX-1A TO CIX-1B FOR CERTAIN PROPERTIES IN THE 3RD AND 7TH STREET CORRIDORS IN WEST OAKLAND; 11) ADDING THE T OVERLAY TO TWO BLOCKS BETWEEN 3RD AND 5TH, MARKET AND BRUSH STREETS; 12) ADJUSTING THE BOUNDARY BETWEEN THE CC-2 AND RM-2 ZONES NEAR THE INTERSECTION OF 7TH AND PERALTA STREETS; 13) MODIFYING THE REGULATION OF PHARMACIES IN THE D-BV ZONES; 14) AMENDING THE WOOD STREET ZONING DISTRICT DEVELOPMENT STANDARDS IN SUPPORT OF REDEVELOPMENT OF THE 16TH STREET TRAIN STATION; AND 15) MAKING OTHER MINOR ZONING TEXT CHANGES TO IMPROVE THE CLARITY OF THE PLANNING CODE, AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, the Oakland Planning Code, which was largely adopted in 1965, has not kept pace with the need to address food access, the local food movement or the national trend of bringing small-scale agriculture back into urban areas. The City's current Agricultural regulations have resulted in uncertainty by the public regarding what can be grown and/or raised, and where these activities can occur; and

**WHEREAS**, in December 2005, the City Council authorized the Mayor's Office of Sustainability, through Resolution No. 79680 C.M.S., to develop an Oakland food policy and plan for thirty percent (30%) local area food production by undertaking an initial food systems assessment study; and

**WHEREAS**, in July 2006, an initial food systems assessment study, entitled "*A Food Systems Assessment for Oakland, CA: Toward a Sustainable Food Plan*" was received by the Life Enrichment Committee; and

**WHEREAS**, in December 2006, the City Council passed a resolution authorizing the City to provide \$50,000 in start-up funding for the purpose of establishing a Food Policy Council (FPC) for the City of Oakland. One of the primary stated functions the City Council authorized for the FPC was to develop an integrated strategic plan to foster a sustainable food system for the City, including policy and program recommendations; and

**WHEREAS**, in November 2010, the Oakland Food Policy Council (OFPC) published a report titled "*Transforming the Oakland Food System: A Plan for Action*", which called for a coordinated City policy and programming strategy to support and expand Urban Agriculture, including zoning, promotion of sustainable growing practices, and incubation and coordination of Urban Agriculture activities; and

**WHEREAS**, in April 2011, the City Council adopted new Residential and Commercial Zones for the entire City. The new zoning districts allowed "Crop and Animal Raising Agricultural Activities" with approval of a Conditional Use Permit in all Residential and Commercial areas in the City; and

**WHEREAS**, in 2011-2012, the Oakland Bureau of Planning engaged the community in an intensive effort to reach consensus on a comprehensive update to the City's zoning regulations related to Urban Agriculture. Unfortunately, agreement could not be reached among constituents on certain critical issues so the update effort was suspended; and

**WHEREAS**, in 2014, the Oakland Bureau of Planning initiated a new effort to comprehensively update the City's zoning regulations related to Urban Agriculture. The proposed new Urban Agriculture-related changes would modify the areas where "Community Gardens" are permitted, specify that "Community Gardens" may be operated by one or more people, add prohibitions on the use of heavy mechanized farming equipment, and create two new Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type: (1) "Limited Agriculture" and (2) "Extensive Agriculture". The proposal would allow "Community Gardens" by right in certain new areas and further restrict them in certain areas where they are currently permitted; and

**WHEREAS**, miscellaneous Planning Code Text, Map and Height Area changes are necessary and part of this proposal, including clean-up items following the adoption of the West Oakland Specific Plan and Broadway Valdez Specific Plan, as well as miscellaneous Planning Text changes to improve the standards throughout the Planning Code; and

**WHEREAS**, the City of Oakland's Planning Division staff has prepared the following amendments to the Oakland Planning Code Text, Map, and Height Areas to comprehensively update the City's zoning regulations related to Urban Agriculture, as well as correct code issues, update references, reduce redundancy, and clarify language in various chapters of the Planning Code in order to better promote the public's health, safety and general welfare; and

**WHEREAS**, on September 17, 2014, at a duly noticed public hearing, the Planning Commission recommended approval of the proposed Planning Code Text, Map, and Height Area amendments, with the following changes: (1) that "Community Gardens" be allowed by right in the City's Transit Oriented Development Zones: S-15 & S-15W; (2) that "Limited Agriculture" be allowed by right in the City's Central Business District Zones: CBD-R, CBD-P, CBD-C & CBD-X, and Transit Oriented Development Zones: S-15 & S-15W; (3) that revised standards for the on-site sale of agricultural products in Residential areas, as submitted by staff at the September 17<sup>th</sup> City Planning Commission hearing, be incorporated into the proposed Agricultural Regulations; and (4) that a revised limitation for pharmacies in the Broadway Valdez D-BV zones, as submitted by staff at the September 17<sup>th</sup> City Planning Commission hearing, be incorporated into the proposed miscellaneous Planning Code Text Amendments; and

**WHEREAS**, after a duly noticed public meeting on October 14, 2014, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on October 21, 2014 to consider the proposal; and

**WHEREAS**, the proposed Planning Code Text, Map, and Height Area amendments rely on the previously certified Final Environmental Impact Reports for the Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"); and

**WHEREAS**, the EIRs provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code Text, Map, and Height Area amendments; and

**WHEREAS**, the proposed amendments to the Planning Code Text, Map, and Height Areas would not result in any significant effect that has not already been analyzed in the EIRs, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIRs; and

**WHEREAS**, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which

the project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

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

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**Section 2.** The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

**Section 3.** Title 17 of the Oakland Planning Code is hereby amended pursuant to *Exhibit A* attached hereto and hereby incorporated by reference. Additions to Title 17 of the Oakland Planning Code are shown in Exhibit A as underline and omissions are shown as ~~striketrough~~.

**Section 4.** The Oakland Planning Maps are hereby amended pursuant to *Exhibit B* attached hereto and hereby incorporated by reference. Changes to the Oakland Planning Maps are shown in Exhibit B in dot pattern.

**Section 5.** The Oakland Height Maps are hereby amended pursuant to *Exhibit C* attached hereto and hereby incorporated by reference. Changes to the Oakland Height Maps are shown in Exhibit C in hatched line pattern.

**Section 6.** This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code Text, Map, and Height Area amendments if the applicant chooses to do so.

**Section 7.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

**Section 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT-

ABSTENTION-

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

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

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

## NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO UPDATE THE CITY'S AGRICULTURAL REGULATIONS; AND MAKE OTHER MISCELLANEOUS PLANNING CODE TEXT, MAP, AND HEIGHT AREA AMENDMENTS, INCLUDING BUT NOT LIMITED TO: 1) CLARIFYING THE PROCESS AND EXCEPTIONS TO THE MAXIMUM YARD REQUIREMENTS; 2) STANDARDIZING DESIGN REVIEW PROCEDURE LANGUAGE; 3) CLARIFYING THE DEFINITIONS OF "LIVE/WORK" AND "WORK/LIVE"; 4) STREAMLINING THE PROCESS FOR ALLOWING ALCOHOLIC BEVERAGE MANUFACTURERS TO SELL THEIR PRODUCTS ON SITE; 5) MODIFYING THE CUP FINDINGS FOR HOTELS; 6) ADDING "TAXI AND LIGHT-BASED FLEET SERVICES" TO THE ACTIVITY CHART FOR THE CIX-1, CIX-2, IG, AND IO ZONES; 7) MODIFYING THE MINIMUM LOT FRONTAGE AND WIDTH REQUIREMENTS IN THE CIX-1C AND CIX-1D ZONES; 8) CLARIFYING THE APPLICATION OF THE S-19 COMBINING ZONE; 9) ADDING HEIGHT AREA DESIGNATIONS TO CERTAIN CC ZONED PARCELS IN WEST OAKLAND; 10) CHANGING THE ZONING FROM CIX-1A TO CIX-1B FOR CERTAIN PROPERTIES IN THE 3RD AND 7TH STREET CORRIDORS IN WEST OAKLAND; 11) ADDING THE T OVERLAY TO TWO BLOCKS BETWEEN 3RD AND 5TH, MARKET AND BRUSH STREETS; 12) ADJUSTING THE BOUNDARY BETWEEN THE CC-2 AND RM-2 ZONES NEAR THE INTERSECTION OF 7TH AND PERALTA STREETS; 13) MODIFYING THE REGULATION OF PHARMACIES IN THE D-BV ZONES; 14) AMENDING THE WOOD STREET ZONING DISTRICT DEVELOPMENT STANDARDS IN SUPPORT OF REDEVELOPMENT OF THE 16TH STREET TRAIN STATION; AND 15) MAKING OTHER MINOR ZONING TEXT CHANGES TO IMPROVE THE CLARITY OF THE PLANNING CODE, AND MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS.

This Ordinance would amend the Oakland Planning Code to update the Urban Agriculture regulations citywide, including: (a) The creation of the new "Limited Agriculture" and "Extensive Agriculture" Land Use Activity Types to replace the City's existing "Crop and Animal Raising" Activity Type; (b) A modification to the definition of "Community Gardens" to add prohibitions on the use of heavy mechanized farming equipment and allow for seasonal sales; (c) Revisions to the Permitted Activity Charts throughout the Planning Code to specify when "Community Gardens", "Limited Agriculture", and "Extensive Agriculture" are a Permitted, Conditionally Permitted, or Prohibited Activity; and (d) A change to the definition of a "Home Occupation" to allow small-scale bee keeping. Other miscellaneous Oakland Planning Code Text, Map and Height Area changes are incorporated into this Ordinance, including but limited to clean-up items following the adoption of the West Oakland Specific Plan and Broadway Valdez Specific Plan.

**Exhibit A**

## **Title 17 - PLANNING**

### **Chapters:**

Chapter 17.101A - D-WS WOOD STREET DISTRICT ~~COMMERCIAL~~ ZONE REGULATIONS

Chapter 17.101B - D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS

Chapter 17.101C - D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES  
REGULATIONS

Chapter 17.101D - D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT  
ZONES REGULATIONS

Chapter 17.101E - D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Chapter 17.101F - D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS

## Chapter 17.10 - USE CLASSIFICATIONS

### Sections:

#### Article I - General Classification Rules

#### Article II - Activity Types

Part 2 - Civic Activity Types

Part 3 - Commercial Activity Types

Part 4 - Industrial Activity Types

Part 5 - Agricultural and Extractive Activity Types

#### Article I General Classification Rules

17.10.030 Listing of activity classifications.

17.10.040 Accessory activities.

#### 17.10.030 Listing of activity classifications.

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

E. Agricultural and Extractive Activities:

Plant Nursery

~~Crop and Animal Raising~~

Limited Agriculture

Extensive Agriculture

Mining and Quarrying

#### 17.10.040 Accessory activities.

In addition to the principal activities expressly included therein, each activity type shall be deemed to include such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal activity; are located on the same lot as such principal activity except as otherwise provided in subsections A, J, and K of this section; and meet the further conditions set forth hereinafter. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in the zoning regulations. Such accessory activities include, but are not limited to, the activities indicated below, but exclude the sale of alcoholic beverages to the general public

except at a full-service restaurant or at an alcoholic beverage manufacturer, as described in Sections 17.10.550, 17.10.560, and 17.103.030. (See also Section 17.10.050 for additional activities included within activity types in the case of combinations of different principal activities.)

- A. Off-street parking and loading serving a principal activity, whether located on the same lot thereas or on a different lot, but only if the facilities involved are reserved for the residents, employees, patrons, or other persons participating in the principal activity;
- B. Home occupations, subject to the applicable provisions of the home occupation regulations in Chapter 17.112;
- C. Residential occupancy in connection with a principal nonresidential activity on the same lot, but only:
  1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or
  2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;
- D. Operation of an employee cafeteria by a firm engaging in a principal nonresidential activity on the same lot;
- E. Sale of goods on the same lot as a principal Civic Activity, but only if such goods are available only to persons participating in the principal activity;
- F. Production of goods for sale by a firm engaged in a principal Commercial Activity on the same lot, but only if:
  1. All goods so produced are sold at retail by the same firm either on the same or other lots, and
  2. Such production does not occupy more than seventy-five percent (75%) of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot, and
  3. Such production does not occupy more than three thousand (3,000) square feet of such floor area and open area;
- G. Storage of goods sold by a principal Commercial Activity, or used in or produced by a principal Industrial Activity, engaged in by the same firm on the same lot;
- H. Operation of an administrative office of a firm engaged in a principal Manufacturing or Industrial Activity on the same lot, but only if such office does not occupy more than fifty (50) percent of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot;
- I. Wholesale sale, or retail sale ~~to the buyer's custom order,~~ of goods produced by a principal Manufacturing or Industrial Activity ~~engaged in by the same firm~~ on the same lot;
- J. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time;
- K. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five (5) or more lots;

- L. Benches, street furniture, lighting, public art, sheds, and similar infrastructure associated with city and regional parks;
- M. Public restrooms serving park and recreational facilities.
- N. Car-sharing services and parking spaces are considered accessory to all activities, as long as required parking space for that activity is not taken by car-sharing trucks and automobiles. Car-sharing services are considered accessory to all facility types, excepting: one-family dwellings, one-family dwellings with secondary units, two-unit dwellings, and rooming houses.

## Article II Activity Types

### Part 2 Civic Activity Types

17.10.140 Essential service civic activities.

#### 17.10.140 Essential service civic activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

- A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by ~~more than~~ one or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;
- C. Botanical gardens;
- D. Private streets;
- E. Public polling places;
- F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
- G. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the City;
- H. Police and Fire stations;
- I. Post offices, but excluding major mail processing centers;
- J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

- K. All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

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

### **Part 3 Commercial Activity Types**

17.10.300 Alcoholic beverage sales commercial activities.

#### **17.10.300 Alcoholic beverage sales commercial activities.**

Alcoholic Beverage Sales Commercial Activities include the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages, but exclude full-service restaurants and alcoholic beverage manufacturers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

### **Part 4 Industrial Activity Types**

17.10.550 Custom manufacturing industrial activities.

17.10.560 Light manufacturing industrial activities.

#### **17.10.550 Custom manufacturing industrial activities.**

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production of:

- A. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ~~less than~~ ten thousand (10,000) square feet or less of floor area (See Section 17.10.040 for allowed sales activities accessory to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);
- B. Cameras and photographic equipment;
- C. Custom sign-making;
- D. Custom clothing;
- E. Custom furniture building and refinishing;
- F. Professional, scientific, measuring, and controlling instruments;

- G. Musical instruments;
- H. Medical, dental, optical and orthopedic instruments and appliances, and similar items;
- I. Handicraft, art objects, and jewelry.

#### **17.10.560 Light manufacturing industrial activities.**

Light Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production or assembly of:

- A. Production apparel manufacturing;
- B. Computer and electronic products;
- C. Pharmaceutical production;
- D. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with more than ten thousand (10,000) square feet ~~or more~~ of floor area (See Section 17.10.040 for allowed sales activities accessory to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);
- E. Electrical equipment, appliances, and components;
- F. Furniture and related products;
- G. Pharmaceutical production;
- H. Sporting and athletic goods.

#### **Part 5 Agricultural and Extractive Activity Types**

17.10.610 ~~Crop and animal raising Limited~~ agricultural activities.

17.10.615 Extensive agricultural activities.

**17.10.610 ~~Crop and animal raising Limited~~ agricultural activities.**

~~Crop and Animal Raising Limited~~ Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

**17.10.615 Extensive agricultural activities.**

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including bee keeping activities involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities.

**Chapter 17.11 - OS OPEN SPACE ZONING REGULATIONS****Sections:**

17.11.040 Permitted activities.

17.11.050 Conditionally permitted activities.

17.11.060 Special provisions for permitted and conditionally permitted activities in the OS zone.

17.11.070 Permitted facilities.

17.11.080 Conditionally permitted facilities.

17.11.100 Amendment of Sections 17.11.060 and 17.11.090.

**17.11.040 Permitted activities.**

The following activities, as described in the use classifications at Chapter 17.10 and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.060 are permitted:

- A. Accessory Activities

**17.11.050 Conditionally permitted activities.**

The following activities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in 17.11.060, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

- A. Residential Activities:
  - Permanent
- B. Civic Activities:
  - Essential Service
  - Limited Child Care
  - Community Assembly
  - Recreational Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Extensive Impact

- C. Commercial Activities:
  - Animal Care
  - Animal Boarding
  - General Food Sales
  - Full Service Restaurant
  - Limited Service Restaurant and Cafe
  - Alcoholic Beverage Sales (in restaurants only)
- D. Agricultural and Extractive Activities:
  - Plant Nursery

~~Crop and Animal Raising~~

**17.11.060 Special provisions for permitted and conditionally permitted activities in the OS zone.**

The following table shall apply to those activities that are permitted and conditionally permitted within the OS zone. The specified activities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a minor conditional use permit are indicated with a star. Uses requiring a major conditional use permit are indicated with a solid circle and star [solid diamond]. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
<p><i>Legend:</i></p> <p>◆ = Major Conditional Use Permit Required</p> <p>* = Minor Conditional Use Permit Required</p> <p>P = Permitted</p> <p>No symbol=Not Permitted</p> <p><i>RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)</i></p>									
<b>PERMANENT RESIDENTIAL ACTIVITIES</b>									
<b>ACTIVITY TYPES</b>									

Caretaker's Quarters	◆	◆	◆			◆	◆		◆
<b>ESSENTIAL SERVICE CIVIC ACTIVITIES</b>									
Botanical Gardens	*	*	*	*	*	*	*		*
<u>Community Gardens</u>	<u>*</u>								
Trails and Paths	*	*	*	*	*	*	*	*	*
Electric, gas, and telephone distribution lines and poles	*	*	*	*	*	*	*	*	*
Water, storm drainage, and sewer lines	*	*	*	*	*	*	*	*	*
Park, recreational, and civic uses, consistent with a Master Plan adopted by the City Council (pursuant to Section 17.135.050), whether or not they are listed in this table.	*	*	*	*	*	*	*	*	*
Park, recreational, and civic uses on land owned by the East Bay Regional Park District (EBRPD), consistent with a Master Plan adopted by the EBRPD Board (pursuant to Section 17.135.050), whether or not they are listed in this table.	P					P	P	P	
<b>LIMITED CHILD CARE ACTIVITIES</b>									
Child Care Centers for 12 or fewer children	◆	◆	◆				◆		
<b>COMMUNITY ASSEMBLY CIVIC ACTIVITIES</b>									
Athletic Fields	*	*	*				*		*
Basketball Courts	*	*	*	*			*	*	*
Boathouses	◆						◆	◆	
Bocce Ball	*	*	*				*		
Carousels and Similar Amusement Rides	◆						◆		
Clubhouse, lodge, meeting hall	◆	◆	◆				◆		

Dog Play Area (fenced)	*	*	*			*	*		
Fishing Ponds	*	*	*				*		
Food Service and Other Concessions	*	*	*				*		*
Gymnasium	◆	◆	◆				◆		
Handball Courts	◆	◆	◆				◆		
Horseback Riding	◆						◆	◆	
Horseshoe Pit	*	*	*	*			*		
Lawn Bowling	*	*	*				*		
Miniature Golf	◆	◆					◆		
Picnic Areas	*	*	*	*	*	*	*	◆	*
Playgrounds/Tot Lots/Children's Play Equipment (more than 1,000 square feet)	*	*	*	◆		*	*		*
Playgrounds/Tot Lots/Children's Play Equipment (less than 1,000 square feet)	*	*	*	*	*	*	*	*	*
Recreation Center	◆	◆	◆				◆		
Skateboard Play Area	*	*	*				*		*
Swim Centers (pools)	◆	◆	◆				◆		
Temporary Uses (i.e., fairs and carnivals)	*	*	*	*	*	*	*		*
Tennis Courts	*	*	*				*		*
Wading Pools	*	*	*	*			*		
Water Play Feature (water park)	◆	◆					◆		

<b>COMMUNITY EDUCATION CIVIC ACTIVITIES</b>									
Child Care Centers (for 13 or more children)	◆	◆	◆					◆	
<b>NON-ASSEMBLY CULTURAL CIVIC ACTIVITIES</b>									
Conservatory	◆	◆						◆	
Historic Residence Converted for Museum/Recreational Purposes	◆	◆	◆					◆	
Museum	◆	◆						◆	
Planetarium/Observatory	◆							◆	
<b>ADMINISTRATIVE CIVIC ACTIVITIES</b>									
Park Offices	◆	◆	◆					◆	◆
<b>EXTENSIVE IMPACT CIVIC ACTIVITIES</b>									
Auditoriums	◆	◆						◆	
Bandstand	◆	◆						◆	
Campsites (improved)	◆							◆	
Campsites (unimproved)	◆							◆	◆
Docks/Wharves/Piers	◆						◆	◆	◆
Driving Range	◆							◆	
Electric Transmission Lines	◆							◆	◆
Equestrian Arena	◆							◆	
Golf Course								◆	
Outdoor Performance Area/Stage/Amphitheater	◆	◆	◆					◆	

Stadium or Sports Arena	◆						◆		
Stormwater Detention/Water Quality Facilities	◆	◆					◆	◆	
Reservoirs and Water Supply Tanks	◆	◆	◆				◆	◆	◆
Wildlife Preserve	◆	◆					◆	◆	
Zoological Gardens (Zoos)	◆						◆		
<b>ANIMAL CARE COMMERCIAL ACTIVITIES</b>									
Horse Stables	◆						◆		
<b>GENERAL FOOD SALES COMMERCIAL ACTIVITIES</b>									
Full-service restaurant, within a publicly-owned building	◆						◆		
<b>ALCOHOLIC BEVERAGE SALES</b>									
Only in General Food Sales Commercial Activities that do not qualify as Full-Service Restaurants	◆						◆		
<b><del>PLANT NURSERY</del> AGRICULTURAL ACTIVITIES</b>									
Nurseries (Botanical)	◆						*		
<u>Limited Agriculture</u>									
<u>Extensive Agriculture</u>									
<b><del>CROP AND AGRICULTURAL RAISING ACTIVITIES</del></b>									
<u>Community Gardens</u>	*	*	*	*	*	*	*	*	*
<b>ACCESSORY ACTIVITIES</b>									
Accessory Buildings	*	*	*	*			*	*	*
Benches and street furniture, the sum of which is more than	*	*	*	*	*	*	*	*	*

100 square feet									
Benches and street furniture, the sum of which is less than 100 square feet	P	P	P	P	P	P	P	*	P
Fences, walls, or gates	*	*	*	*	*	*	*	*	*
Irrigation Systems	P	P	P	P	P	P	P	*	P
Kiosks/Map Boards	*	*	*	*	*	*	*	*	*
Landscaping, including hedges	P	P	P	P	P	P	P	*	P
Lighting (Athletic Field)	◆	◆					◆		◆
Lighting (General)	*	*	*	*	*	*	*		*
Maintenance Sheds	*	*	*			*	*	◆	*
Parking for use within park	*	*	*			*	*	*	*
Public Art	*	*	*	*	*	*	*	◆	*
Pullouts and Scenic Overlooks	P	P				P	P	P	
Rest Room Building	*	*	*			*	*	◆	*

**17.11.070 Permitted facilities.**

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in the following table, are permitted:

- A. Accessory Facilities

**17.11.080 Conditionally permitted facilities.**

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.090, may be permitted upon the granting of a conditional use permit pursuant to

the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

- A. Residential Facilities:
  - One-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Telecommunications Facilities:
  - Mini
  - Micro
  - Macro
  - Monopole

**17.11.100 Amendment of Sections 17.11.060 and 17.11.090.**

Pursuant to Section 17.10.090, any activity or facility which is not expressly classified in Sections 17.11.060 and 17.11.090 shall be included in that category which most closely portrays it. In the event a use cannot be classified into an existing category, Sections 17.11.060 and 17.11.090 may be modified to establish a classification for said use, subject to the right of appeal from such determination pursuant to the administrative appeal procedure at Chapter 17.132. Any other changes to the text of the OS zone shall be subject to the rezoning and law change procedure at Chapter 17.144.

**Chapter 17.13 - RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.13.030 Permitted and conditionally permitted activities.

17.13.040 Permitted and conditionally permitted facilities.

**17.13.030 Permitted and conditionally permitted activities.**

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH 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 17.13.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Activities</b>					
Permanent	P	P	P	P	
Residential Care	— P(L1)	— P(L1)	— P(L1)	— P(L1)	17.103.010
Service-Enriched Permanent Housing	—	—	—	—	
Transitional Housing	—	—	—	—	
Emergency Shelter	—	—	—	—	
Semi-Transient	—	—	—	—	

Bed and Breakfast	—	—	—	—	
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	—	—	—	—	
Special Health Care	—	—	—	—	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities (all)</b>	—	—	—	—	
<b>Industrial Activities (all)</b>	—	—	—	—	
<b>Agriculture and Extractive Activities</b>					
<u>Limited Agriculture</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Extensive Agriculture</u> <del>Crop and animal raising</del>	<u>C(L3)2)</u>	<u>C(L3)2)</u>	<u>C(L3)2)</u>	<u>C(L3)2)</u>	
Plant <del>N</del> ursery	C	C	C	C	
Mining and Quarrying	—	—	—	—	

Accessory off-street parking serving prohibited activities	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	C	C	C	17.102.110

**Limitations on Table 17.13.01:**

**L1.** Residential Care is only permitted in a One-Family Dwelling Residential Facility. No State-licensed residential care facility shall be located closer than three hundred (300) feet from any other State-licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding these activities.

~~**L2.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

~~**L2.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).~~

~~**L3.** 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.~~

**Chapter 17.15 - RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.15.030 Permitted and conditionally permitted activities.

**17.15.030 Permitted and conditionally permitted activities.**

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD 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 17.15.01: Permitted and Conditionally Permitted Activities**

Activities	Zones		Additional Regulations
	RD-1	RD-2	
<b>Residential Activities</b>			
Permanent	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	—	C(L1)	17.103.010
Transitional Housing	—	C(L1)	17.103.010
Emergency Shelter	—	—	
Semi-Transient	—	—	
Bed and Breakfast	C	C	17.10.125

<b>Civic Activities</b>			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	—	—	
Special Health Care	—	—	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
<b>Commercial Activities</b>			
General Food Sales	C(L2)(L3)	C(L2)(L3)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	
Limited Service Restaurant and Cafe	C(L2)(L3)	C(L2)(L3)	
Fast-Food Restaurant	—	—	
Convenience Market	—	—	
Alcoholic Beverage Sales	—(L4)	—(L4)	
Mechanical or Electronic Games	—	—	

Medical Service	—	—	
General Retail Sales	C(L2)(L3)	C(L2)(L3)	
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	P(L3)(L5)	P(L3)(L5)	
Business, Communication, and Media Services	—	—	
Broadcasting and Recording Services Commercial Activities	—	—	
Research Service	—	—	
General Wholesale Sales	—	—	
Transient Habitation	—	—	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	

Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	—	—	
Animal Boarding	—	—	
Animal Care	—	—	
Undertaking Service	—	—	
<b>Industrial Activities (all)</b>	—		
<b>Agriculture and Extractive Activities</b>			
<u>Limited Agriculture</u>	<u>P(L6)</u>	<u>P(L6)</u>	
<u>Extensive Agriculture Crop and animal raising</u>	<u>C(L7)6)</u>	<u>C(L7)6)</u>	
Plant <del>n</del> Nursery	C	C	
Mining and Quarrying	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	17.102.110

**Limitations on Table 17.15.01:**

**L1.** Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

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

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

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

**L4.** In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.

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

~~**L6.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the 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;~~

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

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

~~**L6.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).~~

~~**L7.** 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.~~

**Chapter 17.17 - RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.17.030 Permitted and conditionally permitted activities.

**17.17.030 Permitted and conditionally permitted activities.**

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM 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 17.17.01: Permitted and Conditionally Permitted Activities**

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
<b>Residential Activities</b>						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010

Emergency Shelter	—	P(L2)	—	—	—	
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	C	C	C	C	P	17.10.125
<b>Civic Activities</b>						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly Cultural	C	C	C	C	C	
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	

Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Full Service Restaurants	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Limited Service Restaurant and Cafe	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Fast-Food Restaurant	—	—	—	—	—	
Convenience Market	—	—	—	—	—	
Alcoholic Beverage Sales	—(L6)	—(L6)	—(L6)	—(L6)	—(L6)	
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
General Retail Sales	C( <del>L2L3</del> )(L3)(L4)	C( <del>L2L3</del> )(L3)(L4)	C( <del>L2L3</del> )(L3)(L4)	C( <del>L2L3</del> )(L3)(L4)	P(L4)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	

Consumer Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
Consultative and Financial Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	—	—	—	—	C(L7)(L8)	
Personal Instruction and Improvement Services	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Administrative	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L5)	
Business, Communication, and Media Services	—	—	C(L3)(L4)	C(L3)(L4)	P(L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	—	—	

Research Service	—	—	—	—	—	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	

Undertaking Service	—	—	—	—	—	
<b>Industrial Activities (all)</b>	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
<u>Limited Agriculture</u>	<u>P(L10)</u>	<u>P(L10)</u>	<u>P(L10)</u>	<u>P(L10)</u>	<u>P(L10)</u>	
<u>Extensive Agriculture</u> <u>Crop and animal raising</u>	<u>C(L11)Ø</u>	<u>C(L11)Ø</u>	<u>C(L11)Ø</u>	<u>C(L11)Ø</u>	<u>C(L11)Ø</u>	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	—	—	—	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	C	17.102.110

Limitations on Table 17.17.01:

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** Emergency shelters are permitted by-right within that portion of the Martin Luther King Jr. Way corridor described in Section 17.103.015(A)(1) and subject to the development standards in Section 17.103.015(B).

**L3.** These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

**L4.** The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

**L5.** These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

**L6.** In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity [in] Subsection 17.114.080.A.1.

**L7.** These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m.

**L8.** Adult entertainment activities are prohibited.

**L9.** These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 15, 2011) and not original used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

~~L10~~ Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

L10. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L11. 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.

**17.17.040 Permitted and conditionally permitted facilities.**

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.17.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
<b>Residential Facilities</b>						

One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.103.080
Two-Family Dwelling	C(L1)	P	P	P	Same as underlying zone	
Multifamily Dwelling	—	C(L1)	C(L1)	P(L1)	Same as underlying zone	
Rooming House	—	—	—	—	—	
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C(L5)	
Sidewalk Cafe	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
<b>Telecommunications Facilities</b>						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128

<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	—	—	—	—	—	17.104

**Limitations on Table 17.17.02:**

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

**L1.** See Table 17.17.03, Property Development Standards, for additional regulations on this density.

**L2.** Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

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

**L4.** Business Signs are allowed in the C combining zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior

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

L5. For RM Zones with the C combining zone, Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**Chapter 17.19 - RU URBAN RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.19.030 Permitted and conditionally permitted activities.

17.19.040 Permitted and conditionally permitted facilities.

**17.19.030 Permitted and conditionally permitted activities.**

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU 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 17.19.01: Permitted and Conditionally Permitted Activities**

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Residential Activities</b>						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Emergency Shelter	—	C(L1)	P(L2)	P(L2)	P(L2)	17.103.010
Semi-Transient	—	—	—	C(L1)	C(L1)	

Bed and Breakfast	C	C	C	C	C	17.10.125
<b>Civic Activities</b>						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L3)	P(L3)	
Nonassembly Cultural	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	
Administrative	C	C	C	P(L3)(L4)	P(L3)(L5)	
Health Care	C	C	C	P(L3)(L4)	P(L3)(L5)	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Full Service Restaurants	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Limited Service Restaurant and Cafe	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Fast-Food Restaurant	—	—	—	—	C(L5)	17.103.030
Convenience Market	—	—	—	—	C(L5)	17.103.030

Alcoholic Beverage Sales	—(L8)	—(L8)	—(L8)	C(L4)	C(L5)	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	C(L5)	
Medical Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
General Retail Sales	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L6)(L7)(L10)	P(L7)(L9)(L10)	P(L7)(L9)(L10)	P(L3)(L4)(L10)	P(L3)(L5)(L10)	
Consultative and Financial Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Consumer Dry Cleaning Plant	—	—	—	C(L4)	C(L5)	
Group Assembly	—	—	C(L6)(L7)(L11)	C(L4)(L11)	C(L5)(L11)	
Personal Instruction and Improvement Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Administrative	P(L7)(L12)	P(L7)(L12)	P(L7)(L12)	P(L3)(L4)	P(L3)(L5)	
Business, Communication, and Media Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L2)(L4)	P(L3)(L5)	
Broadcasting and	—	—	—	P(L3)(L4)	P(L3)(L5)	

Recording Services Commercial Activities						
Research Service	—	—	—	P(L3)(L4)	P(L3)(L5)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
<u>Limited Agriculture</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	

<del>Extensive Agriculture, Crop and animal raising</del>	<del>C(L14)3</del>	<del>C(L14)3</del>	<del>C(L14)3</del>	<del>C(L14)3</del>	<del>C(L14)3</del>	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	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	C	C	C	C	17.102.110

**Limitations on Table 17.19.01:**

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the ~~CUP CLIP~~ procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(4)(7) respectively 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 Limitation L1 above.

**L3.** The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L4.** In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

**L5.** In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (April 14, 2011) or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

**L6** In the RU-1, RU-2, and RU-3 zones, these activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

**L7.** In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

**L8.** In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

**L9.** These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

**L10.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L11.** Adult entertainment activities are prohibited.

**L12.** These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit is required if the facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

~~**L13.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the 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;~~

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

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

L13. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L14. 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.

**Chapter 17.30 - R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS****Sections:**

17.30.050 Permitted activities.

17.30.060 Conditionally permitted activities.

**17.30.050 Permitted activities.**

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

**A. Residential Activities:**

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

**B. Civic Activities:**

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Telecommunications

**C. Agricultural and Extractive Activities:**

Limited Agriculture, if the activity occupies less than one (1) acre 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. Residential Activities:**

Residential Care, except when occupying a One-Family Dwelling Residential Facility  
 Service-Enriched Permanent Housing  
 Transitional Housing  
 Emergency Shelter

B. Civic Activities:

Administrative  
 Health Care  
 Utility and Vehicular  
 Extensive Impact

C. Commercial Activities:

General Food Sales  
 Full Service Restaurant  
 Limited Service Restaurant and Cafe  
 Convenience Market  
 Alcoholic Beverage Sales  
 Medical Service

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

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

D. Agricultural and Extractive Activities:

Extensive Agriculture, Crop and Animal Raising 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

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

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

**Chapter 17.33 - CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.33.030 Permitted and conditionally permitted activities.

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

**17.33.030 Permitted and conditionally permitted activities.**

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN 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 17.33.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Residential Activities</b>					
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)	17.103.010
Emergency Shelter	P(L5)	P(L5)	P(L5)	C(L1)(L3)	17.103.010

Semi-Transient	—	—	—	—	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L2)	P(L2)	P(L6)	P(L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L6)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L7)	C(L4)(L7)	C(L4)(L7)	C(L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
<b>Commercial Activities</b>					
General Food Sales	P(L6)	P(L6)	P(L8)	P(L8)	
Full Service Restaurants	C(L4)	P(L6)	P(L6)	P(L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L6)	P(L6)	P(L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and

					17.114.030
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L8)	P(L8)	P(L6)	
General Retail Sales	P(L6)	P(L6)	P(L9)	P(L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	
Consultative and Financial Service	P(L2)	P(L11)	P(L6)	P(L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L12)	C(L4)(L12)	C(L4)(L12)	C(L12)	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L6)	P(L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L6)	P(L6)	
Research Service	C(L4)	C(L4)	P(L6)	P(L6)	
General Wholesale Sales	—	—	—	—	
Transient Habitation	—	—	—	—	
Building Material Sales	—	—	—	—	

Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L6)	P(L6)	
Undertaking Service	—	—	—	—	
<b>Industrial Activities</b>					
Custom Manufacturing	C(L4)(L13)	C(L4)(L13)	C(L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	

E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	
<b>Agriculture and Extractive Activities</b>					
<u>Limited Agriculture</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>P(L15)</u>	<u>P(L15)</u>	
<u>Extensive Agriculture Crop and animal raising</u>	<u>C(L16)4)</u>	<u>C(L16)4)</u>	<u>C(L16)4)</u>	<u>C(L16)4)</u>	
Plant <del>n</del> Nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C(L4)	C(L4)	C(L4)	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C(L4)	C(L4)	C(L4)	C	17.102.110

**Limitations on Table 17.33.01:**

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. 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 CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

**L3.** See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.

**L4.** Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:

1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;
3. That 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;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

**L5.** Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively 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 Limitations L1, L3, and L4 above.

**L6.** The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

**L7.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L8.** A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

**L9.** The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP

~~CLIP~~ criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

**L10.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L11.** 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 on the ground floor of a building. 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 CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.

**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.** Not permitted on the ground floor.

~~**L14.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

**L14.** Limited 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;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

**L15.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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.

**17.33.040 Permitted and conditionally permitted facilities.**

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.33.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	—	—	—	—	
<b>Nonresidential Facilities</b>					

Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C(L5)	17.103.100
<b>Telecommunications Facilities</b>					
Micro Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Mini Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

**Limitations on Table 17.33.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L2.** Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

**L3.** Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor residential facilities is not permitted on a corner lot.

**L4.** In the CN-1 and CN-2 Zones, nNo conditional use permit is required for Open Nonresidential Facilities to accommodate ~~either Civic Activities, seasonal sales, or special events. activities.~~In the CN-3 and CN-4 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

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

**L6.** See Section 17.128.025 for restrictions on Telecommunication Facilities near residential, HBX Zones, or D-CE-3 or D-CE-4 Zones.

**17.33.050 Property development standards.**

A. Zone Specific Standards. Table 17.33.03 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 17.33.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Minimum Lot Dimensions</b>					
Width Mean	25 ft	25 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf	1
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft	0 ft	0 ft	0 ft	2

Maximum front	10 ft	10 ft	10 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
<b>Design Regulations</b>					
Minimum ground floor nonresidential facade transparency	65%	65%	65%	None	9
Minimum height of ground floor nonresidential facilities	12 ft	12 ft	12 ft	12 ft	10
Minimum separation between the grade and ground floor living space	—	—	2.5 ft	2.5 ft	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
<b>Height, Floor Area Ratio, Density, and Open Space Regulations</b>	See Table 17.33.04				
<b>Minimum required parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
<b>Courtyard regulations</b>	See Section 17.108.120				

**Additional Regulations for Table 17.33.03:**

3. The following notes apply to the maximum front yard requirement:
  - a. The requirements only apply to the construction of new principal buildings.
  - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.

c. 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 approval (see Chapter 17.136 for the design review procedure). In addition to the ~~CUP~~ criteria contained in Section ~~17.136.050, 17.136.035~~, the proposal to reduce to fifty percent (50%) must also meet each of the following criteria:

i. The 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.

**Chapter 17.35 - CC COMMUNITY COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.35.030 Permitted and conditionally permitted activities.

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

**17.35.030 Permitted and conditionally permitted activities.**

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC 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 17.35.01: Permitted and Conditionally Permitted Activities**

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Activities</b>				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Emergency Shelter	C(L1)(L3)	P(L4)	P(L4)	17.103.010
Semi-Transient	—	—	—	

Bed and Breakfast	C	C	C	
<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L5)	C(L5)	C(L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service 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	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L7)	C(L7)	C(L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and	C	P(L9)	P	

Rental				
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L10)	C(L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	—	—	—	
<b>Industrial Activities</b>				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
<b>Warehousing, Storage, and Distribution</b>				
A. General Warehousing, Storage and Distribution	—	—	P	
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	—	—	—	
<b>Agriculture and Extractive Activities</b>				
<u>Limited Agriculture</u>	<u>P(L12)</u>	<u>P(L12)</u>	<u>P(L12)</u>	
<u>Extensive Agriculture</u> <del>Crop and animal raising</del>	<u>C(L13)2)</u>	<u>C(L13)2)</u>	<u>C(L13)2)</u>	
Plant <del>n</del> Nursery	C	C	C	
Mining and Quarrying	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	17.102.110

**Limitations on Table 17.35.01:**

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet

from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** Except as indicated in subsection a. below, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this Conditional Use Permit requirement.

**L3.** See Section 17.35.040 for limitations on the construction of new Residential Facilities.

**L4.** Emergency shelters are permitted by-right within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively 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 Limitations L1 and L3 above.

**L5.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L6.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L7.** 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, sayings 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.

**L8.** 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.

**L9.** Automobile and Other Light Vehicle Sales and Rental is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on West Grand Avenue between San Pablo Avenue and Linden Street, and Telegraph Avenue between 28<sup>th</sup> Street and 1-580.

**L10.** This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

1. That all repair and servicing is performed in an enclosed building;
2. That a minimum six (6) foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH, RD or RM Zone;

3. That a landscape buffering is at all parcels lines adjacent to an RH, RD or RM Zone; and
4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week.

**L11.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within three hundred (300) feet of an RH, RD, or RM Zone.

~~**L12.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

~~**L12.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).~~

~~**L13.** 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.~~

### **17.35.040 Permitted and conditionally permitted facilities.**

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

#### **Table 17.35.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Facilities</b>				
One-Family Dwelling	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L2)	P(L3)	—	
Multifamily Dwelling	P(L2)	P(L3)	—	
Rooming House	P(L2)	P(L3)	—	
Mobile Home	—	—	—	
<b>Nonresidential Facilities</b>				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P(L6)	P(L6)	P(L6)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L4)	C(L4)	C(L4)	
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Mini Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128

Tower Telecommunications	—	—	—	17.128
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**Limitations on Table 17.35.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L2.** Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of floor area is devoted to commercial activities.

**L3.** Except as indicated in subsection a. below, construction of new ground floor Residential Facilities is not permitted:

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

**L4.** No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

**L5.** See Section 17.128.025 for restrictions on Telecommunication Facilities near residential, HBX Zones, or D-CE-3 or D-CE-4 Zones.

**L6.** For the CC Zones in the West Oakland District ~~only~~ (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), Open Nonresidential Facilities accommodating activities other than Civic Aactivities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.35.050 Property development standards.**

A. Zone Specific Standards. Table 17.35.03 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 17.35.03: Property Development Standards**

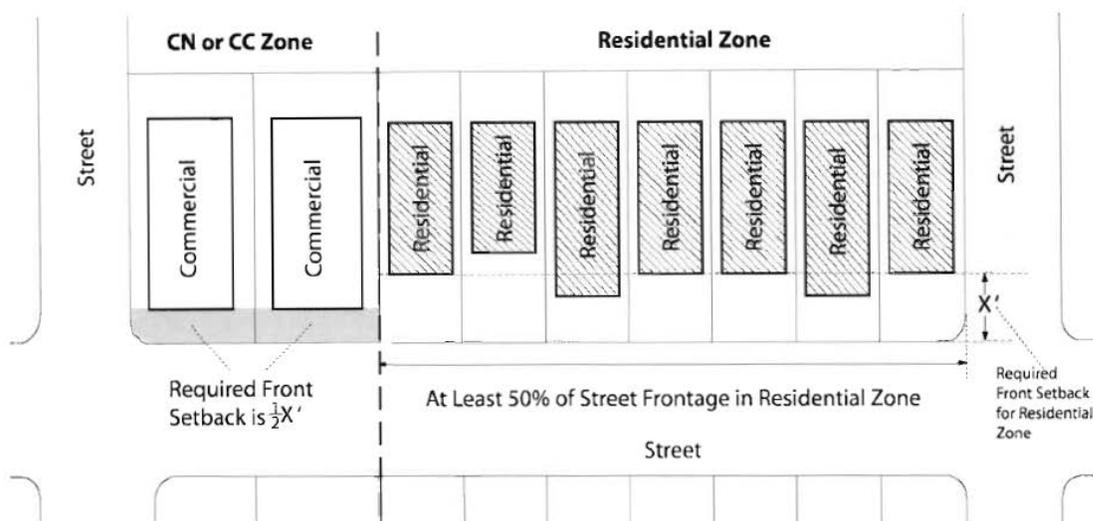
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Minimum Lot Dimensions</b>				
Width mean	50 ft	25 ft	25 ft	1
Frontage	50 ft	25 ft	25 ft	1
Lot area	7,500 sf	4,000 sf	4,000 sf	1
<b>Minimum/Maximum Setbacks</b>				
Minimum front	0 ft	0 ft	0 ft	2
Maximum front	N/A	10 ft	N/A	3
Minimum interior side	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
<b>Design Regulations</b>				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor nonresidential facilities	N/A	12 ft	N/A	10
Parking and driveway location requirements	No	Yes	No	11

Ground floor active space requirement	No	Yes	No	12
<b>Height, Floor Area Ratio, Density, and Open Space Regulations</b>	See Table 17.35.04			
<b>Minimum Required Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
<b>Courtyard Regulations</b>	See Section 17.108.120			

**Additional Regulations for Table 17.35.03:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If fifty percent (50%) or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.35.03 [Additional Regulation 2], below).

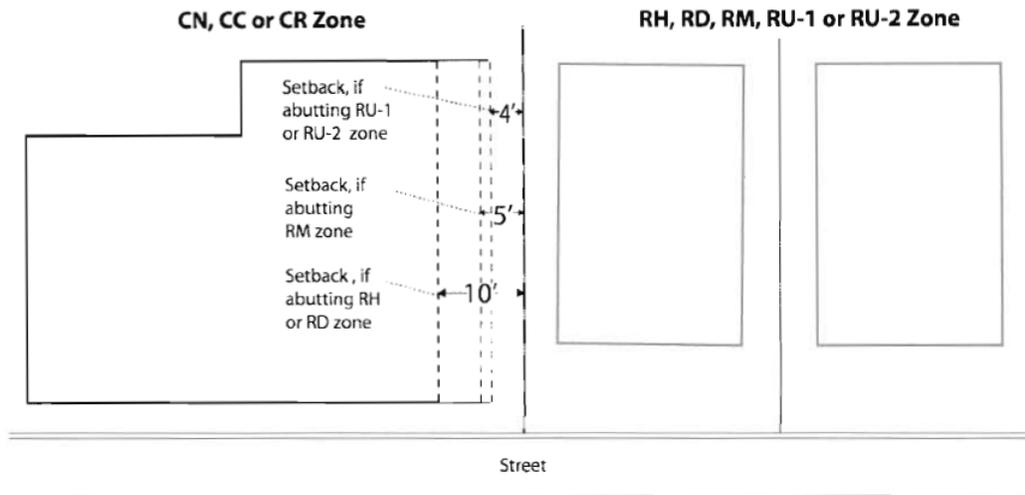
Illustration for Table 17.35.03 [Additional Regulation 2]  
 \*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:

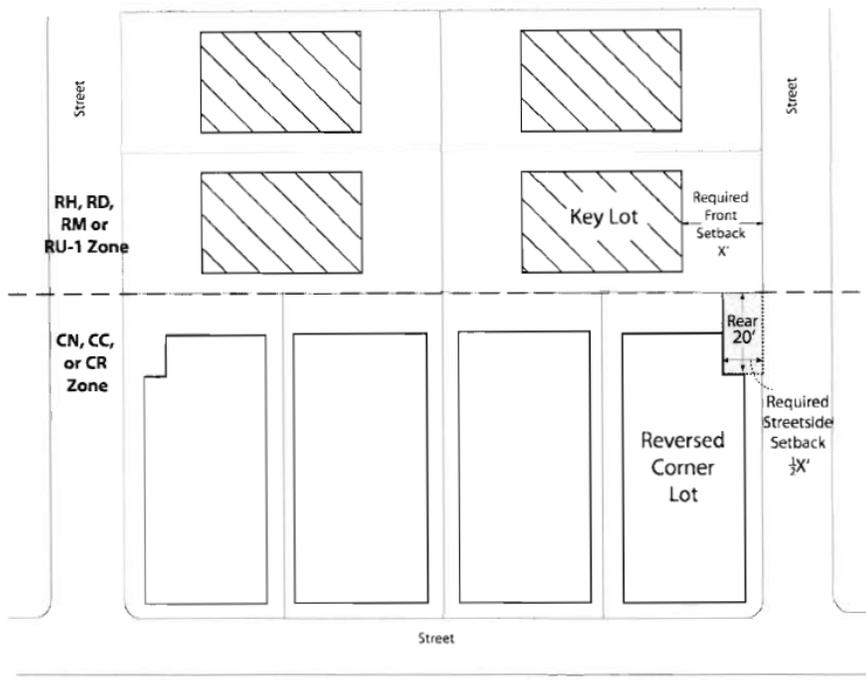
- a. The requirements only apply to the construction of new principal buildings; and if multiple new principal buildings are to be constructed on a lot, the requirements only apply to the building(s) that can be reasonably sited along the street frontage(s).
- b. The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
- c. 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 a Conditional Use Permit (see Chapter 17.136.17.134 for the design review CUP procedure). In addition to the CUP criteria contained in Section 17.136.050, 17.134.050, a proposal to reduce to fifty percent (50%) the amount of street frontage that maximum yards would apply to must also meet each of the following additional criteria:
  - i. The 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.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. 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 a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.35.03 [Additional Regulation 4]  
 \*for illustration purposes only



5. 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.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.35.03 [Additional Regulation 6]  
 \*for illustration purposes only

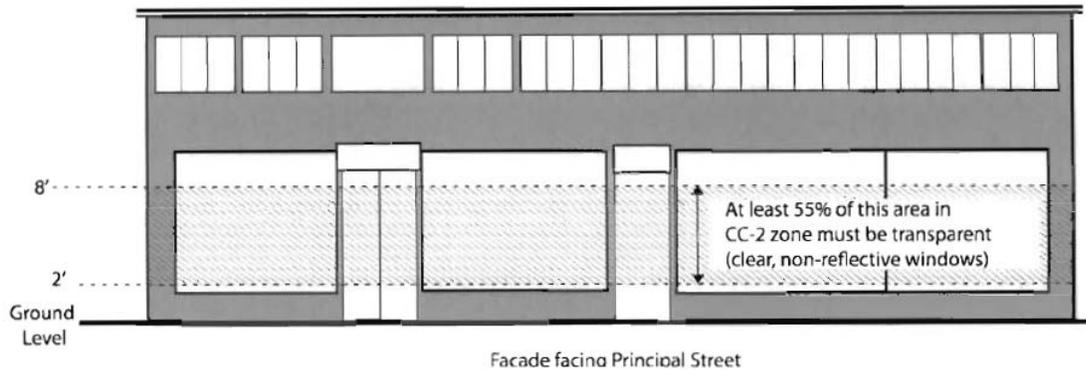


7. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also,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

8. When a rear lot line is adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities, and only applies to facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. 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, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). 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.

Illustration for Table 17.35.03 [Additional Regulation 9]  
 \*for illustration purposes only



**10.** This height is only required for new principal buildings located within twenty (20) feet of the principal street frontage and is measured from the sidewalk grade to the ground floor ceiling.

**11.** For the construction of new principal buildings in the CC-2 zone, 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. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

**12.** For the construction of new principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the principal street ~~frontage~~ except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 11, above.

**Chapter 17.37 - CR REGIONAL COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.37.030 Permitted and conditionally permitted activities.

**17.37.030 Permitted and conditionally permitted activities.**

Table 17.37.01 lists the permitted, conditionally permitted, and prohibited activities in the CR-1 zone. 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 17.37.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	CR-1	
<b>Residential Activities</b>		
Permanent	—	
Residential Care	—	
Service-Enriched Permanent Housing	—	
Transitional Housing	C(L1)	17.103.010
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	C(L1)	
Bed and Breakfast	—	17.10.125

<b>Civic Activities</b>		
Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C(L2)	17.103.020
Utility and Vehicular	C	
Extensive Impact	C	
<b>Commercial Activities</b>		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	17.103.030 and 8.09
Convenience Market	C	17.103.030
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030

Mechanical or Electronic Games	C	
Medical Service	P	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L3)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P(L4)	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L6)	
Personal Instruction and Improvement Services	P	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.103.050
Building Material Sales	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	

Automobile and Other Light Vehicle Repair and Cleaning	P(L4)	
Taxi and Light Fleet-Based Services	P(L4)(L5)	
Automotive Fee Parking	—(L7)	
Animal Boarding	C	
Animal Care	P	
Undertaking Service	—	
<b>Industrial Activities</b>		
Custom Manufacturing	P(L4)	
Light Manufacturing	P(L4)	
General Manufacturing	C(L4)(L5)	
Heavy/High Impact	—	
Research and Development	P	
Construction Operations	—	
Warehousing, Storage, and Distribution- <u>Related</u>		
A. General Warehousing, Storage and Distribution	P(L4)(L5)	
B. General Outdoor Storage	C(L4)(L5)	
C. Self-or Mini Storage	C(L4)(L5)	
D. Container Storage	C(L4)(L5)	
E. Salvage/Junk Yards	—	
Regional Freight Transportation	C(L4)(L5)	

Trucking and Truck-Related	C(L4)(L5)	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	C(L4)	
B. Primary Recycling Collection Centers	C(L4)(L5)	17.103.060
Hazardous Materials Production, Storage, and Waste Management	—	
<b>Agriculture and Extractive Activities</b>		
<u>Limited Agriculture</u>	<u>P(L4)(L8)</u>	
<u>Extensive Agriculture</u> <del>Crop and animal raising</del>	C(L4)(L9) <del>8</del>	
Plant <del>a</del> Nursery	C(L4)	
Mining and Quarrying	—	
<b>Accessory off-street parking serving prohibited activities</b>	P	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	17.102.110

**Limitations on Table 17.37.01:**

**L1.** No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L3.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

~~L4. In the CR-1 Zone, t~~These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.

~~L5. In the CR-1 Zone, t~~These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Mandela Parkway and Yerba Buena Avenue right-of-way.

L6. 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.

L7. Existing fee parking lots may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

~~L8. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following criteria:~~

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

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

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

L8. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L9. 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.

## Chapter 17.54 - C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

### Sections:

17.54.040 Required design review process.

17.54.050 Permitted activities.

17.54.060 Conditionally permitted activities.

17.54.090 Special regulations applying to certain activities.

### 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, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development,~~ Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

### 17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right 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.)

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 Cafe

Medical Service

General Retail Sales

Consumer Service

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

General Wholesale Sales

Building Material Sales

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

Limited Agriculture, if the activity occupies less than one (1) acre 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)

- FE.** 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. Residential Activities:**

Residential Care, except when occupying a One-Family Dwelling Residential Facility  
Service-Enriched Permanent Housing  
Transitional Housing  
Emergency Shelter

**B. Civic Activities:**

Extensive Impact  
Utility and Vehicular (communications equipment installations and exchanges, only)  
Special Health Care Civic Activities

**C. Commercial Activities:**

Check Cashier and Check Cashing  
Fast-Food Restaurant  
Convenience Market  
Alcoholic Beverage Sales  
Mechanical or Electronic Games  
Group Assembly  
Personal Instruction and Improvement and Small Scale Entertainment  
Transient Habitation  
Animal Care  
Animal Boarding  
Undertaking Service

## D. Industrial Activities:

Light

## E. Agricultural and Extractive Activities:

Plant Nursery

~~Extensive Agriculture Crop and Animal Raising~~ (see Section 17.54.090)

## 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.

**17.54.090 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 Crop and Animal Raising~~ is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

**Chapter 17.56 - C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS****Sections:**

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.

17.56.095 Special regulations regarding extensive agriculture. ~~crop and animal raising.~~

**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, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, 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 occupying a One-Family Dwelling Residential Facility

Semi-Transient

**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

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

Limited Agriculture, if the activity occupies less than one (1) acre 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. Residential Activities:

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

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

- B. Civic Activities:
  - Utility and Vehicular
  - Special Health Care Civic
  - Extensive Impact Civic
- C. Commercial Activities:
  - Check Cashier and Check Cashing
  - Fast-Food Restaurant
  - Convenience Market
  - Alcoholic Beverage Sales
  - Mechanical or Electronic Games
  - Group Assembly
  - Personal Instruction and Improvement and Small Scale Entertainment
  - General Wholesale Sales
  - Transient Habitation
  - 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
- D. Industrial Activities:
  - Light Manufacturing
- E. Agricultural and Extractive Activities:
  - Plant Nursery
  - ~~Extensive Agriculture Crop and Animal Raising~~ (see Section 17.56.095)
- F. 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.
- G. 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:

## A. Residential Facilities:

One-Family Dwelling

One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080

Two-Family Dwelling

Multifamily Dwelling

Rooming House

## 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, 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

**17.56.080 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

Monopole

**17.56.095 Special regulations regarding extensive agriculture, crop and animal raising.**

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

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;

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

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

**Chapter 17.58 - CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS**

**Sections:**

17.58.040 Permitted and conditionally permitted activities.

17.58.050 Permitted and conditionally permitted facilities.

17.58.060 Property development standards.

**17.58.040 Permitted and conditionally permitted activities.**

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

"P" designates permitted activities in the corresponding zone.

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

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

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

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

Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
<b>Residential Activities</b>						
Permanent	P	P(L1)	P(L1)	P	P(L1)	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	P(L1)(L2)	17.103.010
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	C(L2)	17.103.010

Semi-Transient	C	C(L1)	C(L1)	C	C(L1)	
Bed and Breakfast	P	P	P	P	P	17.10.125
<b>Civic Activities</b>						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	P	
Community Assembly	C	C(L6)	C	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	P(L4)	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	P(L4)(L7)	P(L4)	P	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09

Convenience Market	C(L7)	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	C	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	P(L4)(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	P	

Research Service	P(L4)(L7)	P(L5)	P	P	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	<del>C(L12)</del>	C(L6)	P	C	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
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	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C(L6)	C	C	C	
Undertaking Service	—	—	C	C	—	
<b>Industrial Activities</b>						
Custom Manufacturing				C(L13)		
Light Manufacturing				C(L13)		
General Manufacturing				—		
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	

Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution- <u>Related</u>						
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	—	—	C	C	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
<u>Limited Agriculture</u>	<u>P(L15)</u>	<u>P(L15)</u>	<u>P(L15)</u>	<u>P(L15)</u>	<u>P(L15)</u>	
<u>Extensive Agriculture Crop and animal raising</u>	<u>C(L16)</u> —					
Plant <del>n</del> Nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	

<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	C	17.102.110

**Limitations:**

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

**L1.** These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

**L2.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

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

**L4.** With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

**L5.** If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a.** The proposal will not impair a generally continuous wall of building facades;
- b.** The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c.** The proposal will not interfere with the movement of people along an important pedestrian street.

**L6.** These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section

17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

**L7.** These activities may only be located on or below the ground floor of a building with the following exceptions:

**a)** If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).

**b)** An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

**L8.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. 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. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding 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.** Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three (3) stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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.

**17.58.050 Permitted and conditionally permitted facilities.**

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

**Table 17.58.02: Permitted and Conditionally Permitted Facilities**

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b><i>Residential Facilities</i></b>					
One-Family Dwellings	(L1)	—	—	—	
One-Family Dwelling with Secondary Unit	P	—	—	—	17.103.080
Two-Family Dwelling	P	—	—	—	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	—	—	—	—	

<b><i>Nonresidential Facilities</i></b>					
Enclosed Nonresidential	P	P	P	P	
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
<b><i>Telecommunications Facilities</i></b>					
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
<b><i>Sign Facilities</i></b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

**Limitations:**

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

**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.** Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

**17.58.060 Property development standards.**

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

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Minimum Lot Dimensions</b>					
Width	25 ft	25 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	1
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	3
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	None	5 ft	5 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4

Minimum corner side	0 ft	0 ft	0 ft	0 ft	
Rear	10 ft	0 ft	0 ft	0 ft	5
<b>Design Regulations</b>					
Ground floor commercial facade transparency	55%	65%	55%	55%	6
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	7
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	8

**Additional Regulations:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty 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 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 ~~approval~~—(see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section ~~17.136.050, 17.136.035,~~ 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 and~~ restaurants;
    - ii. The proposal will not impair a generally continuous wall of building facades;
    - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and

- iv.** The proposal will not interfere with the movement of people along an important pedestrian street.
- d.** The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 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 2<sup>nd</sup> and 3<sup>rd</sup> story facades on the street that have minimal front yard setbacks.

**Chapter 17.65 - HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.65.030 Permitted, conditionally permitted, and prohibited activities.

17.65.040 Permitted and conditionally permitted facilities.

17.65.080 Maximum floor area ratio.

17.65.150 Special regulations for HBX work/live units.

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

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

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates uses that are prohibited in the corresponding zone.

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Activities</b>					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	C	17.103.010
Service-Enriched Permanent Housing	C	C	C	C	17.103.010
Transitional Housing	C	C	C	C	17.103.010
Emergency Shelter	C	P(L2)	C	C	17.103.010
Semi-Transient Residential	C	C	C	C	17.103.010

Bed and Breakfast	—	—	—	C	17.12.125
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care	P	P	P	P	
Community Assembly	P(L3)	P(L3)	P(L3)	P(L3)	
Recreational Assembly	P(L3)	P(L4)	P(L4)	P(L4)	
Community Education	C	C	C	C	
Nonassembly Cultural	P(L4)	P(L4)	P(L4)	P(L4)	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Special Health Care	C(L6)	C(L6)	C(L6)	C(L6)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities</b>					
General Food Sales	P(L3)	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L5)	P(L5)	P(L5)	P(L3)	
Limited Service Restaurant and Cafe	P(L5)	P(L5)	P(L5)	P(L3)	
Fast-Food Restaurant	—	—	—	—	17.103.030
Convenience Market	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	17.103.030

Mechanical or Electronic Games	C	C	C	C	
Medical Service	P(L4)	P(L4)	P(L4)	P(L4)	
General Retail Sales	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L4)	P(L4)	P(L4)	P(L4)	
Check Cashier and Check Cashing	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	C	
Group Assembly	C(L8)	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	C	C	C	P	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L4)	P(L4)	P(L4)	P(L4)	
Transient Habitation	—	—	—	C	17.103.050
Building Material Sales	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and other Light Vehicle Sales	—	—	—	—	

and Rental					
Automobile and Other Light Vehicle Gas Station and Servicing	—(L11)	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	<del>C(L9)</del> —	
Taxi and Light Fleet-Based Service	C	C	C	C	
Automotive Fee Parking	—	—	—	—	
Animal Boarding	<del>C(L15)(L14)</del>	<del>C(L15)(L14)</del>	<del>C(L15)(L14)</del>	C(L15)	
Animal Care	C	C	C	C	
Undertaking Service	—	—	—	—	
<b>Industrial Activities</b>					
Custom Manufacturing	P(L4)	P(L4)	P(L4)	P(L4)	17.120
Light Manufacturing	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	17.120
General Manufacturing	—	—	—	P(L3)(L9)	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
Construction Operations	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Warehousing, Storage and Distribution- <del>Related</del>					
A. General Warehousing, Storage and Distribution	P(L3)(L9)	P(L3)(L9)	P(L3)(L9)	P(L4)(L9)	
B. General Outdoor Storage	C	C	C	C	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	

D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—		—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	
<b>Agricultural and Extractive Activities</b>					
Plant Nursery	C	C	C	C	
<u>Limited Agriculture</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	
<u>Extensive Agriculture Crop and Animal Raising</u>	<u>C(L14)3</u>	<u>C(L14)3</u>	<u>C(L14)3</u>	<u>C(L14)3</u>	
Mining and Quarrying Extractive	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	17.116.175
<b>Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	C	C	C	C	17.102.110

**Limitations:**

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential

Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

**L2.** Emergency shelters are permitted by-right within the portion of the East 12th Street corridor described in Section 17.103.015(A)(6) 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 Limitation L1 above.

**L3.** The total floor area devoted to these activities shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

**L4.** The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

**L5.** The total floor area devoted to a Full-Service or Limited-Service Restaurant Commercial Activity shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

**L6.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L7.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L8.** 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.

**L9.** Outdoor principal activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

**L10.** This activity shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is twenty-five thousand (25,000) square feet or larger, or covers twenty-five thousand (25,000) square feet or more of lot area.

**L11.** Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See Section 17.114 for general regulations regarding nonconforming uses.

**L12.** All facilities containing Self- or Mini Storage activities shall meet the following requirements:

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.
2. No facility that includes a Self- or Mini-Storage activity shall be within the front twenty (20) feet of a building.
3. Projects that include self storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor. These ground floor activities shall not be directly associated with the self storage establishment at the site.

~~L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

~~L13. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).~~

~~L14. 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.~~

~~L15. 14. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) if may be located in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north). upon the granting of a conditional use permit (see Chapter 17.134).~~

#### **17.65.040 Permitted and conditionally permitted facilities.**

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in the table below are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

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

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

"P" indicates that the facility is permitted in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone.

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Facilities</b>					
One-Family Dwellings	P	P	P	C	
One-Family Dwelling with Secondary Unit	P	P	P	C	17.103.080
Two-Family Dwelling	P	P	P	C	
Multifamily Dwelling	P	P	P	C	
Rooming House	P	P	P	C	
Mobile Home	—	—	—	C	
Live/Work	P	P	P	P	17.65.160

<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L2)	C(L2)	C(L2)	PC(L2)	
Work/Live	P	P	P	P	17.65.150
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
<b>Telecommunications Facilities</b>					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104

Advertising Signs	—	—	—	—	17.104
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**Limitation:**

**L1.** 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.

**L2.** Open Nonresidential Facilities accommodating activities other than Civic Activities. Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.65.080 Maximum floor area ratio.**

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area Ratio (FAR)	1.75	2.5 when the lot abuts a street right-of-way that is less than 80 ft. wide; 3.0 otherwise.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.

**Notes:**

1. Under no circumstances shall a project exceed these FARs for all structures or the nonresidential FARs listed in Subsection B.
2. See Section 17.65.090 for how to calculate Floor Area Ratio (FAR) in mixed use projects.
3. A conditional use permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 zones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:
  - a. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.
  - b. That the additional floor area ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for nonresidential facilities for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	1.75	3.0	1.0	2.5

**Notes:**

1. Under no circumstances shall a project exceed the nonresidential FAR listed in this table or the FAR for all structures in Subsection A.
2. See Section 17.65.090 for how to calculate FAR in mixed use projects.

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

A. Definitions. The following definitions apply to this chapter only:

1. In the HBX-4 Zone, an “HBX work/live unit” shall be considered a Commercially/ Industrially Oriented Joint Living and Working Quarter under the Building Code. Any building permit plans for the construction or establishment of HBX work/live units in the HBX-4 Zone shall: (a) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (b) label such units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow a certain level of industrial activities in HBX-4 work/live units.
2. In the HBX-1, HBX-2, and HBX-3 Zones, an "HBX work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit in the HBX-1, HBX-2, and HBX-3 Zones accommodates both residential and nonresidential activities, but emphasizes the accommodation of commercial activities. Such HBX work/live units shall meet all applicable regulations contained in this section.

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

C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this chapter relating to HBX work/live units shall supersede the regulations contained in Section 17.102.190.

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

an HBX work/live unit; and the parking, loading, and open space required for each HBX work/live unit:

Standard	Requirement		Note
Activities allowed in an HBX work/live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)		
Required parking	One parking space per unit.		1
Required bicycle parking	<b>With private garage for each unit:</b>	<b>Without private garage for each unit:</b>	2
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	
Required loading	<b>Square feet of facility</b>	<b>Requirement</b>	3
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One berth	
	70,000—130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Residential Density	Not applicable because HBX work/live units are nonresidential facilities.		
Required usable open space	75 square feet of usable open space per unit		
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.

2. See Chapter 17.117 for other bicycle parking standards.
3. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. Also, all required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for HBX work/live units may be provided above ground.

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

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area
Type 1	One-third	In the HBX-4 Zone, all remaining floor area to be used for the primary non-residential activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the <u>ground floor units</u> ; one adjacent to the residential space, <u>and</u> the other adjacent to the nonresidential space; the nonresidential <u>ground floor</u> entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	<ol style="list-style-type: none"> <li>1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; <u>and</u></li> <li><del>2. The unit must have no residential floor area at the ground level; and</del></li> <li><del>2. 3. The ground floor units entrance must have be clearly designated as a clearly designated</del> business entrance.</li> </ol>	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) <u>or be separated by an interior wall (see Note 1, below, for an exception for kitchens).</u>

**Notes:**

1. In Types 1, ~~and 2,~~ and 3, a kitchen may be open to non-residential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to

residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.

2. Except as indicated for the HBX-4 Zone, see Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.

- F. For HBX work/live units, residential and nonresidential floor areas shall be designated according to the following standards:
1. Residential floor area shall be considered areas containing bedrooms, sleeping areas, and kitchens (not including kitchenettes).
  2. Nonresidential floor area shall include floor areas designated for working.
  3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this Subsection.
  4. The floor area between residential rooms that will commonly be used for residential activities and foot traffic such as the corridors and areas between bedrooms, kitchens, residentially designated bathrooms, and other similar areas shall be considered residential floor area.
  5. The floor area of bathrooms shall be counted as residential or nonresidential based on whether it is most conveniently accessed from the residential or nonresidential portion of the unit. If there is only one (1) bathroom in the unit, one-half ( $\frac{1}{2}$ ) of the bathroom shall be considered residential floor area and one-half ( $\frac{1}{2}$ ) shall be considered nonresidential floor area;
  6. In ~~unpartitioned~~ kitchens open to non-residential floor area, counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
  7. If any part of a loft or mezzanine is designated as residential space, then the entire loft or mezzanine space shall be considered residential floor area.
  8. The Planning Director shall determine the floor area designation when the above standards do not clearly apply.
- G. Each ground floor HBX work/live unit shall have at least one (1) public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.
- H. Each unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
- I. For any HBX work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold; and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
1. The unit is in a nonresidential facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.
- J. Each building with an HBX work/live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine (9) by eleven (11) inches and lettering at least one-half (½) an inch tall. This sign shall contain the following language; "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing." Further, City of Oakland regulations require that each unit have a tenant that: (1) operates a business from that unit, and (2) possesses an active City of Oakland Business Tax Certificate for this business.
- K. HBX work/live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- L. Regular Design Review Criteria. Regular design review approval for HBX work/live units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:
1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
  2. That a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
  3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
  4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
  5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
  6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
    - a. Service elevators designed to carry and move oversized items,
    - b. Stairwells wide and/or straight enough to deliver large items,
    - c. Loading areas located near stairs and/or elevators and
    - d. Wide corridors for the movement of oversized items.
  7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

**Chapter 17.72 - M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS**

**Sections:**

17.72.030 Permitted and conditionally permitted activities.

17.72.040 Permitted and conditionally permitted 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	
<b>Residential Activities</b>				
Permanent	—	—	—	
Residential Care	—	—	—	
Service-Enriched Permanent Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	—	P(L1)	—	
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	

<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	P	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	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	P(L4)	P(L4)	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
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	P	P	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	P	
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	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L7)	C(L7)	
Personal Instruction and Improvement Services	—	C	C	
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	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station	C(L8)	P(L8)	P(L8)	

and Servicing				
Automobile and Other Light Vehicle Repair and Cleaning	P(L8)	P(L8)	P(L8)	
Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	—	—	—	
<b>Industrial Activities</b>				
Custom Manufacturing	P(L9)	P	P	
Light Manufacturing	P(L10)	P	P	
General Manufacturing	C(L10)	C(L10)	C(L10)	
Heavy/High Impact	—	—	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution- <u>Related</u>				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L11)	

Regional Freight Transportation	C	C	C	
Trucking and Truck-Related				
A. Freight/Truck Terminal	C	P(L8)(L12)	P(L8)(L12)	
B. Truck Yard	C	P(L8)(L12)	P(L8)(L12)	
C. Truck Weigh Stations	C	P(L8)(L12)	P(L8)(L12)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L9)(L13)	P(L9)(L13)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L8)(L12)	P(L8)(L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L13)	C(L13)	C(L13)	
<b>Agriculture and Extractive Activities</b>				
Plant Nursery	C	P	P	
<u>Limited Agriculture</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L14)</u>	
<u>Extensive Agriculture Crop and Animal Raising</u>	<u>C(L15)4)</u>	<u>C(L15)4)</u>	<u>C(L15)4)</u>	
Mining and Quarrying	C	C	C	
<b>Accessory off-street parking serving prohibited activities</b>	P	P	P	17.116.075
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots</b>	C	C	C	17.102.110

near the boundary thereof				
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**Limitations on Table 17.72.01:**

**L1.** Emergency shelters are permitted by-right 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 following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

**L2.** The total floor area devoted to these activities on any single lot may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L3.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L4.** Communications equipment installation and exchanges are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L5.** The total floor area devoted to these activities on any single lot may only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L6.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L7.** 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.

**L8.** No facility accommodating either of these activities that is located within one hundred fifty (150) feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless the proposal have been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

**L9.** These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a residential zone (see Chapter 17.134 for the CUP procedure).

**L10.** Electroplating activities are prohibited.

**L11.** Salvage/Junk Yards Industrial Activities in the M-40 Zone are only permitted upon the granting of a Conditional Use Permit if located within four hundred (400) feet of any zone except

the M-30 Zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 Zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed twenty (20) feet in height.

**L12.** Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north.

**L13.** These activities are prohibited when located within two thousand (2,000) feet from a residential facility. When not within two thousand (2,000) feet of a residential facility, Hazardous Materials Production, Storage, and Waste Management 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. That the project is not detrimental to the public health, safety or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

~~**L14.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

**L14.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

**L15. 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.**

**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	
<b>Residential Facilities</b>				
One-Family Dwelling	—	—	—	
One-Family Dwelling with Secondary Unit	—	—	—	17.103.080
Two-Family Dwelling	—	—	—	
Multifamily Dwelling	—	—	—	
Rooming House	—	—	—	
Mobile Home	—	—	—	
<b>Nonresidential Facilities</b>				
Enclosed Nonresidential	P	P	P	

Open Nonresidential	C(L1)(L3)	P(L1)	P(L1)	
Sidewalk Cafe	P-	—P	—P	17.103.090
Drive-In	C	P	P	
Drive-Through	C	C	C	17.103.100
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	C	P	P	17.128
Tower Telecommunications	—	C	C	17.128
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**Limitations on Table 17.72.02:**

**L1.** 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. Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).**

## Chapter 17.73 - CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

### Sections:

17.73.010 Title, purpose, and applicability.

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.030 Property Development Standards.

17.73.035 Special regulations for Recycling and Waste-Related Industrial Activities—Primary Recycling Collection Centers in the CIX, IG, and IO industrial zones.

17.73.040 Special regulations for work/live units in the CIX, IG, and IO industrial zones.

17.73.050 Parking and loading dock restrictions.

17.73.060 Referral to other applicable regulations.

17.73.070 Other zoning provisions.

### 17.73.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the CIX, IG, and IO industrial zones regulations. This chapter establishes regulations for the (CIX-1A) West Oakland Plan Area Commercial Industrial Mix-1A, (CIX-1B) West Oakland Plan Area Commercial Industrial Mix-1B, (CIX-1C) West Oakland Plan Area Commercial Industrial Mix-1C, (CIX-1D) West Oakland Plan Area Commercial Industrial Mix-1D, (CIX-1) Commercial Industrial Mix-1, (CIX-2) Commercial Industrial Mix-2, (IG) General Industrial, and (IO) Industrial Office.

The intent of the CIX-1A, CIX-1B, CIX-1C, and CIX-1D industrial districts is to implement the West Oakland Specific Plan. These and the other CIX, IG, and IO industrial zoning districts are intended to create, preserve, and enhance areas for industrial uses, including manufacturing, scientific and product-related research and development, construction, transportation, warehousing/storage/distribution, recycling/waste-related activities, clean technology, and similar uses. The primary purposes of these areas are to support Oakland's economic base and to provide employment opportunities. The specific purposes of the CIX, IG, and IO industrial districts are to:

1. Provide a diversified economic base and a wide range of employment opportunities;
2. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
3. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
4. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;
5. Prohibit residential uses and limit commercial uses in General Industrial (IG) areas so that a maximum amount of the City's land base is preserved for industrial uses, and so that industrial uses may operate without impacting those activities;
6. Locate high impact industrial uses away from residential areas; and

7. Allow heavy-impact or large scale commercial retail uses on sites with direct access to the regional transportation system. ~~and~~

~~8. Implement the West Oakland Specific Plan (WOSP) in the West Oakland Specific Plan Area.~~

**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, CIX-1, CIX-2, 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**

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Emergency Shelter	—	—	—	—	P(L1)	P(L1)	—	—	P(L1)	
All Other Residential Activities	All other residential activities prohibited in each zone									
<b>Civic Activities</b>										
Essential Service	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	
Limited Child-Care	C	C	C	C	—	—	—	—		
Community	P	P	P	P	P	C	—	C		

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Assembly										
Recreational Assembly	P	P	P	P	P	C	—	C		
Community Education	C	C	C	C	P	C	—	C		
Nonassembly Cultural	P	P	P	P	P	C	—	C		
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	P	—	—	—	P	
Special Health Care	C	—	—	—	C	C	—	—		
Utility and Vehicular	C	C	P	C	P	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		
<b>Commercial Activities</b>										
General Food Sales	P	P	P	P	P	P(L17) 15)	C(L2)	P(L2)		
Full Service Restaurant	P	P	P	P	P	P(L17) 15)	C(L2)	P(L2)		

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L <del>17</del> 15)	C(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	
Alcoholic Beverage Sales	C	C	C	C	P(L3)	C	—	—		See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L <del>17</del> 15)	—	P(L <del>17</del> 15)		
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Consumer Service	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	—	C(L20)		See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats
Consultative and Financial Service	P	P	P	P	P	C	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and	P	P	P	P	P	C	—	—		

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Repair Service										
Consumer Dry Cleaning Plant	C	C	C	C	P	C	—	—		
Group Assembly	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P(L9)	P(L9)	C		
Personal Instruction and Improvement Services	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	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	C	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		No retail ancillary activities for this

Uses	Zones									Additional Regulations	
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*		
<b>Residential Activities</b>											
											use allowed in IG.
Transient Habitation	C	C	C	C	—	—	—	—			
Building Material Sales	P(L19) <del>17</del>	P(L19) <del>17</del>	P(L19) <del>7</del>	P(L19) <del>17</del>	P(L4)	P(L4)	—	—	P(L4)		
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	C	—	C	P		
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P	P	P	—	P(L4)		
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	<u>P(L4)</u>	<u>P(L4)</u>	<u>P</u>	<u>—</u>	P		
Automotive	C	C	C	C	P(L4)	P	P	P			

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Fee Parking										
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	—	P	C	C	—		
<b>Industrial Activities</b>										
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	—	P(L4)	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C	—		
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L19) <del>17</del>	P(L19) <del>17</del>	P(L19) <del>17</del>	C	P(L4)	P(L4)	P(L4)	C	P(L4)	
<b>Warehousing, Storage and Distribution-Related:</b>										

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
A. General Warehousing, Storage and Distribution	P(L18) <del>16</del>	P(L18) <del>16</del>	P(L18) <del>16</del>	C	P	P	P	P	P	No retail component of this use allowed in IG. Also, see Section 17.73.06
B. General Outdoor Storage	C	C	C	C	C	P(L4)	P	P		
C. Self or Mini Storage	—	—	—	—	C	C	—	C	C	
D. Container Storage	—	—	—	—	—	P(L4)	P	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
<b>Regional Freight and Transportation-Related:</b>										
A. Seaport	—	—	—	—	—	—	P	C		
B. Rail Yard	—	—	—	—	—	C	P	—		

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
<b>Trucking and Truck-Related:</b>										
A. Freight/Truck Terminal	—	—	—	—	P(L6)	P(L4)	P	—	P	
B. Truck Yard	—	—	—	—	P(L6)	C	P	C	P	
C. Truck Weigh Stations	—	—	—	—	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6)	P	P	—	P	
<b>Recycling and Waste-Related:</b>										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection	—	—	—	—	P(L11)	P(L11)	P(L12)	—	—	See also performance

Uses	Zones									Additional Regulations	
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*		
<b>Residential Activities</b>											
Centers											standards set out in Section 17.73.035
<b>Hazardous Materials Production, Storage &amp; and Waste <u>Management</u>-Related:</b>											
A. Small Scale Transfer and Storage	—	—	—	—	—	C	C	—			(L12) - See also Health and Safety Protection Zone (S-19)
B. Industrial Transfer/Storage	—	—	—	—	—	—	C	—			
C. Residuals Repositories	—	—	—	—	—	—	C	—			
D. Oil and Gas Storage	—	—	—	—	—	—	P(L3)	—			
<b>Agricultural and Extractive Activities</b>											
Plant Nursery	P	P	P	C	P	P	P	—			
<u>Limited Agriculture</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>		
<u>Extensive Agriculture</u> <u>Crop and animal-raising</u>	<u>C(L16)4)</u>	<u>—</u>									

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Mining and Quarrying Extractive	—	—	—	—	—	—	C	—		See Chapter 17.155

\* 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 regulations are silent, the base zone regulations shall supersede.

Facility Types	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
<b>Residential Facilities</b>	All residential facilities prohibited in each zone									
<b>Nonresidential Facilities</b>										
Enclosed Nonresidential	P	P	P	P	P	P	P	P	P	
Open Nonresidential	P	P	P	P	P	P	P(L21)	P(L21)		
Sidewalk Cafe	P	C	C	P	C	C	—	—		See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—		
Drive-Through Nonresidential	C	C	C	C	C	C	C	C		See Section 17.103.100

Facility Types	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
<b>Telecommunications Facilities</b>									
Micro Telecommunications	P	P	P	P	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	
Macro Telecommunications	C	C	C	C	C	C	P	P	
Monopole Telecommunications	C	C	C	C	C	C	P	P	
Tower Telecommunications	—	—	—	—	—	—	P	P	
<b>Sign Facilities</b>									
Residential Signs	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	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	
Civic Signs	P	P	P	P	P	P	P	P	
Business Signs	P	P	P	P	P	P	P	P	
Advertising Signs	—	—	—	—	—	—	—	—	

**Limitations:**

**L1.** Emergency shelters are permitted by-right within those portions of the Third Street corridor, East 12<sup>th</sup> Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B).

**L2.** Limited to location on a ground floor in the CIX-2, IG and IO Zones. Over five thousand (5,000) sf floor area requires a conditional use permit in the CIX-2, IG, and IO Zones.

**L3.** Prohibited within three hundred (300) feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in the CIX-2 Zone).

**L4.** A conditional use permit is required if within three hundred (300) feet of a residential zone; Permitted if beyond three hundred (300) feet of a residential zone.

**L5.** A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.

**L6.** Prohibited within six hundred (600) feet of a residential zone. A conditional use permit is required elsewhere throughout the zone.

**L7.** A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area.

**L8.** A conditional use permit is required for entertainment uses. Also, 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.

**L9.** A conditional use permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). Also, 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.

**L10.** Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in the IG Zone.

**L11.** Prohibited within three hundred (300) feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if beyond three hundred (300) feet of a residential zone boundary.

**L12.** Prohibited within three hundred (300) feet of a residential zone, permitted outright beyond three hundred (300) feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.

**L13.** A conditional use permit is required for electroplating activities.

~~**L14.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 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;~~

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

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

L14. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L15. Limited 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;

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

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

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.

~~L17.45. Permitted outright if located within one thousand (1,000) feet of Highway 880, International Boulevard, Hegenberger Road, or 66<sup>th</sup> Avenue; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure).~~

~~L18.46. The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).~~

~~L19.47. A conditional use permit is required if the use involves any outdoor activities within three hundred (300) feet of a residential zone. Outdoor activities are permitted if the use is located greater than three hundred (300) feet from a residential zone.~~

L20. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.

L21. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.73.030 Property Development Standards.**

Table 17.73.030 contains the property development standards for all zones within this Chapter.

**Table 17.73.030: Property Development Standards**

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft	25 ft	<del>25 ft</del> 50 ft	<del>25 ft</del> 50 ft	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Width	25 ft	25 ft	<del>25 ft</del> 50 ft	<del>25 ft</del> 50 ft	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Area (square feet)	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	10,000 sf	10,000 sf	25,000 sf	1
Floor-Area Ratio (FAR)									
FAR - Greater than 300 feet from a residential zone boundary	2.0	2.0	2.0	2.0	4.0	4.0	2.0	4.0	2
FAR - Within 300 feet of a residential zone boundary	2.0	2.0	2.0	2.0	2.0	2.0	1.0	2.0	2
Maximum Height	85 ft	85 ft	85 ft	85 ft	None	55 ft	None	55 ft	3,4

Minimum Front Yard Setback	0 ft	20 ft	5						
Minimum Rear Yard Setback	0 ft	5							
Minimum Interior Side Yard setback	0 ft	5							
Minimum Street Side Yard Setback of a Corner Lot	10 ft	20 ft	5						
Site Landscaping (% of entire lot area)	5%	5%	5%	5%	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of parking lot area)	10%	10%	10%	10%	10%	10%	10%	10%	8
Street Trees	Required	9, 10							
Site and Driveway Access - Minimum Distance from any residential or open space boundary	50 ft	11							

Driveway Width Maximum	35 ft	12							
Pedestrian Walkway	Required	13							
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft	14							
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft	12 ft	12 ft	12 ft	15 ft	15 ft	15 ft	15 ft	14, 15

**Additional Regulations Noted in Table 17.73.030**

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.

2. A conditional use permit to exceed the maximum Floor Area Ratio (FAR) as shown in Table 17.73.030 may be granted for the CIX-1C, CIX-1D, CIX-1, CIX-2, IG, and IO Zones upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to all of the following additional criteria:

a. If in the CIX-1, CIX-2, IG, or IO Zones, the additional intensity will not exceed the maximum Floor Area Ratio (FAR) for sites greater than 300 feet from a residential zone boundary; or if in the CIX-1C or CIX-1D Zones, will not exceed a Floor Area Ratio (FAR) of 3.0. Any additional intensity in the CIX, IG or IO Zones will not subject residentially zoned areas within three hundred (300) feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;

b. If in the CIX-1, CIX-2, IG, or IO zones, the site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of

traffic volume. If in the CIX-1C or CIX-1D Zones, the site is located within five hundred (500) feet of Mandela Parkway, or in or within five hundred (500) feet of the T overlay Zone;

c. If adjacent to a residential or open space zone boundary the proposed development has a step back of one (1) foot to every one (1) foot of height, beginning with a maximum height of thirty (30) feet at all required yard setbacks; and

d. All new development activities meet the Performance Standards in Chapter 17.120.

3. Except as otherwise provided in Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), and Section 17.108.010 on lots lying along a boundary of certain residential zones. See Section 17.104.020 for maximum height of signs.

4. The height of materials stored in any outdoor yards shall be no higher than eight (8) feet within the required rear or side yard setback along the property line. However, materials may be stacked up to the height of the wall, and may be stacked within the required yard area if a solid ~~masonry~~ wall at least eight (8) feet in height and buffer planting is installed. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the ten (10)-foot yard requirement, shall be according to the Fire Code regulations. The wall design shall be approved by the Planning Director, or his or her designee. In addition, the following regulation shall apply in the West Oakland Specific Plan Area only:

a. Outdoor storage located within twenty-five (25) feet from any Residential or Open Space Zone shall be no higher than eight (8) feet, and shall be screened by a solid ~~masonry~~ wall at least as tall as the height of the stored materials, with buffer planting installed along the exterior wall perimeter.

5. See Section 17.108.130 for minimum front, side, and rear yards in commercial and industrial zones which may be across from, abut or be adjacent to a residential zone or alley. Accessory structures or other facilities allowed within the yards and setbacks are in Sections 17.108.130.

6. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.

7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.

8. Parking Lot Landscaping applies only to lots associated with new construction of more than ten thousand (10,000) square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the Design Review process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot

tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.

**9.** For all projects requiring a building permit, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

**10.** The street tree requirement noted above shall apply to all projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards).

**11.** Applies to new development; or expansion of industrial or commercial buildings by more than twenty percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.

**12.** Driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.

**13.** A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.

**14.** Applies to all property lines in industrial zones, except those fronting a public street, which directly abut a residential or open space zone. All buffering Requirements apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater.

**15.** A reduced buffer requirement may be permitted if appropriate and approved by the Planning Director with the provision of a solid ~~wood or articulated masonry~~ wall of at least eight (8) feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The ~~fence or~~ wall design shall be approved by the Planning Director, or his or her designee.

**Chapter 17.74 - S-1 MEDICAL CENTER ZONE REGULATIONS****Sections:**

17.74.020 Required design review process.

17.74.030 Permitted activities.

17.74.040 Conditionally permitted activities.

17.74.050 Permitted facilities.

17.74.060 Conditionally permitted facilities.

17.74.070 Special regulations applying to certain Commercial Activities.

17.74.075 Special regulations applying to Extensive Agriculture.

17.74.090 Use permit criteria for Commercial Activities.

**17.74.020 Required design review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Building Facility, Designated Historic Property, Potentially Designated Historic Property, no Designated Historic Property, Potentially Designated Historic Property, Building Facility,~~ 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.

**17.74.030 Permitted activities.**

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

**A. Residential Activities:**

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section 17.103.015(A)(1)(3) respectively 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.)

**B. Civic Activities:**

Essential Service

Limited Child-Care  
 Community Assembly  
 Recreational Assembly  
 Community Education  
 Nonassembly Cultural  
 Health Care

C. Commercial Activities:

Medical Service

D. Agricultural and Extractive Activities:

Limited Agriculture, if the activity occupies less than one (1) acre 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)

**17.74.040 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility  
 Service-Enriched Permanent Housing  
 Transitional Housing  
 Emergency Shelter

B. Civic Activities:

Administrative  
 Utility and Vehicular  
 Community Education  
 Special Health Care Civic Activities (see Section 17.103.020)

C. Commercial Activities:

General Food Sales  
 Full Service Restaurant  
 Limited Service Restaurant and Cafe

Fast Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Consultative and Financial Service

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

Automotive Fee Parking

Animal Care

Animal Boarding

**D. Agricultural and Extractive Activities:**

**Extensive Agriculture (see Section 17.74.075)**

**ED.** Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075.

**FE.** 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

**17.74.050 Permitted facilities.**

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

**A. Residential Facilities:**

One-Family Dwelling

One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080

Two-Family Dwelling

Multifamily Dwelling

Rooming House

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

**17.74.060 Conditionally permitted facilities.**

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

A. Nonresidential Facilities:

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

B. Telecommunications:

Macro

Monopole

**17.74.070 Special regulations applying to certain Commercial Activities.**

All conditionally permitted Commercial Activities other than Automotive Fee Parking shall, except for accessory off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed buildings which are primarily occupied by permitted activities. See also Section 17.103.030.

**17.74.075 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.

**17.74.090 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 both of the following additional use permit criteria:

- A. That the proposed activity is intended primarily to serve the medical center area in which it is located or the patients, practitioners, or employees 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.

**Chapter 17.76 - S-2 CIVIC CENTER ZONE REGULATIONS****Sections:**

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.](#)

**17.76.040 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, no Designated Historic Property, Potentially Designated Historic Property, Building Facility,~~ 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 occupying a One-Family Dwelling Residential Facility

Semi-Transient

**B. Civic Activities:**

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

C. Commercial Activities:

Medical Service

Consultative and Financial Service

Administrative

D. Agricultural and Extractive Activities:

Limited Agriculture, if the activity occupies less than one (1) acre 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. Residential Activities:

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

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

B. Civic Activities:

Health Care

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

General Retail Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

Transient Habitation (see Section 17.103.050)

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive Fee Parking

**D. Agricultural and Extractive Activities:**

**Extensive Agriculture (see Section 17.76.095)**

**ED.** 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.

**FE.** 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:

**A. Residential Facilities:**

One-Family Dwelling

One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080

Two-Family Dwelling

Multifamily Dwelling

Rooming House

**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

Monopole

**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.

**Chapter 17.78 S-3 RESEARCH CENTER ZONE REGULATIONS****Sections:**

17.78.020 Required design review process.

17.78.030 Permitted activities.

17.78.040 Conditionally permitted activities.

17.78.050 Permitted facilities.

17.78.060 Conditionally permitted facilities.

17.78.065 Special regulations applying to Extensive Agriculture.

**17.78.020 Required design review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, 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.

**17.78.030 Permitted activities.**

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

A. Civic Activities:

Essential Service

Nonassembly Cultural

B. Commercial Activities:

Administrative

Research Service

C. Agricultural and Extractive Activities:

Limited Agriculture, if the activity occupies less than one (1) acre 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)

**17.78.040 Conditionally permitted activities.**

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

## A. Civic Activities:

Community Assembly

Recreational Assembly

Administrative

Utility and Vehicular

Extensive Impact

**B. Agricultural and Extractive Activities:****Extensive Agriculture (see Section 17.78.065)****17.78.050 Permitted facilities.**

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

## A. Nonresidential Facilities:

Enclosed

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

## B. Signs:

Special

Development

Realty

Civic

Business

## C. 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

**17.78.060 Conditionally permitted facilities.**

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

A. Nonresidential Facilities:

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

B. Telecommunications:

Macro

Monopole

**17.78.065 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.

**Chapter 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONES REGULATIONS**

**Sections:**

17.97.040 Permitted and conditionally permitted activities.

17.15.050 Permitted and conditionally permitted facilities.

17.97.100 Use permit criteria.

**17.97.040 Permitted and conditionally permitted activities.**

Table 17.97.01 lists the permitted, conditionally permitted, and prohibited activities in the S-15 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 17.97.01: Permitted and Conditionally Permitted Activities**

Activities	Zone		Additional Regulations
	S-15	S-15W	
<b>Residential Activities</b>			
Permanent	P	P	
Residential Care	C	C	
Service-Enriched Permanent Housing	C	C	
Transitional Housing	C	C	17.103.010

Emergency Shelter	—	—	17.103.010
Semi-Transient	—	—	
Bed and Breakfast	—	—	17.10.125
<b>Civic Activities</b>			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	P	P	
Recreational Assembly	P	P	
Community Education	P	P	
Nonassembly Cultural	P	P	
Administrative	P	P	
Health Care	P	P	
Special Health Care	—	—	17.103.020
Utility and Vehicular	C	C	
Extensive Impact	C	C	

<b>Commercial Activities</b>			
General Food Sales	P	P	
Full Service Restaurants	P	P	
Limited Service Restaurant and Cafe	P	P	
Fast-Food Restaurant	C	C	17.103.030 and 8.09
Convenience Market	C	C	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	
Medical Service	P	P	
General Retail Sales	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	P	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	

Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	C	C	
Consumer Dry Cleaning Plant	C	C	
Group Assembly	P	P	
Personal Instruction and Improvement Services	P	P	
Administrative	P	P	
Business, Communication, and Media Services	P	P	
Broadcasting and Recording Services	P	P	
Research Service	—	C	
General Wholesale Sales	—	C	
Transient Habitation	C	C	17.103.050
Building Material Sales	—	—	

Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	C	
Animal Boarding	C	C	
Animal Care	C	C	
Undertaking Service	—	—	
<b>Industrial Activities</b>			
Custom Manufacturing	C	P	
Light Manufacturing	—	C	
General Manufacturing	—	—	

Heavy/High Impact	—	—	
Research and Development	—	C	
Construction Operations	—	—	
Warehousing, Storage, and Distribution- <u>Related</u>			
A. General Warehousing, Storage and Distribution	—	—	
B. General Outdoor Storage	—	—	
C. Self-or Mini Storage	—	—	
D. Container Storage	—	—	
E. Salvage/Junk Yards	—	—	
Regional Freight Transportation	—	—	
Trucking and Truck-Related	—	—	
Recycling and Waste-Related	—	—	
A. Satellite Recycling Collection Centers	—	—	

B. Primary Recycling Collection Centers	—	—	17.103.060
Hazardous Materials Production, Storage, and Waste Management	—	—	
<b>Agriculture and Extractive Activities</b>			
<u>Limited Agriculture</u>		<u>P(L1)</u>	<u>P(L1)</u>
<u>Extensive Agriculture Crop and animal raising</u>		<u>C(L2)</u> —	<u>C(L2)</u>
Plant <del>a</del> Nursery	—	—	
Mining and Quarrying	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	17.102.110

**Limitations on Table 17.97.01:**

**L1.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

**L2.** 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, these activities must meet the use permit criteria in Section 17.97.100.

**17.97.050 Permitted and conditionally permitted facilities.**

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 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 17.97.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	S-15	S-15W	
<b>Residential Facilities</b>			
One-Family Dwelling	C	—	
One-Family Dwelling with Secondary Unit	—	—	17.103.080
Two-Family Dwelling	C	C	
Multifamily Dwelling	P	P	
Rooming House	—	C	
Mobile Home	—	—	
<b>Nonresidential Facilities</b>			

Enclosed Nonresidential	P	P	
Open Nonresidential	C(L1)	C(L1)	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
<b>Telecommunications Facilities</b>			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Mini Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
<b>Sign Facilities</b>			
Residential Signs	P	P	17.104

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

**Limitations on Table 17.97.02:**

**L1. Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).**

**17.97.100 Use permit criteria.**

In the S-15 Zones, a conditional use permit for any activity or facility listed in Sections 17.97.030, 17.97.040, 17.97.050, and 17.97.200, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;
- B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;
- C. That the proposal is designed to provide a safe and pleasant pedestrian environment;
- D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:
  - 1. That vehicular access cannot reasonably be provided from a different street or other way;
  - 2. That every reasonable effort has been made to share means of vehicular access with abutting properties;
  - 3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B.
- E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

- F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:
1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
  2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;
  3. The new parking structure shall represent no more than a seventy-five percent (75%) increase of existing parking at the site;
  4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;
  5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and
  6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.97.100(F) "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

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

### Sections:

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

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

- A. The standards of this combining zone shall apply to the following zoning districts:
1. Housing and Business Mix (HBX) Zones;
  2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
  3. CIX-1 (Commercial Industrial Mix-1) Zone;
  4. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north);
  5. CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any ~~R~~esidential, ~~O~~pen ~~S~~pace, or ~~I~~nstitutional zone boundary.
- B. The standards of this combining zone shall apply to the following facility types:
1. All new nonresidential facilities or activities;
  2. Any nonresidential facility which has lost its legal non-conforming status;
  3. Any existing facility or activity where the usable floor area is expanded by more than twenty percent (20%) after the effective date of the adoption of this chapter;
  4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

**Chapter 17.101A - D-WS WOOD STREET DISTRICT ~~COMMERCIAL~~ ZONE REGULATIONS**

**Sections:**

17.101A.010 Title, purpose, and applicability.

17.101A.020 - Permitted and conditionally permitted activities.

**17.101A.010 Title, purpose, and applicability.**

- A. The provisions of this chapter shall be known as the D-WS Wood Street District ~~Commercial~~ Zone Regulations. The D-WS Zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, which are described in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, ~~and~~ all subsequent amending Ordinances adopted by City Council, and as amended in Section 17.101A.020, shall apply to the area of the zoning maps with a D-WS designation.

**17.101A.020 Permitted and conditionally permitted activities.**

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the Development Areas of the D-WS Zone. 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 Development Areas of the D-WS Zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding Development Areas of the D-WS 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 17.101A.01: Permitted and Conditionally Permitted Activities**

Activities	Development Areas of the D-WS Zone									Additional Regulations
	<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>	
<b><u>Residential Activities</u></b>										

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Permanent</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	
<u>Residential Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>17.103.010</u>
<u>Service-Enriched Permanent Housing</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>17.103.010</u>
<u>Transitional Housing</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Emergency Shelter</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Semi-Transient</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Bed and Breakfast</u>										<u>17.10.125</u>
<b><u>Civic Activities</u></b>										
<u>Essential Service</u>	<u>P(L13)</u> <u>—</u>	<u>P(L13)</u>	<u>P(L13)</u> <u>—</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u>	<u>P(L13)</u> <u>—</u>	<u>P(L13)</u>	<u>P(L13)</u> <u>—</u>	
<u>Limited Child-Care</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	
<u>Community Assembly</u>	<u>=</u>	<u>P(L2)</u>	<u>=</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>=</u>	<u>P(L2)</u>	<u>C(L12)</u>	
<u>Recreational Assembly</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C(L12)</u>	
<u>Community</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Education</u>										
<u>Nonassembly Cultural</u>	=	<u>P</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	=	<u>P</u>	=	
<u>Administrative</u>	=	<u>P(L3)</u>	=	<u>P(L3)</u>	<u>P</u>	<u>P(L3)</u>	=	<u>P</u>	=	
<u>Health Care</u>	=	<u>P(L3)</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	=	<u>P</u>	=	
<u>Special Health Care</u>	=	=	=	=	=	=	=	=	=	<u>17.103.020</u>
<u>Utility and Vehicular</u>	=	<u>P(L4)</u>	=	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L3)</u>	=	<u>P(L4)</u>	=	
<u>Extensive Impact</u>	=	=	=	=	=	=	=	=	=	
<b><u>Commercial Activities</u></b>										
<u>General Food Sales</u>	=	<u>P(L5)</u>	=	<u>P(L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	=	<u>P(L5)</u>	=	
<u>Full Service Restaurant</u>	=	<u>P</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	=	<u>P</u>	=	
<u>Limited Service Restaurant and Cafe</u>	=	<u>P</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	=	<u>P</u>	=	
<u>Fast Food Restaurant</u>	=	=	=	<u>C</u>	<u>C</u>	<u>C</u>	=	<u>C</u>	=	<u>17.103.030 and</u>

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>8.09</u>
<u>Convenience Market</u>	=	<u>C(L6)</u>	=	<u>C(L6)</u>	<u>C(L6)</u>	<u>C(L6)</u>	=	<u>C(L6)</u>	=	<u>17.103.030</u>
<u>Alcoholic Beverage Sales</u>	=	<u>C(L7)</u>	=	<u>C(L7)</u>	<u>C(L7)</u>	<u>C(L7)</u>	=	<u>C(L7)</u>	=	<u>17.103.030 and 17.114.030</u>
<u>Mechanical or Electronic Games</u>	=	=	=	=	=	=	=	=	=	
<u>Medical Service</u>	=	<u>P(L8)</u>	=	<u>P(L8)</u>	<u>P(L8)</u>	<u>P(L8)</u>	=	<u>P(L8)</u>	=	
<u>General Retail Sales</u>	=	<u>P(L3)</u>	=	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	=	<u>P</u>	=	
<u>Large-Scale Combined Retail and Grocery Sales</u>	=	=	=	=	=	=	=	=	=	
<u>Consumer Service</u>	=	<u>P(L3)</u>	=	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	=	<u>P</u>	=	
<u>Consultative and Financial Service</u>	=	<u>P(L3)</u>	=	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	=	<u>P</u>	=	
<u>Check Cashier and Check Cashing</u>	=	=	=	=	=	=	=	=	=	<u>17.103.040</u>

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Consumer Cleaning and Repair Service</u>	=	P(L3)	=	P(L3)	P(L3)	P(L3)	=	P	=	
<u>Consumer Dry Cleaning Plant</u>	=	=	=	=	=	=	=	=	=	
<u>Group Assembly</u>	=	=	=	=	C	=	=	P	C(L12)	
<u>Personal Instruction and Improvement Services</u>	=	P(L3)	=	P(L3)	P(L3)	P(L3)	=	P	=	
<u>Administrative</u>	=	P(L3)	=	P(L3)	P(L3)	P(L3)	=	P	=	
<u>Business, Communication, and Media Service</u>	=	C	=	C	C	C	=	P	=	
<u>Broadcasting and Recording Service</u>	=	C	=	C	C	C	=	P	=	
<u>Research Service</u>	=	C(L11)	=	=	=	=	=	P	=	
<u>General Wholesale Sales</u>	=	C(L11)	=	=	=	=	=	P	=	

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Transient Habitation</u>	=	=	=	=	=	=	=	P	=	<u>17.103.050</u>
<u>Building Material Sales</u>	=	P(L10)	=	P(L10)	P(L10)	P(L10)	=	P	=	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	=	=	=	=	=	=	=	=	=	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	=	=	=	=	=	=	=	
<u>Automotive and Other Light Vehicle Repair and Cleaning</u>	=	=	=	=	=	=	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	=	=	=	=	=	=	=	=	
<u>Automotive Fee Parking</u>	=	=	=	=	=	=	=	=	=	
<u>Animal Care</u>	=	=	=	=	=	=	=	=	=	
<u>Animal Boarding</u>	=	=	=	=	=	=	=	=	=	

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Undertaking Service</u>	=	=	=	=	=	=	=	=	=	
<b><u>Industrial Activities</u></b>										
<u>Custom Manufacturing</u>	=	P	=	C	C	C	=	P	=	
<u>Light Manufacturing</u>	=	C	=	=	C	=	=	C	=	
<u>General Manufacturing</u>	=	=	=	=	=	=	=	C	=	
<u>Heavy/High Impact Manufacturing</u>	=	=	=	=	=	=	=	=	=	
<u>Research and Development</u>	=	C(L11)	=	=	C	=	=	=	=	
<u>Construction Operations</u>	=	P(L10)	=	P(L10)	P(L10)	P(L10)	=	P(L10)	=	
<b><u>Warehousing, Storage and Distribution-Related:</u></b>										
<u>A. General Warehousing, Storage and Distribution</u>	=	C(L11)	=	=	=	=	=	=	=	
<u>B. General Outdoor Storage</u>	=	=	=	=	=	=	=	=	=	

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>C. Self or Mini Storage</u>	=	=	=	=	=	=	=	=	=	
<u>D. Container Storage</u>	=	=	=	=	=	=	=	=	=	
<u>E. Automotive Salvage and Junk Yards</u>	=	=	=	=	=	=	=	=	=	
<u>Regional Freight Transportation</u>	=	=	=	=	=	=	=	=	=	
<u>Trucking and Truck-Related:</u>	=	=	=	=	=	=	=	=	=	
<u>Recycling and Waste-Related:</u>										
<u>A. Satellite Recycling Collection Centers</u>	=	=	=	=	=	=	=	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	=	=	=	=	=	
<u>Hazardous Materials Production, Storage &amp; and</u>	=	=	=	=	=	=	=	=	=	

<u>Activities</u>	<u>Development Areas of the D-WS Zone</u>									<u>Additional Regulations</u>
	<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>Waste Management</u>										
<b><u>Agricultural and Extractive Activities</u></b>										
<u>Plant Nursery</u>	=	=	=	=	=	=	=	=	=	
<u>Limited Agriculture</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	
<u>Extensive Agriculture</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	
<u>Mining and Quarrying Extractive</u>	=	=	=	=	=	=	=	=	=	
<b><u>Accessory off-street parking serving prohibited activities</u></b>	=	=	=	=	=	=	=	=	=	<u>17.116.175</u>
<b><u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</u></b>	=	=	=	=	=	=	=	=	=	<u>17.102.110</u>

**Limitations on Table 17.101A.01:**

**L1.** Service Enriched Permanent Housing Residential Activities for residents aged sixty (60) years or under requires the granting of a conditional use permit (see Chapter 17.134).

**L2.** Only the following activities are permitted: 1) places of worship, churches, temples, mosques, and synagogues with a total floor area of three thousand (3,000) square feet or less and 2) public, parochial, private, non-profit clubs and lodges, meeting halls, recreation centers, gymnasiums 5,000 square feet or less.

**L3.** Activities with a total floor area greater than three thousand (3,000) square feet require the granting of a conditional use permit (see Chapter 17.134), and activities with a floor area over five thousand (5,000) square feet are prohibited.

**L4.** Only police substations and neighborhood-servicing post offices that have a total floor area not exceeding one thousand (1,000) square feet are permitted. Other Utility and Vehicular Civic Activities are prohibited.

**L5.** Grocery markets shall be: 1) limited to a maximum floor area of three thousand (3,000) square feet; and 2) only be open between 6:00 AM and 10:00PM.

**L6.** Convenience markets shall not be greater than five thousand (5,000) square feet.

**L7.** Alcoholic Beverage Sales is limited to sale of beer and wine.

**L8.** Floor area devoted to Medical Service Commercial Activities is limited to a maximum two thousand five hundred (2,500) square feet.

**L9.** Retail Business supply stores shall be: 1) limited to office and art supply stores; and 2) limited to a maximum of three thousand (3,000) square feet.

**L10.** Activities with a total floor area greater than five thousand (5,000) square feet require the granting of a conditional use permit (see Chapter 17.134) and activities with a floor area over ten thousand (10,000) square feet are prohibited except for Development Area 2B (the icehouse property). This activity is limited to neighborhood-serving construction product sales and services (Note: Hardware Stores are a General Retail Commercial Activity, refer to L3)

**L11.** Only applies to the "Icehouse" building located in Development Area 2B.

**L12.** Only Passive Recreation is allowed. Active Recreation and Overnight Camping are not allowed.

**L13.** Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L14.** Limited 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;

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

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

**L15.** 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.

**Chapter 17.101B - D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS**

**Sections:**

17.101B.010 Title, purpose, and applicability.

17.101B.020 Permitted and conditionally permitted activities.

**17.101B.010 Title, purpose, and applicability.**

- A. The provisions of this chapter shall be known as the D-OTN Oak to Ninth District Zone Regulations.
- B. The "Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development" which are attached to Ordinance 12758 C.M.S., and as amended in Section 17.101B.020, shall apply to the area designated in Ordinance 12759 C.M.S.

**17.101B.020 Permitted and conditionally permitted activities.**

Table 17.101B.01 lists the permitted, conditionally permitted, and prohibited activities in the D-OTN and OS-RSP zones within the Planned Waterfront Zoning District Oak to Ninth Mixed Use Development. 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 17.101B.01: Permitted and Conditionally Permitted Activities**

<u>Activities</u>	<u>Zone</u>		<u>Additional Regulations</u>
	<u>D-OTN</u>	<u>OS-RSP</u>	
<b><u>Residential Activities</u></b>			
<u>Permanent</u>	<u>P</u>	<u>C</u>	
<u>Residential Care</u>	<u>C</u>	<u>=</u>	

<u>Service-Enriched Permanent Housing</u>	<u>C</u>	=	
<u>Transitional Housing</u>	=	=	<u>17.103.010</u>
<u>Emergency Shelter</u>	=	=	<u>17.103.010</u>
<u>Semi-Transient</u>	<u>C</u>	=	
<u>Bed and Breakfast</u>			<u>17.10.125</u>
<b><u>Civic Activities</u></b>			
<u>Essential Service</u>	<u>P</u>	<u>C</u>	
<u>Limited Child-Care Activities</u>	<u>P</u>	<u>C</u>	
<u>Community Assembly</u>	<u>P</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P</u>	<u>C</u>	
<u>Community Education</u>	<u>P</u>	<u>C</u>	
<u>Nonassembly Cultural</u>	<u>P</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>C</u>	
<u>Health Care</u>	<u>C</u>	=	
<u>Special Health Care</u>	<u>C</u>	=	<u>17.103.020</u>
<u>Utility and Vehicular</u>	<u>C</u>	=	
<u>Extensive Impact</u>	<u>C</u>	<u>C</u>	
<u>A. Marinas</u>	=	<u>C</u>	
<b><u>Commercial Activities</u></b>			
<u>General Food Sales</u>	<u>P</u>	=	

<u>Full Service Restaurants</u>	<u>P</u>	<u>C</u>	
<u>Limited Service Restaurant and Cafe</u>	<u>P</u>	<u>C</u>	
<u>Fast-Food Restaurant</u>	<u>C</u>	<u>=</u>	<u>17.103.030 and 8.09</u>
<u>A. Vehicular Food Vending</u>	<u>=</u>	<u>=</u>	
<u>Convenience Market</u>	<u>P</u>	<u>=</u>	<u>17.103.030</u>
<u>Alcoholic Beverage Sales</u>	<u>C</u>	<u>C</u>	<u>17.103.030 and 17.114.030</u>
<u>Mechanical or Electronic Games</u>	<u>C</u>	<u>=</u>	
<u>Medical Service</u>	<u>C</u>	<u>=</u>	
<u>General Retail Sales</u>	<u>P</u>	<u>=</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	<u>=</u>	<u>=</u>	
<u>Consumer Service</u>	<u>P</u>	<u>=</u>	<u>17.102.170 and 17.102.450</u>
<u>Consultative and Financial Service</u>	<u>P</u>	<u>=</u>	
<u>Check Cashier and Check Cashing</u>	<u>=</u>	<u>=</u>	
<u>Consumer Cleaning and Repair Service</u>	<u>P</u>	<u>=</u>	
<u>Consumer Dry Cleaning Plant</u>	<u>C</u>	<u>=</u>	
<u>Group Assembly</u>	<u>C</u>	<u>=</u>	
<u>Personal Instruction and Improvement Services</u>	<u>P</u>	<u>=</u>	
<u>Administrative</u>	<u>P</u>	<u>=</u>	
<u>Business, Communication, and Media Services</u>	<u>P</u>	<u>=</u>	

<u>Broadcasting and Recording Services</u>	<u>P</u>	=	
<u>Research Service</u>	<u>P</u>	=	
<u>General Wholesale Sales</u>	=	=	
<u>Transient Habitation</u>	<u>C</u>	=	<u>17.103.050</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>	=	=	
<u>Automotive Fee Parking</u>	<u>C</u>	=	
<u>Animal Boarding</u>	=	=	
<u>Animal Care</u>	=	<u>C</u>	
<u>Undertaking Service</u>	=	=	
<b><u>Industrial Activities</u></b>			
<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>A. General Warehousing, Storage and Distribution</u>	=	=	
<u>B. General Outdoor Storage</u>	=	=	
<u>C. Self-or Mini Storage</u>	=	=	
<u>D. Container Storage</u>	=	=	
<u>E. Salvage/Junk Yards</u>	=	=	
<u>Regional Freight Transportation</u>			
<u>Trucking and Truck-Related</u>	=	=	
<u>Recycling and Waste-Related</u>			
<u>A. Satellite Recycling Collection Centers</u>	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	<u>17.103.060</u>
<u>Hazardous Materials Production, Storage, and Waste Management</u>	=	=	
<b><u>Agriculture and Extractive Activities</u></b>			
<u>Limited Agriculture</u>	<u>C(L1)</u>	=	
<u>Extensive Agriculture <del>Crop and animal raising</del></u>	<u>C(L2)</u>	=	
<u>Plant Nursery</u>	=	=	
<u>Mining and Quarrying</u>	=	=	
<b><u>Accessory off-street parking serving prohibited activities</u></b>	=	=	<u>17.116.075</u>

<p><u>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</u></p>	<p><u>C</u></p>	<p><u>C</u></p>	<p><u>17.102.110</u></p>
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**Limitations on Table 17.101B.01:**

**L1. Limited 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;**
- 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and**
- 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.**

**L2. 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.**

**Chapter 17.101C - D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.101C.030 - Permitted and conditionally permitted activities.

17.101C.040 - Permitted and conditionally permitted facilities.

**17.101C.030 - Permitted and conditionally permitted activities.**

Table 17.101C.01 lists the permitted, conditionally permitted, and prohibited activities in the D-BV 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 17.101C.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
<b>Residential Activities</b>						
Permanent	C(L2)(L3)	P(L1)(L3)(L4)	P(L1)(L3)(L5)	P(L1)	P(L1)(L3)(L6)	
Residential Care	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Service-Enriched Permanent Housing	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Transitional Housing	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Emergency Shelter	—	—	—	—	—(L7)	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
<b>Civic Activities</b>						
Essential Service	P(L19)	P(L19)	P(L19)	P	P(L19)	

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Limited Child-Care Activities	P(L4)	P(L6)	P(L5)	P	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	P(L4)	P(L8)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	P	P(L6)	
Special Health Care	—	—	C(L9) (L10)	C(L9)	C(L9)(L10)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	P(L11) (L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Retail Sales	P(L12)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L11) (L13)	P(L8)(L13)	P(L13)	P(L13) (L14)	P	
Consultative and Financial Service	P(L4)	P(L6)	P	P	P(L5)	

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L8)	P(L14)	P(L14)	P(L14)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	--	
Group Assembly	C(L4) (L12) (L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Personal Instruction and Improvement Services	P(L8)	P(L8)	P	P	P(L5)	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L4)	P(L8)	P	P	P(L5)	
Broadcasting and Recording Services	P(L4)	P(L6)	P(L5)	P	P(L6)	
Research Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	<a href="#">17.103.050</a>
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	C(L12) (L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	
Automobile and Other Light Vehicle Repair and Cleaning	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L18)	P(L18)	P(L18)	P(L18)	P(L18)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L10)	P(L5)	P	P(L6)	
Undertaking Service	—	—	—	—	—	
<b>Industrial Activities</b>						
Custom Manufacturing	C(L11)	C	P(L5)	P(L8)	C	17.120

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution- <u>Related</u>						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self-or Mini Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
<u>Limited Agriculture</u>	=	=	=	C(L20)	=	
<u>Extensive Agriculture Crop and animal raising</u>	—	—	—	C(L21)(L19)	—	
Plant <del>n</del> Nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C(L8)	C(L8)	C(L5)	C	C(L5)	17.116.075
<b>Activities that are listed as prohibited or conditionally</b>	C(L8)	C(L8)	C(L5)	C	C(L5)	17.102.110

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
permitted on nearby lots in an adjacent zone						

\*If the N Combining Zone, the N regulations supersede the primary zone.

**Limitations on Table 17.101C.01:**

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** 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 CUP criteria contained in Section 17.134.050 these activities must meet each of the following additional criteria:

- a. A minimum square footage of retail area is part of the overall project, in accordance with Section 17.101C.050C and Section 17.101C.050D; and
- b. The retail area encompasses a significant portion of the first floor but can also be part of the second floor and third floor. Incidental pedestrian entrances that lead to other activities in the building are permitted.

**L3.** See Section 17.101C.040 for limitations on the construction of new Residential Facilities.

**L4.** These activities are not permitted if located on the ground floor of a building and within fifty (50) feet of any street-abutting property line; incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

**L5.** If located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway, 27<sup>th</sup> Street, or Piedmont Avenue, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050 these ground-floor activities must also meet each of the following additional criteria:

- 1. The proposal will not detract from the character desired for the area;
- 2. The proposal will not impair a generally continuous wall of building facades;
- 3. 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;
- 4. The proposal will not interfere with the movement of people along an important pedestrian street; and

5. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

**L6.** These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

**L7.** Emergency shelters are permitted by-right within the portion of the Webster Street area described in Section 17.103.015(A)(3) and subject to the development standards in Section 17.103.015(B).

**L8.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street-fronting building. 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 CUP criteria contained in Section 17.134.050, these conditionally permitted ground-floor activities must also meet each of the additional criteria contained in L5.

**L9.** These activities are limited to areas north of Hawthorne Street and west of Broadway. 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L10.** These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction. If these activities are located above the ground floor or beyond sixty (60) feet of Broadway they are only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050.

**L11.** If greater than 5,000 square feet of floor area, these activities are not allowed in new construction unless combined within a retail project that meets the requirements of Section 17.101C.050C and Section 17.101C.050D.

**L12.** Only these activities can be counted towards the minimum retail floor area that is required in order to develop Residential Facilities pursuant to Section 17.101C.050C and Section 17.101C.050D. For General Food Sales Commercial Activities, no more than 5,000 square feet can be counted toward the minimum retail area; for Group Assembly Commercial Activities, only a movie theatre that is above the ground floor can be counted toward the minimum retail area; for Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is not included). For pharmacies that fall within the General Retail Sales Commercial Activities: (a) if the retail component of the store is predominantly comparison goods, then the activity is permitted and counts toward the minimum retail floor area that is required in order to develop Residential Facilities; (b) if the retail component of the store is predominantly convenience goods, then the activity does not count toward the minimum retail floor area that is required in order to develop Residential Facilities and is only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134

for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050. As described in the Broadway Valdez District Specific Plan and as further determined by the Planning Director: comparison goods include items such as clothing, jewelry, toys, books, sporting goods, home furnishings, appliances, and electronics; and convenience goods include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers.

**L13.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L14.** The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the additional criteria contained in L5.

**L15.** 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.

**L16.** Showrooms associated with these activities must be enclosed. Auto service is only allowed as an accessory activity. These activities are only permitted upon the granting of a Conditional Use Permit. In addition to the CUP criteria in Section 17.134.050, these activities must meet each of the following additional criteria:

1. That there will be no outside inventory lots;
2. That auto inventory will be stored either:
  - a. inside or on top of the dealership building; or
  - b. located at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 zones;  
or
  - c. within an existing structured parking facility that is within the D-BV-1, D-BV-2, or D-BV-3 zones; or within a new structured parking facility that is within the D-BV-3 zone;
3. That the proposal will not detract from the character desired for the area;
4. That the proposal will not impair a generally continuous wall of building facades;
5. That 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;
6. That the proposal will not interfere with the movement of people along an important pedestrian street; and
7. That the proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

**L17.** Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair

and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Section 17.114.050(A).

**L18.** Automotive Fee Parking is permitted when located on a lot containing a principle facility. Automotive Fee Parking is also permitted in a multi-story parking garage to serve nearby businesses 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, these conditionally permitted ground floor activities must also meet each of the additional criteria contained in L5.

~~L19. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet each of the following additional criteria:~~

- ~~1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

~~L19. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

~~L20. Limited 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;~~
- ~~2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and~~
- ~~3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.~~

~~L21. 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.~~

**17.101C.040 - Permitted and conditionally permitted facilities.**

Table 17.101C.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV 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 17.101C.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Residential Facilities</b>						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)	—(L1)	
Multifamily Dwelling	C(L2)	P(L3)	P(L4)	P	P(L5)	
Rooming House	C(L2)	P(L3)	P(L4)	P	P(L5)	
Micro Living Quarters		C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In	—	—	—	—	—	
Drive-Through	—	—	C(L9)	—	—	17.103.100
<b>Telecommunications Facilities</b>						
Micro Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Mini Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	—	—	17.128
Tower Telecommunications	—	—	—	—	—	17.128

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

\*In the N Combining Zone, the N regulations supersede the primary zone.

**Limitations on Table 17.101C.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L2.** When located in a Retail Priority Site, construction of new Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and when part of a larger project with a minimum square footage of retail area, in accordance with Section 17.101C.050C and Section 17.101C.050D.

**L3.** Construction of new ground-floor Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

**L4.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway 27<sup>th</sup> Street, or Piedmont, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

**L5.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway is prohibited. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

**L6.** In the D-BV-3 ~~Z~~zone, Micro Living Quarters may only be located southeast of Harrison Street and Bay Place.

**L7.** Micro Living Quarters may only be permitted upon the granting of a Conditional Use Permit (CUP) pursuant to the Conditional Use Permit procedure in Chapter 17.134. See Section 17.101C.055 for the definition and requirements of Micro Living Quarters.

**L8.** ~~In the D-BV-1, D-BV-2, and D\_BV-3 Zones, n~~No conditional use permit is required for Open Nonresidential Facilities to accommodate ~~either~~ seasonal sales or special events. ~~activities.~~In

the D-BV-4 Zone, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events.

**L9.** A Drive Through Nonresidential Facility is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and is not permitted to enter or exit onto Broadway, 27<sup>th</sup> Street, Harrison Street, or Piedmont Avenue. 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.

**L10.** See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

**Chapter 17.101D - D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS**

**Sections:**

17.101D.030 Permitted and conditionally permitted activities.

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

**17.101D.030 Permitted and conditionally permitted activities.**

Table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone.

**Table 17.101D.01 Permitted and Conditionally Permitted Activities**

Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Activities</b>				
Permanent	P	P	P	
Residential Care	C	C	C	17.103.010
Service-Enriched Permanent Housing	C	C	C	17.103.010
Transitional Housing	C	C	C	17.103.010
Emergency Shelter	C	C	C	17.103.010
Semi-Transient	C	C	C	17.103.010
Bed and Breakfast	C	C	C	17.10.125

<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C(L1)	C(L1)	C(L1)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	P	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and

				17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L2)	P(L2)	P(L2)	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L3)	C(L3)	C(L3)	
Personal Instruction and Improvement	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	—	—	—	
Transient Habitation	—	—	—	
Building Material Sales	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	

Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
<b>Industrial Activities</b>	All Industrial Activities prohibited in these zones			
<del>Agricultural and Extractive Activities</del>	<del>All Agricultural and Extractive Activities prohibited in these zones</del>			
<u><b>Agricultural and Extractive Activities</b></u>				
<u>Limited Agriculture</u>	<u>C(L4)</u>	<u>C(L4)</u>	<u>C(L4)</u>	
<u>Extensive Agriculture</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<b>Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075</b>	C	C	C	17.74.030 17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	17.102.110

**Limitations:**

**L1.** 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters

Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L2.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L3.** 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.

**L4.** Limited 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;
- 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
- 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities Activities**

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P	P	P	

One-Family Dwelling with Secondary Unit	P	P	P	17.103.080
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	—	—	—	
<b>Nonresidential Facilities</b>				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C(L2)	C(L2)	C(L2)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L1)	(L1)	C(L1)	17.103.100
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	—	—	—	
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104

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

**Limitation:**

**L1.** 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.

**L2.** Open Nonresidential Facilities accommodating activities other than Civic Activities, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

**Chapter 17.101E - D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS**

**Sections:**

- 17.101E.030 Permitted and conditionally permitted activities.
- 17.101E.040 Permitted and conditionally permitted facilities.
- 17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.

**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	
<b>Residential Activities</b>							
Permanent	—	—	P(L1)	P(L1)	—	—	
Residential	—	—	P(L1)	P(L1)	—	—	17.103.010

Care							
Service-Enriched Permanent Housing	—	—	C(L1)	C(L1)	—	—	17.103.010
Transitional Housing	—	—	C(L1)	C(L1)	—	—	17.103.010
Emergency Shelter	—	—	C(L1)	C(L1)	—	—	17.103.010
Semi-Transient	—	—	C	C	—	—	17.103.010
Bed and Breakfast	—	—	P	—	—	—	17.10.125
<b>Civic Activities</b>							
Essential Service	P(L18)	P(L18)	P	P	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(L3)	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	
<b>Commercial Activities</b>							
General Food Sales	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Full Service Restaurants	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Limited Service Restaurant and 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	—	—	—	—	—	—	

General Retail Sales	P	P	P(L5)	P(L5)	P(L5)	—(L6)	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P	P	P	P	P	—	
Consultative and Financial Service	P	P	P(L3)	P	C	—	
Check Cashier and Check Cashing	—	C	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P	C	C	C	—	
Consumer Dry Cleaning Plant	—	C	—	—	C	C	
Group Assembly	C	C	C	C	C	C(L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C(L8)	
Administrative	P	P	P(L3)	P(L3)	P	—(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	

Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	—	P (L7)	P (L2)	P(L3)	P(L3)(L11)	P	
Transient Habitation	C	C	C	C	—	—	17.103.050
Building Material Sales	—	P	P(L2)	P(L12)	P	—	
Boat and marine related sales, rental, repair and servicing	P	—	—	—	—	C	
Automobile and Other Light Vehicle Sales and Rental	—	C	—	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	C	—	—	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	—	C(L13)	—	—	C	P(L14)	
Taxi and Light Fleet-Based	—	—	—	—	—	C	

Services							
Automotive Fee Parking	—	—	—	C	C	C	
Animal Boarding	—	C	C	C	—	—	
Animal Care	—	P	C	C	—	—	
Undertaking Service	—	—	—	—	C	C	
<b>Industrial Activities</b>							
Custom Manufacturing	C	P	P(L3)	P(L3)	P	P	17.120
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.120
General Manufacturing	—	—	—	—	P	P	
Heavy/High Impact	—	—	—	—	—	C	
Research and Development	P (L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	—	—	—	C	P(L14)	P(L14)	
<b>Warehousing, Storage, and Distribution-<u>Related</u>:</b>							
A. General Warehousing, Storage and Distribution	C	—	P(L2)	P(L3)	P	P	

B. General Outdoor Storage	—	—	—	—	P(L14)	P(L14)	
C. Self- or Mini Storage	—	—	—	C	C	—	
D. Container Storage	—	—	—	—	P(L14)	P(L14)	
E. Salvage/Junk Yards	—	—	—	—	—	C	
Regional Freight Transportation- <u>Related</u> :							
A. Seaport	—	—	—	—	—	C	
B. Rail Yard	—	—	—	—	C	C	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	P(L14)	P(L14)	
B. Truck Yard	—	—	—	—	C	P(L14)	
C. Truck Weigh Stations	—	—	—	—	P	P(L14)	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	P(L14)	P(L14)	
E. Truck & Other Heavy Vehicle Service, Repair, and	—	—	—	—	P(L14)	P(L14)	

Refueling							
<b>Recycling and Waste-Related:</b>							
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
<b>Hazardous Materials Production, Storage, and Waste Management-Related:</b>							
A. Small Scale Transfer and Storage	—	—	—	—	C	C(L14) <del>(L17)</del>	
B. Industrial Transfer/Storage	—	—	—	—	—	C(L14) <del>(L17)</del>	
C. Residuals Repositories	—	—	—	—	—	C(L14) <del>(L17)</del>	
D. Oil and Gas Storage	—	—	—	—	—	C(L14) <del>(L17)</del>	
<b>Agriculture and Extractive Activities</b>							
<u>Limited Agriculture</u>	<u>C(L19)</u>	<u>C(L19)</u>	<u>P(L20)</u>	<u>P(L20)</u>	<u>C(L19)</u>	<u>C(L19)</u>	
<u>Extensive Agriculture Crop and animal raising</u>	<u>C(L21)(L18)</u>	<u>C(L21)(L18)</u>	<u>C(L21)(L18)</u>	<u>C(L21)(L18)</u>	<u>C(L21)(L18)</u>	<u>C(L21)(L18)</u>	

Plant <del>N</del> Nursery	—	C	C	C	P	P	
Mining and Quarrying	—	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	C	C	17.116.175
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</b>	C	C	C	C	C	C	17.102.110

**Limitations on Table 17.101E.01:**

**L1.** No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L2.** The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L3.** The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L4.** The total floor area devoted to a grocery store shall only exceed twenty thousand (20,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

**L5.** These activities are only allowed on the ground floor of a building. Except in D-CE-4, the total floor area devoted to these activities by any single establishment may only exceed five

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

**L6.** Retail is only allowed as an accessory use per Section 17.10.040.

**L7.** The total floor area devoted to these activities by a single establishment shall not exceed five thousand (5,000) square feet.

**L8.** Entertainment, educational and athletic services are not permitted.

**L9.** Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in D-CE-6.

**L10.** Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

**L11.** These activities are only allowed in the Tidewater South area of D-CE-5, not permitted in any other areas of D-CE-5.

**L12.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is twenty-five thousand (25,000) square feet or larger or covers twenty-five thousand (25,000) square feet or more of floor area.

**L13.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

**L14.** A Conditional Use Permit is required if located within three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-3 Zone; or c) any Open Space zone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond three hundred (300) feet.

**L15.** Permitted within a grocery store or other large associated development, but if it is a stand-alone collector center then a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required. If the recycling collection is placed within the parking lot the overall parking requirements for the principal activity shall still be met.

**L16.** A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for this activity, but is not permitted within three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 Zone; or c) any Open Space zone. All special regulations for primary collection centers in the industrial zones must be met as listed in Section 17.73.035.

**L17.** This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That the project is not detrimental to the public health, safety, or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.

~~L18. Crop and Animal Raising is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

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

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

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

L18. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L19. Limited 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;

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

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

L20. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L21. 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.

**17.101E.040 Permitted and conditionally permitted facilities.**

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

A. Definitions.

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

Table 17.101E.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CE zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.101E.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Residential Facilities</b>							
One-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	

Multifamily Dwelling	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Rooming House	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Mobile Home	—	—	—	—	—	—	
Live/Work	—	—	P	P	—	—	
<b>Nonresidential Facilities</b>							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C(L4)	C(L4)	P	P	
Work/Live	—	—	P	P	C	—	
Sidewalk Cafe	P	P	P	P	C	—	17.103.090
Drive-In	C	C	—	C	—	—	
Drive-Through	C	C	—	C(L2)	C	C	17.103.100
<b>Telecommunications Facilities</b>							
Micro Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Mini Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	P(L3)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L3)	17.128
Tower Telecommunications	—	—	—	—	—	P(L3)	17.128
<b>Sign Facilities</b>							
Residential Signs	—	—	P	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104

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

**Limitations on Table 17.101E.02:**

**L1.** See Chapter 17.114 - Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L2.** Drive through facilities are not allowed to locate between the front property line and the building.

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

**L4.** Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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

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

B. Definitions.

1. A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the lot as the living unit, or, for ~~crop growing~~ Limited Agricultural aActivities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, ~~crop growing~~ Limited Agricultural aActivities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or

profession, the offering of a service, or the conduct of a business, subject to the provisions of this Chapter.

2. For the purpose of this Chapter, ~~a Limited Agricultural Activities "crop growing activity" is include~~ the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.
3. For the purpose of this Chapter only, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

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

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

D. Requirements.

1. Location. A home occupation shall only be performed in the following locations:
  - a. Within a living unit by a resident thereof;
  - b. Within an attached or detached garage or accessory structure reserved for a living unit; however, existing parking must be maintained or replacement parking provided.
  - c. For ~~crop growing Limited Agricultural a~~Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.

3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.
  4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
  5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
  6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.
  7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
  8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
  9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
  10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.
- E. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.
- F. Required approval. No home occupation in the D-CE-3 Zone shall be permitted unless the Director of City Planning certifies that it will conform to the special home occupation regulations contained in this Section. The Director may fix a termination date upon a home

occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

**Chapter 17.101F - D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS**

**Sections:**

17.101F.030 Permitted and conditionally permitted activities.

**17.101F.030 Permitted and conditionally permitted activities.**

Table 17.101F.01 lists the permitted, conditionally permitted, and prohibited activities in the D-GI Zone. 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 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 17.101F.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	D-GI	
<b>Residential Activities</b>		
Permanent	—	
Residential Care	—	
Service-Enriched Permanent Housing	—	
Transitional Housing	—	
Emergency Shelter	—	
Semi-Transient	—	
Bed and Breakfast	—	

<b>Civic Activities</b>		
Essential Service	P(L1)	
Limited Child-Care Activities	—	
Community Assembly	P(L2)(L3)	
Recreational Assembly	—	
Community Education	—	
Nonassembly Cultural	P(L4)	
Administrative	P	
Health Care	—	
Special Health Care	—	
Utility and Vehicular	P(L2)	
Extensive Impact	P(L2)	
<b>Commercial Activities</b>		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	8.09
Convenience Market	P(L5)	
Alcoholic Beverage Sales	C	
Mechanical or Electronic Games	—	

Medical Service	P(L2)	
General Retail Sales	P(L2)	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L2)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	—	
Consumer Dry Cleaning Plant	—	
Group Assembly	P(L2)(L6)	
Personal Instruction and Improvement Services	P(L2)(L6)	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	P	
Transient Habitation	—	
Wholesale and Professional Building Material Sales	P	
Automobile and Other Light Vehicle Sales and Rental	P(L2)	
Automobile and Other Light Vehicle Gas Station and Servicing	P	
Automobile and Other Light Vehicle Repair and Cleaning	P	

Taxi and Light Fleet-Based Services	P	
Automotive Fee Parking	P	
Animal Boarding	—	
Animal Care	—	
Undertaking Service	—	
<b>Industrial Activities</b>		
Custom Manufacturing	P	
Light Manufacturing	P	
General Manufacturing	P	
Heavy/High Impact	C	
Research and Development	P	
Construction Operations	P(L2)	
Warehousing, Storage, and Distribution- <u>Related</u> :		
A. General Warehousing, Storage and Distribution	P	
B. General Outdoor Storage	P	
C. Self-or Mini Storage	P	
D. Container Storage	P	
E. Salvage/Junk Yards	—	
Regional Freight Transportation- <u>Related</u> :		
A. Seaport	P	

B. Rail Yard	P	
<b>Trucking and Truck-Related:</b>		
A. Freight/Truck Terminal	P	
B. Truck Yard	P	
C. Truck Weigh Stations	P	
D. Truck and Other Heavy Vehicle Sales, Rental, and Leasing	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	P	
<b>Recycling and Waste-Related:</b>		
A. Satellite Recycling Collection Centers	P	
B. Primary Recycling Collection Centers	P(L7)	17.73.035
<b>Hazardous Materials Production, Storage, and Waste Management-Related:</b>		
A. Small Scale Transfer and Storage	C	
B. Industrial Transfer/Storage	C	
C. Residuals Repositories	C	
D. Oil and Gas Storage	C	
<b>Agriculture and Extractive Activities</b>		
Plant <del>n</del> Nursery	—	
<u>Limited Agriculture</u>	<u>—</u>	
<u>Extensive Agriculture</u> <del>Crop and animal raising</del>	—	
Mining and Quarrying	—	

<b>Accessory off-street parking serving prohibited activities</b>	C	17.116.175
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	C	17.102.110

**Limitations on Table 17.101F.01:**

- L1.** Community ~~G~~gardens and ~~B~~botanical ~~G~~gardens are prohibited.
- L2.** These activities are limited to establishments that support or are associated with trucking, warehousing, or maritime-related activities.
- L3.** Community Assembly Activities are limited to public and private nonprofit clubs, lodges, and meeting halls.
- L4.** Nonassembly Cultural Activities are limited to museums and commemorative exhibits pertaining to trucking, warehousing, or maritime-related activities or the history of the site.
- L5.** Convenience Markets are limited to establishments located on the same lot as an Automobile and Other Light Vehicle Gas Station and Servicing Activity or a Truck and Other Heavy Vehicle Service, Repair, and Refueling Activity.
- L6.** Group Assembly Activities and Personal Instruction and Improvement Services Activities are limited to instructional services.
- L7.** Primary Recycling Collection Centers shall comply with the performance standards set forth in Section 17.73.035.

**Chapter 17.102 - REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES**

**Sections:**

17.102.340 Electroplating activities in the Industrial Zones.

**17.102.340 Electroplating activities in the Industrial Zones.**

- A. Distance Standards. No electroplating activity shall be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the ~~CIX-1~~, CIX-2, IG, M-20, M-30, or M-40 Zones, nor from any area designated "Resource Conservation Area" or "Park and Urban Open Space" in the Oakland General Plan.

## Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

### Sections:

Article III - Commercial Activities

#### Article III Commercial Activities

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

17.103.050 Transient Habitation Commercial Activities.

#### 17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

##### 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 Alcoholic Beverage Sales Commercial Activity measured between closest building walls, except:
  - a. On-sale retail licenses located in the Central District (defined for the purposes of this Chapter) 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); or
  - b. Off-sale retail licenses located in the Jack London district (defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or
  - c. If the activity is in conjunction with a Full-Service Restaurant 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 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, regardless of whether such Custom or Light Manufacturing 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.

### 17.103.050 Transient Habitation Commercial Activities.

- A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria: ~~except in the West Oakland Specific Plan area, where criteria 3. below shall not apply:~~
  - 1. That the proposal is consistent with the goal of attracting first-class, luxury hotels located in downtown, along the waterfront, near the airport, along the I-880 freeway, in a specific plan area, and/or in an area with a concentration of amenities for hotel patrons, including but not limited to restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit;
  - 2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services;
  - ~~3. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, along the I-880 freeway or in a specific plan area, which provide:~~
    - ~~a. A minimum of one hundred (100) sleeping rooms;~~
    - ~~b. A full service restaurant providing three (3) meals per day; and~~
    - ~~c. On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts;~~
  - 34. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:
    - a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;
    - b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;
    - c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;

- d. The majority of the parking is located either to the side or rear of the site, or and where appropriate, ~~is provided~~ within a structured parking facility that is consistent, compatible and integrated into the overall development;
- e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;
- f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;
- g. Lighting standards for hotel buildings, grounds and parking lots that are not overly bright and direct the downward placement of light.

45. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets;

56. The proposed operator of the facility shall be identified as part of the project description at the time of application.

## Chapter 17.112 - HOME OCCUPATION REGULATIONS

### Sections:

17.112.010 Title, purpose, and applicability.

17.112.020 Definitions.

17.112.030 Exclusions.

17.112.040 Requirements.

17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.

### 17.112.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the home occupation regulations. The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to Residential Activities. Except as ~~may~~ otherwise ~~be~~ specified in Section 17.101E.100 for the D-CE-3 Central Estuary District Zone, Chapter 17.101E for the D-CE Central Estuary District Zones, these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such nonresidential activities would not be allowed if they were not incidental to Residential Activities. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area and Chapter Section 17.101E.100 for home occupation regulations specific to the D-CE-3 Central Estuary District ~~z~~Zones.

### 17.112.020 Definitions.

- A. Except as otherwise defined in Section 17.101E.100(B) for the D-CE-3 Central Estuary District Zone and Section 17.112.060(B) for the West Oakland Specific Plan Area, a "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, or, for ~~crop growing~~ Limited Agricultural aActivities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, ~~crop growing Limited Agricultural a~~Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, and 17.112.050.
- B. For the purpose of this ~~C~~chapter, a ~~"crop growing activity" is Limited Agricultural Activities~~ include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.

C. For the purpose of this Chapter only, a “bee keeping activity” is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

#### 17.112.030 Exclusions.

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

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

#### 17.112.040 Requirements.

- A. Applicability. The home occupation regulations described below shall apply citywide except as otherwise specified in Section 17.112.060 for the West Oakland Specific Plan Area and ~~Section 17.101E.100Chapter 17.101E~~ for the D-CE-3 Central Estuary District ~~z~~Zones.
- B. Location. A home occupation shall only be performed in the following locations:
  - 1. Within a living unit by a resident thereof;
  - 2. Within a garage that is attached to, and reserved for, a living unit; and
  - 3. For ~~crop growing~~ Limited Agricultural aActivities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
- C. Employees. No person other than a resident of the living unit shall be employed in the conduct of the home occupation, except that practitioners in the medical arts may employ one assistant who does not reside in the living unit.
- D. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
- E. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and

nonflashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.

- F. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
- G. Traffic Generation. The home occupation shall not generate pedestrian or vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.
- H. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

#### **17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.**

A. Purpose and Applicability. The special home occupation regulations described below shall only apply in the West Oakland Specific Plan Area. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the West Oakland Specific Plan Area when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in West Oakland's neighborhoods, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained.

#### B. Definitions.

1. For the purpose of this section only, a "home occupation" is defined as an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the same lot as the living unit, or for ~~crop-growing-Limited Agricultural a~~Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, ~~crop-growing-Limited Agricultural a~~Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this section and Sections 17.112.030 and 17.112.050.

2. For the purpose of this section, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.

3. For the purpose of this section, a “bee keeping activity” is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

C. Requirements.

1. Location. A home occupation in the West Oakland Specific Plan Area shall only be performed in the following locations:
  - a. Within a living unit by a resident thereof;
  - b. Within an attached or detached garage or accessory structure reserved for a living unit; and
  - c. For ~~crop growing~~ Limited Agricultural aActivities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.
4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.
7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.

8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
  9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
  10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.
- D. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.

**Chapter 17.114 - NONCONFORMING USES****Sections:**

Article II - Nonconforming Activities

**Article II Nonconforming Activities**

17.114.050 Nonconforming activity—Discontinuance.

**17.114.050 Nonconforming activity—Discontinuance.**

- A. Activity Nonconforming Because It Is Not a Permitted Activity. Other than: 1) an Alcoholic Beverage Sales Commercial Activity, 2) the sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, 3) an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BV D-BR-Zones, or 4) Trucking and Truck-Related Industrial Activities and Recycling and Waste-Related Industrial Activities in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D 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.
- B. Whenever a nonconforming Alcoholic Beverage Sales Commercial Activity, or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, discontinues active operation for more than ninety (90) days or ceases to be licensed by the State Department of Alcoholic Beverage Control, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.
- C. Whenever a nonconforming Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BV D-BR-Zones discontinues active operation for more than six (6) months, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.
- D. Whenever a nonconforming Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones discontinues active operation for more than ninety (90) days, it may only be resumed upon

the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter 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.

- E. Activity Nonconforming for Other Reasons. A nonconforming activity which is itself a permitted activity where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities, may be resumed regardless of the period during which it may have discontinued active operation. However, if another activity has replaced it, the former activity may thereafter be resumed only if such resumption would constitute an allowable change under Section 17.114.070B. Section 17.114.060 shall also apply.

**Chapter 17.130 ADMINISTRATIVE PROCEDURES GENERALLY****Sections:**

17.130.050 Presentation and submittal of issues and/or ~~written and documentary~~ evidence.

**17.130.050 Presentation and submittal of issues and/or ~~written and documentary~~ evidence.**

**A.** Whenever, pursuant to the Oakland Planning Code, a matter of original jurisdiction, for which a hearing is required, is pending before the City Council or City Planning Commission, any interested party, while the hearing is open, may submit any issues and/or oral, written and/or documentary evidence to the City Council or the Commission, whichever is applicable, for its consideration.

**B.** Whenever, pursuant to the Oakland Planning Code, an appeal for which a hearing is required is pending before the City Council, City Planning Commission, or the Commission's Residential Appeals Committee, the appellant may not submit any issues and/or oral, written and/or documentary evidence not previously submitted in the appeal form itself and presented: (a) prior to the close of the written public comment period for the underlying decision being appealed, in the case of appeals based on a decision by the Zoning Administrator or other administrative decisions, or (b) prior to the close of the City Planning Commission's public hearing for the underlying decision being appealed, in the case of appeals based on decisions made by the City Planning Commission, as applicable. Unless otherwise expressly stated in the Oakland Municipal Code and/or Oakland Planning Code, appeals are not de novo.

**Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE****Sections:**

17.134.040 Procedures for consideration.

17.134.060 Appeal to Planning Commission—Minor conditional use permits.

17.134.070 Appeal to Council—Major conditional use permits.

**17.134.040 Procedures for consideration.****A. Major Conditional Use Permits.**

1. In All Zones. An application for a major conditional use permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. 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 general use permit criteria set forth in Section 17.134.050 and to other applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. 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 the last date 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.
2. Alcoholic Beverage Sales Activities in Alcoholic Beverage Sales License Overconcentrated Areas. In addition to following the provisions of Subsection A.1. of this Section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Subsection 17.103.030.B.3.
3. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135

**B. Minor Conditional Use Permits.**

1. In All Zones. An application for a minor conditional use permit shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer

the application to the City Planning Commission for 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 Subsection A. of this Section. 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. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. Any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence: (a) to the Director prior to the close of the written public comment period for his or her consideration, or (b) to the Commission while the hearing is open for its consideration, whichever is applicable; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to other applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria. The determination of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.134.060. In those cases which are referred to the Commission by the Planning Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented (a) to the Director prior to the close of the written public comment period, or (b) to the Commission prior to the close of the Commission's public hearing on the matter, whichever is applicable, in accordance with the above procedures. In the event the last date 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.

2. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135
- C. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections A. and B. of this Section.

#### **17.134.060 Appeal to Planning Commission—Minor conditional use permits.**

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor conditional use permit, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the

last date 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. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof; which in the case of applications limited to one- or two-unit Residential Facilities, shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to any other applicable use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the Commission or, if applicable, the Committee shall be final.

#### **17.134.070 Appeal to Council—Major conditional use permits.**

- A. With the exceptions of appeal for adult entertainment activities, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major conditional use permit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event the last date 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. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public

hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

- B. Appeals to the City Council relating to adult entertainment activities shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major conditional use permit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event the last date 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. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and

neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable special use permit criteria, and shall grant the permit if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

**Chapter 17.136 - DESIGN REVIEW PROCEDURE****Sections:**

17.136.030 Small project design review.

17.136.040 Regular design review.

17.136.080 Appeal to Planning Commission—Regular design review.

17.136.090 Appeal to City Council—Regular design review.

**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:

1. Additions or Alterations.

- a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
- b. Except as otherwise specified in Sections 17.136.025, 17.136.038, ~~for Non-residential Facilities in the West Oakland Plan Area CIX-1A Zone, Section 17.136.025~~, and ~~Section~~ 17.136.040, 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;
- c. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX 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;
- d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
- e. 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.

2. Fences, barriers, and similar freestanding walls.

- a. 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;

- b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a ~~R~~ residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.

3. Signs.

- a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;
- b. New or modified awnings or other similar facilities;
- c. Color changes to Signs, awnings or other similar facilities;
- d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.103.090.B.

**17.136.040 Regular design review.**

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, ~~or~~ small project design review as set forth in Section 17.136.030, or special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX 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 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, 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, other than a secondary unit;
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;
5. New construction of principal facilities in the HBX or D-CE Zones;
6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17,101E.070 and 17.101E.080). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;

7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
  8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
  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, ~~in the CIX-1A zone or~~ where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
  12. Demolition or removal of any structure in the CIX-1A Zone, ~~any~~ Designated Historic Property (DHP), or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.
- 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.
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.

#### **17.136.080 Appeal to Planning Commission—Regular design review.**

Within ten (10) calendar days after the date of initial decision by the Director of City Planning on an application for regular design review under the procedure specified in Subsection 17.136.040.C, an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when City offices are closed, the next date

offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee 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 its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee may seek the advice of outside design professionals. The decision of the Commission or, if applicable, the Committee on a proposal being considered under the procedure specified in Subsection 17.136.040.C. shall be final immediately and is not ultimately appealable to the City Council.

#### **17.136.090 Appeal to City Council—Regular design review.**

Within ten (10) calendar days after the date of initial decision by the City Planning Commission on an application for regular design review under the procedure specified in Subsection 17.136.040.D, an appeal from said decision may be taken to the City Council by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the event the last date 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. No such appeal to the City Council is allowable under the procedure specified in Subsection 17.136.040.C. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice.

Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council 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 its judgment necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

**Chapter 17.140 - PLANNED UNIT DEVELOPMENT PROCEDURE****Sections:**

17.140.030 Preliminary Planning Commission action.

17.140.060 Final Planning Commission action.

17.140.070 Appeal to Council.

**17.140.030 Preliminary Planning Commission action.**

An application for a planned unit development permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in such records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. 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 permit criteria set forth in Section 17.140.080 and to the planned unit development regulations in Chapter 17.142, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. 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 the last date 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.

**17.140.060 Final Planning Commission action.**

Upon receipt of the final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, whether it conforms to applicable design review criteria. After receiving a final development plan which includes design and arrangement of

portions of the project shown in generalized, schematic fashion on the preliminary development plan, the Commission shall hold a public hearing before taking action. Notice of the hearing shall be given in the same manner as set forth in Section 17.140.030. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, 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 may grant or deny a planned unit development permit or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Commission may permit the applicant to revise the plan and resubmit it as a final development plan within thirty (30) days. If the Commission does not grant such permission, the decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. 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 the last date 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.

#### **17.140.070 Appeal to Council.**

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for approval of a preliminary or final development plan, or for modification or amendment of any such plan, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In the event the last date 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. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The

| appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable criteria and standards, and may approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and standards. The decision of the City Council shall be made by resolution and shall be final.

## Chapter 17.148 - VARIANCE PROCEDURE

### Sections:

17.148.040 Procedure for consideration.

17.148.060 Appeal to Planning Commission—Minor variances.

17.148.070 Appeal to Council—Major variances.

### 17.148.040 Procedure for consideration.

#### A. Major Variances.

1. In All Zones. An application for a major variance shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. 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 conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to promote the purposes of the zoning regulations. The decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. 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 the last date 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.
2. Alcoholic Beverage Sales Commercial Activities. In addition to following the provisions of Subsection A.1. of this Section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Subsection 17.103.030.B.3.

#### B. Minor Variances.

1. In All Zones. An application for a minor variance shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission 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 Subsection A. of this Section. 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. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. Any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence: (a) to the Director prior to the close of the written public comment period for his or her consideration, or (b) to the Commission while the hearing is open for its consideration, whichever is applicable; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Director shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny the application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to promote the purposes of the zoning regulations. The decision of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.148.060. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented (a) to the Director prior to the close of the written public comment period, or (b) to the Commission prior to the close of the Commission's public hearing on the matter, whichever is applicable. in accordance with the above procedures. In the event the last date 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.

- C. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections A and B of this section.

#### **17.148.060 Appeal to Planning Commission—Minor variances.**

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor variance, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last date 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. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will

preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the Commission or, if applicable, the Committee shall be final.

#### **17.148.070 Appeal to Council—Major variances.**

- A. With the exceptions of appeals for adult entertainment activities or for signs, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event the last date 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. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and

neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the City Council shall be made by resolution and shall be final.

B. Appeals to the City Council relating to adult entertainment activities or for signs shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event the last date 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. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, given written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

**Chapter 17.156 - DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS****Sections:**

Article IV - Deemed Approved Status Procedure

**Article IV Deemed Approved Status Procedure**

17.156.140 Procedure for consideration of violations to performance standards.

17.156.150 Procedure for consideration of violations to conditions of approval.

17.156.160 Appeal to Planning Commission.

17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.

**17.156.140 Procedure for consideration of violations to performance standards.**

Upon receiving a complaint from the public, Police Department, or any other interested party that a Deemed Approved Activity is in violation of the performance standards at Section 17.156.090, and once it is determined by the City that violations appear to be occurring, then the Deemed Approved Status of the Deemed Approved Activity in question shall be reviewed by the Administrative Hearing Officer at a public hearing. Notification of the public hearing shall be in accordance with Section 17.156.180.

The purpose of the public hearing is to receive testimony on whether the operating methods of the Deemed Approved Activity are causing undue negative impacts in the surrounding area. 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 Administrative Hearing Officer for his or her consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. At the public hearing, the Administrative Hearing Officer shall determine whether the Deemed Approved Activity conforms to the Deemed Approved Performance Standards set forth in Section 17.156.090 and to any other applicable criteria, and may continue the Deemed Approved Status for the activity in question or require such changes or impose such reasonable Conditions of Approval as are in the judgment of the Administrative Hearing Officer necessary to ensure conformity to said criteria and such conditions shall be based on the evidence before the Officer. The decision of the Officer shall be based upon information compiled, by staff and testimony from the business owner and all other interested parties. New conditions of approval shall be made a part of the Deemed Approved Status and the Deemed Approved Activity shall be required to comply with these conditions. The determination of the Officer shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.156.160. Any party seeking to appeal the determination will be limited to issues and/or oral, written, and/or documentary evidence presented to the Administrative Hearing Officer prior to the close of the Administrative Hearing Officer's public hearing on the matter, as the appeal is not de novo.

**17.156.150 Procedure for consideration of violations to conditions of approval.**

In the event of a violation of any of the provisions set forth in Sections 17.156.010 through 17.156.140 of these regulations, or upon evidence that there has been a failure to comply with any prescribed condition of approval, the Officer may hold a public hearing. Notification of the public hearing shall be in accordance with Section 17.156.180.

The purpose of this public hearing is to receive testimony and determine whether violations to any conditions of approval attached to the site have occurred. 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 Administrative Hearing Officer for his or her 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 Officer may add to or amend the existing conditions of approval based upon the oral, written, and/or documentary evidence presented; or alternatively may revoke the Deemed Approved Activity's Deemed Approved Status. The determination of the Administrative Hearing Officer shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.156.160. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Administrative Hearing Officer prior to the close of the Administrative Hearing Officer's public hearing on the matter, as the appeal is not de novo. The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Section 17.156.170.

**17.156.160 Appeal to Planning Commission.**

Within ten (10) calendar days after imposition of conditions of approval on a Deemed Approved Activity or the revocation of Deemed Approved Status, an appeal may be taken to the City Planning Commission by the Deemed Approved Activity owner or any other interested party. In the event the last date 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. Such appeal shall be made on a form prescribed by the City. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Officer or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Administrative Hearing Officer prior to the close of the public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and the required appeal fee in accordance with Section 17.156.190, the Secretary to the Planning Commission shall set the date for consideration thereof. The Administrative Hearing Officer shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

During the hearing on the appeal, the appellant will be limited to issues and/or oral, written, and/or documentary evidence presented to the Administrative Hearing Officer prior to the close of the public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Planning Commission shall determine whether the established use conforms to the applicable Deemed Approved

performance standards and/or conditions of approval, and may continue or revoke a Deemed Approved Status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the Planning Commission on the appeal to the conditions of approval imposed by the Administrative Hearing Officer shall be final.

#### **17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.**

Within ten (10) calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the City Council by any interested party. In the event the last date 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. Such appeal shall be made on a form prescribed by the Planning Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and an appeal fee in accordance with Section 17.156.190, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Activity; the property owner; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the time, date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the Deemed Approved Activity conforms to the applicable Deemed Approved performance standards, and may approve or disapprove the revocation or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said standards. The decision of the City Council shall be made by resolution and shall be final.

**Chapter 17.157 - DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS****Sections:**

Article IV - Deemed Approved Status Procedure

**Article IV Deemed Approved Status Procedure**

17.157.110 Procedure for consideration of violations to performance standards.

17.157.120 Procedure for consideration of violations of conditions of approval.

17.157.130 Appeal to City Planning Commission.

17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.

**17.157.110 Procedure for consideration of violations to performance standards.**

As a result of an annual or bi-annual inspection pursuant to OMC Subsection 8.030.60.B or upon receiving a complaint from the public, Police Department, or any other interested party that a Deemed Approved Hotel Activity is in violation of the performance standards at Section 17.157.060, and once it is determined by the City that violations appear to be occurring, then the Deemed Approved Status of the Deemed Approved Hotel Activity in question shall be reviewed by the Administrative Hearing Officer at a public hearing. Notification of the public hearing shall be in accordance with Section 17.157.150.

The purpose of the public hearing is to receive testimony on whether the operating methods of the Deemed Approved Hotel Activity is in violation of the performance standards at Section 17.157.060, are causing undue negative impacts in the surrounding area, and/or whether the property is not being maintained in a manner to be habitable by guests or residents. 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 Administrative Hearing Officer for his or her consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. At the public hearing, the Administrative Hearing Officer shall determine whether the Deemed Approved Activity conforms to the Deemed Approved Performance Standards set forth in Section 17.157.060 and to any other applicable criteria, and may continue the Deemed Approved Status for the activity in question or require such changes or impose such reasonable Conditions of Approval as are in the judgment of the Administrative Hearing Officer necessary to ensure conformity with said criteria and such conditions shall be based on the evidence before the Officer. The decision of the Officer shall be based upon information compiled by staff and testimony from the business owner and all other interested parties. New conditions of approval shall be made a part of the Deemed Approved Status and the Deemed Approved Hotel Activity shall be required to comply with these conditions. The determination of the Officer shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.157.130. Any party seeking to appeal the determination will be limited to issues and/or oral, written, or documentary evidence presented to the Administrative Hearing Officer prior to the close of the Administrative Hearing Officer's public hearing on the matter, as the appeal is not de novo.

**17.157.120 Procedure for consideration of violations of conditions of approval.**

In the event of a violation of any of the provisions set forth in Sections 17.157.010 through 17.157.110 of these regulations, or upon evidence that there has been a failure to comply with any prescribed condition of approval, the Officer may hold a public hearing. Notification of the public hearing shall be in accordance with Section 17.157.150.

The purpose of this public hearing is to receive testimony and determine whether violations to any conditions of approval attached to the site have occurred. 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 Administrative Hearing Officer for his or her 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 officer may add to or amend the existing conditions of approval based upon the oral, written, or documentary evidence presented; or alternatively may revoke the Deemed Approved Hotel Activity's Deemed Approved Status. The determination of the Administrative Hearing Officer shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.157.130. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Administrative Hearing Officer prior to the close of the Administrative Hearing Officer's public hearing on the matter, as the appeal is not de novo. The decision of the City Planning Commission shall be final unless appealed to the City Council in accordance with Section 17.157.140.

**17.157.130 Appeal to City Planning Commission.**

Within ten (10) calendar days after imposition of conditions of approval on a Deemed Approved Hotel Activity or the revocation of Deemed Approved Status, an appeal may be taken to the City Planning Commission by the Deemed Approved Activity owner or any other interested party. In the event the last date of appeal falls on a weekend or a holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Officer or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Administrative Hearing Officer prior to the close of the public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and the required appeal fee in accordance with Section 17.157.160 the Secretary of the City Planning Commission shall set a date for consideration thereof. The Secretary of the City Planning Commission shall, not less than seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Hotel Activity; the property owner; the appellant in those cases where the appellant is not the owner; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

During the hearing on the appeal, the appellant will be limited to issues and/or oral, written, and/or documentary evidence presented to the Administrative Hearing Officer prior to the close of the public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral,

or otherwise) during the appeal process. In considering the appeal, the City Planning Commission shall determine whether the Deemed Approved Hotel Activity conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may continue or revoke a Deemed Approved Status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the City Planning Commission on the appeal to the conditions of approval imposed by the Administrative Hearing Officer shall be final.

#### **17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.**

Within ten (10) calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the City Council by any interested party. In the event the last date of appeal falls on a weekend or a holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and an appeal fee in accordance with Section 17.157.160, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Hotel Activity; the property owner; the appellant in those cases where the appellant is not the owner; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the Deemed Approved Hotel Activity conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may approve or disapprove the revocation of the Deemed Approved Status; or require such changes to the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the City Council shall be made by resolution and shall be final.

## Wood Street Zoning District: Development Standards Summary

**Table 5.10-1**

Standard	Development Area 1	Development Area 2	Development Area 3	Development Area 4	[6] Development Area 5	Development Area 6	Development Area 7	Development Area 8	[7] Development Area 9
Maximum Residential Density [1]									
1- Min. land area per dwelling unit	1535.33 sf	848.85 sf	1217.50 sf	613.75sf	N/A	549.06 sf	679.02 sf	331.65 sf	N/A
2- Max. dwelling units per acre	28.4 DU/A	51.5 DU/A	35.8 DU/A	71.1 DU/A	N/A	79.33 DU/A	64.2 DU/A	131.3 DU/A	
3- Max. number of units	82	200	200	450	0	215	170	264	
Minimum Density for Residential Uses	1 unit per 2,000 sf of site area (22 DU/A)	N/A	<del>1 unit per 1,000sf of site area (44 DU/A)</del> N/A	1 unit per 1,000 sf of site area (44 DU/A)	1 unit per 1,000 sf of site area (44 DU/A)	N/A			
Maximum FAR (For non-residential uses)	N/A	1.38:1	N/A	2.02:1	<del>0.622:1</del> 2.00:1	2.02:1	N/A	2.947:1	N/A
Max. Area of Non-Residential Uses	0	220,779 sf	0	40,000 sf	<del>23,000sf</del> 70,000 sf	6,000 sf	0	258,000 sf	N/A
Maximum Height	65 ft [2]	65 ft [2]	50 ft [2][4]	50 ft (some exceptions apply)	[3]	65 ft [2]	90 ft [2]	90 ft [2]	N/A
Minimum Street Setbacks [5]									
-Wood Street	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	N/A
-12th Street	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	
-Frontage Road	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	
-14th Street	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	
-Public Access Areas	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	
Minimum Interior Setbacks	5 ft	5 ft	10 ft	5 ft	5 ft	5 ft	0 ft	0 ft	N/A
Minimum Usable Open Space (per									

## Wood Street Zoning District: Development Standards Summary

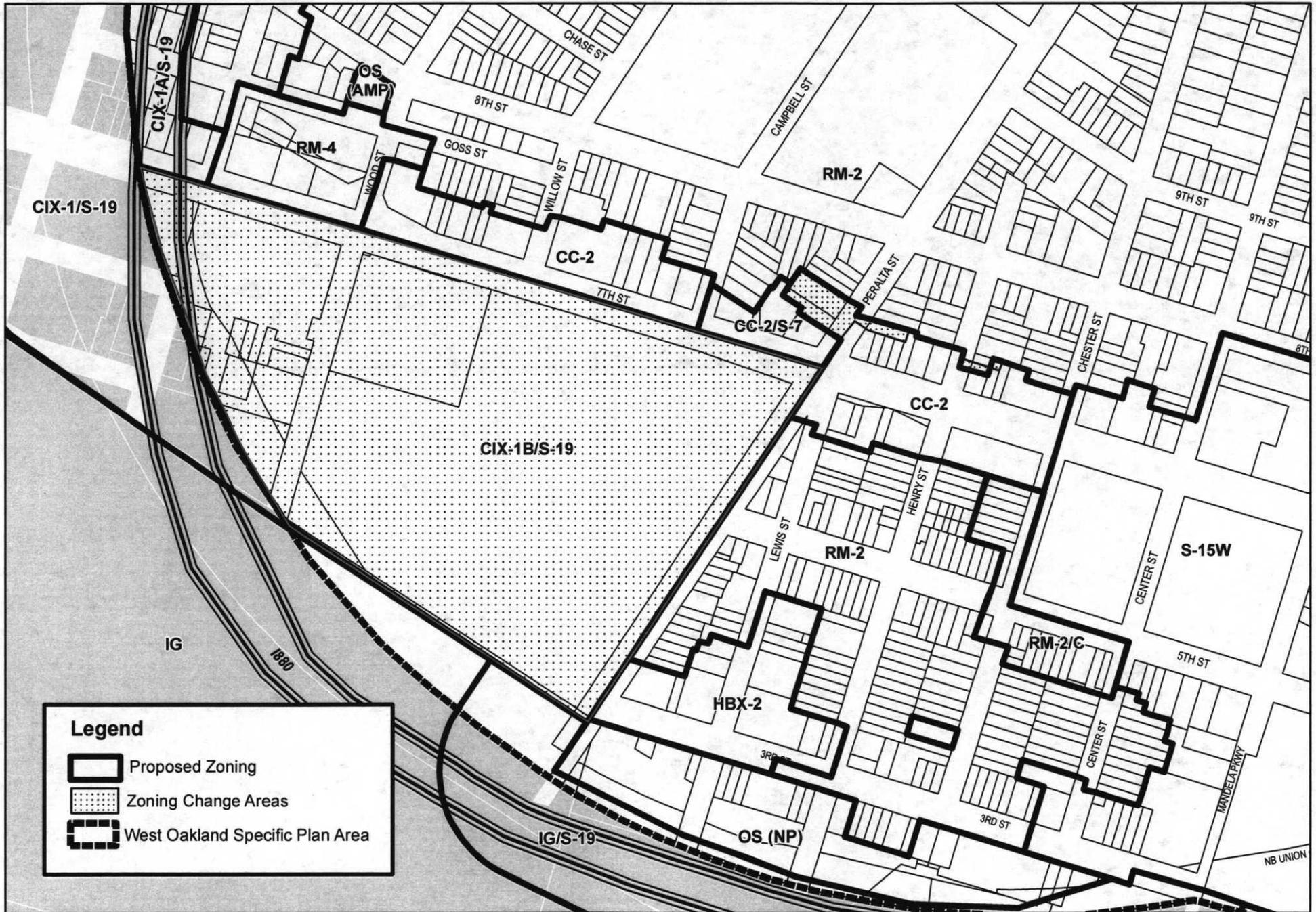
**Table 5.10-1**

Dwelling unit, DU)									
-Minimum area per unit	100 sq ft	75 sq ft	100 sq ft	100 sq ft	NA	75 sq ft	75sq ft	50 sq ft	N/A
Required Off-Street Parking for Residential Uses	1.1 space per D.U.	N/A							
Required Off-Street Parking for Joint Living & Working Quarters	1.2 space per L/W Unit	N/A							
Required Off Street Parking for Non-Residential Uses	See Table 5.50-1	See Table 5.50-1							

**Notes:**

- [1]. Density based on regular dwelling units
- [2]. Reference Section 5.23 and Figure 5.23-1 for Height restrictions in Overlay Areas
- [3]. See Section 5.80 for restrictions on additions to 16th Street Train Station
- [4]. Reference Section 5.23 for additional height restrictions
- [5]. Reference Minimum Street Setbacks, Figure 5.24-1
- [6]. Reference Section 5.80 for Standards applicable to Development Area 5
- [7]. Reference Section 5.90 for Standards applicable to Development Area 9

**Exhibit B**

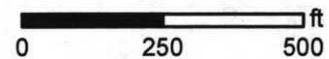


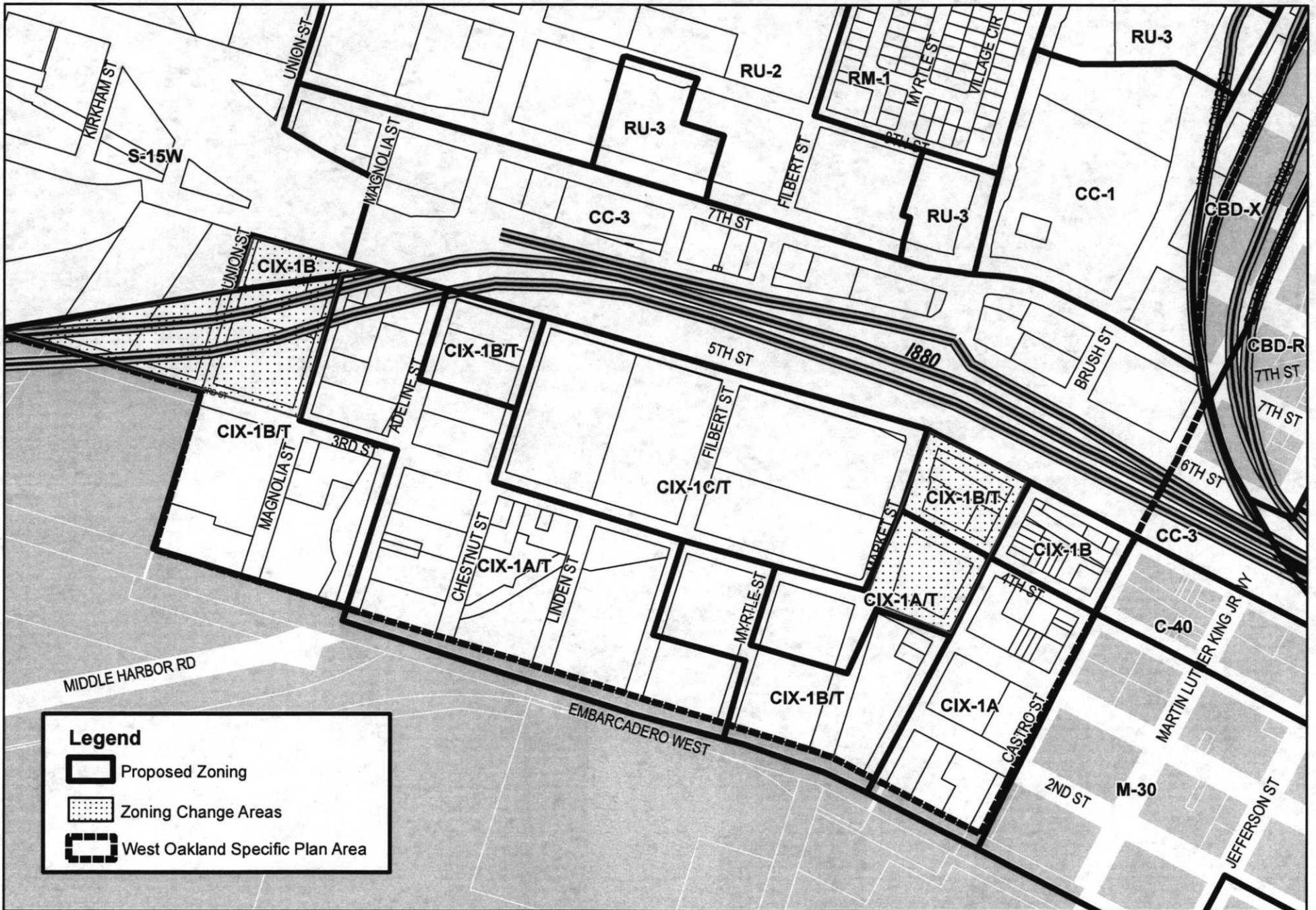
Planning and Building Department, September 17, 2014



# 7th and Peralta Area: Map 1

## Proposed Zoning Changes

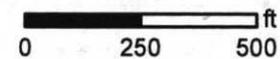




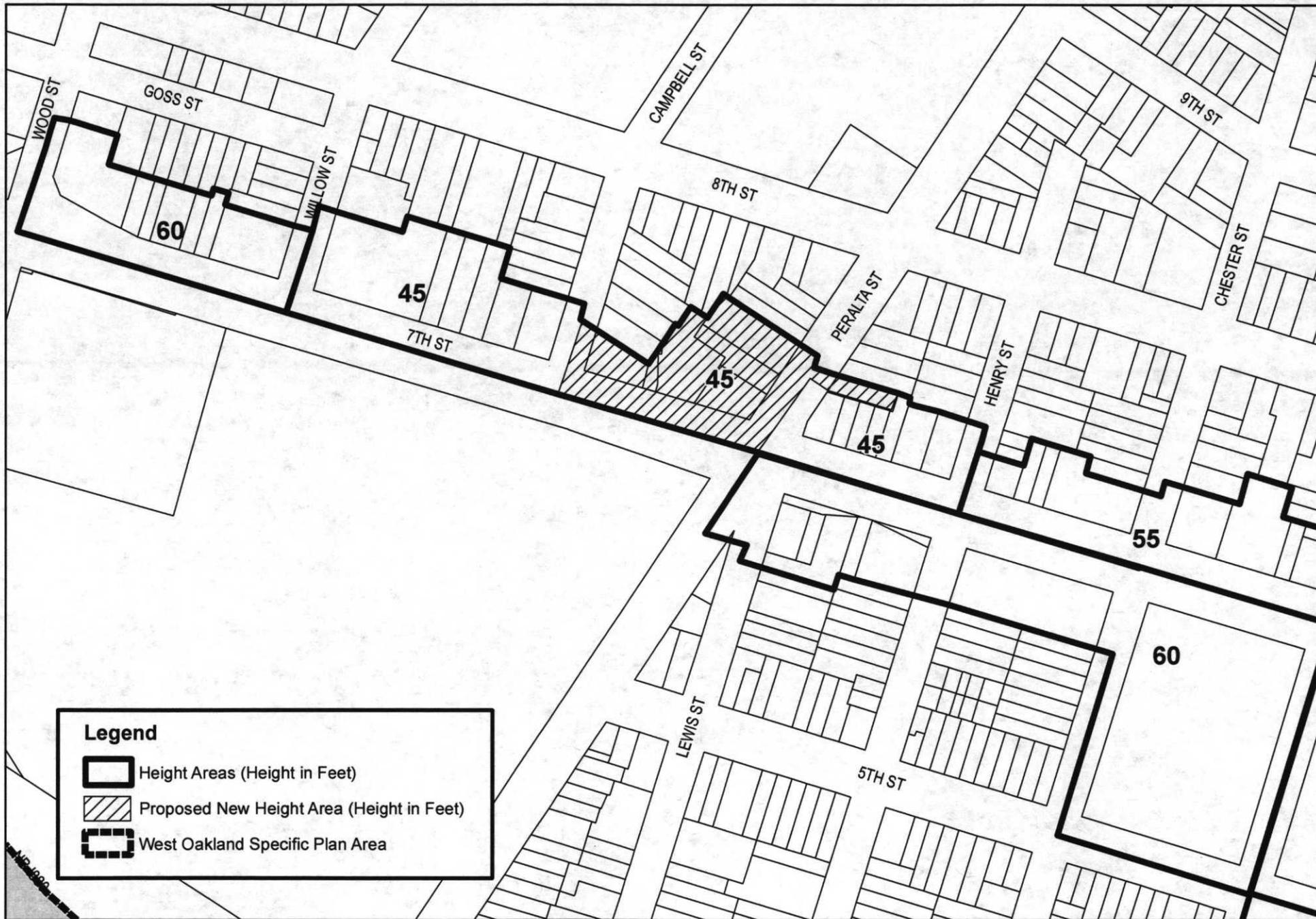
Planning and Building Department, September 17, 2014



# Union to Jefferson Streets Proposed Zoning Changes



**Exhibit C**

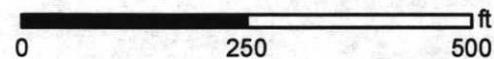


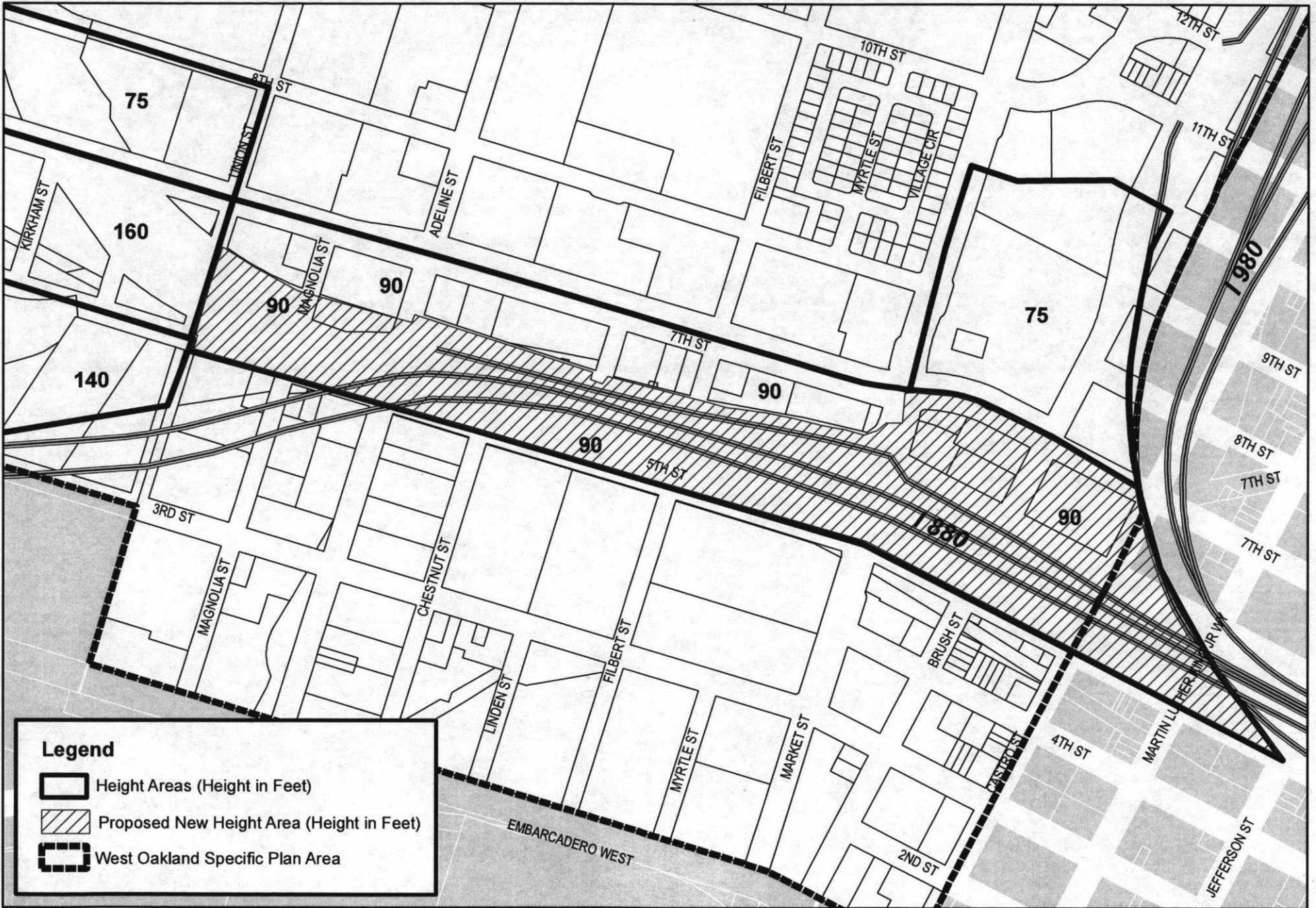
Planning and Building Department SEPTEMBER X 2014



# 7th and Peralta Area: Map 2

## Proposed Height Area Changes





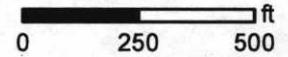
**Legend**

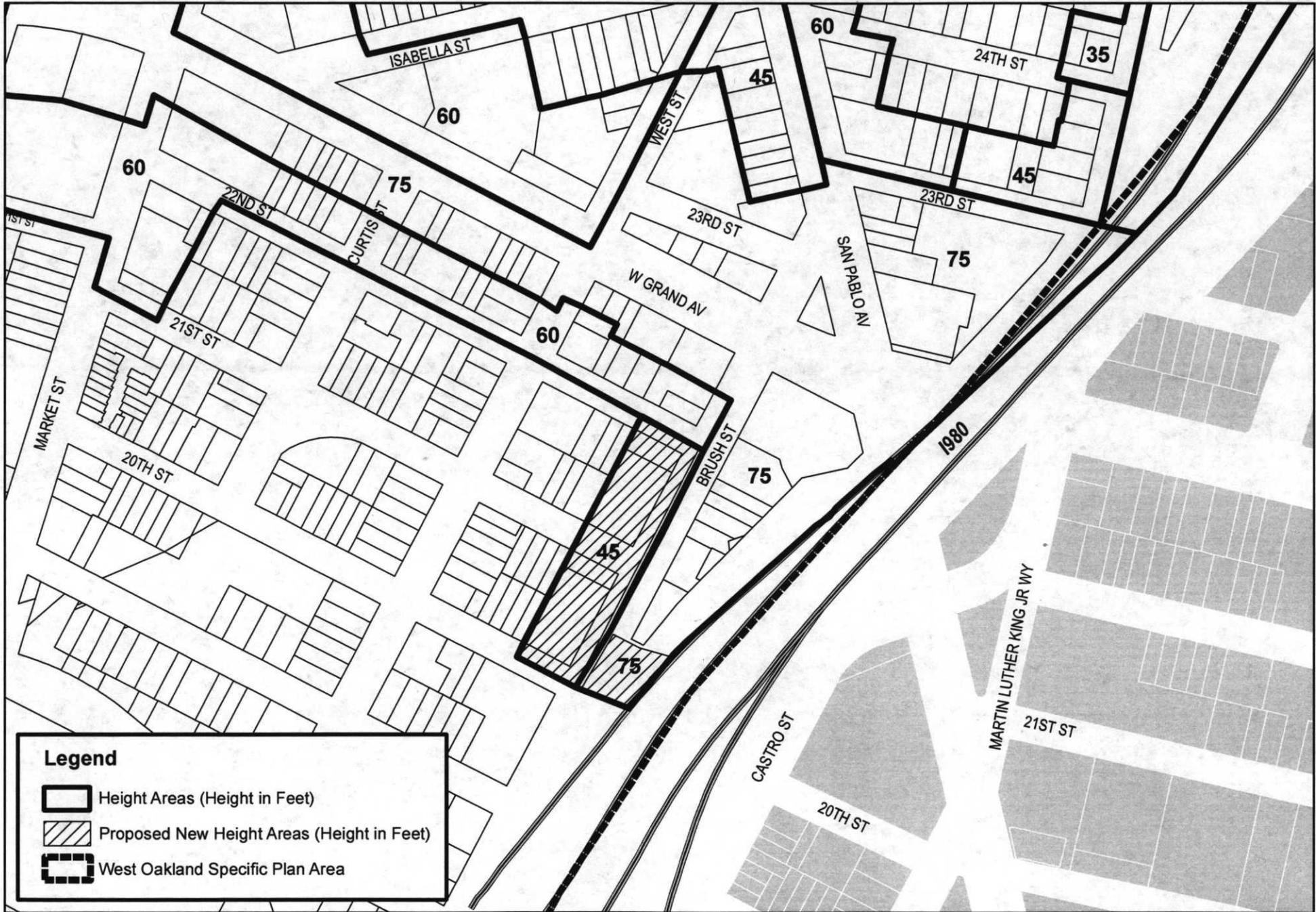
-  Height Areas (Height in Feet)
-  Proposed New Height Area (Height in Feet)
-  West Oakland Specific Plan Area



**Union to Jefferson Streets  
Proposed Height Areas**

Planning and Building Department, September 17, 2014





**Legend**

-  Height Areas (Height in Feet)
-  Proposed New Height Areas (Height in Feet)
-  West Oakland Specific Plan Area



# Brush and West Grand Area

## Proposed Height Area Changes

Planning and Building Department September 17, 2014

