

Chapter 17.65

**HBX HOUSING AND BUSINESS MIX (HBX)-COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.65.020 Required design review process.**
- 17.65.030 Permitted and conditionally permitted activities.**
- 17.65.110 Different maximum floor area ratio and height regulations in special situations.**
- 17.65.140 Landscaping, paving, and buffering.**
- 17.65.160 Special Regulations for HBX Work/Live Facility Type.**
- 17.65.170 Special Regulations for HBX Live/Work Facility.**

**17.65.020 Required design review process.**

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

~~BA. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX-1, HBX-2, and HBX-3 zones.~~

~~CB. Where there is a conflict between the design review criteria contained in Section 17.136.070 and the design objectives contained in the "HBX Design Guideline Manual" the design objectives in the "HBX Design Guideline Manual" shall prevail.~~

~~C. Approval pursuant to the design review procedure (see Chapter 17.136) is required for:~~

~~1. An over eight (8) foot increase in the height of a building, not including allowed projections above the height limits listed in 17.108.030;~~

~~2. Any new construction of a principal facility;~~

~~3. The creation of any HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both 1) conversions of existing facilities to contain either of these units and 2) the new construction of buildings that contain either of these units;~~

~~4. A 20 percent or 10,000 square foot increase, whichever is less, in the footprint or square footage of a building;~~

~~C. No Signs or Micro Telecommunications Facilities shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless;~~

~~1. Plans for such a proposal have been approved pursuant to the design review procedure in Chapter 17.136;~~

~~2. Plans for any Micro Telecommunications Facility have been approved pursuant to the telecommunications regulations in Chapter 17.128; and~~

~~3. Plans for any Sign have been approved pursuant to the sign regulations in Chapter 17.104. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Subsection 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.~~

**17.65.030 Permitted and conditionally permitted activities.**

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

"P" designates permitted activities in the corresponding zone.

**EXHIBIT A**

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

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

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

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
<b>Residential Activities</b>				
Permanent Residential	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	P	P	P	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient Residential	C	C	C	17.102.212
<b>Civic Activities</b>				
Essential Service	C	C	C	
Limited Child-Care	P	P	P	
Community Assembly	P(L1)	P(L1)	P(L1)	
Community Education	C	C	C	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	C	C	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Telecommunications	PG	PC	PC	17.128
<b>Commercial Activities</b>				
General Food Sales	P(L3)	P(L3)	P(L3)	
Convenience Market	C	C	C	17.102.210
Fast-Food Restaurant	--	--	--	
Alcoholic Beverage Sales	C	C	C	17.102.210
Convenience Sales and Service	P	P	P	
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P(L2)	P(L2)	P(L2)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
General Personal Service	P	P	P	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	--	--	--	
Consumer Laundry and Repair Service	C	C	C	
Group Assembly	C	C	C	
Administrative	P(L2)	P(L2)	P(L2)	
Business and Communication Service	P	P	P	
Retail Business Supply	P	P	P	
Research Service	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	
General Wholesale Sales	P(L2)	P(L2)	P(L2)	
Transient Habitation	--	--	--	17.102.370
Construction Sales and Service	P(L5)	P(L5)	P(L5)	
Automotive Sales, Rental, and Delivery	--	--	--	
Automotive Servicing	--(L6)	--	--	
Automotive Repair and Cleaning	--(L6)	--	--	
Automotive Fee Parking	--	--	--	
Transport and Warehousing	P(L7)	P(L7)	P(L7)	

**EXHIBIT A**

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Animal Care	C(L8)	C(L8)	C(L8)	
Undertaking Service	--	--	--	
Scrap Operation	--	--	--	17.102.210
<b>Manufacturing activities</b>				
Custom Manufacturing	P(L2)	P(L2)	P(L2)	17.120
Light Manufacturing	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	17.120
General Manufacturing	--	--	--	
Heavy Manufacturing	--	--	--	
Small Scale Transfer and Storage Hazardous Waste Management	--	--	--	
Industrial Transfer/Storage Hazardous Waste Management	--	--	--	
Residuals Repositories Hazardous Waste Management	--	--	--	
<b>Agricultural and Extractive activities</b>				
Plant Nursery	C	C	C	
Crop and Animal raising	--	--	--	
Mining and Quarrying Extractive	--	--	--	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	17.102.110

**Limitations:**

- L1- The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L2- The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L3- The total floor area devoted to a grocery store shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).
- L4- Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).
- L5- This activity shall be only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is the principal activity on a lot that is 25,000 square feet or larger or covers 25,000 square feet or more of lot area.
- L6- Except on Lowell Street, a nonconforming Automotive Servicing or Automotive Repair and Cleaning Commercial Activity in the HBX-1 zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See 17.114 for general regulations regarding nonconforming uses.
- L7- Warehousing is permitted if the total floor area by a single establishment does not exceed twenty-five thousand (25,000) square feet. Floor areas over twenty-five thousand (25,000) square feet are only permitted upon the granting of a conditional use permit (see Chapter 17.134). Outdoor storage as a principal activity is only permitted upon the granting of a conditional use permit (see Chapter 17.134). Container storage, oil and gas storage, freight terminals, corporation yards, truck terminals, and truck services as primary activities are not permitted. Also, see Section 17.65.050 for special regulations regarding self storage establishments.
- L8- Dog or cat kennels are not permitted.

**17.65.110 Different maximum floor area ratio and height regulations in special situations.**

- A. Structures in the following locations may be constructed to a maximum height of 85 feet:
  - 1. Anywhere on a lot that both: a) abuts a street right of way that is wider than 80 feet; wide or more and b) is 25,000 square feet or more; or
  - 2. On lots adjacent to, or directly across the street from, a freeway right of way. On these lots, only the 125 feet of the lot closest to the freeway are eligible for the 85 foot maximum height.
- B. For lots eligible for additional height under location 2. in subsection A, above, any floor area above the generally prescribed maximum height listed in Section 17.65.100 shall not be counted towards the maximum floor area ratio for all structures listed in Subsection 17.65.080A. However, any

nonresidential floor area shall be counted towards the maximum nonresidential floor area ratio listed in Subsection 17.65.080B.

C. Any structure greater than the maximum FAR and height listed in Section 17.65.080 and Section 17.65.100, respectively, is permitted only upon approval pursuant to the regular design review procedure (see Chapter 17.136) and in conformance with the “Design Guidelines for the HBX zones” as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

**17.65.140 Landscaping, paving, and buffering.**

A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility, excluding secondary units of five hundred (500) square feet or less, and for additions to existing building facilities of over five hundred (500) square feet. A landscaping and buffering plan shall be submitted for every project that requires approval pursuant to the design review procedure. The landscaping and buffering plan shall contain the following:

1. Landscaping and buffering that is consistent with the “Design Guidelines for the HBX Zones” as adopted by the City Council;
2. An automatic system of irrigation for all landscaping shown in the plan;
3. A minimum of one fifteen-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty (20) feet of street frontage or portion thereof. 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 feet, the trees shall be street trees to the satisfaction of the City’s Tree Division.
4. At least one fifteen (15) gallon tree in the parking lot for every six parking spaces for projects that involve new or existing parking lots of 3,000 square feet or greater.
5. At least five feet of distance from the parking lot to the front and street side property lines shall be required for parking lots of 3,000 square feet or greater. Where parking stalls face into this required area, the width of the required area shall be increased by two feet unless wheel stops are installed.

**17.65.160 Special Regulations for HBX Work/Live Facilities.**

A. Regulations in this section do not supersede regulations contained in Section ~~17.102.190~~ ~~17.102.195~~ relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

B. Activity, 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 plus one additional unassigned visitor or employee parking space per five HBX work/live units.	1	
Required loading	<b>Square feet of facility</b>	2	
	Less than 25,000 sf		No berth required
	25,000--69,999 sf		One berth
	70,000—130,000 sf		Two berths
	Each additional 200,000 sf	One additional berth	
Required usable open space	75 square feet of usable open space per unit	3	
Minimum size of unit	1,000 square feet	4	

**Notes:**

- 1 See Chapter 17.116 for other off-street parking standards.
- 2 Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and

upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This regular design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

3. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for HBX work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.
4. See subsection P for exceptions to this requirement.

P. Regular Design Review Criteria. Regular Design review approval for HBX Work/Live Facilities 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, ~~whenever feasible,~~ a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor and at street fronting elevations;:-
3. That units on the ground floor of a building have nonresidential floor area that is directly accessible from and oriented towards the street;:-
4. That units on the ground floor of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, interior space visible to the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;:-
5. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;:-
6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
  - a. Service elevators designed to carry and move oversized items;
  - b. Stairwells wide and/or straight enough to deliver large items;
  - c. Loading areas located near stairs and/or elevators; and
  - d. Wide corridors for the movement of oversized items.
7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

**17.65.170 Special Regulations for HBX Live/Work Facility.**

A. 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.

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

Standard	Requirement	Note	
Activities allowed in an HBX live/work 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 Loading	<b>Square feet of facility</b>	2	
	<b>Requirement</b>		
	Less than 50,000 sf		No berth required
	50,000--149,999 sf		One berth
	150,000—299,999 sf	Two berths	

Standard	Requirement		Note
	Each additional 300,000 sf	One additional berth	
Permitted Density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.130		

**Notes:**

- 1 See Chapter 17.116 for other off-street parking requirements.
2. Chapter 17.116 contains other off-street loading requirements. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

H. Regular Design Review Criteria. Regular Design review approval for HBX live/work 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 layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
2. That, where appropriate for the type of businesses anticipated in the development, 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.

**Chapter 17.66**

**M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS**

**Sections:**

**17.66.020** ~~Required dDesign review process. for Telecommunications Facilities.~~

**17.66.025** ~~Design review for business, civic and residential signs.~~

**17.66.020** ~~Required dDesign review process. for Telecommunications Facilities.~~

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

~~No Macro Telecommunications Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. (Ord. 11904 § 5.73 (part), 1996; prior planning code § 5402)~~

**17.66.025** ~~Design review for business, civic, and residential signs.~~

~~No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004)~~

**Chapter 17.68**

**M-20 LIGHT INDUSTRIAL ZONE REGULATIONS**

**Sections:**

**17.68.020** ~~Required d~~Design review process. for Telecommunications Facilities.

**17.68.025** ~~Design review for business, civic and residential signs.~~

**17.68.020** ~~Required d~~Design review process. for Telecommunications Facilities.

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

~~No Macro Telecommunications Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. (Ord. 11904 § 5.73 (part), 1996; prior planning code § 5602)~~

**17.68.025** ~~Design review for business, civic, and residential signs.~~

~~No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004)~~



**Chapter 17.70**

**M-30 GENERAL INDUSTRIAL ZONE REGULATIONS**

**Sections:**

**17.70.020** ~~Required dDesign review process, for Telecommunications Facilities.~~

**17.70.025** ~~Design review for civic, business and residential signs.~~

**17.70.030** ~~Permitted activities.~~

**17.70.020** ~~Required dDesign review process, for Telecommunications Facilities.~~

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

~~No Macro, Monopole or Tower Telecommunications Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the telecommunication regulations in Chapter 17.128 and the design review procedure in Chapter 17.136.~~

~~(Ord. 11904 §§ 5.73 (part), 5.74 (part), 1996: prior planning code § 5702)~~

**17.70.025** ~~Design review for business, civic, and residential signs.~~

~~No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004)~~

**17.70.030** ~~Permitted activities.~~

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

A. ~~Civic Activities:~~

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

B. ~~Commercial Activities:~~

- ~~General Food Sales~~
- ~~Convenience Market~~
- ~~Convenience Sales and Service~~
- ~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
- ~~Medical Service~~
- ~~General Retail Sales~~
- ~~General Personal Service~~
- ~~Consultative and Financial Service~~

**EXHIBIT A**

Administrative  
Business and Communication Service  
Retail Business Supply  
Research Service  
General Wholesale Sales  
Construction Sales and Service  
Automotive Servicing, except as provided in Section 17.102.~~380370~~.  
Automotive Repair and Cleaning, except as provided in Section 17.102.~~380370~~.  
Automotive Fee Parking, except as provided in Section 17.102.~~380370~~.  
Transport and Warehousing, except as provided in Section 17.102.210EF  
and subject to provisions in Section 17.102.~~380370~~.

C. Manufacturing Activities:

Custom  
Light  
General, except electroplating activities

D. Agricultural and Extractive Activities:

Plant Nursery  
Crop and Animal Raising

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

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

**Chapter 17.72**

**M-40 HEAVY INDUSTRIAL ZONE REGULATIONS**

**Sections:**

**17.72.020** ~~Required design review process for Telecommunications Facilities.~~

~~17.72.025 Design review for civic, business and residential signs.~~

**17.72.020** ~~Required design review process for Telecommunications Facilities.~~

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

~~No Macro, Monopole or Tower Telecommunications Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the telecommunication regulations in Chapter 17.128 and the design review procedure in Chapter 17.136.~~

~~(Ord. 11904 §§ 5.73 (part), 5.74 (part), 1996; prior planning code § 5802)~~

~~17.72.025 Design review for business, civic, and residential signs.~~

~~No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004)~~

Chapter 17.74

**S-1 MEDICAL CENTER ZONE REGULATIONS**

**Sections:**

**17.74.020** ~~Required dDesign review process. for construction or alteration.~~

**17.74.120** ~~Maximum residential density.~~

**17.74.020** ~~Required dDesign review process. for construction or alteration.~~

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

~~———— No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110 (C) for mere changes of copy, including eutouts, on signs the customary use of which involves periodic changes of copy.~~

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

**17.74.120** ~~Maximum residential density.~~

~~Residential uses shall be subject to the same maximum density and other, related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 6115)~~

**Chapter 17.76**

**S-2 CIVIC CENTER ZONE REGULATIONS**

**Sections:**

~~17.76.020 — Special residential design review for projects with one or two units on a lot.~~

~~17.76.030 — Design review for residential projects with three or more units on a lot.~~

~~17.76.040 — Required Design review process for Telecommunications Facilities.~~

~~17.76.045 — Design review for business, civic and residential signs.~~

~~17.76.140 — Maximum residential density.~~

~~17.76.020 — Special residential design review for projects with one or two units on a lot.~~

~~—— A. — General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. This requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.~~

~~—— B. — Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:~~

~~—— 1. — Does not require a building permit;~~

~~—— 2. — Involves only the repair or replacement in-kind of a roof;~~

~~—— 3. — Is certified by the City Planning Department to involve only replacement in-kind of existing building components; or~~

~~—— 4. — Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building. (Ord. 12376 § 4, 2001; prior planning code § 6151)~~

~~17.76.030 — Design review for residential projects with three or more units on a lot.~~

~~—— A. — General. If a project involves or results in three or more dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and upon determination that the proposal conforms to the design review criteria for high density housing as adopted by the City Council. This requirement shall not apply to any facility containing both residential and nonresidential activities unless, the floor space devoted to residential activities constitutes seventy-five (75) percent of the total floor space in the facility.~~

~~—— B. — Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in one or more dwelling units being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of one or more dwelling units and if it:~~

~~—— 1. — Does not require a building permit;~~

~~—— 2. — Involves only the repair or replacement in-kind of a roof;~~

~~—— 3. — Is certified by the City Planning Department to involve only replacement in-kind of existing building components; or~~

~~4. Is certified by the City Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, and (b) that all exterior treatment matches the existing building. (Prior planning code § 6152)~~

**17.76.040 Required ~~d~~Design review process. for Telecommunications Facilities.**

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

~~No Micro, or Mini Telecommunications Facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136.~~

(Ord. 11904 § 5.60 (part), 1996; prior planning code § 6152.1)

**17.76.045 ~~Design review for business, civic, and residential signs.~~**

~~No sign shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004)~~

**17.76.140 Maximum residential density.**

Residential uses shall be subject to the same maximum density and other, related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 6165)

**Chapter 17.78**

**S-3 RESEARCH CENTER ZONE REGULATIONS**

**Sections:**

**17.78.020** ~~Required dDesign review process. for construction or alteration.~~

**17.78.020** ~~Required dDesign review process. for construction or alteration.~~

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

~~No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for realty signs, development signs, holiday decorations and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110(C), for mere changes of copy, including outouts, on signs the customary use of which involves periodic changes of copy.~~

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

**Chapter 17.80**

**S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS**

**Sections:**

**17.80.030** ~~Required dDesign review process. for construction or alteration.~~

**17.80.040** ~~Special residential design review for Secondary Units.~~

**17.80.030** ~~Required dDesign review process. for construction or alteration.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure in the S-4 combining zone shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

~~In the S-4 zone no building, Sign, other than a new Secondary Unit, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136.~~

~~(Ord. 12501 § 58, 2003; prior planning code § 6252)~~

**17.80.040** ~~Special residential design review for Secondary Units.~~

~~No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.~~

~~(Ord. 12501 § 59, 2003)~~



**Chapter 17.84**

**S-7 PRESERVATION COMBINING ZONE REGULATIONS**

**Sections:**

- 17.84.030** ~~Required dDesign review process. for construction, alteration, demolition, or removal.~~
- ~~17.84.035~~ ~~Special residential design review for Secondary Units.~~
- 17.84.040** **Design review criteria for construction or alteration.**
- 17.84.050** **Design review criteria for demolition or removal.**
- 17.84.060** **Postponement of demolition or removal.**

**17.84.010 Title, purpose, and applicability.**

The provisions of this chapter shall be known as the S-7 preservation combining zone regulations. The S-7 zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. These regulations shall apply in the S-7 zone, and are supplementary to the provisions of Section ~~17.136.070~~ ~~17.102.030~~ and to the other regulations applying in the zones with which the S-7 zone is combined. (Prior planning code § 6400)

**17.84.030** ~~Required dDesign review process. for construction, alteration, demolition, or removal.~~

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

~~In the S-7 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, and no structure or portion thereof shall be demolished or removed, unless such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the applicable provisions of Sections 17.84.040, 17.84.050, and 17.84.060.~~

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

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

~~17.84.035~~ ~~Special residential design review for Secondary Units.~~

~~No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. (Ord. 12501 § 61, 2003)~~

**17.84.040 Design review criteria for construction or alteration.**

In the S-7 zone, ~~proposals requiring regular~~ design review approval pursuant to Section 17.84.030 ~~for construction, establishment, alteration, or painting of a facility~~ may be granted only upon determination that the proposal conforms to the ~~regular general~~ design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional design review criteria:

A. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in subsection A of this section shall be so considered.

C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties. (Ordinance 12513 Attach. A (part), 2003: Prior planning code § 6403)

**17.84.050 Design review criteria for demolition or removal.**

~~In the S-7 zone, Design review approval, pursuant to Section 17.84.030, no for~~ demolition or removal of a structure or portion thereof may be granted ~~unless 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 the following additional~~ design review criteria set forth in subsections A and B of this section, or to one or both of the criteria set forth in subsection C of this section:

A. That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community;

B. That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities;

C. If the proposal does not conform to the criteria set forth in subsections A and B of this section:

1. That the structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or

2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity. (Prior planning code § 6404)

**17.84.060 Postponement of demolition or removal.**

If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.84.030 and 17.84.050, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the structure or portion thereof has also been postponed pursuant to Section ~~17.102.060~~ 17.136.075, the initial period of postponement under this section shall be reduced by the length of the period imposed pursuant to Section ~~17.102.060~~ 17.136.075. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected structure or portion thereof may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said

## ***EXHIBIT A***

period for not more than one hundred twenty (120) additional days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting an enlarged notices on thereof within three hundred (300) feet of premises of the subject property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) ten days prior to the date set for the hearing. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application. (Ord. 12237 § 4 (part), 2000: prior planning code § 6405)

Chapter 17.86

S-8 URBAN STREET COMBINING ZONE REGULATIONS

Sections:

17.86.030 ~~Required dDesign review process. for construction or alteration.~~

17.86.110 ~~Design review criteria.~~

17.86.030 ~~Required dDesign review process. for construction or alteration.~~

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.86.110, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

~~In the S-8 zone, no building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.86.110, or for business signs pursuant to the sign regulations in Chapter 17.104 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs the customary use of which involves periodic changes of copy. (Ord. 12606 Att. A (part), 2004: prior planning code § 6452)~~

17.86.110 ~~Design review criteria.~~

~~In the S-8 zone, proposals requiring regular dDesign review approval pursuant to Section 17.86.030 may be granted only upon determination that the proposal conforms to the regular general design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

- ~~A. That the proposal will be compatible with an atmosphere of quality and refined architectural taste appropriate to a highly urban commercial center;~~
- ~~B. That the design of ground-level facilities will be interesting to pedestrians and will preserve, and where possible enhance, the basic continuity of key shopping frontages;~~
- ~~C. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;~~
- ~~D. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from desirable architectural features. (Prior planning code § 6462)~~

**Chapter 17.88**

**S-9 RETAIL FRONTAGE COMBINING ZONE REGULATIONS**

**Sections:**

**17.88.030 Conditional use permit requirement for General Food Sales and Consultative and Financial Activities on ground floor.**

**17.88.040 Use permit criteria.**

**17.88.030 Conditional use permit requirement for General Food Sales and Consultative and Financial Activities on ground floor.**

General Food Sales and Consultative and Financial Service Commercial Activities shall not be located on the ground floor of any building, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and ~~at the provisions of~~ Section 17.88.040, and except that incidental entranceways which lead to such an activity on a different floor are permitted. (Prior planning code § 6504)

**17.88.040 Use permit criteria.**

In the S-9 zone, aA conditional use permit for any use under Section 17.88.030 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 not detract from the compact, integrated character of the area;
- B. That the proposal will not impair a generally continuous wall of building facades;
- C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;
- D. That the proposal will not interfere with the movement of people along an important pedestrian walkway;
- E. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

(Prior planning code § 6511)

**Chapter 17.90**

**S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS**

**Sections:**

**17.90.030** ~~Required dDesign review process. for construction or alteration.~~

~~17.90.035~~ ~~Special residential design review for Secondary Units.~~

**17.90.050** **Design review criteria.**

**17.90.030** **Required Design review process. for construction or alteration.**

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

~~In the S-10 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.90.050. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs the customary use of which involves frequent and periodic changes of copy.~~

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

~~17.90.035~~ ~~Special residential design review for Secondary Units.~~

~~No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.~~

~~(Ord. 12501 § 63, 2003)~~

**17.90.050** **Design review criteria.**

In the S-10 zone, proposals requiring regular dDesign review approval pursuant to Section 17.90.030 may be granted only upon determination that the proposal conforms to the regular general design review criteria set forth in the design review procedure in Chapter 17.136 and to both of the following additional criteria:

A. *That the siting, grading, and design will, to the maximum extent feasible, preserve existing live trees and other desirable natural features;*

B. *That the proposed development will, as far as practicable, maintain existing vistas or panoramas which can be seen from the abutting public road and maintain the visual value of the total setting or character of the surrounding area.*

~~(Prior planning code § 6562)~~

**Chapter 17.92**

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

**Sections:**

**17.92.030** ~~Required Site development and design review process for construction or alteration.~~

~~17.92.035 Special residential design review for Secondary Units.~~

**17.92.050** ~~Site development and dDesign review criteria.~~

**17.92.060** ~~Limitations on residential density.~~

**17.92.070** ~~Waiver of certain requirements through site development and regular design review.~~

**17.92.030** Required Site development and design review process for construction or alteration.

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

~~In the S-11 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the site development and design review procedure in Chapter 17.142 and the provisions of Section 17.92.050. However, site development and design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs, the customary use of which involves frequent and periodic changes of copy.~~

~~(Ord. 12501 § 64, 2003; prior planning code § 6602)~~

~~17.92.035 Special residential design review for Secondary Units.~~

~~No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.~~

~~(Ord. 12501 § 65, 2003)~~

**17.92.050** ~~Site development and dDesign review criteria.~~

~~Site development and~~ In the S-11 zone, proposals requiring regular design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the regular general design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

A. That the siting, clearing, landscaping, and other relevant features of the proposal will conform in all significant respects with the Vegetation Management Prescriptions of the North Oakland Hill Area Specific Plan;

B. That the proposal will conform in all significant respects with the Site Development Map of the North Oakland Hill Area Specific Plan with respect to the protection of view corridors and vegetation masses;

C. That, after due consideration has been given to other criteria, any proposed vehicular access will be provided at the safest point of entry from the appropriate street;

D. That the proposal will duly take into account any special geotechnical or similar constraint affecting the property;

## ***EXHIBIT A***

E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this section, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;

F. That, in conjunction with criterion E of this section, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for regular design review pursuant to Chapter 17.136;

G. That fire hydrants will be provided consistent with the Ceity of Oakland Fire Prevention Bureau's requirements;

H. That, where feasible, solar orientation and energy conservation techniques will be suitably incorporated in the overall design;

I. That if the proposal involves developing dwelling units on a property for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of those facilities, the provisions of Section 17.92.040 will be met;

J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in subsections A and B of Section 17.90.040. (Prior planning code § 6612)

### **17.92.060 Limitations on residential density.**

A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:

1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in subsection A of Section 17.122.110 and the first three sentences of subsection B of Section 17.122.110.

2. In the case of those *properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units*, the number of dwelling units indicated by that map.

3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:

a. Dividing the street frontage of the property by the minimum lot width requirement in the respective residential zone; and

b. Counting the number of legally platted lots within the proposed development area; and

c. Analyzing the project under the ~~site development and regular~~ regular design review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional secondary units in the S-11 zone as may be approved in accordance with the standards, criteria and conditions in Section 17.102.360.

B. Number of Units Per Unsubdivided Lot. An unsubdivided lot may not have more dwelling units when subdivided than are permitted per lot by the applicable basic zone. (Ord. 12199 § 6, 2000; prior planning code § 6615)

### **17.92.070 Waiver of certain requirements through ~~site development and regular~~ regular design review.**

A. Reduction of Yard Requirements. Upon approval pursuant to Sections 17.92.030 and 17.92.050 the side yard may be varied within the following limits:

The side of a dwelling unit may be as close as six feet to the side of an adjoining dwelling unit provided that its opposite side is separated from the side of other adjoining dwelling units by at least two times the side yard normally required for a dwelling unit within that zone. (Prior planning code § 6623)



**Chapter 17.96**

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

**Sections:**

**17.96.030**     ~~Required dDesign review process. for construction or alteration.~~

**17.96.070**     **Use permit criteria.**

**17.96.080**     **Design review criteria.**

**17.96.030**     ~~Required dDesign review process. for construction or alteration.~~

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

~~In the S-13 zone no building, Sign, or other facility shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.96.080. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs, the customary use of which involves frequent and periodic changes of copy.~~

~~(Prior planning code § 6702)~~

**17.96.070**     **Use permit criteria.**

In the S-13 zone, aA conditional use permit for any use under Section 17.96.040 or 17.96.050 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

A. That the development will be well integrated into its setting, not be visually obtrusive, harmonize with surrounding areas and facilities, not substantially harm major views for surrounding residents, and, if abutting existing industrial facilities, provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices;

B. That all parking areas, access, and vehicular traffic circulation patterns will be screened and designed in a manner that minimizes conflicts between pedestrians and vehicles; and that off-site vehicular circulation patterns will be designed to minimize congestion on surrounding local streets;

C. That any proposal involving both nonresidential and residential uses on the same site will locate and conduct the nonresidential use in a manner that shall not adversely affect the abutting activities due to generation of noise, lights, glare, dust, vapors, smoke, odors, electrical disturbances, or other factors, and that the proposal incorporates all applicable performance standards in Chapter 17.120;

D. That the proposal incorporates sound attenuation and similar protective measures that achieve a performance standard specified by local, state and federal regulations;

E. That the location and design of proposed residential areas will be adequately buffered, visually and spatially, from existing transit corridors including rail lines, vehicular entry points, and parking areas through appropriate landscaping, screening, and other buffering devices;

F. That future residents of the project will not be exposed to toxic and/or hazardous materials that exceed local, state and/or federal standards. (Prior planning code § 6716)

**17.96.080 Design review criteria.**

In the S-13 zone, proposals requiring regular design review approval pursuant to Section 17.96.030 may be granted only upon determination that the proposal conforms to the regular general design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

A. That special architectural attention will be given to unfenestrated walls facing either street frontages or adjacent residential developments;

B. That extensive landscaping will be used to provide an appropriate setting for the proposed use, and to buffer and screen nearby sensitive uses from the visual impacts of the project;

C. That, where feasible, building setbacks will be provided to accommodate projections of architectural or decorative features;

D. That, particularly in developments involving more than one facility, a comprehensive, coordinated, controlled system of informational and directional graphic signage will be provided throughout the development;

E. That the design of the project will make every effort, where feasible, to preserve, for reuse, any facility or group of facilities which is a designated landmark. (Prior planning code § 6717)

**Chapter 17.97**

**S-19 BROADWAY AUTO ROW INTERIM STUDY COMBINING ZONING REGULATIONS**

**Sections:**

**17.97.010 — Title, purpose, and applicability.**

**17.97.020 — Zones with which the S-19 zone may be combined.**

**17.97.050 — Permitted activities.**

**17.97.060 — Conditionally permitted activities.**

**17.97.070 — Design review for facilities with over ten thousand (10,000) square feet of floor area.**

**17.97.080 — Design review for signs with over one hundred (100) square feet of floor area.**

**17.97.010 — Title, purpose, and applicability.**

~~———— The provisions of this chapter shall be known as the S-19 Broadway Auto Row interim study combining zone regulations. The S-19 zone is intended to support and enhance automobile dealership activated and small, local-serving retail, food, and personal service uses through physical improvements and development of complementary uses within the area with general frontage along Broadway and bounded between the north side of 23rd Street and the south side of 42nd/Mather Street. These regulations shall apply in the S-19 zone and are supplementary to the regulations applying in the zones with which the S-19 zone is combined. The interim controls imposed by this ordinance shall remain in place and be effective for a continuous period of two years from the effective date of this ordinance or until the City Council adopts permanent controls, whichever comes first. For the term of this ordinance, the provisions of this ordinance shall govern, to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, and, to the extent necessary to resolve such conflict, such conflicting provisions shall be suspended. (Ord. 12413 § 3, 2002)~~

**17.97.020 — Zones with which the S-19 zone may be combined.**

~~———— The S-19 zone may be combined only with the C-40 zone. (Ord. 12413 § 3, 2002)~~

**17.97.050 — Permitted activities.**

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

~~———— A. — Those Residential Activities listed below, subject to the provision for lots with frontage along Broadway that all permitted residential activities shall be allowed only in the floor levels above ground floor level and only if the ground floor of any lot fronting on Broadway contains a civic, commercial, or manufacturing activity as permitted or conditionally permitted under this chapter; however, any pedestrian residential lobby and/or vehicular access ramp serving the residential activity is permitted on the ground floor:~~

~~———— Permanent~~

~~———— Residential Care occupying a One-Family Dwelling Residential Facility Semi-Transient~~

~~———— B. — Civic Activities:~~

~~———— Essential Service~~

~~———— Limited Child Care~~

~~———— Community Assembly with a maximum floor area of ten thousand (10,000) square feet~~

~~———— Community Education with a maximum floor area of ten thousand (10,000) square feet~~

~~———— Nonassembly Cultural with a maximum floor area of ten thousand (10,000) square feet~~

~~———— Administrative with a maximum floor area of ten thousand (10,000) square feet~~

~~———— Health Care with a maximum floor area of ten thousand (10,000) square feet~~

~~———— Utility and Vehicular with a maximum floor area of ten thousand (10,000) square feet, but not excluding communications equipment installations and exchanges~~

~~———— Telecommunications~~

- ~~\_\_\_\_\_ C. \_\_\_\_\_ Commercial Activities:~~
- ~~\_\_\_\_\_ General Food Sales with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ General Retail Sales with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ General Personal Service with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Convenience Sales and Services with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Medical Service with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Consultative and Financial Service with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Consumer Laundry and Repair Service with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Administrative with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Business and Communication Service with a maximum floor area of ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Automotive Sales, Rental, and Delivery~~
- ~~\_\_\_\_\_ Automotive Servicing (see Section 17.54.025 for Design Review requirements)~~
- ~~\_\_\_\_\_ Automotive Repair and Cleaning (see Section 17.54.025 for Design Review requirements)~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ Off street parking servicing activities other than those listed above, subject to the condition set forth in Section 17.102.100. (Ord. 12413 § 3, 2002)~~

**17.97.060 \_\_\_\_\_ Conditionally permitted activities.**

~~\_\_\_\_\_ The following activities, as described in the use classifications 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. \_\_\_\_\_ Those Residential Activities listed below, subject to the provision for lots with frontage along Broadway that all permitted residential activities shall be allowed only in the floor levels above ground floor level and only if the ground floor or any lot fronting on Broadway contains a civic, commercial, or manufacturing activity as permitted or conditionally permitted under this chapter; however, any pedestrian residential lobby and/or vehicular access ramp serving the residential activity is permitted on the ground floor:~~

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

~~\_\_\_\_\_ B. \_\_\_\_\_ Civic Activities:~~

- ~~\_\_\_\_\_ Community Assembly with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Community Education with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Nonassembly Cultural with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Administrative with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Health Care with a floor area over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Utility and Vehicular with a floor area of over ten thousand (10,000) square feet — however, if communications equipment installations and exchanges, then any floor area~~
- ~~\_\_\_\_\_ Extensive Impact~~

~~\_\_\_\_\_ C. \_\_\_\_\_ Commercial Activities:~~

- ~~\_\_\_\_\_ General Food Sales with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ General Retail Sales with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ General Personal Service with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Convenience Sales and Service with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Medical Service with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Consultative and Financial Service with a floor area over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Consumer Laundry and Repair Service with a floor area of over ten thousand (10,000) square feet~~
- ~~\_\_\_\_\_ Administrative with a floor area of over ten thousand (10,000) square feet~~

**EXHIBIT A**

- ~~Business and Communication Service with a floor area of over ten thousand (10,000) square feet~~
- ~~Retail Business Supply~~
- ~~Research Service~~
- ~~General Wholesale Sales~~
- ~~Construction Sales and Service~~
- ~~Automotive Fee Parking~~
- ~~Convenience Market~~
- ~~Fast Food Restaurant~~
- ~~Alcoholic Beverage Sales~~
- ~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
- ~~Group Assembly~~
- ~~Transient Habitation~~
- ~~Animal Care~~
- ~~Undertaking Service~~
- ~~D. Manufacturing Activities:~~
  - ~~Custom~~
  - ~~Light~~
- ~~E. Agricultural and Extractive Activities:~~
  - ~~Plant Nursery~~
  - ~~Crop and Animal Raising~~
- ~~F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12413 § 3, 2002)~~

**17.97.070 — Design review for facilities with over ten thousand (10,000) square feet of floor area.**  
~~No facility shall be constructed or established, or expanded or increased in size so as to result in a floor area of over ten thousand (10,000) square feet, unless plans for such a proposal shall have been approved pursuant to the design review procedure in Chapter 17.136. (Ord. 12413 § 3, 2002)~~

**17.97.080 — Design review for signs with over 100 square feet of floor area.**  
~~No sign shall be installed, expanded, or increased in size so as to result in a sign area of over one hundred (100) square feet, unless plans for such a proposal shall have been approved pursuant to the design review procedure in Chapter 17.136. (Ord. 12413 § 3, 2002)~~

**Chapter 17.98**

**S 14 COMMUNITY RESTORATION DEVELOPMENT COMBINING ZONE REGULATIONS**

**Sections:**

**17.98.010** ~~Title, purpose and applicability.~~

**17.98.020** ~~Zones with which the S 14 shall be combined.~~

**17.98.030** ~~Design review criteria in cases where a proposal in the S 14 zone requires design review or site development and design review.~~

**17.98.010** ~~Title, purpose and applicability.~~

~~The S 14 zone is intended to guide the construction of residential facilities in the Area Damaged by the 1991 Firestorm of the city. The S 14 zone is intended to promote: reconstruction that will replicate, to the extent possible, the pre fire conditions that contributed to the distinctive character and desirability of the neighborhoods in the Area Damaged by the 1991 Firestorm; design and construction that is responsive to the substantial variations in topography, access, and parcelization both within and among the respective neighborhoods; facilitation and expediting of reconstruction to minimize economic and emotional hardships for fire victims; and prevention of conditions that pose threats to life and property.~~

~~These standards and regulations shall apply in the Area Damaged by the 1991 Firestorm. These standards and regulations are supplementary to the regulations applying in the underlying zoning districts, as set forth in the zoning regulations and as designated on the Oakland Zoning Map. Where the standards and regulations contained herein conflict with those of the zoning regulations, then the standards and regulations contained herein shall apply, with the following exceptions:~~

~~A. The standards and regulations contained herein shall not apply to any planning application which includes all required submittals and which is filed with, and accepted by, the Planning Official prior to the effective date of these standards and regulations; and~~

~~B. The standards and regulations contained herein shall not be applicable if they conflict with Chapter 17.90 (the S 10 zone) or Chapter 17.92 (the S 11 zone) of the zoning regulations. (Ord. 12376 § 3 (part), 2001; prior planning code § 6800)~~

**17.98.020** ~~Zones with which the S 14 shall be combined.~~

~~The S 14 zone shall be combined with the S 18 mediated residential design review combining zone but only within the Area Damaged by the 1991 Firestorm. The mediated design review procedure and other design review procedures applicable to the S 18 zone shall apply to the S 14 zone as set forth in the S 18 zone. (Ord. 12376 § 3 (part), 2001; prior planning code § 6801)~~

**17.98.030** ~~Design review criteria in cases where a proposal in the S 14 zone requires design review or site development and design review.~~

~~In cases where a proposal in the S 14 zone requires design review pursuant to the design review procedure in Chapter 17.136, or a site development and design review pursuant to the site development and design review procedure in Chapter 17.142, design review or site development and design review may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136, to any other criteria set forth by the zone with which the S 14 zone is combined and to the "Design and Bulk Review Criteria and Guidelines for Hillside Development" as adopted by the City Planning Commission. (Ord. 12376 § 3 (part), 2001)~~

Chapter ~~17.9717.100~~

S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

Sections:

- 17.97100.010 Title, purpose, and applicability.
- 17.97100.020 ~~Required Design review process. for construction or alteration.~~
- 17.97100.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.
- 17.97100.040 Permitted activities.
- 17.97100.050 Conditionally permitted activities.
- 17.97100.060 Permitted facilities.
- 17.97100.070 Conditionally permitted facilities.
- 17.97100.080 Special regulations applying to certain Commercial and Manufacturing Activities.
- 17.97100.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.97100.100 Use permit criteria.
- 17.97100.110 Limitations on Signs, marquees, awnings.
- 17.97100.120 Minimum lot area, width, and frontage.
- 17.97100.130 Maximum residential density.
- 17.97100.140 Maximum nonresidential floor area ratio.
- 17.97100.150 Maximum height.
- 17.97100.160 Minimum yards and courts.
- 17.97100.170 Minimum usable open space.
- 17.97100.180 Buffering and landscaping.
- 17.97100.190 Special regulations for mini-lot developments.
- 17.97100.200 Special regulations for large scale developments.
- 17.97100.210 Other zoning provisions.

**17.97100.010 Title, purpose, and applicability.**

The provisions of this chapter shall be known as the S-15 transit oriented development zone regulations. The S-15 zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit (BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 zone. (Ord. 11892 § 4 (part), 1996; prior planning code § 6850)

**17.97100.020 ~~Required Design review process. for construction or alteration.~~**

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

~~No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for signs pursuant to the sign~~

~~regulations in Chapter 17.104 and the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including eoutouts, on signs the customary use of which involves periodic changes of copy.~~  
(Ord. 12606 Att. A (part), 2004; Ord. 11904 § 5.62 (part), 1996; Ord. 11892 § 4 (part), 1996; prior planning code § 6851)

**17.97100.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.**

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.97100.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.122 and 17.140, and shall be subject to the following special regulations:

A. Intermodal Activities and Pedestrian Plaza. Developments should incorporate multiple forms of public transportation and a pedestrian plaza.

B. Professional Design. The application shall certify that talents of the following professionals will be utilized at some stage in the design process for the development:

1. An architect licensed by the state of California; and
2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.

C. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer as required by the city. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.97100.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty (150) percent of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District. (Ord. 11892 § 4 (part), 1996; prior planning code § 6852)

**17.97100.040 Permitted activities.**

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

- A. Residential Activities:
  - Permanent
- B. Civic Activities:
  - Essential Service
  - Limited Child Care
  - Community Assembly
  - Community Education
  - Nonassembly Cultural
  - Administrative
  - Health Care
  - Telecommunications
- C. Commercial Activities:



General Food Sales  
Convenience Sales and Service  
Medical Service  
General Retail Sales  
General Personal Service  
Consultative and Financial Service  
Administrative  
Business and Communication Service  
Group Assembly

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

**17.97400.050 Conditionally permitted activities.**

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.97400.100 and the conditional use permit procedure in Chapter 17.134:

- A. Residential Activities:
  - Residential Care
  - Service-Enriched Permanent Housing
  - Transitional Housing
- B. Civic Activities:
  - Utility and Vehicular
  - Extensive Impact
- C. Commercial Activities:
  - Fast Food Restaurant
  - Convenience Market
  - Consumer Laundry and Repair Service
  - Transient Habitation and Commercial Activities
  - Alcoholic Beverage Sales
  - Mechanic or Electronic Games
  - Animal Care
  - Automotive Fee Parking subject to the additional criteria contained in Section

17.97400.100(F)

- D. Manufacturing Activities:
  - Custom
- E. Off-street parking serving nonresidential activities listed in Sections 17.97400.040 and

17.97400.050.

F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12561 § 3 (part), 2004; Ord. 12138 § 5 (part), 1999; Ord. 11892 § 4 (part), 1996: prior planning code § 6854)

**17.97400.060 Permitted facilities.**

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

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

Realty  
Civic  
Business

D. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)  
(Ord. 11904 § 5.82, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6855)

**17.97100.070 Conditionally permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.97100.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Facilities:

One-Family Dwelling  
Two-Family Dwelling

B. Nonresidential Facilities:

Open Facilities

C. Telecommunications:

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

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

**17.97100.080 Special regulations applying to certain Commercial and Manufacturing Activities.**

A. Convenience Markets, Fast-Food Restaurants, and Certain Establishments Selling Alcoholic Beverages. See Section 17.102.210.

B. Manufacturing Activities. All accessory manufacturing activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility.

(Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

**17.97100.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**

See Sections 17.97100.100 and 17.102.230.

(Ord. 11892 § 4 (part), 1996: prior planning code § 6859)

**17.97100.100 Use permit criteria.**

In the S-15 zone, a conditional use permit for any use or facility listed in Sections 17.97100.030, 17.97100.050, 17.97100.070 and 17.97100.200, 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 (75) percent 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 with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.97+00.100(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 or more streets, at least two streets shall be designated as principal streets. (Ord. 12561 § 3 (part), 2004: Ord. 11892 § 4 (part), 1996: prior planning code § 6860)

**17.97+00.110 Limitations on Signs, marquees, awnings.**

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.030. (Ord. 12606 Att. A (part), 2004: Ord. 11892 § 4 (part), 1996: prior planning code § 6863)

**17.97+00.120 Minimum lot area, width, and frontage.**

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Ord. 11892 § 4 (part), 1996: prior planning code § 6864)

**17.97+00.130 Maximum residential density.**

A. Permitted Density. Residential uses shall be subject to the same maximum density, and other related regulations as set forth in Section 17.28.120 for the R-70 zone.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by up to twenty-five (25) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and subject to the criteria listed in Section 17.97+00.100. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 11892 § 4 (part), 1996: prior planning code § 6865)

**17.97100.140 Maximum nonresidential floor area ratio.**

The maximum nonresidential floor area ratio of any facility shall be as set forth below.

A. Permitted Floor Area Ratio. The maximum permitted floor area ratio shall be 4.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by up to one hundred fifty (150) percent upon the granting of a conditional use permit, pursuant to Section 17.97100.100 and the provisions set forth in the conditional use permit procedure in Chapter 17.134, and provided that it is a mixed use development containing residential and commercial activities and as defined as a project including at least twenty-five (25) percent of the number of residential units that would be permitted if the project were solely residential. (Ord. 11892 § 4 (part), 1996: prior planning code § 6867)

**17.97100.150 Maximum height.**

Except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, the maximum height of all buildings and other facilities shall be forty-five feet. This maximum height may be extended up to fifty-five (55) feet provided that the following criteria is met:

A. One foot of building setback is provided for each additional foot of building height above forty-five feet. The height of facilities, however, shall be further limited, in that any portion of a building located within ten feet of the rear property line shall not exceed a height of thirty (30) feet and, as applicable, by the provisions of Section 17.108.010A for lots lying along a boundary of a residential zone. (Ord. 11904 § 5.90, 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6869)

**17.97100.160 Minimum yards and courts.**

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

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

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

D. Rear Yard.

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

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

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Ord. 11892 § 4 (part), 1996: prior planning code § 6870)

**17.97100.170 Minimum usable open space.**

Minimum usable open space.

A. Group Usable Open Space for Residential Facilities. On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit. All required group usable open space shall

conform with the standards set forth in Chapter 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

B. Private Usable Open Space for Residential Facilities. Private usable open space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit and twenty (20) square feet per efficiency unit. All required space shall conform to the standards for required private usable open space in Section 17.126.040. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall be provided in the minimum amount of seventy-five (75) square feet per regular dwelling unit and fifty (50) square feet per efficiency unit. (Ord. 11892 § 4 (part), 1996: prior planning code § 6871)

**17.97400.180 Buffering and landscaping.**

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

B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein. (Ord. 11892 § 4 (part), 1996: prior planning code § 6872)

**17.97400.190 Special regulations for mini-lot developments.**

In mini-lot developments, certain of the regulations otherwise applying to individual lots in the S-15 zone may be waived or modified when and as prescribed in Section 17.102.320. (Ord. 11892 § 4 (part), 1996: prior planning code § 6873)

**17.97400.200 Special regulations for large scale developments.**

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97400.100, or upon the granting of a planned unit development approval pursuant to Chapters 17.122 and 17.140. (Ord. 11892 § 4 (part), 1996: prior planning code § 6875)

**17.97400.210 Other zoning provisions.**

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

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

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

D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 zone. (Amended during 1997 codification; prior code § 6876)

**Chapter ~~17.98~~17.101**

**S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS**

**Sections:**

- 17.98101.010 Title, purpose, and applicability.**
- 17.98101.020 Zones with which the S-16 may be combined.**
- 17.98101.030 ~~Required Design review process. for construction or alteration.~~**
- 17.98101.040 Permitted activities.**
- 17.98101.050 Conditionally permitted activities.**
- 17.98101.060 Prohibited activities.**
- 17.98101.070 Conditionally permitted facilities.**
- 17.98101.080 Maximum floor area ratio.**
- 17.98101.090 Special regulations for activities and facilities.**
- 17.98101.100 Applicable performance standards.**
- 17.98101.110 Nonconforming uses.**

**17.98101.010 Title, purpose, and applicability.**

The provisions of this chapter shall be known as the S-16 Industrial-Residential Transition Combining Zone regulations. The intent of the S-16 zone is to provide a compatible transition between residential and industrial zones by limiting the impacts of new nonresidential development, particularly trucking facilities and industrial development, on adjacent residential zones. It is also intended to promote compatible economic development and provide opportunities for new joint living and working quarters. These regulations shall apply in the S-16 zone and are supplementary to the regulations applying in the zones with which the S-16 zone is combined. Where the standards and regulations contained herein conflict with those of the underlying zoning regulations, then the standards and regulations contained herein shall apply. (Ord. 12289 § 3 (part), 2000)

**17.98101.020 Zones with which the S-16 may be combined.**

The S-16 zone may be combined with any other zone whose General Plan land use classification is "Business Mix" or "General Industrial/Transportation" and abuts a residential zone, or with any industrial zone that abuts a residential zone. (Ord. 12289 § 3 (part), 2000)

**17.98101.030 ~~Required Design review process. for construction or alteration.~~**

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

~~In the S-16 zone no building, sign, or other facility shall be constructed or established, added to or altered by more than ten percent of the existing floor or sign area or altered or in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136.~~

(Ord. 12289 § 3 (part), 2000)

**17.98101.040 Permitted activities.**

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

- A. Civic Activities:
  - Essential Service
  - Limited Child-Care
  - Nonassembly Cultural (with less than ten thousand (10,000) square feet of gross floor area)
  - Administrative (with less than ten thousand (10,000) square feet of gross floor area)
  - Telecommunications
- B. Commercial Activities:
  - Convenience Sales and Service
  - General Retail Sales
  - General Personal Service
  - Consultative and Financial Service
  - Administrative
  - Business and Communication Service
  - Retail Business Supply
  - Research Service (with less than ten thousand (10,000) square feet of gross floor area)
- C. Manufacturing Activities:
  - Custom (with less than ten thousand (10,000) square feet of gross floor area)
  - Light (with less than ten thousand (10,000) square feet of gross floor area)

(Ord. 12289 § 3 (part), 2000)

**17.98101.050 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 and the special regulations in Section 17.98101.090:

- A. Civic Activities:
  - Community Assembly
  - Community Education
  - Nonassembly Cultural (with more than ten thousand (10,000) square feet of new gross floor area)
  - Administrative (with more than ten thousand (10,000) square feet of new gross floor area)
  - Utility and Vehicular
- B. Commercial Activities:
  - General Food Sales
  - Convenience Market (subject to provisions in Section 17.102.210A)
  - Mechanical or Electronic Games (subject to provisions in Section 17.102.210C)
  - Medical Service
  - Consumer Laundry and Repair Service
  - Group Assembly
  - Research Service (with more than ten thousand (10,000) square feet of new gross floor area)
  - General Wholesale Sales (with less than fifty thousand (50,000) square feet of gross floor area)
  - Construction Sales and Service
  - Automotive Fee Parking
  - Animal Care

- C. Manufacturing Activities:
  - Custom (with more than ten thousand (10,000) square feet of new gross floor area)
  - Light (with more than ten thousand (10,000) square feet of new gross floor area)
- D. Agricultural and Extractive Activities:
  - Plant Nursery
- E. Accessory Activities:
  - Joint Living and Working Quarters (as defined in Section 17.10.040C and subject to the provisions in Section 17.102.190 and the special regulations in Section 17.98404.090A.)
  - Open Storage

(Ord. 12289 § 3 (part), 2000)

**17.98404.060 Prohibited activities.**

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

- A. Commercial Activities:
  - Alcoholic Beverage Sales
  - Automotive Repair and Cleaning
  - Automotive Sales, Rental, and Delivery
  - Automotive Servicing
  - Fast-Food Restaurant
  - Scrap Operation, subject to provisions of Section 17.102.210F
  - Transport and Warehousing, subject to provisions in Section 17.102.210F
- B. Manufacturing Activities:
  - General
  - Industrial Transfer/Storage Hazardous Waste Management
- C. Agricultural and Extractive Activities:
  - Crop and Animal Raising
  - Mining and Quarrying

(Ord. 12289 § 3 (part), 2000)

**17.98404.070 Conditionally permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17. 10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98404.090:

- A. Nonresidential Facilities:
  - Open
- B. Telecommunications Facilities:
  - Macro
  - Monopole

(Ord. 12289 § 3 (part), 2000)

**17.98404.080 Maximum floor area ratio.**

A. Maximum Floor Area Ratio Generally. The maximum floor area ratio of any facility shall be 4.0 unless a lesser floor area ratio is specified by the applicable General Plan land use classification. Any new construction or addition or alteration that results in a total F.A.R. of more than 2.0 on any portion of any lot within one hundred fifty (150) feet of a residential zone shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Maximum Floor Area Within One Hundred Fifty (150) Feet of a Residential Zone. The 2.0 floor area ratio shall only apply to the portions of all properties located in the first one hundred fifty (150) feet of the S-16 zone. The one hundred fifty (150) foot measurement is not measured from the



zoning boundary but begins at the nearest property line within the S-16 zone that is adjacent to the residential zone. (Ord. 12289 § 3 (part), 2000)

**17.98101.090 Special regulations for activities and facilities.**

The following supplemental development standards shall apply to all new development and alterations and additions adding more than ten percent to existing floor area, unless otherwise indicated:

A. New Joint Living and Working Quarters. Construction of new joint living and work quarters, subject to the regulations in Section 17.102.190, is allowed subject to the following standards:

1. Size of Units. The average unit size of all joint living and work quarters in a development project shall be a minimum of one thousand (1,000) square feet of floor area. No individual unit shall be less than eight hundred (800) square feet of floor area.

2. Use of Space. Generally, as a guideline and not as a mandate, one-third of the floor area should be used for living space.

3. Minimum Usable Open Space. A minimum of seventy-five (75) square feet of group usable open space shall be provided for each joint living and working quarters unit. All required group usable open space shall conform with the standards set forth in Section 17.126.030, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

4. Required Parking. A minimum of one space shall be provided for each one thousand (1,000) square feet of floor area. This requirement preempts any conflicting requirement in Chapter 17.116.

5. Buffering. The general buffering requirements of Section 17.110.020 shall apply to joint living and working quarters.

B. Upper-story Stepback on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:

1. Abuts a residential zone, or

2. Is directly across a street, alley, or path from a residential zone, or

3. Abuts a legally established residential activity, or

4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back a minimum of one foot for each foot of additional height. This setback shall be measured from the inner line of the minimum yard required by subsection C below.

C. Minimum Yards on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:

1. Abuts a residential zone, or

2. Is directly across a street, alley, or path from a residential zone, or

3. Abuts a legally established residential activity, or

4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has residential activities, a yard with a minimum depth or width, as the case may be, of ten feet shall be provided along the entire lot line that abuts or is across from said residential zone or residential activity. This yard shall be landscaped and unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. A solid masonry or lumber wall at least six feet high shall be provided along the entire length of any lot line not facing a street. Where the lot in question is twenty-five (25) feet or less in width, a solid masonry wall at least six feet high may be provided in lieu of any side yard required by this section.

D. Landscaping.

1. Front Yards. All front yards required by subsection C above shall be landscaped with trees and shrubs, except for driveways serving required parking or loading, and incidental pedestrian access.

## ***EXHIBIT A***

2. **Minimum Landscaping.** For new construction or addition or alteration of more than ten percent of existing floor area, a minimum of ten percent of the site area must be landscaped.

3. **Off-street Parking Facilities.** Landscaping shall be provided for off-street parking facilities with more than ten spaces. A minimum of one tree for every six spaces shall be distributed evenly throughout the parking area. Parking rows shall be separated from driveways by a landscaped planter.

4. **Required Irrigation.** All planting areas shall be provided with an irrigation system that is permanent, below grade, and activated by automatic timing controls.

E. **Screening of Parking on a Lot.** A concrete or masonry wall at least three feet high shall be provided for parking areas located adjacent to a public right-of-way.

F. **Minimum Usable Open Space for Nonresidential Activities.** For nonresidential activities, a minimum of one square foot of usable group open space shall be provided for every one hundred (100) square feet of floor area with a minimum of one hundred (100) square feet of usable group open space provided on every lot subject to the applicable Usable Open Space Standards in Section 17.126.030.

G. **Loading Berths.** No loading berths shall be located within one hundred (100) feet of any residential zone except upon the granting of a conditional use permit pursuant to Section 17.102.080 and the conditional use permit procedure in Chapter 17.134.

H. **Truck Parking.** Any activity that operates or stores three or more Trucks shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 on any lot that:

1. Abuts a residential zone, or
2. Is directly across a street, alley, or path from a residential zone, or
3. Abuts a legally established residential activity, or
4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities.

For the purposes of this section, a "Truck" is defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.

I. **Access.** Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zone boundary, unless all such streets serve as residential zone boundaries. (Ord. 12289 § 3 (part), 2000)

### **17.98101.100 Applicable performance standards.**

The performance standards specified in Chapter 17.120 shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)

### **17.98101.110 Nonconforming uses.**

The requirements regarding substitution of nonconforming uses specified in Chapter 17.114.070(A)(3) shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)

**Chapter 17.99**

**S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS (S-17)**

**Sections:**

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

**17.99.030 Definitions.**

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

The S-17 zone may be combined with the portion of any zoning district that is located within the General Plan-designated Central Business District. (Ord. 12343 § 2 (part), 2001)

**17.99.030 Definitions.**

As used in this chapter, the following words will have the meaning set forth unless the context clearly indicates otherwise:

Usable open space categories shall be defined as follows:

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

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

C. “Widened Sidewalk”. A widened sidewalk includes paving, landscaping and pedestrian amenities along the building frontage and within the property boundaries, and constitutes group usable open space. A widened sidewalk shall involve either a land dedication or easement to allow public access at all times and a seamless connection to the public right-of-way.

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

E. “Courtyard”. A courtyard is a type of group usable open space that can be located anywhere within the subject property.

F. “Off-site Open Space”. Privately owned and maintained group usable or public open space at ground-floor or podium level within one thousand (1,000) feet of a residential development, intended to fulfill the usable open space requirement of said residential development, only. (Ord. 12343 § 2 (part), 2001)

Chapter 17.101B

~~S-18 MEDIATED RESIDENTIAL DESIGN REVIEW COMBINING ZONE REGULATIONS~~

Sections:

~~17.101B.010 — Title, purpose and applicability.~~

~~17.101B.020 — Zones with which the S-18 zone may be combined.~~

~~17.101B.030 — Mediated residential design review for new construction, additions of five hundred (500) square feet or more of floor area, or upper story or attic addition projects with one or two units on a lot and less than three thousand five hundred (3,500) square feet of floor area and for certain balcony or deck additions.~~

~~17.101B.040 — Design Review for Residential Facilities requiring a conditional use permit or variances or with floor area of three thousand five hundred (3,500) square feet or more.~~

~~17.101B.050 — Special residential design review for projects with one or two units on a lot and involving only additions or alterations, other than additions of five hundred (500) square feet or more of floor area, or upper story or attic additions, to an existing facility and involving less than three thousand five hundred (3,500) square feet of floor area and for new Secondary Units.~~

~~17.101B.060 — Mediated residential design review criteria.~~

~~17.101B.070 — Design review criteria.~~

~~17.101B.010 — Title, purpose and applicability.~~

~~———— The provisions of this chapter shall be known as the S-18 mediated residential design review combining zone regulations. The S-18 zone is intended to offer owners of properties in close proximity to projects that involve new construction of one or two dwelling units on a lot, or upper story additions to such dwelling units, an opportunity to resolve directly with the project applicant or the applicant's representatives, through mediation, any issues concerning the project design, and especially issues concerning the project's massing or bulk and any view, privacy and solar access impacts of the project on neighboring properties. These regulations shall apply in the S-18 zone and are supplementary to the regulations applying in the zones with which the S-18 zone is combined.~~

~~(Ord. 12376 § 3 (part), 2001)~~

~~17.101B.020 — Zones with which the S-18 zone may be combined.~~

~~———— The S-18 Zone may be combined with any zone, except zones where design review or site development and design review is required for all proposals that involve or result in one or two dwelling units on a lot.~~

~~(Ord. 12376 § 3 (part), 2001)~~

~~17.101B.030 — Mediated residential design review for new construction, additions of five hundred (500) square feet or more of floor area, or upper story or attic addition projects with one or two units on a lot and less than three thousand five hundred (3,500) square feet of floor area and for certain balcony or deck additions.~~

~~———— If either a new construction project, a project involving an addition of five hundred (500) square feet or more of floor area, or an upper story or attic addition project involves or results in one or two dwelling units on a lot and the cumulative floor area of all principal Residential Facilities on the lot is less than three thousand five hundred (3,500) square feet, or if the project involves construction of an upper story or attic balcony or deck regardless of the floor area of the facility, no such project shall be constructed or established, unless plans for the proposal have been approved pursuant to the mediated residential design review procedure in Chapter 17.147. Addition of floor area within an existing building~~

envelope shall not be considered floor area for purposes of this requirement. This requirement shall not apply to:

- ~~\_\_\_\_\_ A. \_\_\_\_\_ Any project limited to construction of a balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a one or two-unit Residential Facility on an adjacent lot;~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ Any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, the site development and design review procedure in Chapter 17.142, or the variance procedure in Chapter 17.148; or~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ Any facility containing both residential and nonresidential activities.~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ The construction of a new Secondary Unit.~~

~~(Ord. 12501 § 70, 2003; Ord. 12376 § 3 (part), 2001)~~

~~**17.101B.040 — Design Review for Residential Facilities requiring a conditional use permit or variances or with floor area of three thousand five hundred (3,500) square feet or more.**~~

~~\_\_\_\_\_ Projects creating or adding floor area and either requiring a conditional use permit or variance or resulting in a Residential Facility with a floor area of three thousand five hundred (3,500) square feet or more shall require design review pursuant to the design review procedure in Chapter 17.136. Addition of floor area within an existing building envelope shall not be considered floor area for purposes of this requirement. This requirement shall not apply to the construction of a new Secondary Unit.~~

~~(Ord. 12501 § 71, 2003; Ord. 12376 § 3 (part), 2001)~~

~~**17.101B.050 — Special residential design review for projects with one or two units on a lot and involving only additions or alterations, other than additions of five hundred (500) square feet or more of floor area, or upper story or attic additions, to an existing facility and involving less than three thousand five hundred (3,500) square feet of floor area and for new Secondary Units.**~~

- ~~\_\_\_\_\_ A. \_\_\_\_\_ If a project is limited to additions or alterations that:
  - ~~\_\_\_\_\_ 1. \_\_\_\_\_ Affect exterior appearance, other than the additions of five hundred (500) square feet or more of floor area or the upper story or attic additions described in Section 17.101B.030 which require mediated residential design review; and~~
  - ~~\_\_\_\_\_ 2. \_\_\_\_\_ Involve or result in one or two dwelling units on a lot; and~~
  - ~~\_\_\_\_\_ 3. \_\_\_\_\_ Create or result in a principal Residential Facility with less than three thousand five hundred (3,500) square feet of floor area. no Residential Facility shall be so constructed or altered unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. This requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to the construction of a new Secondary Unit.~~~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ A project will be exempt from the requirements set forth in subsection A of this section if it does not involve the addition of a dwelling unit and if it meets one or more of the following criteria:
  - ~~\_\_\_\_\_ 1. \_\_\_\_\_ Does not require a building permit;~~
  - ~~\_\_\_\_\_ 2. \_\_\_\_\_ Involves only the repair or replacement in-kind of a roof;~~
  - ~~\_\_\_\_\_ 3. \_\_\_\_\_ Is certified by the City Planning Department to involve only replacement in-kind of existing building components; or~~~~

## ***EXHIBIT A***

~~4. Is certified by the City Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent; and (b) that all exterior treatment matches the existing building. (Ord. 12501 § 72, 2003; Ord. 12376 § 3 (part), 2001)~~

~~17.101B.050~~

~~17.101B.060 Mediated residential design review criteria.~~

~~Mediated residential design review approval pursuant to Section 17.101B.030 may be granted only upon determination that the proposal conforms to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission and, where applicable as set forth in the mediated residential design review procedure in Chapter 17.147, the "Residential Design Review Guidelines for Building Mass and Bulk and for View, Privacy and Solar Access Impacts on Neighboring Properties" as adopted by the City Planning Commission. (Ord. 12376 § 3 (part), 2001)~~

**17.101B.070 Design review criteria.**

~~Design review approval pursuant to Section 17.101B.040 may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136 and to the "Residential Design Review Guidelines for Building Mass and Bulk and for View, Privacy and Solar Access Impacts on Neighboring Properties" as adopted by the City Planning Commission. (Ord. 12376 § 3 (part), 2001)~~

**Chapter 17.101D**

**S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS**

**Sections:**

- 17.101D.010 Title, purpose, and applicability.**
- 17.101D.020 Zones with which the S-20 zone may be combined.**
- 17.101D.030 ~~Required design review process. Project review requirements for residential projects limited to alterations (including additions) and one or two units on a lot: Special Residential Design Review.~~**
- 17.101D.040 ~~Project review requirements: Design review for alterations and additions not eligible for Special Residential Review, for new construction, and for demolition or removal.~~**
- 17.101D.050 ~~Design review criteria, for alterations not eligible for Special Residential Design Review and for new construction.~~**
- 17.101D.060 Criteria for demolition or removal.**
- 17.101D.070 Postponement of demolition or removal.**
- 17.101D.080 Duty to keep in good repair.**

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

The provisions of this chapter shall be known as the S-20 historic preservation district combining zone regulations. The S-20 zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. The S-20 zone is similar to the S-7 preservation combining zone, but is designed for larger areas, often with a large number of residential properties that may not be individually eligible for landmark designation but which as a whole constitute a historic district. The S-20 zone provides generally more expeditious review procedures than those provided in the S-7 zone. These regulations shall apply in the S-20 zone, and are supplementary to the provisions of Section 17.102.030 for designated landmarks and to the other regulations applying in the zones with which the S-20 zone is combined; if a property is both a landmark and located in the S-20 zone and is therefore subject to both landmark and S-20 regulations, the stricter regulations prevail. (Ord. 12513 Attach. A (part), 2003)

**17.101D.020 Zones with which the S-20 zone may be combined.**

The S-20 zone may be combined with any other zone. (Ord. 12513 Attach. A (part), 2003)

**17.101D.030 ~~Required design review process. Project review requirements for residential projects limited to alterations (including additions) and one or two units on a lot: Special Residential Design Review.~~**

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.101.050, 17.101.060, and 17.101.070; the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. Except as specified in subsection C, no demolition or removal of any structure or portion thereof that is a "contributor" or "potential contributor" to the S-20 Historic Preservation District, as determined by the City's Historical and Architectural Inventory (Cultural Heritage Survey) shall be permitted unless plans for the proposal have been approved pursuant to the regular design review

## ***EXHIBIT A***

procedure in Chapter 17.136 and the additional provisions in Sections 17.101.050, 17.101.060, and 17.101.070.

C. Exceptions--Demolition. After notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without design review approval upon a determination by the Building Official or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.101.070.

D. Landmarks Referral. If an application is for regular design review in the S-20 zone, and the Director of City Planning determines that a proposed addition or alteration will have a significant effect on the property's character-defining elements that are visible from a street or other public area, the Director may, at his or her discretion, refer the project to the Landmarks Preservation Advisory Board for its recommendations. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. An addition or alteration is normally considered "visible from a street or other public area" if it affects a street face or public face of the facility or is otherwise located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.

~~A. Special Residential Design Review. For alterations and additions to Residential Facilities with one or two dwelling units on a lot that affect exterior appearance, unless exempt or subject to other design review requirements (subsections (B) and (C) below), plans must be approved pursuant to the Special Residential Design Review procedure in Chapter 17.146, including determination that the proposal conforms to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.~~

~~B. Exemption. A project eligible for Special Residential Design Review will be exempt from the review set forth in subsection (A) above if it does not involve the addition of a dwelling unit and if it meets one or more of the following criteria:~~

- ~~1. Does not require a building permit;~~
- ~~2. Involves only the repair or replacement in-kind of roof;~~
- ~~3. Is certified by the City Planning Department to involve only replacement in-kind of existing building components; or~~
- ~~4. Is certified by the City Planning Department: (a) to involve and increase or decrease in wall area, floor area, or footprint of no more than ten (10) percent, and (b) that all exterior treatment matches the existing building.~~

~~C. Projects Not Eligible for Special Residential Design Review. Special Residential Design Review does not apply to any application subject to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142, nor to any facility containing both residential and nonresidential activities or any facility in the S-18 mediated residential design review combining zone, as set forth in the S-18 zone. These projects are reviewed as set forth in Sections 17.101D.040 and 17.101D.050, below.~~

~~D. Landmarks Referral. If the Director of City Planning determines that an alteration changes or removes significant historic architectural elements or alters the historic character of a facility and such elements or character are visible from a street or other public area, the Director may, at the Director's discretion, refer the project to the Landmarks Preservation Advisory Board for its recommendations. If such a referral occurs, the fifteen (15) working day period of consideration set forth in Section 17.146.030 for Special Residential Design Review shall be changed to sixty (60) days. An alteration is normally considered "visible from a street or other public area" if it affects a street face or public face of the facility or is otherwise located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area (see illustration I-30). (Ord. 12513 Attach. A (part), 2003)~~



**~~17.101D.040 Project review requirements: Design review for alterations and additions not eligible for Special Residential Review, for new construction, and for demolition or removal.~~**

~~\_\_\_\_\_ A. \_\_\_\_\_ In the S-20 zone, approval pursuant to the design review procedure in Chapter 17.136 and the applicable provisions of Sections 17.101D.050, 17.101D.060, and 17.101D.070 is required for the following types of projects:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Alterations not subject to Special Residential Design Review as set forth in Section 17.101D.030C above;~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ New construction of structures; and~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Demolition or removal of any structure or portion thereof that is a “contributor” or “potential contributor” to the S-20 Historic Preservation District, as determined by the City’s Historical and Architectural Inventory (Cultural Heritage Survey) subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132. The terms “contributor,” “potential contributor,” “Historical and Architectural Inventory,” and “Cultural Heritage Survey” are defined in the Historic Preservation Element of the Oakland General Plan.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ Exceptions Demolition. After notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without design review approval upon a determination by the Building Official or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.101D.070. (Ord. 12513 Attach. A (part), 2003)~~

**17.101D.050 Design review criteria, ~~for alterations not eligible for Special Residential Design Review and for new construction.~~**

In the S-20 zone, proposals requiring regular review approval pursuant to Section 17.101.030 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: new construction and those alterations and additions that are not eligible for review or exemption under Special Residential Design Review as set forth in Section 17.101D.030 must conform to the general design review criteria set forth in Chapter 17.136 and to all of the following additional criteria:

A. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the S-20 historic preservation district or of neighboring facilities. Consideration shall be given to the desired overall character of any such area or grouping of facilities, including all design elements or effects specified in subsection (A) above; and

C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. (Ord. 12513 Attach. A (part), 2003)

**17.101D.060 Criteria for demolition or removal.**

Except as otherwise specified in subsection C of 17.101.030, no structure or portion thereof that is a “contributor” or “potential contributor” to the S-20 Historic Preservation District, as determined by the City’s Cultural Heritage Survey, shall be removed or demolished unless plans for the proposal have been approved pursuant to the regular design review procedure in Chapter 17.136 and to the following additional criteria set forth in subsections A and B below, or to one or both of the criteria set forth in subsection C below: Demolition or removal of a structure or portion thereof required design review approval, pursuant to Section 17.101D.040. The proposal must meet the criteria of both subsections (A) and (B) below, or one or both of criteria under subsection (C) below:

## ***EXHIBIT A***

A. That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community; and

B. That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the S-20 historic preservation district or of neighboring facilities; or

C. If the proposal does not meet criteria under subsections (A and (B}), then it must meet one or both of the following criteria:

1. That the structure or portion thereof is in such physical condition that it is not architecturally feasible to preserve or restore it, or

2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in preservation or restoration and the interest of the owner of the property in its utilization, approval is required by considerations of equity. (Ord. 12513 Attach. A (part), 2003)

### **17.101D.070 Postponement of demolition or removal.**

A. Initial One Hundred Twenty (120) -Day Postponement. If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.101D.030~~040~~ and 17.101D.060, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, beginning upon the initial denial by the reviewing officer or body. ~~However, if the demolition or removal has also been postponed pursuant to Section 17.102.070 (preservation study list), the initial period of postponement under this subsection shall be reduced by the length of the period imposed pursuant to Section 17.102.070.~~ During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which the affected structure or portion thereof may be preserved or restored, with the agreement of the owner or through eminent domain.

B. Possible One Hundred Twenty (120) -Day Extension. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend the initial postponement for not more than one hundred twenty (120) additional days. Notice of the hearing shall be given by the posting an enlarged notice on the premises ~~notices thereof within three hundred (300) feet of the subject property~~ involved and by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) ~~ten~~ days prior to the date set for the hearing. The decision to extend the postponement can only be made between the 30th and 90th days, inclusive, of the initial one hundred twenty (120) day period. Extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. If the applicant has not exhausted all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend the postponement is appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application. (Ord. 12513 Attach. A (part), 2003)

### **17.101D.080 Duty to keep in good repair.**

Except as otherwise authorized under Sections 17.101D.030 and 17.101D.070, the owner, lessee, or other person in actual charge of each structure in the S-20 zone shall keep in good repair all of the exterior, as well as all interior portions whose maintenance is necessary to prevent deterioration and decay of the exterior. (Ord. 12513 Attach. A (part), 2003)