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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Mark P. Walsh

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 12955 e.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO: (A) AMEND THE OAKLAND PLANNING CODE TO CREATE FOUR NEW ZONES FOR THE CENTRAL BUSINESS DISTRICT AND MAKE RELATED TEXT AMENDMENTS; (B) AMEND THE ZONING MAPS TO INCLUDE THE NEW CENTRAL BUSINESS DISTRICT ZONES AND HEIGHT/BULK/INTENSITY AREAS FOR THE CENTRAL BUSINESS DISTRICT; AND (C) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE ABOVE CHANGES.

WHEREAS, in March of 1998 the City adopted the Land Use and Transportation Element of the General Plan (LUTE); and

WHEREAS, the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE; and

WHEREAS, the Central Business District (CBD) is a land use designation in the LUTE; and

WHEREAS, the existing zoning districts in the CBD have not been updated to implement the land use policies CBD land use classification since the LUTE was adopted in 1998; and

WHEREAS, City Planning staff has proposed adding four new zones: CBD-R Central Business District Residential Zone, CBD-P Central Business District Pedestrian Retail Commercial Zone, CBD-C Central Business District General Commercial Zone, and CBD-X Central Business District Mixed Commercial Zone and changes associated to the new zones throughout the Planning Code to implement the Central Business District LUTE classification; and

WHEREAS, the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (hereafter "Guidelines") was adopted by the City Council on May 6, 1998 and subsequently amended November 3, 1999, August 8, 2001, December 5, 2001, July 15, 2003, January 4, 2006 and extended December 4, 2007; and

WHEREAS, the Guidelines describe the procedure for deciding whether a project is consistent with the LUTE and the procedure to follow when the Planning Code and LUTE conflict; and

WHEREAS, various community meetings, and duly noticed meetings before the City Planning Commission's Zoning Update Committee, Landmarks Preservation Advisory Board, and City Planning Commission were held; and

WHEREAS, after a duly noticed public hearing on April 15, 2009 , the City Planning Commission voted 4-0-1(one abstention) to (a) recommend to the City Council it adopt the four new zones for the Central Business District and make related text Amendments; (b) amend the Zoning Maps to include the new Central Business District zones And Height/Bulk/Intensity Areas for the Central Business District; and (c) amend the document "Guidelines For Determining Project Conformity With the General Plan and Zoning Regulations" to reflect the above changes; and

WHEREAS, after a duly noticed public meeting on June 23, 2009 , the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on July 7, 2009 to consider the proposal; now therefore

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

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

Section 2. Title 17 of the Oakland Planning Code is hereby amended to 1) add a new Chapter 17.58 Central Business District Zones Regulations which will create the following four new zones: CBD-R Central Business District Residential Zone, CBD-P Central Business District Pedestrian Retail Commercial Zone, CBD-C Central Business District General Commercial Zone, and CBD-X Central Business District Mixed Commercial Zone and 2) make related changes throughout the Planning Code, as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. The Oakland Zoning Map is hereby amended to map the four new zones, as indicated in **Exhibit B**, and Height/Bulk/Intensity map overlay as indicated in **Exhibit C**, attached hereto and hereby incorporated herein by reference.

Section 4. The "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" is hereby amended as reflected in **Exhibit D**, attached hereto and hereby incorporated herein by reference.

Section 5. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the City is relying on the Environmental Impact Report (EIR) for the LUTE, certified in 1998; the Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update, certified in 2004, and the EIR for Amendments to the Historic Preservation Element of the Oakland General Plan, certified in 1998; and none of the changes to the Project, or circumstances under which it will be undertaken, or new information require preparation

of a subsequent or supplemental EIR. Thus, no further CEQA review is required. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and /or 15061(b)(3) (General Rule—no possibility of significant environmental impact). The Environmental Review Officer is directed to cause to be filed a Notice of Determination/Exemption with the appropriate agencies.

Section 6. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so. The City Council expressly directs the Planning Commission to consider all applications that are complete as of the date of the final adoption of the Central Business rezoning, including the applications for development projects at 222 19th Street and 1443 Alice Street, on their merits under the previous zoning designations as stated in Section 6c. of this ordinance, and that the new zoning height limits, and other requirements, must not be considered as part of the Planning Commission’s review and deliberations on these completed project applications, unless the applicant chooses to have the application processed under provisions of these Planning Code amendments.

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

Section 8. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall no affect the validity of the remaining portions which shall remain in full effect.

Section 9. The City Council finds and determines that the existing zoning for the CBD is inadequate and contrary to public interest and that the proposed CBD zoning will implement the policies presented in the General Plan and create certainty for the developers and the public regarding the City’s expectations for new development.

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

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 11. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland.

Section 12. Until a view corridor study is complete and resulting amendments to the Oakland Planning Code adopted by the City Council, maximum analysis shall be required as part of CEQA to determine if views to and from the Tribune Tower and City Hall will be adversely impacted by proposals to construct new buildings, and/or demolish or alter existing structures.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009

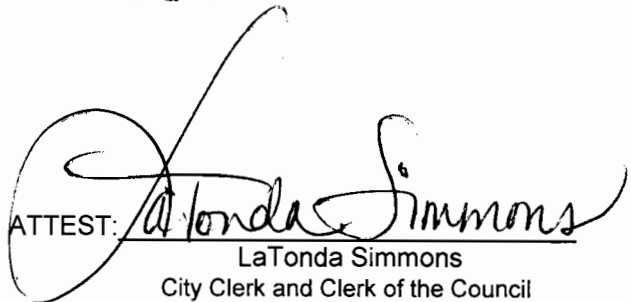
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ROSE~~ and PRESIDENT BRUNNER - 6

NOES- Reid, De La Fuente - 2

ABSENT- 0

ABSTENTION- 0

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

Introduction Date: JUL 7 2009

DATE OF ATTESTATION: 7/22/09

EXHIBIT A: AMENDMENTS TO THE PLANNING CODE

The following are proposed text changes to the Planning Code. Additions to the code are underlined; deletions are in ~~strikeout~~.

Title 17

PLANNING

Chapters:

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

Exhibit A: Amendments to Planning Code

- 17.70 M-30 General Industrial Zone Regulations
- 17.72 M-40 Heavy Industrial Zone Regulations
- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones
- 17.74 S-1 Medical Center Zone Regulations
- 17.76 S-2 Civic Center Zone Regulations
- 17.80 S-4 Design Review Combining Zone Regulations
- 17.81 S-5 Broadway Retail Frontage Interim Combining Zone Regulations
- 17.82 S-6 Mobile Home Combining Zone Regulations
- 17.84 S-7 Preservation Combining Zone Regulations
- 17.86 S-8 Urban Street Combining Zone Regulations
- 17.88 S-9 Retail Frontage Combining Zone Regulations
- 17.90 S-10 Scenic Route Combining Zone Regulations
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations
- 17.94 S-12 Residential Parking Combining Zone Regulations
- 17.96 S-13 Mixed-Use Development Combining Zone Regulations
- 17.97 S-15 Transit Oriented Development Zone Regulations
- 17.98 S-16 Industrial-Residential Transition Combining Zone Regulations
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations
- 17.100A S-19 Health and Safety Protection Overlay Zone
- 17.100B S-20 Historic Preservation District Combining Zone Regulations
- 17.102 General Regulations Applicable to All or Several Zones
- 17.104 General Limitations on Signs
- 17.106 General Lot, Density, and Area Regulations
- 17.107 Density Bonus and Incentive Procedure
- 17.108 General Height, Yard, Court, and Fence Regulations
- 17.110 Buffering Regulations
- 17.112 Home Occupation Regulations
- 17.114 Nonconforming Uses
- 17.116 Off-Street Parking and Loading Requirements
- 17.117 Bicycle Parking Requirements
- 17.118 Recycling Space Allocation Requirements
- 17.120 Performance Standards
- 17.122 Planned Unit Development Regulations
- 17.124 Landscaping and Screening Standards
- 17.126 Usable Open Space Standards
- 17.128 Telecommunications Regulations
- 17.130 Administrative Procedures Generally
- 17.132 Administrative Appeal Procedure
- 17.134 Conditional Use Permit Procedure
- 17.135 Special Use Permit Review Procedure for the OS Zone
- 17.136 Design Review Procedure
- 17.138 Development Agreement Procedure
- 17.140 Planned Unit Development Procedure
- 17.144 Rezoning and Law Change Procedure
- 17.148 Variance Procedure
- 17.150 Fee Schedule
- 17.152 Enforcement

Exhibit A: Amendments to Planning Code

17.154 Zoning Maps

17.156 Deemed Approved Alcoholic Beverage Sale Regulations

17.157 Deemed Approved Hotel and Rooming House Regulations

17.158 Environmental Review Regulations

Chapter 17.09

DEFINITIONS

17.09.040 Definitions.

“**Access facility width**” means the width of the paved roadway surface curb-to-curb or edge-to-edge, exclusive of shoulders.

“**Accessory activity**” means an activity which is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in Section 17.10.040.

“**Accessory facility**” means a facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable conditions set forth in Section 17.10.070.

“**Accessory structure**” means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code.

“**Activity**” means the performance of a function or operation.

“**Activity type**” means a type of activity which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

“**Adult entertainment activity**” means any commercial activity, whether conducted intermittently or full-time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by emphasis on male or female genitals, buttocks, or female breasts.

“**Alcoholic beverage**” means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“**Alcoholic beverage license overconcentrated areas**” means a police beat with crime rates that exceed the city median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median.

“**Alley**” means a dedicated public way intended primarily to provide secondary vehicular access to abutting properties.

“**Alteration**” means any enlargement; addition; demolition; removal; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for Signs, and ordinary maintenance for which no building permit is required, and demolition or removal.

“**Ambient noise level**” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Exhibit A: Amendments to Planning Code

“A’ weighted sound level” means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the ‘A’ weighted network (scale) at slow response. The unit of measurement shall be defined as dBA or dB(a).

“Area Damaged by the 1991 Firestorm” means all of that area situated: beginning at the intersection of Claremont Avenue and the westerly line of the University of California, Berkeley campus, thence southerly along said westerly property line of the University of California campus to Grizzly Peak Boulevard; thence southeasterly on Grizzly Peak Boulevard to the most westerly line of the Robert Sibley Volcanic Regional Preserve; thence due south to Skyline Boulevard; thence westerly on Skyline Boulevard to Broadway Terrace; thence southwest on Broadway Terrace to Farallon Way; thence southwest on Farallon Way and the extension of Farallon Way to Pinehaven Road; thence westerly on Pinehaven Road to Broadway Terrace; thence southerly on Broadway Terrace to Uranus Avenue; thence east on Uranus Avenue to Sherwood Drive; thence south on Sherwood Drive to Taurus Avenue; thence west on Taurus Avenue approximately six hundred fifty (650) feet to a path connecting Taurus Avenue and Capricorn Avenue; thence south along said path to Capricorn Avenue; thence south on Capricorn Avenue to Florence Terrace; thence north and west on Florence Terrace and an extension of Florence Terrace across Highway 13 to Estates Drive; thence west on Estates Drive to Masonic Avenue; thence south on Masonic Avenue to Amy Drive; thence southwest on Amy Drive to Harbord Drive; thence southeast on Harbord Drive to Maxwellton Road; thence southwest on Maxwellton Road to the Oakland-Piedmont border; thence northwest along said Oakland-Piedmont border to Clarewood Drive; thence northwest on Clarewood Drive to Broadway Terrace; thence west on Broadway Terrace to Margarido Drive; thence north and east on Margarido Drive to Rockridge Boulevard South; thence west on Rockridge Boulevard South to Rockridge Boulevard; thence west on Rockridge Boulevard to Broadway; thence north on Broadway to Golden Gate Avenue; thence north on Golden Gate Avenue to Chabot Road; thence along the extension of Golden Gate Avenue to the Oakland-Berkeley border; thence along said Oakland-Berkeley border to the intersection of said Oakland-Berkeley border with Claremont Avenue; thence northeast on Claremont Avenue to the point of beginning.

“Area of Primary Importance” or “API” means an area as defined by the Historic Preservation Element of the General Plan.

“Area of Secondary Importance” or “ASI” means an area as defined by the Historic Preservation Element of the General Plan.

“Attic” means a space between the roof framing and the floor of such space and which is excluded from the definition of “story.”

“Base of a building” or “building base” means that portion of a building immediately above finished grade to the maximum total base height as described in an individual zoning designation.

“Basement” means the area below the lowest level of a building and which is excluded from the definition of “story.”

“Bedroom” means any habitable room, regardless of its designation on building plans, which meets both of the following criteria:

1. The room may legally function as a bedroom in that it complies with, or is required by the Building Official to comply with, all applicable laws and regulations pertaining to sleeping rooms, including, but not limited to, the requirements of the Oakland Building Code for light and ventilation in habitable rooms and emergency egress from sleeping rooms; and the Oakland Housing Code definition of “sleeping room.”

2. The room may logically function as a bedroom, with consideration given to its function and physical relationship to the remainder of the living unit.

Exhibit A: Amendments to Planning Code

“Berth” means an area, exclusive of docks, designated to accommodate a motor vehicle during loading or unloading of goods.

“Buildable area” means the portions of a lot on which a building can be located as per the provisions of this code.

“Building” means a structure having a roof supported by columns or walls.

“Building Facility” means any structure, open area, or object which accommodates or is intended to accommodate Residential, Civic, Commercial, Industrial and/or Mixed Use Activities. Building Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential, Civic, Commercial, Industrial and/or Mixed Use Activities.

“Building Front” see front of building.

“Buildable envelope” means the volume of space for buildings and other structures as defined by the minimum setbacks, and the maximum allowable height.

“Building length” means a plan dimension of a building as measured on any building elevation.

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

“Collective household” means a group of at least two, but not more than five, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

“Commercial zone” means any zone with a name that ends with the words “Commercial Zone Regulations.”

“Common driveway” means a driveway having a width of no less than twelve (12) feet and providing a shared access alternative to, and across existing legal lots which have street frontage, regardless of lot ownership. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the common driveway may be located within the public right-of-way. In calculating aggregate residential density, the area of the common driveway shall be excluded from the total area of the lots crossed by the common driveway.

“Corner lot” (see illustration I-1) means a lot bounded on two or more adjacent sides by streets, by private ways described in Section 17.106.020, or by portions of such streets or ways, having an angle of intersection of one hundred thirty-five (135) degrees or less.

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

“Day” means calendar day.

“Decibel (dB)” means a unit for measuring the amplitude of sounds, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Dependent parking space” means a parking space which can only be accessed by driving across another parking space. (See also “Independent parking space” and “Tandem parking” in this section.)

“Designated Historic Properties” means landmarks, contributors or potential contributors to Preservation Districts, or Heritage Properties.

“Designated landmark” means a facility, portion thereof, or group of facilities which has a special character, interest, or value and which has been established as a landmark pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

Exhibit A: Amendments to Planning Code

“Designated landmark site” means a lot or other site which contains a designated landmark and which has been established pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

“Development control map” means a map or set of maps, with supporting text, regulating the precise location, height, bulk, design, or nature of activities or facilities.

“Display surface (area of)” means the area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display. With respect to multifaced Signs, the area of all such faces shall be included except where the context refers to only one face.

“Diagonal length” means a plan dimension between two points on the exterior walls at a given height of a building or structure.

“Dormer” (see illustration I-0) means a roofed structure projecting from a sloping roof and containing a window or ventilating louver.

“Driveway” means the way or means of vehicular access from that portion of a street used for vehicular travel to the parking, loading, or other vehicular activity on the adjacent property, including the portion of the sidewalk lying within said way or means of access. (Note that this differs from the definition of “Driveway” at Section 12.04.240 of the Oakland Municipal Code, which only includes that portion lying within the street right-of-way.)

“Dwelling unit” means a room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one of the persons or groups specified in Section 17.102.260.

“Earthen berm” means a mound or embankment of earth, together with necessary retaining structures.

“Edge of the pavement” means the edge of that part of a street, alley or private way described in Section 17.106.020 having an improved surface used for vehicle travel and parking, including gutters, but not including a raised curb or sidewalk.

“Efficiency dwelling unit” means a dwelling unit containing only a single habitable room other than a kitchen, or containing a total of less than five hundred (500) square feet of floor area.

“Electroplating activity” means the electrochemical process of depositing a thin metallic coating of one metal on top of a different metal by passing an electrical current into a piece of metal immersed in chemical solutions comprised of caustics, acids, cyanides or other bonding chemicals, and causing a metallic coating to bond with the object to be plated. Such activities are classified as General Manufacturing Industrial Activities and are subject to the provisions of Section 17.102.340.

“Enclosed retaining wall” means a retaining wall located on a lot such that it is visually shielded by other permanent structures and cannot be seen from public streets and adjacent lots.

“Existing grade” means the natural grade or the revised grade due to prior development of a lot.

“Facility” means a structure, open area, or other physical contrivance or object.

“Facility type” means a type of facility which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

“Family” means one person, or a group of people living together as a single housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.

Exhibit A: Amendments to Planning Code

“Family foster care home” means a residential activity providing twenty-four (24) hour care for six or fewer foster children in a residential facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

“Finished grade” means:

1. Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by subsection 2 of this definition;
2. A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a city grading permit, subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.

“Flashing illumination (of a Sign)” means illumination of a Sign wherein such illumination is not maintained constant in intensity, color, and pattern during all times the Sign is activated.

“Floor Area”

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

- a. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto;
- b. Areas which qualify as usable open space under the standards for required usable open space in Chapter 17.126;
- c. In the case of Nonresidential Facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

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

- a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and
- b. Floor area shall not include:
 - i. Unenclosed living areas such as balconies, decks and porches;
 - ii. Carports that are unenclosed on two or more sides;
 - iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three or more sides;
 - iv. Nonhabitable accessory structures not requiring a building permit of less than one hundred twenty (120) square feet;
 - v. Unfinished understories, attics and basements; and
 - vi. Finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point.

“Floorplate” means the total area of a single floor of a building.

Exhibit A: Amendments to Planning Code

___ **“Floor Area of a marina”** means the space dedicated to the docking or mooring of marine vessels.

“Floor-area ratio” (see illustration I-3) means the number resulting from division of the floor area on a lot by the lot area.

“Footprint” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“Frequency” means the number of oscillations per second, or pitch, of a sound, with a greater frequency corresponding to a higher pitch.

“Frontage” means a front lot line; also the length thereof.

“Front of building” or “building front” means that part of the façade oriented towards and visually prominent to the principal street.

“Front lot line” (see illustration I-2) means:

1. On an interior lot: any abutting street line, except where an interior lot has more than one abutting street line, the Director of City Planning shall select one of the street lines as the front lot line; such selection shall conform with any neighborhood patterns.
2. On a corner lot: the shorter of any adjacent two abutting street lines, or portions thereof, which intersect at an angle of not less than forty-five (45) degrees but not more than one hundred thirty-five (135) degrees; except that the Director of City Planning may select either as the front lot line to conform with any neighborhood patterns. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than forty-five (45) degrees, both such street lines or portions thereof shall be deemed front lot lines.

“Front yard” (see illustration I-2) means a yard measured into a lot from its front lot line or lines. Except where a front yard is prescribed only for certain kinds of facilities, a required front yard shall extend the full width of the lot between its side lot lines.

“Front setback” or “Front yard setback” means the setback from the front lot line.

___ **“Full-service restaurant”** means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

“Gable end” (see illustration I-0) means the end of a gable, gambrel, gablet, jerkinhead, shed, or similar roof consisting of a generally triangular shaped wall or vertical plane at the end of the roof and inscribed by the edges of the roof planes and a line connecting the bases of the roof planes.

“Gradient” means the difference in elevation between defined reference points divided by the horizontal distance between these points.

Exhibit A: Amendments to Planning Code

“Habitable room” means a space in a living unit intended for living, sleeping, eating, or cooking, including, but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, finished recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are bathrooms, water closets, hallways, foyers, storage closets, pantries, laundries, utility rooms, unfinished attics and basements, balconies, open porches, garages, and other unfinished spaces used for storage. See Section 17.102.280 for rules for determining the number of habitable rooms in a Residential Facility.

“Height” (see illustration I-2a) means the vertical distance of any structure, building, fence, Sign, retaining wall or other wall or hedge, or other facility measured from any point on top of the facility to a line directly below which connects and is perpendicular to the opposite perimeter walls, or other perimeter support systems, at finished grade on the outside of these walls or support systems. If any portion of a facility lies within ten feet of a retaining wall, the facility’s height shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower.

“High density zones” means the R-60 through and including the R-80 zones and the CBD-R zone.

“Home occupation” means an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

“Hotel” means a facility, other than a motel, designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common interior hallways.

“Illegal use” means an activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in the zoning regulations. A minor illegal use is an illegal use that can be legalized by any means other than by major variance.

“Improvement.” For the purposes of implementation of the recycling space allocation requirements an “improvement” shall be defined as one which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. “Improvements” should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

“Independent parking space” means a parking space which can be accessed without driving across another parking space. (See also “Dependent parking space” and “Tandem parking” in this section.)

“Indirect illumination (of a Sign)” means illumination of a Sign by means only of light cast upon it from a concealed source outside the Sign itself.

“Industrial zone” means any zone with a name that ends with the words “Industrial Zone Regulations.”

“Interior lot” (see illustration I-1) means any lot other than a corner lot.

“Interior side lot line” means any side lot line which is not a street line.

“Interior side setback” or “Interior side yard setback” means the setback from the interior side lot line.

“Introductory service” means an activity the primary purpose of which is, for compensation, promoting friendships between or introducing for social purposes persons of the opposite sex.

“Key lot” (see illustration I-1) means the first interior lot to the rear of a reversed corner lot, with its front lot line being substantially a continuation of a side lot line of the reversed corner lot.

“Kitchen” means any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

Exhibit A: Amendments to Planning Code

“Legally required window” means a window or portion thereof which serves to meet the requirements of the Oakland Housing Code with respect to area, number, or location of windows.

“Living room” means the principal room designed for general living purposes in living unit. Every living unit shall be deemed to have a living room.

“Living unit” means a dwelling unit or a rooming unit.

“Local Register Property” means any building, object, property or district listed in the City of Oakland’s Local Register of Historical Resources, which includes all Landmarks, Designated Historic Properties, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties; and those Potential Designated Historic Properties (PDHPs) that are determined by the City’s Cultural Heritage Survey to have an existing rating of “A” or “B”, or to contribute or potentially contribute to an Area of Primary Importance (API).

“Landmark” means a property that has been designated as a Landmark by the City Council pursuant to Section 17.136.070.

“Lot” means a parcel of contiguous land which is or may be developed or utilized, under one ownership, as a unit site for a use or group of uses.

“Lot area” means the area of a lot measured horizontally between bounding lot lines.

“Lot coverage” means the total land area covered by all of the structures on a lot measured from outside of all exterior walls and supporting columns, including all projections, except that the following shall not be considered in determining lot coverage:

1. The portions of any uncovered and unenclosed decks, porches, landings or patios; not including railings which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs up to four (4) feet from a wall;
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition; and
5. Nonhabitable accessory structures of less than one hundred twenty (120) square feet.

“Lot depth” (see illustration I-4) means the horizontal distance between the rear lot line, or some other lot line in cases where there is no rear lot line, and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines; also the line so described.

“Lot line” means any boundary of a lot.

“Lot width” is the horizontal distances between the side lot lines measured at right angles to the side lot lines at all points between the front lot line and the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Lot width mean” (see illustration I-4) is the mean of the horizontal distances between the side lot lines measured at right angles to the lot depth at points distant thereon twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Low density zones” means the R-1 through and including the R-35 zones.

“Major conditional use permit” means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

“Major variance” means a variance which involves any of the provisions listed in Section 17.148.020A.

Exhibit A: Amendments to Planning Code

“Medium density zones” means the R-40 through and including the R-50 zones.

“Mini-lot development” means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

“Minor conditional use permit” means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

“Minor variance” means a variance which does not involve any of the provisions listed in Section 17.148.020A.

“Mixed use development” means an integrated development containing residential, commercial and/or industrial activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

“Motel” means a facility designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common exterior corridors or where off-street parking is in sufficiently close proximity to the units as to facilitate direct baggage handling by guests.

“Moving (of a Sign)” means rotation or any other movement of any portion of a Sign, except for normal movement of hands on a clock.

“Natural grade” means the surface of the ground prior to grading for development.

“Nonconforming activity” means an activity which, under the zoning regulations, is not itself a permitted activity where it is located or does not conform to the off-street parking or loading requirements, performance standards, or other requirements applying to activities. However, an activity of the character described above shall not be deemed a nonconforming activity to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming facility” means a facility which, under the zoning regulations, is not itself a permitted facility where it is located or does not conform to the density, floor-area ratio, height, yard, court, landscaping or screening, or usable open space requirements; limitations on Signs; or other requirements applying to facilities. However, a facility of the character described above shall not be deemed a nonconforming facility to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming use” means a nonconforming activity or a nonconforming facility.

“Non-taxable merchandise” means products, commodities, or items not subject to California state sales tax.

“Oakland Hills Fire” means the fire of October 20, 1991 in the hill area of the city of Oakland, which is the subject of local, state and federal emergency declarations and disaster proclamations. Said term includes the words “the fire.”

“Path” means a dedicated public way intended for pedestrian movement.

“Paved surface” means a nonpermeable, all-weather surface covered by concrete, asphalt, masonry, or a similar material and includes surfaces used for driveways, walkways, patios, and structures.

“Pawnbroking activity” means a commercial activity which features both the making of loans and the holding of jewelry, clothing, or other articles as security therefor and which is conducted by a pawnbroker as defined in the Oakland Municipal Code.

Exhibit A: Amendments to Planning Code

“Performance standards” means regulations prescribed in the performance standards in Chapter 17.120 with respect to the emission by activities of noise, vibration, smoke, and other dangerous or objectionable matter or phenomena.

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

“Planned unit development” means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way.

“Planning official” means the Planning Official, or his or her designee.

“Poolroom activity” means the commercial operation of a public pool- or billiard room which has more than one pool table or billiard table.

“Potential Designated Historic Property” means any building or property that is determined by the City’s Cultural Heritage Survey to have an existing or contingency rating of “A”, “B”, or “C”, or to contribute or potentially contribute to an Area of Primary Importance (API) or an Area of Secondary Importance (ASI).

“Preservation District” means an area that has been included in the City’s S-7 Preservation Combining Zone or the S-20 Historic Preservation District Combining Zone.

“Primary activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

“Primary facility” means a main building or other facility which is designed for or occupied by a primary activity.

“Principal activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

“Principal building” means a main building that is occupied a principal activity.

“Principal facility” means a main building or other facility which is designed for or occupied by a principal activity.

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

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

“Public facility” means and includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency, as defined by the California State Government Code.

Exhibit A: Amendments to Planning Code

“Rapid transit” means a system of high-speed mass transit operating on exclusive rights-of-way, including but not limited to the Bay Area Rapid Transit system.

“Rear lot line” (see illustration I-2) means the lot line which is opposite and most distant from the front lot line, and which is parallel to the front lot line or, if extended, would intersect with it at an angle of less than forty-five (45) degrees.

“Rear setback” or “Rear yard setback” means the setback from the rear lot line.

“Rear yard” (see illustration I-2) means a yard measured into a lot from its rear lot line, provided that in cases where there is no rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth, parallel to said lot depth. Except where a rear yard is prescribed only for certain kinds of facilities or along only a portion of a lot line, a required rear yard shall extend the full width of the lot between its side lot lines.

“Recyclable materials” means residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products.

“Recycling area” means space allocated for collecting and loading recyclable materials. Such areas shall have the ability to accommodate receptacles for recycling materials.

“Recycling receptacles” means bins or containers that allow storage of recyclable materials.

“Regular dwelling unit” means any dwelling unit other than an efficiency dwelling unit.

“Residential facility” means any structure, open area, or object which accommodates or is intended to accommodate Residential Activities. Residential Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential Activities.

“Residential zone” means any zone with a name that ends with the words “Residential Zone Regulations.”

“Reversed corner lot” (see illustration I-1) means a corner lot a side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

“Ringelmann number” means a number on the Ringelmann Chart, as standardized by the United States Bureau of Mines, used to measure the light-obscuring capacity of smoke, with a higher Ringelmann number corresponding to darker smoke.

“Rooming unit” means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

“Safety rail” means a guard rail, safety barrier, protective railing, or combination thereof.

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

“Secondary unit” means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.102.360.

Exhibit A: Amendments to Planning Code

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

“Setback” means the horizontal distance between a facility and the lot lines of the lot on which it is located.

“Setback line” (see illustration I-2) means a line located inside the boundaries of a lot and parallel to a front, side, or rear lot line and set back from the front, side, or rear lot line a distance equal to the depth of the required front, side, or rear yard.

“Shared access facility” means a common driveway as defined in this section or a private access easement as defined in this section.

“Side lot line” (see illustration I-2) means any lot line which is not a front lot line or a rear lot line.

“Side yard” (see illustration I-2) means a yard measured into a lot from one or more of its side lot lines. Except where a side yard is prescribed only for certain kinds of facilities or along only a portion of a side lot line, a required side yard shall extend between the required front yard and rear yard, or the front or rear lot lines in cases where no front yard or rear yard is required.

“Single housekeeping unit” means one or more people living together as a relatively permanent household and bearing the character of a generic family such as sharing household activities, expenses, experiences, and responsibilities.

“Slope” means the deviation of a surface from the horizontal, expressed as a percentage.

“Slope, Down” (Downslope) means a downhill angle or slant of a surface in relation to the elevation of the abutting street line.

“Slope, Up” (Upslope) means an uphill angle or slant of a surface in relation to the elevation of the abutting street line.

“Sound pressure level” means the level of intensity of a sound.

“Special zone” means any zone the name of which begins with the letter “S.”

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

1. A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point;
2. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

“Street” means a dedicated public way, other than an alley or path, having a right-of-way not less than forty (40) feet in width, which is intended to afford the principal means of vehicular access to abutting properties, provided that any such way which was of record on October 6, 1953 shall be deemed a street regardless of width.

“Street line” means a lot line dividing a lot from an abutting street, or private way described in Section 17.106.020.

“Street side (of a corner lot)” means the side of a corner lot along any side lot line thereof which is a street line.

“Street side setback” or “Street side yard setback” means the setback from the street side lot line.

Exhibit A: Amendments to Planning Code

“Street to setback gradient” means the existing gradient measured from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement to the front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line and perpendicular to the edge of the sidewalk or, if there is no sidewalk, to the edge of the pavement.

“Structure” means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

“Substitution (of activities)” means the replacement of an existing activity by a new activity, or a change in the nature of an existing activity, but not including a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

“Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space which can only be accessed by driving across another space is called a dependent parking space. A space which can be accessed without driving across another space is called an independent parking space. (See also “Dependent parking space” and “Independent parking space” in this section.)

“Through lot” means a lot that is bounded on two opposite sides by generally parallel streets. Any lot that meets the definition of both a through lot and a corner lot shall be deemed to be a corner lot.

“Tobacco oriented activities” are defined as activities either devoting twenty (20) percent or more of floor area or display area to or deriving seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

“Tobacco-related products” are defined as any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

“Tower” means any building area constructed over the building base.

“Upper story” means either:
1. Any story located above the bottommost story of a building; or
2. Any story with finished floor located at least twelve (12) feet above finished grade at any point along the building perimeter.

“Use” means an activity or a facility.

“Working day” means a day when city offices are open for conducting of city business.

“Yard” means an area between a facility and some lot line, measured for a specified distance, in a horizontal plane, perpendicularly between such facility and lot line; located on the same lot as said facility; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

(Ord. 12675 § 3 (part), 2005; Ord. 12547 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 3 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 12138 § 4 (part), 1999; Ord. 12054 § 1(c), 1998; Ord. 11895 §§ 3--5, 1996; Ord. 11831 § 2, 1995; Ord. 11807 § 2, 1995; prior planning code §§ 2110--2130)

Chapter 17.32

~~R 90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS~~

Sections:

~~17.32.010 — Title, purpose, and applicability.~~

~~17.32.040 — Required design review process.~~

~~17.32.050 — Permitted activities.~~

~~17.32.060 — Conditionally permitted activities.~~

~~17.32.070 — Permitted facilities.~~

~~17.32.080 — Conditionally permitted facilities.~~

~~17.32.090 — Special regulations applying to certain Commercial Activities.~~

~~17.32.100 — Performance standards for Commercial Activities.~~

~~17.32.110 — Use permit criteria for Commercial Activities.~~

~~17.32.120 — Limitations on Signs.~~

~~17.32.130 — Minimum lot area, width, and frontage.~~

~~17.32.140 — Maximum residential density.~~

~~17.32.150 — Maximum floor area ratio.~~

~~17.32.160 — Maximum height.~~

~~17.32.170 — Minimum yards and courts.~~

~~17.32.180 — Minimum usable open space.~~

~~17.32.190 — Buffering.~~

~~17.32.200 — Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~17.32.210 — Other zoning provisions.~~

~~17.32.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter, shall be known as the R 90 downtown apartment residential zone regulations. The R 90 zone is intended to create, preserve, and enhance areas for high rise apartment living at very high densities in desirable settings, and is typically appropriate to areas within, or in close proximity to, the Oakland central district. These regulations shall apply in the R 90 zone.~~

~~(Prior planning code § 3900)~~

~~17.32.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3902.1)~~

~~17.32.050 — Permitted activities.~~

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

~~— A. — Residential Activities:~~

~~— Permanent~~

Exhibit A: Amendments to Planning Code

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

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3903)

17.32.060 — Conditionally permitted activities.

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

- ~~A. Residential Activities:~~
 - ~~Residential Care, except when occupying a One Family Dwelling Residential Facility~~
 - ~~Service Enriched Permanent Housing~~
 - ~~Transitional Housing~~
 - ~~Emergency Shelter~~
- ~~B. Civic Activities:~~
 - ~~Administrative~~
 - ~~Health Care~~
 - ~~Utility and Vehicular~~
 - ~~Extensive Impact~~
- ~~C. Commercial Activities:~~
 - ~~General Food Sales~~
 - ~~Convenience Market~~
 - ~~Alcoholic Beverage Sales~~
 - ~~Convenience Sales and Service~~
 - ~~Medical Service~~
 - ~~Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~
- ~~D. Agricultural and Extractive Activities:~~
 - ~~Crop and Animal Raising~~
- ~~E. Off-street parking serving activities other than those listed above or in Section 17.32.050, subject to the conditions set forth in Section 17.102.100.~~
- ~~F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

(Ord. 12138 § 5 (part), 1999; prior planning code § 3904)

17.32.070 — Permitted facilities.

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

- ~~A. Residential Facilities:~~
 - ~~One Family Dwelling~~
 - ~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

Exhibit A: Amendments to Planning Code

~~_____ Two-Family Dwelling~~

~~_____ Multifamily Dwelling~~

~~_____ Rooming House~~

~~— B. Nonresidential Facilities:~~

~~_____ Enclosed~~

~~_____ Open~~

~~— C. Signs:~~

~~_____ Residential~~

~~_____ Special~~

~~_____ Development~~

~~_____ Realty~~

~~_____ Civic~~

~~— D. Telecommunications Facilities:~~

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

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

~~(Ord. 12501 § 48, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3905)~~

17.32.080 — Conditionally permitted facilities.

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

~~— Telecommunications Facilities:~~

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

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

~~_____ Macro~~

~~_____ Monopole~~

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

17.32.090 — Special regulations applying to certain Commercial Activities.

~~— All General Food Sales, Convenience Market, Alcoholic Beverage Sales, and Convenience Sales and Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. See also Section 17.102.210.~~

~~(Prior planning code § 3908)~~

17.32.100 — Performance standards for Commercial Activities.

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

~~(Prior planning code § 3910)~~

17.32.110 — Use permit criteria for Commercial Activities.

~~— A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

Exhibit A: Amendments to Planning Code

~~—A.— That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~—B.— That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises. See also Section 17.102.210.~~

~~(Prior planning code § 3911)~~

17.32.120 — Limitations on Signs.

~~— All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~

~~(Prior planning code § 3913)~~

17.32.130 — Minimum lot area, width, and frontage.

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

(Prior planning code § 3914)

17.32.140 — Maximum residential density.

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

— A. — Permitted Density. One regular dwelling unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. One efficiency dwelling unit is permitted for each one hundred (100) square feet of lot area, provided that one extra such unit is permitted if a remainder of seventy five (75) square feet or more is obtained after division of the lot area by one hundred (100) square feet. One rooming unit is permitted for each seventy five (75) square feet of lot area, provided that one extra such unit is permitted if a remainder of fifty (50) square feet or more is obtained after division of the lot area by seventy five (75) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent 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. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

— B. — Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 49, 2003; prior planning code § 3915)

17.32.150 — Maximum floor area ratio.

— The maximum floor area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:

— A. — Permitted Floor Area Ratio. The maximum permitted floor area ratio is 7.00, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten (10) 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 not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.

(Prior planning code § 3917)

17.32.160 — Maximum height.

~~— Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.32.130 for maximum height of facilities within minimum yards and courts.~~

~~(Ord. 11904 § 5.22, 1996; prior planning code § 3919)~~

17.32.170 — Minimum yards and courts.

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

~~— A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~

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

~~— C. Side Yard Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.~~

~~— D. Side Yard Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:~~

~~— 1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~

~~— 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.~~

~~— E. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~— F. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.~~

~~(Prior planning code § 3920)~~

17.32.180 — Minimum usable open space.

~~— 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 plus seventy five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~(Prior planning code § 3921)~~

17.32.190 — Buffering.

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

~~(Prior planning code § 3922)~~

17.32.200 — Special regulations for mini lot developments, planned unit developments, and large-scale developments.

Exhibit A: Amendments to Planning Code

~~— A. — Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-90 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. — Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-90 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~— C. — Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.~~

~~(Prior planning code § 3923)~~

17.32.210 — Other zoning provisions.

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

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

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

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

~~— E. — General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-90 zone.~~

~~— F. — Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-90 zone.~~

~~(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3924)~~

Chapter 17.58
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

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

17.58.010 Title, Purpose, and Applicability

A. Intent. The provisions of this Chapter shall be known as the Central Business District (CBD) regulations. The intent of the CBD regulations is to:

1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
4. Encourage and enhance a pedestrian-oriented streetscape.
5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
6. Preserve and enhance distinct neighborhoods in the Central Business District.

B. Description of zones. This Chapter establishes land use regulations for the following four zones:

1. CBD-R Central Business District Residential Zone. The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
2. CBD-P Central Business District Pedestrian Retail Commercial Zone. The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
3. CBD-C Central Business District General Commercial Zone. The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.

Exhibit A: Amendments to Planning Code

4. CBD-X Central Business District Mixed Commercial Zone. The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.

17.58.020 Required Design Review Process

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

17.58.030 Conditional Use Permit for Large Projects

No development that involves more than two-hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than (250) feet in height, shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the planned unit development procedure (See 17.140 for the PUD procedure).

17.58.040 Permitted and Conditionally Permitted Activities

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

“P” designates permitted activities in the corresponding zone.

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

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

“-” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

<u>Table 17.58.01: Permitted and Conditionally Permitted Activities</u>					
<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Residential Activities</u>					
<u>Permanent</u>	<u>P</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P</u>	
<u>Residential Care</u>	<u>P(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P</u>	<u>17.102.212</u>
<u>Service-Enriched Permanent Housing</u>	<u>C(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C</u>	<u>17.102.212</u>
<u>Transitional Housing</u>	<u>C(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C</u>	<u>17.102.212</u>
<u>Emergency Shelter</u>	<u>C(L2)</u>	<u>C(L2)</u>	<u>C(L2)</u>	<u>C</u>	<u>17.102.212</u>
<u>Semi-Transient</u>	<u>C</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>C</u>	
<u>Bed and Breakfast</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Civic Activities</u>					
<u>Essential Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Child-Care Activities</u>	<u>P(L3)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	

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Table 17.58.01: Permitted and Conditionally Permitted Activities					
<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Community Assembly</u>	<u>C</u>	<u>C(L6)</u>	<u>C</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P(L3)(L4)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Community Education</u>	<u>P(L3)(L4)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Nonassembly Cultural</u>	<u>P(L3)(L4)</u>	<u>P(L4)</u>	<u>P</u>	<u>P</u>	
<u>Administrative</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Health Care</u>	<u>P(L3)(L4)</u>	<u>P(L4)(L5)</u>	<u>P</u>	<u>P</u>	
<u>Special Health Care</u>	<u>--</u>	<u>C(L6)</u>	<u>C</u>	<u>C</u>	<u>17.102.410</u>
<u>Utility and Vehicular</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Extensive Impact</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Commercial Activities</u>					
<u>General Food Sales</u>	<u>P(L4)(L7)</u>	<u>P(L4)</u>	<u>P</u>	<u>P</u>	
<u>Full Service Restaurants</u>	<u>P(L4)(L7)</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Service Restaurant and Café</u>	<u>P(L4)(L7)</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Convenience Market</u>	<u>C(L7)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.210</u>
<u>Fast-Food Restaurant</u>	<u>--</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.210 and 8.09</u>
<u>Alcoholic Beverage Sales</u>	<u>C(L7)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.210 and 17.102.040</u>
<u>Mechanical or Electronic Games</u>	<u>--</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Medical Service</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>General Retail Sales</u>	<u>P(L4)(L7)</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	
<u>Consumer Service</u>	<u>P(L4)(L7)</u>	<u>P(L4)</u>	<u>P</u>	<u>P</u>	
<u>Consultative and Financial Service</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Check Cashier and Check Cashing</u>	<u>--</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.430</u>
<u>Consumer Laundry and Repair Service</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Group Assembly</u>	<u>C(L7)</u>	<u>P(L4)</u>	<u>P</u>	<u>P</u>	
<u>Personal Instruction and Improvement Services</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Administrative</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Business, Communication, and Media Services</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>Broadcasting and Recording Services</u>	<u>--</u>	<u>P(L5)</u>	<u>P</u>	<u>P(L4)</u>	
<u>Commercial Activities</u>					
<u>Research Service</u>	<u>P(L4)(L7)</u>	<u>P(L5)</u>	<u>P</u>	<u>P</u>	
<u>General Wholesale Sales</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	
<u>Transient Habitation</u>	<u>C(L8)</u>	<u>C(L6)</u>	<u>P</u>	<u>C</u>	<u>17.102.370</u>
<u>Wholesale and Professional Building Material Sales</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	
<u>Automobile and Other Light Vehicle</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	

Exhibit A: Amendments to Planning Code

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Sales and Rental</u>					
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	==	==	<u>C(L9)</u>	<u>C(L9)</u>	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	==	==	==	==	
<u>Taxi and Light Fleet-Based Services</u>	==	==	<u>C(L9)</u>	<u>C(L9)</u>	
<u>Automotive Fee Parking</u>	<u>C(L10)</u>	<u>C(L10)</u>	<u>C(L10)</u>	<u>C(L10)</u>	
<u>Animal Boarding</u>	==	==	==	==	
<u>Animal Care</u>	==	<u>C(L6)</u>	<u>C</u>	<u>C</u>	
<u>Undertaking Service</u>	==	==	<u>C</u>	<u>C</u>	
<u>Industrial Activities</u>					
<u>Custom Manufacturing</u>	--(L11)	--(L11)	--(L11)	<u>C(L9)</u>	<u>17.102.040</u>
<u>Light Manufacturing</u>	--(L11)	--(L11)	--(L11)	<u>C(L9)</u>	<u>17.102.040</u>
<u>General Manufacturing</u>	--(L11)	--(L11)	--(L11)	--(L11)	<u>17.102.040</u>
<u>Heavy/High Impact</u>	==	==	==	==	
<u>Research and Development</u>	==	==	<u>C(L9)</u>	<u>C(L9)</u>	
<u>Construction Operations</u>	==	==	==	==	
<u>Warehousing, Storage, and Distribution</u>					
<u>A. General Warehousing, Storage and Distribution</u>	==	==	==	<u>C(L9)</u>	
<u>B. General Outdoor Storage</u>	==	==	==	==	
<u>C. Self- or Mini Storage</u>	==	==	==	==	
<u>D. Container Storage</u>	==	==	==	==	
<u>E. Salvage/Junk Yards</u>	==	==	==	==	
<u>Regional Freight Transportation</u>	==	==	==	==	
<u>Trucking and Truck-Related</u>	==	==	==	==	
<u>Recycling and Waste-Related</u>					
<u>A. Satellite Recycling Collection Centers</u>	==	==	<u>C</u>	<u>C</u>	<u>17.10.040</u>
<u>B. Primary Recycling Collection Centers</u>	==	==	==	==	
<u>Hazardous Materials Production, Storage, and Waste Management</u>	==	==	==	==	
<u>Agriculture and Extractive Activities</u>					
<u>Crop and animal raising</u>	==	==	==	==	
<u>Plant nursery</u>	==	==	==	==	

Exhibit A: Amendments to Planning Code

<u>Table 17.58.01: Permitted and Conditionally Permitted Activities</u>					
<u>Activities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Mining and Quarrying</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	
<u>Accessory off-street parking serving prohibited activities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.100</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.110</u>

Limitations:

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
 - a. The proposal will not impair a generally continuous wall of building facades;
 - b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.
- L7. These activities may only be located on or below the ground floor of a building with the following exceptions:
 - a) If the floor area devoted to the activity is less than 2,000 square feet or less and the activity takes place in a Local Register property then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

Exhibit A: Amendments to Planning Code

- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.
- L10 Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- L11. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.050 Permitted and Conditionally Permitted Facilities

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

“P” designates permitted facilities in the corresponding zone.

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

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

“--” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities

<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Residential Facilities</u>					
<u>One-Family Dwellings</u>	<u>P(L1)</u>	<u>--</u>	<u>--</u>	<u>--</u>	
<u>One-Family Dwelling with Secondary Unit</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>17.102.360</u>
<u>Two-Family Dwelling</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>--</u>	
<u>Multifamily Dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Rooming House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Mobile Home</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	
<u>Nonresidential Facilities</u>					
<u>Enclosed Nonresidential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Open Nonresidential</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Sidewalk Café</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.102.335</u>
<u>Drive-In Nonresidential</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	
<u>Drive-Through Nonresidential</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	
<u>Telecommunications Facilities</u>					

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<u>Table 17.58.02: Permitted and Conditionally Permitted Facilities</u>					
<u>Facilities</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Micro Telecommunications</u>	P	P	P	P	<u>17.128</u>
<u>Mini Telecommunications</u>	P	P	P	P	<u>17.128</u>
<u>Macro Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Monopole Telecommunications</u>	C	C	C	C	<u>17.128</u>
<u>Tower Telecommunications</u>	--	--	--	--	<u>17.128</u>
<u>Sign Facilities</u>					
<u>Residential Signs</u>	P	P	P	P	<u>17.104</u>
<u>Special Signs</u>	P	P	P	P	<u>17.104</u>
<u>Development Signs</u>	P	P	P	P	<u>17.104</u>
<u>Realty Signs</u>	P	P	P	P	<u>17.104</u>
<u>Civic Signs</u>	P	P	P	P	<u>17.104</u>
<u>Business Signs</u>	P	P	P	P	<u>17.104</u>
<u>Advertising Signs</u>	--	--	--	--	<u>17.104</u>

Limitation:

L1. New construction of a One-Family Dwelling is not permitted.

17.58.060 Property Development Standards

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

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

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<u>Table 17.58.03: Property Development Standards</u>					
<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Maximum front and street side for the second and third stories or 35 ft, whatever is lower</u>	<u>None</u>	<u>5 ft</u>	<u>5 ft</u>	<u>None</u>	<u>3</u>
<u>Minimum interior side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>4</u>
<u>Minimum corner side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>5</u>
<u>Rear</u>	<u>10 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>6</u>
<u>Design Regulations</u>					
<u>Ground floor commercial façade transparency</u>	<u>50%</u>	<u>70%</u>	<u>60%</u>	<u>50%</u>	<u>7</u>
<u>Minimum height of the ground floor</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>8</u>
<u>Minimum separation between the grade and ground floor living space</u>	<u>2.5 ft</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>2.5 ft</u>	<u>9</u>

Additional Regulations:

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

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

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Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	3
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	3
Minimum Height								
New principal buildings	None	None	None	45 ft	45 ft	45 ft	45 ft	4
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf. whichever is greater	75% of site area or 10,000 sf. whichever is greater	75% of site area or 10,000 sf. whichever is greater	75% of site area or 10,000 sf. whichever is greater	85% of site area or 10,000 sf. whichever is greater	5
Tower Regulations								
Maximum average area of floor plates	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum	6
Maximum building length	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum	7
Maximum diagonal length	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum	
Minimum distance between towers on the same lot	Not Applicable	Not applicable	40 ft	40 ft	40 ft	40 ft	No Minimum	

Notes:

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1. See Chapter 17.107 for affordable and senior housing density incentives.
2. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.
3. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:
 - a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is 15,000 square feet and the 5th story of the other tower is 20,000 square feet, then the total floor area of the 5th story is 35,000 square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen (15) percent greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen (15) percent less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:
 - a. The floor area of an individual tower floor plate cannot be more than fifteen (15) percent greater than the maximum average tower floor plate.
 - b. An individual tower floor plate that is more than fifteen (15) percent less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

17.58.070 Usable open space standards

- A. General. This section contains the usable open space standards and requirements for residential development in the CBD zones. These requirements shall supercede those in Chapter 17.126.
- B. Definitions of CBD usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 1. “Private Usable Open Space”. Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. “Public Ground-Floor Plaza”. Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. “Rooftop Open Space”. Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.

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

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

1. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

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

Note:

1. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty (50) percent of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty (50) percent of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not

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more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

D. Landscaping requirements. At least fifty (50) percent of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty (30) percent of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc). The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

Chapter 17.58

~~C 51~~ — CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS

Sections:

- ~~17.58.010 — Title, purpose, and applicability.~~
- ~~17.58.040 — Required design review process.~~
- ~~17.58.050 — Permitted activities.~~
- ~~17.58.060 — Conditionally permitted activities.~~
- ~~17.58.070 — Permitted facilities.~~
- ~~17.58.080 — Conditionally permitted facilities.~~
- ~~17.58.090 — Restriction on open accessory parking and loading.~~
- ~~17.58.100 — Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~
- ~~17.58.110 — Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~
- ~~17.58.120 — Limitations on Signs.~~
- ~~17.58.130 — Minimum lot area, width, and frontage.~~
- ~~17.58.140 — Maximum residential density.~~
- ~~17.58.150 — Maximum floor area ratio.~~
- ~~17.58.160 — Maximum height.~~
- ~~17.58.170 — Minimum yards and courts.~~
- ~~17.58.180 — Minimum usable open space.~~
- ~~17.58.190 — Buffering.~~
- ~~17.58.200 — Special regulations for mini lot developments, planned unit developments, and large scale developments.~~
- ~~17.58.210 — Other zoning provisions.~~

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

~~— The provisions of this chapter shall be known as the C-51 central business service commercial zone regulations. The C-51 zone is intended to create, preserve, and enhance areas for medium intensity development of offices and business service activities, and is typically appropriate to the service commercial areas immediately adjoining the core of the central district. These regulations shall apply in the C-51 zone. (Prior planning code § 4825)~~

~~17.58.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4827.1)~~

~~17.58.050 — Permitted activities.~~

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

~~— A. Residential Activities:~~

~~— Permanent~~

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- ~~Residential Care occupying a One-Family Dwelling Residential Facility~~
- ~~Semi-Transient~~
- ~~B. Civic Activities:~~
 - ~~Essential Service~~
 - ~~Limited Child Care~~
 - ~~Community Education~~
 - ~~Community Assembly~~
 - ~~Nonassembly Cultural~~
 - ~~Administrative~~
 - ~~Health Care~~
 - ~~Utility and Vehicular, but excluding communications equipment installation and exchanges~~
 - ~~Telecommunications~~

- ~~C. Commercial Activities:~~
 - ~~General Food Sales~~
 - ~~Convenience Sales and Service~~
 - ~~Medical Service~~
 - ~~General Retail Sales~~
 - ~~General Personal Service~~
 - ~~Consultative and Financial Service~~
 - ~~Consumer Laundry and Repair Service~~
 - ~~Group Assembly~~
 - ~~Administrative~~
 - ~~Business and Communication Service~~
 - ~~Retail Business Supply~~
 - ~~Research Service~~
 - ~~General Wholesale Sales~~
 - ~~Transient Habitation~~
- ~~D. Manufacturing Activities:~~
 - ~~Custom~~

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

17.58.060 Conditionally permitted activities.

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

- ~~A. Residential Activities:~~
 - ~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
 - ~~Service Enriched Permanent Housing~~
 - ~~Transitional Housing~~
 - ~~Emergency Shelter~~
- ~~B. Civic Activities:~~
 - ~~Extensive Impact~~
 - ~~Utility and Vehicular (communications equipment installations and exchanges, only)~~
 - ~~Special Health Care Civic Activities~~
- ~~C. Commercial Activities:~~
 - ~~Check Cashier and Check Cashing~~
 - ~~Convenience Market~~
 - ~~Fast Food Restaurant~~
 - ~~Alcoholic Beverage Sales~~
 - ~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~

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- ~~Automotive Sales, Rental, and Delivery~~
- ~~Automotive Servicing~~
- ~~Automotive Repair and Cleaning~~
- ~~Automotive Fee Parking~~
- ~~Animal Care~~
- ~~Undertaking Service~~
- ~~Transient Habitation, subject to the provisions of Section 17.102.370~~
- ~~D. Manufacturing Activities:~~
 - ~~Light~~
- ~~E. Agricultural and Extractive Activities:~~
 - ~~Plant Nursery~~
 - ~~Crop and Animal Raising~~
- ~~F. Off street parking serving activities other than those listed above or in Section 17.58.050, subject to the conditions set forth in Section 17.102.100.~~
- ~~G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.100. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 11, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11854 § 8, 1996; prior planning code § 4829)~~

17.58.070 Permitted facilities.

- ~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~
- ~~A. Residential Facilities:~~
 - ~~One Family Dwelling~~
 - ~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
 - ~~Two Family Dwelling~~
 - ~~Multifamily Dwelling~~
 - ~~Rooming House~~
 - ~~B. Nonresidential Facilities:~~
 - ~~Enclosed~~
 - ~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~
 - ~~C. Signs:~~
 - ~~Residential~~
 - ~~Special~~
 - ~~Development~~
 - ~~Realty~~
 - ~~Civic~~
 - ~~Business~~
- ~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 5, 1997; prior planning code § 4830)~~

17.58.080 Conditionally permitted facilities.

- ~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
- ~~A. Nonresidential Facilities:~~
 - ~~Open~~
 - ~~Drive In~~
 - ~~Drive Through~~
 - ~~B. Off Street Parking Facilities serving fifty (50) or more vehicles.~~
 - ~~C. Telecommunications Facilities:~~
 - ~~Macro~~
 - ~~Monopole~~

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(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4831)

~~17.58.090~~ Restriction on open accessory parking and loading.

~~— All accessory off-street parking and loading areas shall be located within enclosed buildings except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~(Prior planning code § 4832)~~

~~17.58.100~~ Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.

~~— See Section 17.102.210.~~

~~(Prior planning code § 4833)~~

~~17.58.110~~ Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

~~— See Section 17.102.230.~~

~~(Prior planning code § 4834)~~

~~17.58.120~~ Limitations on Signs.

~~— A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020. (Ord. 12606 Att. A (part), 2004; prior planning code § 4838)~~

~~17.58.130~~ Minimum lot area, width, and frontage.

~~— Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width 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.~~

~~(Prior planning code § 4839)~~

~~17.58.140~~ Maximum residential density.

~~— Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.~~

~~(Prior planning code § 4840)~~

~~17.58.150~~ Maximum floor area ratio.

~~— The maximum floor area ratio of facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:~~

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

~~— 1. By ten percent on any corner lot; and~~

~~— 2. By ten percent on any lot which faces or abuts a public park at least as wide as the lot; and~~

~~— 3. In the case of a Nonresidential Facility, by not to exceed fifteen (15) percent if one square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven square feet of additional floor area.~~

~~— B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection (A) may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~

~~(Prior planning code § 4842)~~

~~17.58.160~~ — ~~Maximum height.~~

~~— Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.58.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.56, 1996; prior planning code § 4844)~~

~~17.58.170~~ — ~~Minimum yards and courts.~~

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by 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 of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard Interior Lot Line.~~

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

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

~~— D. Rear Yard.~~

~~— 1. A rear yard with a minimum depth of fifteen (15) 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. (Prior planning code § 4845)~~

~~17.58.180~~ — ~~Minimum usable open space.~~

~~— Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. See also Section 17.58.150(A)(3). (Prior planning code § 4846)~~

~~17.58.190~~ — ~~Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.58.090. (Prior planning code § 4847)~~

~~17.58.200~~ — ~~Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~— A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-51 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-51 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

Exhibit A: Amendments to Planning Code

~~— C. Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4848)~~

17.58.210 — Other zoning provisions:

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

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

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

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

~~— E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-51 zone.~~

~~— F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-51 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4849)~~

Chapter 17.60

~~C 52 OLD OAKLAND COMMERCIAL ZONE REGULATIONS~~

Sections:

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

~~17.60.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter shall be known as the C 52 old Oakland commercial zone regulations. The C 52 zone is intended to preserve and enhance an area of historically or architecturally valuable structures of moderate scale for office, retail, and other appropriate uses along streets oriented to pedestrian movement, and is appropriate to the older commercial section south of the core of the central district. These provisions shall apply in the C 52 zone. (Prior planning code § 4850)~~

~~17.60.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4852.1)~~

~~17.60.050 — Permitted activities.~~

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

~~— A. Residential Activities:~~

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

Exhibit A: Amendments to Planning Code

- ~~— 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~~
- ~~— Group Assembly~~
- ~~— Administrative~~
- ~~— Retail Business Supply~~

~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4853)~~

17.60.060 Conditionally permitted activities.

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

- ~~— A. Residential Activities:~~
- ~~— Residential Care, except when occupying a One Family Dwelling Residential Facility~~
- ~~— Service Enriched Permanent Housing~~
- ~~— Transitional Housing~~
- ~~— Emergency Shelter~~

- ~~— B. Civic Activities:~~
- ~~— Utility and Vehicular~~
- ~~— Extensive Impact~~

- ~~— C. Commercial Activities:~~
- ~~— Check Cashier and Check Cashing~~
- ~~— Convenience Market~~
- ~~— Alcoholic Beverage Sales~~
- ~~— Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
- ~~— Consumer Laundry and Repair Service~~
- ~~— Business and Communication Service~~
- ~~— Research Service~~
- ~~— General Wholesale Sales~~
- ~~— Transient Habitation~~
- ~~— Automotive Fee Parking~~

- ~~— D. Manufacturing Activities:~~
- ~~— Custom~~

~~(Ord. 12626 § 4 (part), 2004; Ord. 12138 § 5 (part), 1999; prior planning code § 4854)~~

17.60.070 Permitted facilities.

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

- ~~— A. Residential Facilities:~~
- ~~— One Family Dwelling~~

Exhibit A: Amendments to Planning Code

- ~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
 - ~~Two Family Dwelling~~
 - ~~Multifamily Dwelling~~
 - ~~B. Nonresidential Facilities:~~
 - ~~Enclosed~~
 - ~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~
 - ~~C. Signs:~~
 - ~~Residential~~
 - ~~Special~~
 - ~~Development~~
 - ~~Realty~~
 - ~~Civic~~
 - ~~Business~~
 - ~~D. Telecommunications Facilities:~~
 - ~~Micro, except as provided in 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)~~
- (Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4855)

17.60.080 ~~Conditionally permitted facilities.~~

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

- ~~A. Residential Facilities:~~
 - ~~Rooming House~~
- ~~B. Nonresidential Facilities:~~
 - ~~Open~~
- ~~C. Off Street Parking Facilities serving fifty (50) or more vehicles.~~
- ~~D. Telecommunications Facilities:~~
 - ~~Macro~~
 - ~~Monopole~~

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.43, 1996; prior planning code § 4856)

17.60.090 ~~Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~

~~See Section 17.102.210. (Prior planning code § 4858)~~

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

~~See Section 17.102.230. (Prior planning code § 4859)~~

17.60.110 ~~Use permit criteria.~~

~~A conditional use permit for any use under Section 17.60.060 or 17.60.080 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 proposal will not detract from the special character desired for the area;~~
- ~~B. That the proposal will not impair a generally continuous wall of building facades nor introduce design elements which interrupt basic continuity of existing retail frontages;~~
- ~~C. That the proposal will not interfere with the movement of people along an important pedestrian street;~~

Exhibit A: Amendments to Planning Code

~~— D. That the amount of off street parking, if any, will not contribute significantly to an increased orientation of the area to automobile movement.~~

~~— See also Section 17.102.210. (Prior planning code § 4861)~~

17.60.120— Limitations on Signs, marquees, and awnings.

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

~~(Ord. 12606 Att. A (part), 2004; Prior planning code § 4863)~~

17.60.130— Minimum lot area, width, and frontage.

~~— Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or 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. (Prior planning code § 4864)~~

17.60.140— 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 § 4865)~~

17.60.150— Maximum height.

~~— Except as a greater height is allowed by Section 17.108.030 and except as provided in Chapter 17.128, the maximum height of buildings and other facilities shall be fifty (50) feet. However, the height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R-10, R-20, R-30, R-35, R-40, or R-50 zone. See Section 17.60.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.57, 1996; prior planning code § 4869)~~

17.60.160— Minimum yards and courts.

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by 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 of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard— Interior Lot Line.~~

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

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

~~— D. Rear Yard.~~

~~— 1. A rear yard with a minimum depth of fifteen (15) 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. (Prior planning code § 4870)~~

Exhibit A: Amendments to Planning Code

~~17.60.170~~ Minimum usable open space.

~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R-80 zone. (Prior planning code § 4871)~~

~~17.60.180~~ 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. (Prior planning code § 4872)~~

~~17.60.190~~ Special regulations for mini lot and planned unit developments.

~~— A. Mini lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the C-52 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-52 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 4873)~~

~~17.60.200~~ Other zoning provisions.

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

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

~~— 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 C-52 zone.~~

~~— E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the C-52 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4874)~~

Chapter 17.62

~~C 55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS~~

Sections:

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

~~17.62.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter, shall be known as the C-55 central core commercial zone regulations. The C-55 zone is intended to preserve and enhance a very high intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the central district. These regulations shall apply in the C-55 zone. (Prior planning code § 4875)~~

~~17.62.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4877.1)~~

~~17.62.050 — Permitted activities.~~

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

~~— A. Residential Activities:~~

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

Exhibit A: Amendments to Planning Code

- ~~— 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~~
 - ~~— Consumer Laundry and Repair Service~~
 - ~~— Group Assembly~~
 - ~~— Administrative~~
 - ~~— Business and Communication Service~~
 - ~~— Retail Business Supply~~
 - ~~— Research Service~~
- ~~— D. Manufacturing Activities:~~
 - ~~— Custom~~

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

17.62.060 — Conditionally permitted activities.

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

- ~~— A. Residential Activities:~~
 - ~~— Residential Care, except when occupying a One Family Dwelling Residential Facility~~
 - ~~— Service Enriched Permanent Housing~~
 - ~~— Transitional Housing~~
 - ~~— Emergency Shelter~~
- ~~— B. Civic Activities:~~
 - ~~— Utility and Vehicular~~
 - ~~— Special Health Care Civic Activities~~
 - ~~— Extensive Impact Civic~~
- ~~— C. Commercial Activities:~~
 - ~~— Check Cashier and Check Cashing~~
 - ~~— Convenience Market~~
 - ~~— Fast Food Restaurant~~
 - ~~— Alcoholic Beverage Sales~~
 - ~~— Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
 - ~~— General Wholesale Sales~~
 - ~~— Automotive Sales, Rental, and Delivery~~
 - ~~— Automotive Servicing~~
 - ~~— Automotive Fee Parking~~
 - ~~— Animal Care~~
 - ~~— Undertaking Service~~

Exhibit A: Amendments to Planning Code

~~_____ Transient Habitation, subject to the provisions of Section 17.102.370~~

~~_____ D. Industrial Activities:~~

~~_____ Light Manufacturing~~

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

~~_____ Crop and Animal Raising~~

~~_____ F. Off-street parking serving activities other than those listed above or in Section 17.62.050, subject to the conditions set forth in Section 17.102.100.~~

~~_____ G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 12, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; prior planning code § 4879)~~

17.62.070 Permitted facilities.

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

~~_____ A. Residential Facilities:~~

~~_____ One Family Dwelling~~

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

~~_____ Two Family Dwelling~~

~~_____ Multifamily Dwelling~~

~~_____ Rooming House~~

~~_____ B. Nonresidential Facilities:~~

~~_____ Enclosed~~

~~_____ Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~_____ C. Signs:~~

~~_____ Residential~~

~~_____ Special~~

~~_____ Development~~

~~_____ Realty~~

~~_____ Civic~~

~~_____ Business~~

~~_____ D. Telecommunications Facilities:~~

~~_____ Micro, except 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)~~

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

17.62.080 Conditionally permitted facilities.

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

~~_____ A. Nonresidential Facilities:~~

~~_____ Open~~

~~_____ Drive In~~

~~_____ Drive Through~~

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

~~_____ C. Telecommunications Facilities:~~

~~_____ Macro~~

~~_____ Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4881)~~

17.62.090—Restriction on open accessory parking and loading.

— All accessory off street parking and loading areas shall be located within enclosed buildings, except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

(Prior planning code § 4882)

17.62.100—Special regulations applying to certain Commercial Activities.

— A. Pawnbroking, Poolrooms, and Secondhand Merchandise. Pawnbroking, poolroom, and secondhand merchandise activities are not permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

— B. Convenience Markets, Fast Food Restaurants, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.

(Prior planning code § 4883)

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

— See Section 17.102.230.

(Prior planning code § 4884)

17.62.120—Limitations on Signs.

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

(Prior planning code § 4888)

17.62.130—Minimum lot area, width, and frontage.

— Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width 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.

(Prior planning code § 4889)

17.62.140—Maximum residential density.

— Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.

(Prior planning code § 4890)

17.62.150—Maximum residential floor area ratio.

— The maximum floor area ratio of residential facilities shall be as set forth in Section 17.32.150 for the R-90 zone.

(Prior planning code § 4892)

17.62.160—Maximum height.

— Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.62.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.58, 1996; prior planning code § 4894)

~~17.62.170 Minimum yards and courts.~~

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by 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 of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard Interior Lot Line.~~

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

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

~~— D. Rear Yard.~~

~~— 1. A rear yard with a minimum depth of fifteen (15) 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. (Prior planning code § 4895)~~

~~17.62.180 Minimum usable open space.~~

~~— Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. (Prior planning code § 4896)~~

~~17.62.190 Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.62.090. (Prior planning code § 4897)~~

~~17.62.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~— A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-55 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-55 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~— C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4898)~~

~~17.62.210 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.~~

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-55 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-55 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4899)~~

Chapter 17.108

GENERAL HEIGHT, YARD, AND COURT REGULATIONS

17.108.060 Minimum side yard on street side of corner lot--Residential zones.

(See illustration I-13.)

A. **Where There Is a Key Lot in a Residential Zone.** In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width equal to one-half (½) of the minimum front yard depth required on the key lot and no less than the minimum side yard width required along an interior side lot line of the corner lot. However, such side yard shall not be required in the R-80 and ~~R-90~~CBD-R zones, nor be required to exceed five (5) feet in width in any other residential zone, to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.110.040C for special controls on location of detached accessory buildings on such corner lots.

B. **Where There Is No Key Lot in a Residential Zone.** In all residential zones, on every corner lot which does not abut to the rear a key lot which is in a residential zone, the required minimum side yard width on the street side of such corner lot shall be the same as that, if any, generally required along each interior side lot line of every lot in the same zone; provided, however, that such minimum width shall be five (5) feet in the R-60 and R-70 zones. However, such side yard shall not be required to exceed five (5) feet in width to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001: prior planning code § 7080)

17.108.080 Minimum side yard opposite living room windows.

(See illustration I-14.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this section is not required on other lots or in other situations. Such yard shall have a minimum width of eight feet, plus two feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed twelve (12) percent of the lot width in the R-70, R-80, ~~R-90~~, C-25, C-30, C-35, C-40, C-45, ~~C-51, C-55~~CBD-R, CBD-P, CBD-C, CBD-X, S-1, S-2, and S-15 zones and twenty (20) percent of the lot width in all other zones, except that in no case shall such side yard width be less than five feet. The side yard required by this section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than ten feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 11892 § 7, 1996: prior planning code § 7082)

17.108.090 Minimum side yard abutting side of property in R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 zone.

(See illustrations I-6a and I-12b.) Wherever an interior side lot line of any lot located in the R-70, R-80, ~~R-90~~CBD-R, S-1, S-2, or S-15 zone or any commercial or industrial zone abuts an interior side lot line of any lot located in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 zone, there shall be

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provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of ten feet. (Where it abuts a rear lot line, no yard is required by this section.) This side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020(A). (Ord. 12272 § 4 (part), 2000: Ord. 11892 § 8, 1996: prior planning code § 7083)

Chapter 17.116

OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.060 Off-street parking--Residential Activities.

A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	R-1, R-10, R-20, R-30, except when combined with the S-12 zone.	Two spaces for each dwelling unit occupying a lot fronting on a street with parking allowed on one or both sides of the street; three spaces for each dwelling unit occupying a lot fronting on a street with parking prohibited on both sides of the street except that two spaces shall be required on such lots with an average lot width of fifty-five (55) feet or less, and two spaces shall be required on such lots where the site area to be covered by the structure has a gradient greater than twenty (20) percent or the street-to-setback gradient as measured from the edge of pavement to the front setback line is greater than twenty (20) percent; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two spaces per dwelling unit.
	R-35, R-36, R-40, except when combined with the S-12 zone.	One and one-half spaces for each dwelling unit.
	R-36, when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone.	One space for each dwelling unit.
	C-28, except as provided by Section 17.44.200.	One space for each dwelling unit.
	C-52 CBD-P (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One half-space for dwelling unit.

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Residential Facility Type	Zone	Requirement
	Any other zone, except when combined with the S-12 zone.	One space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
One-Family Dwelling with Secondary Unit.	R-1, R-10, R-20, R-30, R-35, R-36, R-40, except when combined with the S-12 zone.	One space for the secondary unit unless the lot already contains a total of at least three spaces; however, in the S-11 zone the requirement shall be one space for each bedroom in any secondary unit. See Section 17.102.360.
	R-50, R-60, R-70, R-80, R-90 CBD-R, C-5, C-10, C-20, except when combined with the S-12 zone.	One space for the secondary unit unless the lot already contains a total of at least two spaces; however, in the S-11 zone the requirement shall be one space for each bedroom in any secondary unit. See Section 17.102.360.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	R-30, R-35, R-36, R-40, except when combined with the S-12 zone.	One and one-half spaces for each dwelling unit.
	C-28, except as provided by Section 17.44.200.	One space per dwelling unit.
	CBD-P (when combined with the S-7 zone) C-52, except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One-half space for each dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Rooming House.	C-52 CBD-P (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One space for each two rooming units.
Mobile Home.	CBD-P (when combined with the S-7 zone) C-52.	No spaces required.
	Any other zone.	One space for each living unit plus one additional space for each four living units.
Bed and Breakfast	Any zone.	One space for each two units plus the required parking for a One-Family dwelling in the underlying zone.

17.116.070 Off-street parking--Civic Activities.

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Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	<u>CBD-P (when combined with the S-7 zone)</u> C-52.	--	No spaces required.
	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
Churches and all other.	<u>CBD-P (when combined with the S-7 zone)</u> C-52.	--	No spaces required.
	C-45, C-51 <u>CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, S-2.</u>	10,000 square feet of floor area.	One space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-5, C-10, C-28, C-31, C-35.	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each three employees plus one space for each 10 students of planned capacity.
all others.	C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each three employees.
D. Nonassembly Cultural Administrative.	C-52, C-55 .CBD-P, CBD-C, CBD-X	-	No spaces required.
	C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 1,400 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 900 square feet of floor area.

Exhibit A: Amendments to Planning Code

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One space for each 600 square feet of floor area.
E. Health Care: hospitals.	C-52 . CBD-P (only when combined with the S-7 zone)	-	No spaces required.
E. Health Care: hospitals.	C-45, C-51 , C-55 , CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, S-2.	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
clinics.	CBD-P (only when combined with the S-7 zone) C-52 .	-	No spaces required.
	C-45, C-51 , C-55 , CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, S-2.	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	Three spaces for each staff or regular visiting doctor plus one space for each two other employees.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
all other.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52.	-	No spaces required.
	C-45, <u>CBD-P (only when not combined with the S-7 zone)</u> , <u>CBD-C, CBD-X, C-51, C-55, S-2.</u>	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	C-52, C-55, CDB-P, CBD-C, CBD-X.	-	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each vehicle used in connection with the activities.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	<u>CBD-P, CBD-C, CBD-X, C-52, C-55.</u>	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

Exhibit A: Amendments to Planning Code

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	One space for each three employees plus one space for each six students of planned capacity.
all other.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

(Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking--Commercial Activities.

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	C-52, C-55, CBD-P, CBD-C, CBD-X, S-15.	10,000 square feet of floor area.	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45, C-51 , S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.		One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games.			
Medical Service.			

Exhibit A: Amendments to Planning Code

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Service.			
Consumer Laundry and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-15</u>	--	<u>No spaces required</u>
	C-45, C-51, S-2.	1,000 square feet of floor area.	One space for each 900 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35	3,000 square feet of floor area.	One space for each 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 400 square feet of floor area.
C. Consultative and Financial Service.	C-52, C-55, S-15.	-	No spaces required.
Administrative.			
Business, Communication, and Media Service.			
Broadcasting and Recording Service			
Research Service.			
	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-15.</u>	=	<u>No spaces required.</u>
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,400 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 600 square feet of floor area.

Exhibit A: Amendments to Planning Code

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.			
Wholesale Professional Building Material Sales.			
Automotive Sales and Service.			
Automobile and Other Light Vehicle Sales and Rental.			
	C-45, C-51 , CBD-P, <u>CBD-C</u> , <u>CBD-X</u> , S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
E. Group Assembly and Personal Instruction and Improvement and Small Scale Entertainment.	C-52, C-55 , <u>CBD-P</u> , <u>CBD-C</u> , <u>CBD-X</u> , S-15.	-	No Spaces required.
	C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.

Exhibit A: Amendments to Planning Code

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-5, C-10, C-28, C-31, C-35.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52, S-15.	-	No spaces required.
	C-55 <u>CBD-P, CBD-C, CBD-X.</u>	No minimum.	One space for each unit in a motel and one space for each two units in a hotel.
	Any other zone.	No minimum.	One space for each unit in a motel and three spaces for each four units in a hotel.
G. General Retail Sales, when ever sales are primarily of bulky merchandise such as furniture or large appliances.	C-52, C-55,	-	
Consumer Laundry and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.			

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Animal care and Animal Boarding.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-</u> <u>15.</u>	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.	C-52, C-55.		
Automotive and Other Light Vehicle Repair and Cleaning.			
Automotive Fee Parking.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X,</u>	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	No minimum.	One space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X,</u> C-52, C-55.	--	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One space for each three employees.
J. Scrap Operation.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X,</u> C-51, C-55.	-	No spaces required.

Exhibit A: Amendments to Planning Code

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	C-55 CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
	C-45, C-54 .	10,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-28, C-31, C-35, S-2.	2,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 200 square feet of floor area.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 14, 1996: prior planning code § 7513)

17.116.090 Off-street parking-- Industrial Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

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Zone	Minimum Total Size for Which Parking Required	Requirement
C-52, C-55 CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.
Any other zone.	5,000 square feet of floor area.	One space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 15, 1996: prior planning code § 7514)

17.116.100 Off-street parking--Agricultural and Extractive Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
C-45, C-51 , S-2.	10,000 square feet of floor area and outdoor sales or display area.	One space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One space for each 1,000 square feet of floor area and outdoor sales or display area.

(Prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.040 shall apply.

A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five (75) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped

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regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;

3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.

B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the ~~R-90, C-28, C-31, C-45, CBD-R, C-51~~CBD-P, CBD-C, or CBD-X, ~~or C-55~~ zone, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the ~~R-90, C-28, C-31, C-45, CBD-R, C-51, or C-55~~CBD-P, CDB-C, or CBD-X zone, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7519)

Article III

Off-Street Loading Requirements

17.116.120 Off-street loading--IndustrialResidential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One berth.*
150,000--299,999 square feet.	Two berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One additional berth.*

*Off-street loading is not required in CBD-P zone when combined with the S-7 zone~~C-52 zone~~. (Prior planning code § 7521)

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17.116.130 Off-street loading--Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor are:	
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One berth.*
150,000--299,999 square feet.	Two berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040*
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone~~C-52 zone~~. (Prior planning code § 7522)

17.116.140 Off-street loading--Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Laundry and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Wholesale Professional Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:	
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*

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Commercial Activity and Total Size of Facilities Occupied	Requirement
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:	
Less than 50,000 square feet.	No berths required.*
50,000--149,999 square feet.	One additional berth.*
150,000--299,999 square feet.	One berth.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two berths. One additional berth.*
C. Undertaking Service, occupying facilities with the following floor area:	
Less than 2,500 square feet.	No berths required.*
2,500--24,999 square feet.	One berth.
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:	
Less than 25,000 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
E. All other Commercial Activities.	No berths required.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone~~C-52 zone~~. (Prior planning code § 7523)

17.116.150 Off-street loading-- Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One additional berth.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone~~C-52 zone~~. (Prior planning code § 7524)

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17.116.170 Property on which parking and loading must be provided.

A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	R-90, C-31, C-45, CBD-R, C-51, C-55, CBD-P, CBD-C, CBD-X.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty (20) percent, required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;
		2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty (50) percent of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.

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Required Facility and Activity it Serves	Zone	Location
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the R-90CBD, C-31, and C-45; C-51, C-55 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.

2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

Chapter 17.134

CONDITIONAL USE PERMIT PROCEDURE

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, R-90, C-51, C-55, S-2, or S-15 zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three or more dwelling units in the R-36 or R-40 zone,
 - ii. Seven (7) or more dwelling units in the R-50 zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting in 7 or more living units in the R-60, R-70, R-80, or ~~R-90~~CBD-R zone.
 - e. Large Scale Developments. Any development which is located in the R-80, ~~R-90~~CBD-R, C-51, C-55CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area.
2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:
 - a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Convenience Market Commercial,
 - vii. Fast-food Restaurant Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B),
 - ix. Heavy Manufacturing,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive;
 - b. Facilities:
 - i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
 - iii. Special Health Care Civic Activities.
3. Special Situations. Any project that involves any of the following situations:
 - a. Any project that requires development of an Environmental Impact Report;
 - b. Any single establishment containing a Commercial or Manufacturing Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

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- c. Off-Street Parking Facilities in the C-40, ~~C-51~~CBD-P, CBD-C, CBD-X, ~~C-52~~ and S-2 zones serving fifty (50) or more vehicles;
- d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;
- e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;
- f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;
- g. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for decision pursuant to Section 17.134.040(B)(1);
- i. Any Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone;
- j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of residential zones R-1 through R-60 inclusive.

B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in subsection A of this section.
(Ord. 12501 § 80, 2003; Ord. 12450 § 19, 2002; Ord. 12350 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4, 2000; Ord. 12234 § 4, 2000; Ord. 12224 § 7, 2000; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 9 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; Ord. 12072 § 12, 1998; Ord. 12016 § 2 (part), 1997; Ord. 11904 § 5.91, 1996; Ord. 11892 § 21, 1996; Ord. 11539 § 2, 1993; prior planning code § 9201)

Chapter 17.136

DESIGN REVIEW PROCEDURE

Sections:

- 17.136.010 Title, purpose, and applicability.
- 17.136.020 Application.
- 17.136.025 Exemptions from design review.
- 17.136.030 Small project design review.
- 17.136.035 Small project design review criteria.
- 17.136.040 Regular design review.
- 17.136.050 Regular design review criteria.
- 17.136.055 Special regulations for Historic Properties in the Central Business Zones.
- 17.136.060 Review by Landmarks Board in certain cases.
- 17.136.070 Special regulations for designated landmarks.
- 17.136.075 Postponement of demolition.
- 17.136.080 Appeal to Planning Commission--Regular design review.
- 17.136.090 Appeal to City Council--Regular design review.
- 17.136.100 Adherence to approved plans.
- 17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.
- 17.136.130 Limitation on resubmission--Small project design review.

17.136.040 Regular Design Review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Projects requiring regular design review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;
2. Construction or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. New construction of one or two dwelling units, other than a secondary unit;
4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;
5. New construction of principal facilities in the HBX zone;
6. The creation of any new HBX 'work/live' unit or HBX 'live/work' unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;
9. Advertising Signs, and Signs extending above the roofline;

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10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B).

B. Pre-Application Review --Regular Design Review. Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the city representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

C. Procedure for Consideration of Regular Design Review Proposals which Involve or Result in a One- or Two-Unit Residential Facility--Decisions Not Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet or more of new floor area and is located in any zone other than the R-80, ~~R-90~~CBD-R, CBD-P (except when combined with the S-7 zone), ~~CBD-C, C-51, C-55~~CBD-X, S-2, or S-15 zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set, as the case may be, for decision on the application by the Director, or prior to the date set for a hearing before the Commission, if such is to be held. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Director or the applicant may seek the advice of outside design professionals. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. In the event that the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision.

D. Procedure for Consideration of Regular Design Review Proposals which do not Involve or Result in a One- or Two-Unit Residential Facility--Decisions Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.080. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet of new floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not

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combined with the S-7 zone), CBD-C, CBD-X, ~~R-90, C-51, C-55,~~ S-2, or S-15 zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set, as the case may be, for decision on the application by the Director, or prior to the date set for a hearing before the Commission, if such is to be held. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Director or the Commission may seek the advice of outside design professionals. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten days after the date of initial decision unless appealed to the City Planning Commission in accordance with Section 17.136.080. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. In the event that the last day of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

E. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

(Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995: prior planning code § 9305)

17.136.055 Special regulations for Historic Properties in the Central Business Zones.

A. The provisions of this section shall only apply to proposals in the CBD zones.

B. Findings.

1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall be required to meet any applicable criteria in Chapter 17.136 and meet findings (a) and (b), below. The determination of whether a project meets these findings requires consultation with Historic Preservation staff.

a. Any replacements of exterior character-defining elements are required because repair is not feasible. "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; and

b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of Primary Importance (API) or Area of Secondary Importance (ASI), if applicable, and retains the character-defining appearance of the feature.

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2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:
 - a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
 - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.
 - d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;
 - e. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "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. APIs with a character-defining height and their character-defining height level are designated on the zoning maps; and
 - f. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see Chapter 17.134 for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in subsection g., below.
 - g. For construction of new principal buildings:
 - i. The project will not cause the API to lose its status as an API;
 - ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and
 - iii. The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.
3. Approval of an application for a project that requires Regular Design Review Approval involving a DHP or PDHP outside of an API may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and either meets each criteria (a), (b), and (c), or only (d), below:

Exhibit A: Amendments to Planning Code

- a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
- b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI.
- c. The proposal does not disqualify an ASI as an ASI; and
- d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

C. Required hearings in front of the Landmarks Preservation Advisory Board (LPAB).








1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and advice to the decision making body:
 - a. Any construction of a new principal building in an API;
 - b. An addition to a API contributor when required by 17.136.055(B)(2)(f).
 - c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered “visible from a street or other public area” if it is 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.
 - d. New construction or an addition to a building when required by 17.136.055(B)(3)(d).
 - e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

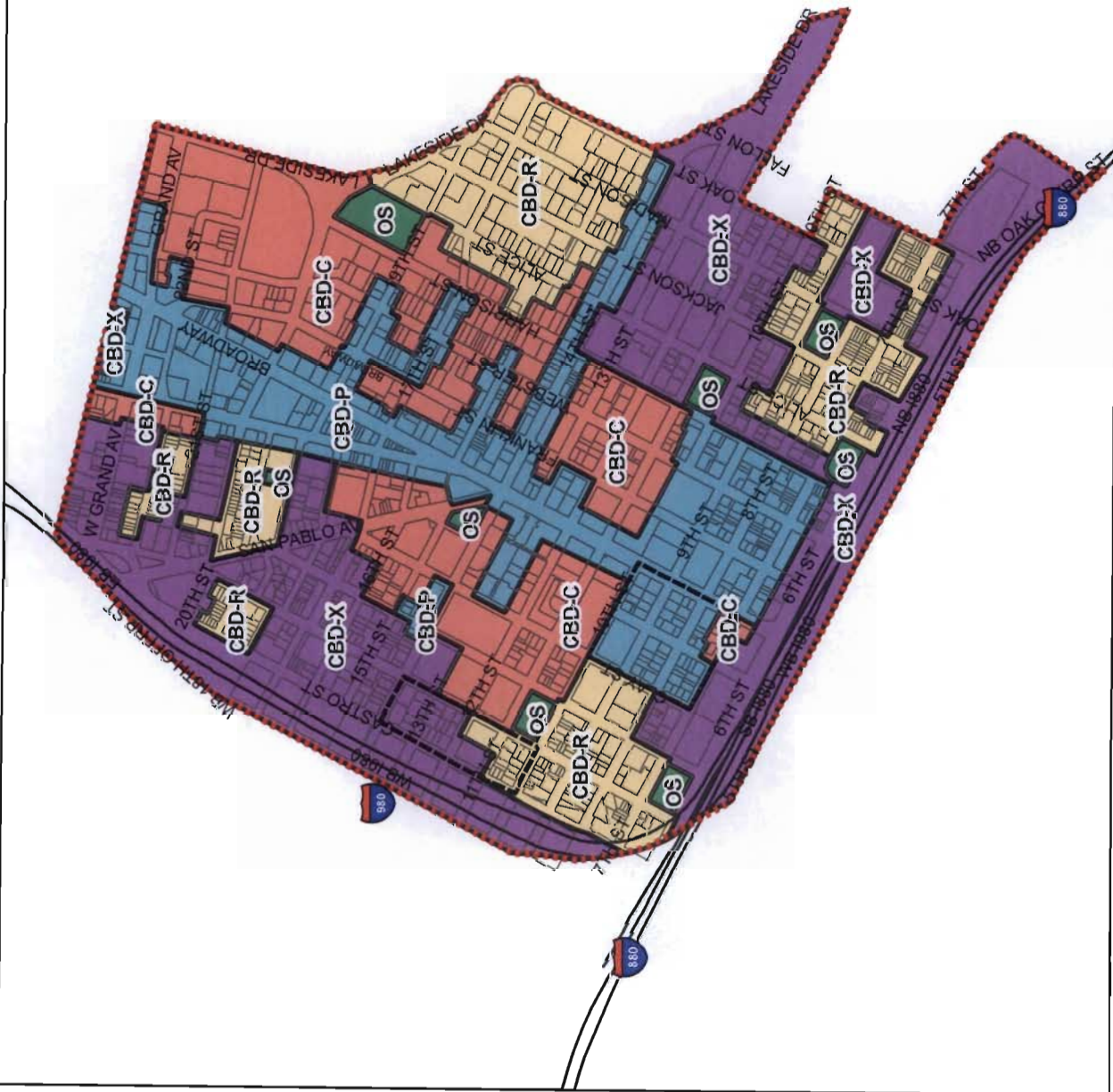
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Exhibit B

CENTRAL BUSINESS DISTRICT Zoning Boundaries

Proposed Zones

-  CBD-P (CBD Pedestrian Retail)
-  CBD-C (CBD Commercial)
-  CBD-X (CBD Mixed Commercial)
-  CBD-R (CBD Residential)
-  S-7 Preservation Combining Zone
-  Open Space Zone
-  Central Business District (CBD)



Am 8 w

CENTRAL BUSINESS DISTRICT Height Map

Height Area	Base Height (ft)	Total Height (ft)	Tower % of site area	Tower Floor Rate (sf)
1	55	55	NA	NA
2	85	85	NA	NA
3	55	170	50	10,000
4	85	275	75	15,000
5	85	400	75	20,000
6	85	None	75	25,000
7	120	None	85	None

- Special Area: A (Tower siting requirements)
- Parks
- Central Business District (CBD)
- BART Station



This Height Area is only in effect until a view corridor study is complete and new height regulations are adopted by the City Council.

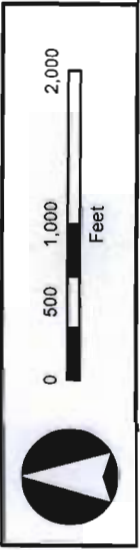


Exhibit D

The following shows proposed changes to this document. Deletions are in ~~strikeout~~; additions are underlined. Only sections of the guidelines proposed for change are shown in this attachment.



Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations

Adopted by the
City of Oakland
City Planning Commission

May 6, 1998

Amended November 3, 1999 (100-31)
Amended August 8, 2001
Amended December 5, 2001
Amended July 15, 2003
(Minor typographical changes May 28, 2004)
Amended October 31, 2006
Amended July 21, 2009

1. "Best Fit Zone" and Other Possible Zones

Under the conditional use permit provided by Section 17.01.100B of the Planning Code the project in question is to be subject to the "best fit zone" from the Zoning Regulations. Such "best fit zones" (and "other possible zones") are identified in Table 5 or 5A for the various General Plan Land Use Classifications. Where more than one "best fit zone" is identified for a particular Land Use Classification, Section 17.100B stipulates that "the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan." The Director's determination of "best fit zone" cannot be appealed to the City Planning Commission under Section 17.01.080, because it is made in conjunction with a conditional use permit, which allows appeals under the conditional use permit procedures.

In the case where the project sponsor opts for a rezoning, or for a General Plan amendment to match the current zoning, the "best fit zone" or "other possible zones" are allowed in determining which zone or General Plan Land Use Classification to use. The City Planning Commission and City Council make the ultimate determination of which zone to apply since a rezoning requires passage of an ordinance by the Council with a recommendation from the Commission. Specifically, Section 17.144.060 of the Rezoning and Law Change Procedure provides that the Commission "shall consider whether the existing zone ... [is] inadequate or otherwise contrary to the public interest and may approve, modify, or disapprove the application." "If the project sponsor requests one of these other possible zones, the application should fully explain why this other zone is considered preferable to the "best fit zone."

CHARTS, TABLES AND CHECKLISTS

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District	Mixed-Use Water f (See Table 5A)	Housing Bus. Mix***	Open Space:RCA	Open Space (Other)
Residential Activities:															
Permanent	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	✓NA		NA		
Semi-Transient	X	X	X				X	NA	NA		NA		NA	X	X
Civic Activities:															
Essential Service								NA	NA		NA		NA		
Limited Child-Care								NA	NA		NA		NA		
Nursing Home								NA	NA	✓	NA		NA	X	X
Community Assembly	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA✓		NA		
Recreational Assembly	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	✓NA		NA		
Community Education	✓	✓	✓	✓	✓	✓		NA	NA	✓	NA✓		NA		
Non-Assembly Cult.	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA✓		NA		
Administrative					✓	✓	✓	NA	NA	✓	NA✓		NA		
Residential Care								NA	NA	✓	NA		NA	X	X
Health Care						✓		NA	NA	✓	NA		NA	X	X
Utility and Vehicular								NA	NA		NA		NA		
Extensive Impact								NA	NA		NA		NA		

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS															
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District	Mixed-Use Water f (See Table 5A)	Housing Bus. Mix***	Open Space:RCA	Open Space (Other)	
Commercial Activities:																
General Food Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA✓		NA			
Full Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA✓		NA			
Limited Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA✓		NA			
Convenience Market						✓		NA	NA		NA		NA	X	X	
Fast-Food Restaurant	X	X	X					NA	NA		NA		NA	X	X	
Alcohol Bev. Sales								NA	NA		NA		NA			
Consumer Service				✓	✓	✓	✓	NA	NA		NA✓		NA	X	X	
Mech. or Elect. Games								NA	NA		NA		NA	X	X	
Medical Service						✓		NA	NA	✓	NA		NA	X	X	
General Retail Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA✓		NA	X	X	
Consult. Finan Svc.	X	X				✓	✓	NA	NA		NA✓		NA	X	X	
Consumr Laundry/Rep.	X	X				✓	✓	NA	NA				NA	X	X	
Group Assembly	X	X				✓	✓	NA	NA		NA✓		NA	X	X	
Personal Instruction/Imprv	X	X				✓	✓	NA	NA		NA✓		NA	X	X	
Administrative	X	X			✓	✓	✓	NA	NA		NA✓		NA	X	X	
Business/Communic.	X	X			✓	✓	✓	NA	NA		NA		NA	X	X	
Broadcasting & Recording	X	X			✓	✓	✓	NA	NA		NA		NA	X	X	
Retail Business Sup.	X	X				✓	✓	NA	NA				NA	X	X	
Research Service	X	X						NA	NA		NA		NA	X	X	
Gen. Wholesale Sales	X	X	X	X	X			NA	NA		NA		NA	X	X	
Trans Habitation/B&B							✓	NA	NA		NA✓		NA	X	X	
Building Material Sales	X	X	X	X	X			NA	NA	X	NA		NA	X	X	
Auto Sale/Rent/Deliv.	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X	
Automobile/Gas/Service	X	X	X			✓	✓	NA	NA		NA		NA	X	X	
Automobile Repair/Cleaning	X	X	X	X	X	✓		NA	NA		NA X		NA	X	X	
Auto Fee Parking	X	X	X					NA	NA		NA✓		NA	X	X	
Taxi & Light Fleet	X	X	X	X	X			NA	NA		NA X		NA	X	X	
Transport/Warehouse	X	X	X	X	X			NA	NA		NA X		NA	X	X	
Animal Boarding								NA	NA		NA					
Animal Care								NA	NA		NA		NA			
Undertaking Service	X	X	X					NA	NA		NA		NA	X	X	
Scrap Operation	X	X	X	X	X	X	X	NA	NA	X	NA X		NA	X	X	

Guidelines for Determining Project Conformity
Adopted May 6, 1998

Oakland City Planning Commission

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Manufacturing Activ.:															
Custom	X	X	X	X	X			NA	NA	X	NA		NA	X	X
Light	X	X	X	X	X			NA	NA	X	NA		NA	X	X
General	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X
Heavy	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X
Agricultural/Extract.:															
Plant Nursery								NA	NA		NA		NA	X	X
Crop/Animal Raising								NA	NA		NA		NA		
Mining and Quarrying								NA	NA		NA		NA	X	X
Residential Facilities:															
One-Family Dwelling	✓	✓	✓					NA	NA		NA		NA		
One-Fam. /Secondary	✓	✓	✓					NA	NA		NA		NA	X	X
One-Fam. w/ Second	✓	✓	✓					NA	NA		NA		NA	X	X
Two-Family Dwelling	X	X	✓					NA	NA		NA		NA	X	X
Multi-Family Dwelling	X	X	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA	X	X
Rooming House								NA	NA		NA		NA	X	X
Mobile Home								NA	NA		NA		NA	X	X
Downtown Live Work *	X	X	X	✓	✓	✓	X	NA	NA	✓	NA		NA	X	X
Nonresidential Facil.:															
Enclosed				✓	✓			NA	NA		NA		NA		
Open								NA	NA		NA		NA		
Drive-In	X	X	X					NA	NA		NA		NA	X	X
Sidewalk Cafe				✓	✓	✓	✓	NA	NA		NA		NA	X	X
Shopping Center**	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X
Drive-Through	X	X	X		X	✓	✓	NA	NA		NA		NA	X	X
Signs:															
Residential								NA	NA		NA		NA	X	X
Special								NA	NA		NA		NA		
Development								NA	NA		NA		NA	X	X
Realty								NA	NA		NA		NA	X	X
Civic								NA	NA		NA		NA		
Business								NA	NA		NA		NA		
Advertising								NA	NA		NA		NA	X	X
Telecommunications															
Micro								NA	NA		NA		NA		

Guidelines for Determining Project Conformity
Adopted May 6, 1998

Oakland City Planning Commission

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
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Mini								NA	NA		NA		NA		
Macro								NA	NA		NA		NA		
Monopole								NA	NA		NA		NA		
Tower								NA	NA		NA		NA	X	X
Accessory Activ./Facil.															
Live/work			✓					NA	NA	X	NA✓ *		NA	X	X

* Downtown building conversions to Live/Work are governed by a June 1999 ordinance which regulates and designates a specific downtown area for this type of conversion, regardless of General Plan Land Use Classification. See "Residentially-Oriented Live Work" regulations.

** "Shopping Center" is defined as a Non-residential facility type, but is not listed as permitted or conditionally permitted in any zone. This definition is used in conjunction with 1000' foot rule for Fast-Food Restaurants (Section 17.102.210(E)(1)).

***The permitted, conditionally permitted, and prohibited activities for the Housing and Business Mix, Business Mix, General Industrial and Transportation, ~~and Business Mix,~~ and Central Business District General Plan classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications. The Mixed Use Waterfront Classification is superceded by the Estuary Policy Plan Land Use Classifications. See Table 2A.

TABLE 3

GENERAL PLAN LAND USE CLASSIFICATIONS	MAXIMUM INTENSITY ALLOWED				
	Nonresidential	Residential*			
	Maximum Floor Area Ratio	Maximum Density in Principal Units per Gross Acre	Assumed Net- to-Gross Ratio*	Maximum Density in Principal Units per Net Acre	Minimum Square Feet of Site Area per Principal Unit
Hillside Residential	NA	5	75%	6.67	6,530
Detached Unit Residential	NA	11	75%	14.67	2,969
Mixed Housing Type Residential**	NA	30**	75%	40.0**	1,089**
Urban Residential	NA	125	75%	166.67	261
Neighborhood Center Mixed Use	4.0	125	75%	166.67	261
Community Commercial	5.0	125	75%	166.67	261
Regional Commercial	4.0	125	75%	166.67	261
Business Mix	NA	NA	NA	NA	NA
General Industrial & Transportation	NA	NA	NA	NA	NA
Institutional	8.0	125	75%	166.67	261
Central Business District	20.0 NA	300 NA	60% NA	500.0 NA	87 NA
Mixed Use Waterfront District	See Table 3A	See Table 3A	See Table 3A	See Table 3A	See Table 3A
Housing & Business Mix***	NA	NA	NA	NA	NA
Resource Conservation	NA	NA	NA	NA	NA
Urban Park & Open Space	NA	NA	NA	NA	NA

* If it appears in any given situation that the net-to-gross ratio is significantly different than given here, an individual calculation should be made for the site in question, following the procedure explained in the Density/Intensity Section (C2) of this report.

** In the Mixed Housing Type Residential classification, no project can have a higher density than allowed by its current zoning without a major variance or a rezoning. Under no situation can a project exceed the maximum density permitted under the General Plan, even if the density allowed by the current zoning is greater than the General Plan.

***The density and nonresidential floor area ratio for the Housing and Business Mix, General Industry & Transportation, and Business Mix, and Central Business District classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

NA = Not Applicable

ZONES THAT CORRESPOND TO GENERAL PLAN LAND USE CLASSIFICATIONS ● = "Best Fit" Zones ○ = Other Possible Zones	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix	General Industrial	Institutional	Central Business District	Mix-use Waterf.: See TABLE 5A	Housing/ Bus. Mix*	Open Space: RCA	Open Space : Other
OS (RCA) OS (Rsree Cons)								NA	NA		NA		NA	●	
OS (*) Open Space (All other)								NA	NA		NA		NA		●
R-10 Estate	●	○	○	○				NA	NA		NA		NA		
R-20 Low Density	●	○	○	○				NA	NA		NA		NA		
R-30 One--Family		●	○	○	○			NA	NA		NA		NA		
R-35 Special One Family			●	○	○			NA	NA		NA		NA		
R-36 Small Lot			●	○	○			NA	NA		NA		NA		
R-40 Garden Apartment			●	○	○			NA	NA		NA		NA		
R-50 Medium Density			●	○	○			NA	NA		NA		NA		
R-60 Medium High density				●	○	○		NA	NA		NA		NA		
R-70 High Density				●	○	○		NA	NA		NA		NA		
R-80 High--Rise Apartment				●	○	○		NA	NA		NA		NA		
R-90 Downtown Apartment								NA	NA		NA●		NA		
C-5 Neighborhood			●	○	●			NA	NA		NA		NA		
C-10 Local Retail			●	○	●			NA	NA		NA		NA		
C-20 Shopping Center					○	○		NA	NA		NA		NA		
C-25 Office				●	○	○		NA	NA		NA		NA		
C-27 Village				○	●			NA	NA		NA		NA		
C-28 Commercial Shopping				○	●			NA	NA		NA		NA		
C-30 District Thoroughfare						○		NA	NA		NA		NA		
C-31 Special Retail				○	●			NA	NA		NA		NA		
C-35 District Shopping								NA	NA		NA		NA		
C-36 Boulevard Service						●	●	NA	NA		NA⊕		NA		
C-40 Community Thorough						●	●	NA	NA		NA⊕		NA		
C-45 Community Shopping						●	●	NA	NA		NA⊕		NA		
C-51 Central Business Service								NA	NA		NA●		NA		
C-52 Old Oakland								NA	NA		NA●		NA		
C-55 Central Core								NA	NA		NA●		NA		
C-60 City Service								NA	NA		NA		NA		
M-10 Special Industry								NA	NA		NA		NA		
M-20 Light								NA	NA		NA		NA		
M-30 General								NA	NA		NA		NA		
M-40 Heavy								NA	NA		NA		NA		
S-1 Medical Center						○		NA	NA	●	NA		NA		
S-2 Civic Center								NA	NA	●	NA⊕		NA		
S-3 Research center								NA	NA		NA		NA		
S-4 Design Review								NA	NA		NA		NA		
S-13 Mixed Use								NA	NA		NA		NA		
S-15 Transit Oriented Devel.					●	○	○	NA	NA		NA		NA		

*There are no best fit zones for the Housing and Business Mix, Business Mix, and General Industrial & Transportation LUTE classifications. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

NA = Not Applicable

NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO: (A) AMEND THE OAKLAND PLANNING CODE TO CREATE FOUR NEW ZONES FOR THE CENTRAL BUSINESS DISTRICT AND MAKE RELATED TEXT AMENDMENTS; (B) AMEND THE ZONING MAPS TO INCLUDE THE NEW CENTRAL BUSINESS DISTRICT ZONES AND HEIGHT/BULK/INTENSITY AREAS FOR THE CENTRAL BUSINESS DISTRICT; AND (C) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE ABOVE CHANGES.

This ordinance provides development standards for areas of the City with a Central Business District General Plan land use classification. This area is generally bounded by I-980 to the west, I-880 to the south, Lake Merritt and Fallon Street to the east, and 23rd Street to the north.