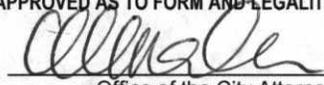


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OFFICE OF THE CITY CLERK
OAKLAND

2014 MAY 29 PM 12:40

APPROVED AS TO FORM AND LEGALITY

Office of the City Attorney

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL
ORDINANCE NO. 18248 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO (1) PERMIT EMERGENCY SHELTERS BY-RIGHT IN LIMITED SEGMENTS OF THE FOLLOWING RESIDENTIAL, COMMERCIAL, CIVIC AND INDUSTRIAL ZONES: RESIDENTIAL MIXED USE, URBAN RESIDENTIAL, NEIGHBORHOOD CENTER, COMMUNITY COMMERCIAL, BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE, MEDICAL CENTER, HOUSING AND BUSINESS MIX, AND THE CIX-1, CIX-2, IG, AND IO INDUSTRIAL ZONES, AND (2) MODIFY THE DEFINITIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, TO COMPLY WITH CALIFORNIA STATE LAW

WHEREAS, the City of Oakland has a tremendous unmet need for housing its current unsheltered homeless population and those at risk of being homeless; and

WHEREAS, the existing framework for addressing homelessness in Oakland includes Alameda County's *Everyone Home*, a 10-year plan to end homelessness, and the Oakland *Permanent Access to Housing* (PATH) Strategy; and

WHEREAS, the Oakland Planning Code contains rules for regulating emergency shelters within various zoning districts through the conditional use permit procedure; and

WHEREAS, California State Law Senate Bill 2 (SB 2) (amending California Government Code sections 65583 and 65589.5), effective January 1, 2008, strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing; and

WHEREAS, SB 2 requires cities to permit emergency shelters in at least one zoning district without a conditional use permit or other discretionary action; and

WHEREAS, SB 2 also specifies that emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses within the same zone; and

WHEREAS, the City of Oakland's 2007-2014 Housing Element, which must be updated every eight years, directs the City to adopt an ordinance amending the Planning Code to comply with SB 2; and

WHEREAS, preparation of the 2015-2023 Housing Element update is now underway, and the SB 2 zoning update must be adopted prior to adopting the next Housing Element update; and

WHEREAS, without an approved update of the Housing Element, the City may lose opportunities for certain grant funding which the State has set aside for jurisdictions with adopted Housing Elements; and

WHEREAS, the City of Oakland's Planning Bureau staff has prepared the following amendments to the Oakland Planning Code to permit shelters by-right in limited areas of specified zoning district(s), and to modify the definitions for transitional and supportive housing, in compliance with SB 2; and

WHEREAS, on December 11, 2013, at a duly noticed public hearing, the City Planning Commission's Zoning Update Committee recommended approval of the proposed Planning Code amendments; and

WHEREAS, on May 7, 2014, at a duly noticed public hearing, the City Planning Commission recommended approval of the proposed Planning Code amendments; and

WHEREAS, after a duly noticed public meeting on June 10, 2014, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on June 17, 2014, to consider the proposal; and

WHEREAS, the proposed Planning Code amendments rely on the previously certified 2007-2014 Housing Element Final EIR (2010), which provides analysis of the environmental impacts of the proposed Planning Code amendments and supports all levels of approval necessary to implement the Planning Code amendments; and

WHEREAS, the proposed Planning Code amendments would not result in any significant effect that has not already been analyzed in the Oakland Housing Element EIR, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIR; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code section 21166 and CEQA Guidelines sections 15162 or 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of

new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines section 15162(a)(3); and

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

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

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

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

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

Section 4. 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; (b) zoning applications approved by the City and not yet expired; or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 5. 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.

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OAKLAND
NOTICE AND DIGEST
2014 MAY 29 PM 12:40

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO (1) PERMIT EMERGENCY SHELTERS BY-RIGHT IN LIMITED SEGMENTS OF THE FOLLOWING RESIDENTIAL, COMMERCIAL, CIVIC AND INDUSTRIAL ZONES: RESIDENTIAL MIXED USE, URBAN RESIDENTIAL, NEIGHBORHOOD CENTER, COMMUNITY COMMERCIAL, BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE, MEDICAL CENTER, HOUSING AND BUSINESS MIX, AND THE CIX-1, CIX-2, IG, AND IO INDUSTRIAL ZONES, AND (2) MODIFY THE DEFINITIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, TO COMPLY WITH CALIFORNIA STATE LAW

This ordinance would amend the Planning Code to permit emergency shelters by-right in limited areas of specified zoning district(s), thus streamlining the approval process for the establishment of future shelters, as mandated by California State Law Senate Bill 2 (SB 2). SB 2 also provides that transitional and supportive housing constitute a residential use. Thus, Planning Code amendments are also proposed to modify the definitions for transitional and supportive housing. In addition to being a state requirement, SB 2 is a requirement of the City of Oakland's 2007-2014 Housing Element.

FILED
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OAKLAND

Edits to the Oakland Planning Code

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deletions are shown in strikethrough, additions are shown in underline

Chapter 17.10 Use Classifications

17.10.110 – Permanent Residential Activities

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed residential care facilities for six (6) or fewer residents including family foster care homes; service-enriched permanent housing facilities for six (6) or fewer residents; and transitional housing facilities for six (6) or fewer residents. However, such state-licensed residential care facilities, service-enriched permanent housing facilities and transitional housing facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.112 Residential Care Residential Activities

Residential Care Residential Activities include all residential care facilities that require a state license or are state licensed for seven or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections; or service-enriched permanent housing facilities for six (6) or fewer residents; or transitional housing facilities for six (6) or fewer residents, are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

17.10.114 - Service-Enriched Permanent Housing Residential Activities

Service-Enriched Permanent Housing Residential Activities for seven (7) or more residents, include permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as; health, mental health, education and employment/training services. These services may be provided on-site and/or off-site. If support services are also offered to on-site and/or off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Service-Enriched Permanent Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

17.10.116 - Transitional Housing Residential Activities

Transitional Housing Residential Activities, for seven (7) or more residents include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

- A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.
- B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.
- C. Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. A rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months.

If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

17.17.030 Permitted and conditionally permitted activities.

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
					C	

Residential Activities

Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Emergency Shelter	—	—P(L2)	—	—	—	
Semi-Transient	—	—	—	—	—	

Civic Activities

Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly Cultural	C	C	C	C	C	
Administrative	C	C	C	C	C	

Health Care	C	C	C	C	C	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Full Service Restaurants	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Limited Service Restaurant and Cafe	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Fast-Food Restaurant	—	—	—	—	—	
Convenience Market	—	—	—	—	—	
Alcoholic Beverage Sales	—(L5L6)	—(L5L6)	—(L5L6)	—(L5L6)	—(L5L6)	
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L6L7)	
General Retail Sales	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	

Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L6L7)	
Consultative and Financial Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	—	—	—	—	C(L6L7)(L7L8))	
Personal Instruction and Improvement Services	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Administrative	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L4L5)	
Business, Communication, and Media Services	—	—	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	—	—	

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

Industrial Activities (all)	—	—	—	—	—	
Agriculture and Extractive Activities						
Crop and animal raising	C(L9L10)	C(L9L10)	C(L9L10)	C(L9L10)	C(L9L10)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations on Table 17.17.01:

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

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

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

L2L3. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this chapter (April 14, 2011) and not originally used for a Civic

Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L34. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L4L5. These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L5L6. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity [in] Subsection 17.114.080.A.1.

L6L7. These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L7L8. Adult entertainment activities are prohibited.

L8L9. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 15, 2011) and not original used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L9L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

17.19.030 Permitted and conditionally permitted activities.

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Emergency Shelter	—	C(L1)	C(L1) <u>P(L2)</u>	C(L1) <u>P(L2)</u>	C(L1) <u>P(L2)</u>	17.103.010
Semi-Transient	—	—	—	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	

Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L2L3)	P(L2L3)	
Nonassembly Cultural	P(L2L3)	P(L2L3)	P(L2L3)	P(L2L3)	P(L2L3)	
Administrative	C	C	C	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Health Care	C	C	C	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Full Service Restaurants	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Limited Service Restaurant and Cafe	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Fast-Food Restaurant	—	—	—	—	C(L4L5)	17.103.030
Convenience Market	—	—	—	—	C(L4L5)	17.103.030

Alcoholic Beverage Sales	—(L7L8)	— (L7L8)	—(L7L8)	C(L3L4)	C(L4L5)	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	C(L4)	
Medical Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
General Retail Sales	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L5L6)(L6L7)(L9L10)	P(L6L7)(L8L9)(L9L10)	P(L6L7)(L8L9)(L9L10)	P(L2L3)(L3L4)(L9L10)	P(L2L3)(L4L5)(L9L10)	
Consultative and Financial Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Consumer Dry Cleaning Plant	—	—	—	C(L3L4)	C(L4L5)	
Group Assembly	—	—	C(L5L6)(L6L7)(L10L11)	C(L3L4)(L10L11)	C(L4L5)(L10L11)	
Personal Instruction and Improvement Services	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	

Administrative	P(L6L7)(L11L12)	P(L6L7)(L11L12)	P(L6L7)(L11L12)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Business, Communication, and Media Services	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L2)(L3L4)	P(L2L3)(L4L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Research Service	—	—	—	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
Agriculture and Extractive Activities						

Crop and animal raising	C(L42L13)	C(L42L13)	C(L42L13)	C(L42L13)	C(L42L13)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations on Table 17.19.01:

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

L2. Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(4)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L2L3. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3L4. In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L4L5. In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (April 14, 2011) or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L5.6 In the RU-1, RU-2, and RU-3 zones, these activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L6L7. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or

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

L7L8. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

L8L9. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L9L10. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10L11. Adult entertainment activities are prohibited.

L11L12. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit is required if the facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L12L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L1)(L2) (L3)	P(L1)(L2) (L3)	P(L1)(L3)	P(L1)(L3)	
Residential Care	P(L1)(L2) (L3)	P(L1)(L2) (L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3) (L4)	C(L1)(L3) (L4)	C(L1)(L3) (L4)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3) (L4)	C(L1)(L3) (L4)	C(L1)(L3) (L4)	C(L1)(L3)	17.103.010
Emergency Shelter	C(L1)(L3) (L4)P(L5)	C(L1)(L3) (L4)P(L5)	C(L1)(L3) (L4)P(L5)	C(L1)(L3)	17.103.010
Semi-Transient	—	—	—	—	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
Civic Activities					
Essential Service	P	P	P	P	

Limited Child-Care Activities	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L5L6)	P(L5L6)	P(L5L6)	P(L5L6)	
Administrative	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L6L7)	C(L4)(L6L7)	C(L4)(L6L7)	C(L6L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
Commercial Activities					
General Food Sales	P(L5L6)	P(L5L6)	P(L7L8)	P(L7L8)	
Full Service Restaurants	C(L4)	P(L5L6)	P(L5L6)	P(L5L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L5L6)	P(L5L6)	P(L5L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and 17.114.030

Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L7L8)	P(L7L8)	P(L5L6)	
General Retail Sales	P(L5L6)	P(L5L6)	P(L8L9)	P(L8L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L5L6)(L9L10)	P(L5L6)(L9L10)	P(L5L6)(L9L10)	P(L5L6)(L9L10)	
Consultative and Financial Service	P(L2)	P(L10L11)	P(L5L6)	P(L5L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L5L6)	P(L5L6)	P(L5L6)	P(L5L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L11L12)	C(L4)(L11L12)	C(L4)(L11L12)	C(L11L12)	
Personal Instruction and Improvement Services	P(L2)	P(L5L6)	P(L5L6)	P(L5L6)	
Administrative	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Research Service	C(L4)	C(L4)	P(L5L6)	P(L5L6)	
General Wholesale	—	—	—	—	

Sales					
Transient Habitation	—	—	—	—	
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L5L6)	P(L5L6)	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	C(L4)(L12L13)	C(L4)(L12L13)	C(L124L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	

Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste	—	—	—	—	

Management					
Agriculture and Extractive Activities					
Crop and animal raising	C(L13L14)	C(L13L14)	C(L13L14)	C(L13L14)	
Plant nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

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

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

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

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

1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;

3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1, L3, and L4 above.

L5L6. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L6L7. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L7L8. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L8L9. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CLIP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L9L10. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10L11. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.

L11L12. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L12L13. Not permitted on the ground floor.

L13L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Emergency Shelter	C(L1)(L3)	C(L1)(L3)P(L4)	C(L1)(L3)P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	

Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L4L5)	C(L4L5)	C(L4L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17. 17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L5L6)	P(L5L6)	P(L5L6)	

Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L6L7)	C(L6L7)	C(L6L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L7L8)	C(L7L8)	C(L7L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L8L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L9L10)	C(L9L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	

Animal Care	P	P	P	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L10L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P	
B. General Outdoor Storage	—	—	—	
C. Self-or Mini Storage	—	—	—	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	

Hazardous Materials Production, Storage, and Waste Management	—	—	—	
Agriculture and Extractive Activities				
Crop and animal raising	C(L14L12)	C(L14L12)	C(L14L12)	
Plant nursery	C	C	C	
Mining and Quarrying	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

Limitations on Table 17.35.01:

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

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

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

L4. Emergency shelters are permitted by-right within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L3 above.

L4L5. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L5L6. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L6L7. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any

Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L7L8. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L8L9. Automobile and Other Light Vehicle Sales and Rental is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on Telegraph Avenue between 28th Street and 1-580.

L9L10. This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

1. That all repair and servicing is performed in an enclosed building;
2. That a minimum six (6) foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH, RD or RM Zone;
3. That a landscape buffering is at all parcels lines adjacent to an RH, RD or RM Zone; and
4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week.

L10L11. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within three hundred (300) feet of an RH, RD, or RM Zone.

L11L12. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.030 Permitted, conditionally permitted, and prohibited activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Residential Activities				
Permanent Residential	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C	C	C	17.103.010
Transitional Housing	C	C	C	17.103.010
Emergency Shelter	C	<u>GP(L2)</u>	C	17.103.010
Semi-Transient Residential	C	C	C	17.103.010
Bed and Breakfast	—	—	—	17.12.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	<u>P(L2L3)</u>	<u>P(L2L3)</u>	<u>P(L2L3)</u>	
Recreational Assembly	<u>P(L2L3)</u>	<u>P(L3L4)</u>	<u>P(L4L5)</u>	

Community Education	C	C	C	
Nonassembly Cultural	P(L3L4)	P(L3L4)	P(L3L4)	
Administrative	P(L3L4)	P(L3L4)	P(L3L4)	
Health Care	C	C	C	
Special Health Care	C(L5L6)	C(L5L6)	C(L5L6)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P(L3L4)	P(L3L4)	P(L3L4)	
Full Service Restaurant	P(L4L5)	P(L4L5)	P(L4L5)	
Limited Service Restaurant and Cafe	P(L4L5)	P(L4L5)	P(L4L5)	
Fast-Food Restaurant	—	—	—	17.103.030
Convenience Market	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P(L3L4)	P(L3L4)	P(L3L4)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6L7)	P(L6L7)	P(L6L7)	
Consultative and Financial Service	P(L3L4)	P(L3L4)	P(L3L4)	
Check Cashier and Check Cashing	—	—	—	17.103.040

Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L7L8)	C(L7L8)	C(L7L8)	
Personal Instruction and Improvement and Small Scale Entertainment	C	C	C	
Administrative	P(L3L4)	P(L3L4)	P(L3L4)	
Business, Communication, and Media Service	P	P	P	
Broadcasting and Recording Service	P	P	P	
Research Service	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	
General Wholesale Sales	P(L3L4)	P(L3L4)	P(L3L4)	
Transient Habitation	—	—	—	17.103.050
Building Material Sales	P(L9L10)	P(L9L10)	P(L9L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L10L11)	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L10L11)	—	—	
Taxi and Light Fleet-Based Service	P(L3L4)	P(L3L4)	P(L3L4)	
Automotive Fee Parking	—	—	—	
Animal Boarding	—	—	—	
Animal Care	C	C	C	
Undertaking Service	—	—	—	

Industrial Activities				
Custom Manufacturing	P(L3L4)	P(L3L4)	P(L3L4)	17.120
Light Manufacturing	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	17.120
General Manufacturing	—	—	—	
Heavy/High Impact Manufacturing	—	—	—	
Research and Development	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	
Construction Operations	P(L9L10)	P(L9L10)	P(L9L10)	
Warehousing, Storage and Distribution				
A. General Warehousing, Storage and Distribution	P(L3L4)	P(L3L4)	P(L3L4)	
B. General Outdoor Storage	C	C	C	
C. Self- or Mini-Storage	C(L11L12)	C(L11L12)	C(L11L12)	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	
Agricultural and Extractive Activities				
Plant Nursery	C	C	C	

Crop and Animal Raising	—C(L12L13)	—C(L13L14)	—C(L12L13)	
Mining and Quarrying Extractive	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.175
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations:

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

L2. Emergency shelters are permitted by-right within the portion of the East 12th Street corridor described in Section 17.103.015(A)(6) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L2L3. The total floor area devoted to these activities shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L3L4. The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L4L5. The total floor area devoted to a Full-Service or Limited-Service Restaurant Commercial Activity shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L5L6. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L6L7. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L7L8. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L8L9. Outdoor principal activities, are only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

L9L10. This activity shall is only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is twenty-five thousand (25,000) square feet or larger or covers twenty-five thousand (25,000) square feet or more of lot area.

L10L11. Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See Section 17.114 for general regulations regarding nonconforming uses.

L11L12. All facilities containing Self- or Mini Storage activities shall meet the following requirements:

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

L12L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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

17.72.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Service-Enriched Permanent Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	—	—P(L1)	—	
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	P	

Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	—	P	
Administrative	P(L4L2)	P(L4L2)	P(L4L2)	
Health Care	C	—	—	
Special Health Care	C(L2L3)	C(L2L3)	C(L2L3)	17.103.020
Utility and Vehicular	C	P(L3L4)	P(L3L4)	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L4L2)	P	P	
General Retail Sales	P(L4L5)	P(L4L5)	P(L4L5)	

Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L4L5)(L5L6)	P(L4L5)(L5L6)	P(L4L5)(L5L6)	
Consultative and Financial Service	P(L4L2)	P(L4L2)	P(L4L2)	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L6L7)	C(L6L7)	
Personal Instruction and Improvement Services	—	C	C	
Administrative	P(L4L2)	P(L4L2)	P(L4L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L7L8)	P(L7L8)	P(L7L8)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L7L8)	P(L7L8)	P(L7L8)	

Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	P(L8L9)	P	P	
Light Manufacturing	P(L9L10)	P	P	
General Manufacturing	C(L9L10)	C(L9L10)	C(L9L10)	
Heavy/High Impact	—	—	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L10L11)	
Regional Freight Transportation	C	C	C	
Trucking and Truck-Related				
A. Freight/Truck Terminal	C	P(L7L8)(L11L12)	P(L7L8)(L11L12)	

B. Truck Yard	C	P(L7L8)(L11L12)	P(L7L8)(L11L12)	
C. Truck Weigh Stations	C	P(L7L8)(L11L12)	P(L7L8)(L11L12)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L7L9)(L11L13)	P(L7L9)(L11L13)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L7L8)(L11L12)	P(L7L8)(L11L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L12L13)	C(L12L13)	C(L12L13)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Crop and Animal Raising	C(L13L14)	C(L13L14)	C(L13L14)	
Mining and Quarrying	C	C	C	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations on Table 17.72.01:

L1. Emergency shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

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

L4L2. The total floor area devoted to these activities on any single lot may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2L3. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L3L4. Communications equipment installation and exchanges are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4L5. The total floor area devoted to these activities on any single lot may only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5L6. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L6L7. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L7L8. No facility accommodating either of these activities that is located within one hundred fifty (150) feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless the proposal have been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

L8L9. These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a residential zone (see Chapter 17.134 for the CUP procedure).

L9L10. Electroplating activities are prohibited.

L10L11. Salvage/Junk Yards Industrial Activities in the M-40 Zone are only permitted upon the granting of a Conditional Use Permit if located within four hundred (400) feet of any zone except the M-30 Zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 Zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed twenty (20) feet in height.

L11L12. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L12L13. These activities are prohibited when located within two thousand (2,000) feet from a residential facility. When not within two thousand (2,000) feet of a residential facility, Hazardous Materials

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

1. That the project is not detrimental to the public health, safety or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

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

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.73 CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES REGULATIONS

17.73.020 Permitted and conditionally permitted uses and facilities.

The following table lists the permitted, conditionally permitted, and prohibited uses and facilities in the CIX-1, CIX-2, IG and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

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

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

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

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

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<u>Emergency Shelter</u>	<u>P(L1)</u>	<u>P(L1)</u>	=	=	
<u>All Other Residential Uses</u>	All <u>other</u> residential uses prohibited in each zone				
Civic Uses					
Essential Service	P	P	P	P	
Limited Child-Care	—	—	—	—	
Community Assembly	P	C	—	C	
Recreational Assembly	P	C	—	C	
Community Education	P	C	—	C	
Nonassembly Cultural	P	C	—	C	
Administrative	P	C	—	C	
Health Care	P	—	—	—	
Special Health Care	C	C	—	—	See Section 17.103.020

Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Uses					
General Food Sales	P	C(L1L2)	C(L1L2)	P(L1L2)	
Full Service Restaurant	P	C(L1L2)	C(L1L2)	P(L1L2)	
Limited Service Restaurant and Cafe	P	C(L1L2)	C(L1L2)	P(L1L2)	
Fast Food Restaurant	C	C	—	C	See Section 17.103.030
Convenience Market	C	C	—	C	
Alcoholic Beverage Sales	L2L3	C	—	—	See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	L3L4	—	—	—	
Medical Service	P	C	—	C	
General Retail Sales	P	—	—	—	In the CIX-2 and IO Zones. Retail allowed as an accessory use only per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P	P	—	C	See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats.
Consultative and Financial Service	P	—	—	—	
Check Cashier and Check Cashing	—	—	—	—	

Consumer Cleaning and Repair Service	P	C	—	—	
Consumer Dry Cleaning Plant	P	C	—	—	
Group Assembly	P(L7L8)	C(L8L9)	C(L8L9)	C(L8L9)	
Personal Instruction and Improvement and Small Scale Entertainment	P(L7L8)	C(L8L9)	C(L8L9)	C(L8L9)	
Administrative	P	P	L9L10	P	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P	P	C	P	
General Wholesale Sales	P	P	P	P	No retail ancillary activities for this use allowed in IG or IO.
Transient Habitation	—	—	—	—	
Building Material Sales	L3L4	L3L4	—	—	
Automobile and Other Light Vehicle Sales and Rental	P	C	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	P	P	P	—	Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
Automotive and Other Light Vehicle Repair and Cleaning	L3L4	L3L4	P	—	Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
Automotive Fee Parking	L3L4	P	P	P	

Animal Care	<u>L4L5</u>	C	C	—	
Animal Boarding	<u>L4L5</u>	C	C	—	
Undertaking Service	P	C	C	—	
Industrial Uses					
Custom Manufacturing	P	P	P	P	
Light Manufacturing	P	P	P	P	
General Manufacturing	<u>L3L4</u>	<u>L3L4</u>	P	—	
Heavy Manufacturing	—	—	C	—	
Research and Development	P	P	P	P	
Construction Operations	<u>L3L4</u>	<u>L3L4</u>	<u>L3L4</u>	C	
Warehousing, Storage and Distribution					
A. General Warehousing, Storage and Distribution	P	P	P	P	No retail component of this use allowed in IG or IO. Also, see Section 17.73.060
B. General Outdoor Storage	C	<u>L3L4</u>	P	P	
C. Self or Mini Storage	C	C	—	C	
D. Container Storage	—	<u>L3L4</u>	P	—	
E. Automotive Salvage and Junk Yards	—	—	<u>L3L4</u>	—	
Regional Freight and Transportation:					
A. Seaport	—	—	P	C	
B. Rail Yard	—	C	P	—	
Trucking and Truck Related:					

A. Freight/Truck Terminal	L5L6	L3L4	P	—	The establishment of new or expanded trucking and trucking-related activities requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
B. Truck Yard	L5L6	C	P	C	
C. Truck Weigh Stations	—	P	P	—	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	L6L7	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	L5L6	P	P	—	
Recycling and Waste-Related Activities					
A. Satellite Recycling Collection Centers	C	C	C	C	
B. Primary Recycling Collection Centers	L10L1 1	L10L1 1	L11L12	—	
Hazardous Materials Production, Storage & and Waste-Related Activities					L12 See also Health and Safety Protection Zone (S-19)
A. Small Scale Transfer and Storage	—	C	C	—	
B. Industrial Transfer/Storage	—	—	C	—	
C. Residuals Repositories	—	—	C	—	
D. Oil and Gas Storage	—	—	L2L3	—	
Agricultural and Extractive uses					
Plant nursery	P	P	P	—	
Crop and animal raising	— C(L13 L14)	— C(L13 L14)	C(L13L14)	—	
Mining and Quarrying Extractive	—	—	C	—	See Chapter 17.155

Limitations:

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

L1L2. Limited to location on a ground floor in CIX-2, IG and IO. Over five thousand (5,000) sf floor area requires a conditional use permit in CIX-2, IG, and IO.

L2L3. Prohibited within three hundred (300) feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in CIX-2).

L3L4. A conditional use permit is required if within three hundred (300) feet of a residential zone; Permitted if beyond three hundred (300) feet of a residential zone.

L4L5. A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.

L5L6. Prohibited within six hundred (600) feet of a residential zone. A conditional use permit is required elsewhere throughout the zone. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L6L7. A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L7L8. A conditional use permit is required for entertainment uses. Also, no new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L8L9. Entertainment, educational and athletic services are not permitted.

L9L10. Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in IG.

L10L11. Prohibited within three hundred (300) feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if beyond three hundred (300) feet of a residential zone boundary.

L11L12. Prohibited within three hundred (300) feet of a residential zone, permitted outright beyond three hundred (300) feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.

L12L13. A conditional use permit is required for electroplating activities.

L13L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.74 S-1 MEDICAL CENTER ZONE REGULATIONS

17.74.030 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section 17.103.015(A)(1)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

Chapter 17.101C D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE REGULATIONS

17.101C.060 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101C.01 Permitted and Conditionally Permitted Activities

Activities	D-BR Zone	Additional Regulations
Residential Activities		
Permanent Residential	C(L1)	
Residential Care	P(L1)(L2)	17.103.010
Service-Enriched Permanent Housing	C(L1)	17.103.010
Transitional Housing	C(L1)	17.103.010
Emergency Shelter	—P(L3)	17.103.010
Semi-Transient Residential	—	17.103.010
Bed and Breakfast		
Civic Activities		
Essential Service	P	
Limited Child-Care	C(L1)	
Community Assembly	C(L1)	

Recreational Assembly	C(L1)	
Community Education	P(L1)	
Nonassembly Cultural	P	
Administrative	P(L1)	
Health Care	C	
Special Health Care	—	17.103.020
Utility and Vehicular	—	
Extensive Impact	—	
Commercial Activities		
General Food Sales	P	
Full Service Restaurant	P	
Limited Service Restaurant and Cafe	P	
Convenience Market	C	17.103.030
Fast-Food Restaurant	C	
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	
Medical Service	P(L3L4)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L4L5)	
Consultative and Financial Service	P	

Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L5L6)	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P(L1)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	
Research Center	—	
General Wholesale Sales	—	
Transient Habitation	—	17.103.050
Building Material Sales	—	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L6L7)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	—(L76)	17.114.050 (A)
Taxi and Light Fleet-Based Service	—	
Automotive Fee Parking	C	
Animal Care	C	
Animal Boarding	C	
Undertaking Service	—	
Scrap Operation	—	

Industrial Activities	All Industrial Activities prohibited in these zones	
Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	17.102.110

Limitations:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

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

L3. Emergency shelters are permitted by-right within the portion of the Webster Street area described in Section 17.103.015(A)(3) and subject to the development standards in Section 17.103.015(B).

L3L4. These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27th Street right-of-way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit.

L4L5. See Section 17.102.170 for special regulations relating to massage services. Also no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L5L6. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L6L7. Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Subsection 17.114.050.A.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article I - Residential Activities

Article II - Civic Activities

Article III - Commercial Activities

Article IV - Industrial Activities

Article V - Agricultural and Extractive Activities

Article VI - Residential Facilities

Article VIII - Nonresidential Facilities

Article IX - Sign Facilities

Article X - Telecommunications Facilities

Article I Residential Activities

17.103.010 Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.

17.103.015 Standards Applicable to Emergency Shelters Permitted "By-Right".

17.103.015 Standards applicable to emergency shelters permitted "by-right".

A. Emergency shelters shall be permitted by-right within the following areas, identified street corridors, and portions of street corridors (see Zoning Code Bulletin on *Emergency Shelters Permitted By-right* for a map of the following locations):

1. That portion of Martin Luther King Jr. Way lying between the 51st Street and the City of Oakland City Limits (Segment A on map in Zoning Code Bulletin).
2. That portion of San Pablo Boulevard lying between 53rd Street and the City of Oakland City Limits (Segment B on map in Zoning Code Bulletin).
3. That portion of the area surrounding Webster Street bounded by 29th Street to the south, the I-580 overpass to the north and Elm Street to the west and Webster Street (parcels fronting Webster Street) to the east (Segment C on map in Zoning Code Bulletin).
4. That portion of San Pablo Boulevard lying between Grand Avenue and I-580 (Segment D on map in Zoning Code Bulletin).
5. That area surrounding Third Street bounded by Martin Luther King Jr. Way to the east, Fifth Street to the north, Embarcadero West to the south and Union Street to the west (Segment E on map in Zoning Code Bulletin).
6. That portion of E. 12th Street between 14th Avenue and 23rd Avenue (Segment F on map in Zoning Code Bulletin).
7. That portion of Macarthur Boulevard between Fruitvale Avenue and High Street (Segment G on map in Zoning Code Bulletin).

8. That area of Coliseum Way bounded by San Leandro Street to the north, I-880 to the south, 66th Avenue to the east and High Street to the west (Segment H on map in Zoning Code Bulletin).

B. Where permitted by-right, Emergency shelters shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:

1. **Compliance with required licenses, permits, and approvals.** An emergency shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable building and fire codes. An emergency shelter residential facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
2. **Number of beds.** A maximum of number of 100 beds or persons are permitted to be served nightly by the facility.
3. **Off Street Parking.** See Sections 17.116.060(B) and 17.103.010(A) for parking-related requirements for emergency shelters.
4. **Size and location of exterior onsite waiting and client intake areas.** Exterior waiting areas must comply with the Small Project Design Review Checklist Criteria for Facilities with 3 or More Dwelling Units.
5. **Restriction on overconcentration of Emergency Shelter Residential Activities.** See Section 17.103.010(B) for overconcentration standards for Emergency Shelter Residential Activities.
6. **Length of stay.** No individual or family shall reside in an emergency shelter for more than 180 consecutive days.
7. **External Lighting and Security.** Satisfactory completion of the City of Oakland's "Crime Prevention Through Environmental Design (CPTED) Checklist for Residential Projects" is required for all emergency shelters permitted by-right.
8. **Additional Requirements.** For City of Oakland funded shelters refer to the current "Standard Contract – Service Agreement" that governs the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.