Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge. f. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project. g. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project. h. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces. i. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.		
Impact Geo-4: Grading and excavations associated with future development pursuant to or consistent with the Specific Plan could result in the loss of topsoil through erosion.	**SCA 34: Erosion and Sedimentation Control**. The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.	When no grading permit is required.] (Ongoing throughout demolition grading, and/or construction activities.	City of Oakland Planning and Zoning Division City of Oakland Building Services Division
	SCA 55: Erosion and Sedimentation Control Plan. For projects that require a grading permit. a. The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not	Prior to any grading activities. Implementation: Ongoing throughout grading and construction activities	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment. Ongoing throughout grading and construction activities: b. The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.		
	SCA 75/76: Erosion, Sedimentation, and Debris Control Measures. The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following: BASIC (Applies to ALL construction sites) a. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, storm drains. b. In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.	Prior to issuance of demolition, grading, or construction-related permit	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	c. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible. d. Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. e. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains. f. Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or storm drains. g. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site. h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. i. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work. j. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, storm drains. k. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB). l. All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control		

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately These Development Standards apply to ALL projects that create or replace LESS than 10,000 square feet of impervious service or involve construction of one single family home. Exceptions to this standard include the following: m. Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features associated with the street. n. Routine maintenance and repair of existing impervious surfaces, including roof and pavement resurfacing and road pavement structural section rehabilitation work within the existing pavement footprint; and o. Reconstruction work within an existing public street right-of-way where both sides of the right-of-way are already developed.		
Impact Geo-5: Portions of the Planning Area are underlain by unstable geologic conditions and soils, and potentially wells, pits, tank vaults or unmarked sewer lines, creating substantial risks to life or property. Future development pursuant to or consistent with the Specific Plan could expose people or structures to substantial adverse effects.	**SCA 58, Soils Report.** The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically, the minimum contents of the report should include: a. Logs of borings and/or profiles of test pits and trenches: b. The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. i. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. ii. All boring logs shall be included in the soils report. c. Test pits and trenches i. Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. ii. Soils profiles of all test pits and trenches shall be included in the soils report. d. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled. e. Copies of all data generated by the field and/or laboratory testing to determine	A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division.	City of Oakland, Building Services Division

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit. f. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following: i. Site description; ii. Local and site geology; iii. Review of previous field and laboratory investigations for the site; iv. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building; v. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist; vi. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required; vii. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report; viii. All other items which a Soils Engineer deems necessary; ix. The signature and registration number of the Civil Engineer preparing the report. g. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.		

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	SCA 60, Geotechnical Report. a. A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically: i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults. ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks). iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland. iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge. v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project. vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project. vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces. b. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.	Required as part of the submittal of a tentative Tract Map or tentative Parcel Map	City of Oakland Building Services Division
Impact Hydro-3: Grading and excavations	**SCA 75: Stormwater Pollution Prevention Plan.** The project applicant must obtain	Prior to and	City of Oakland

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
associated with future development pursuant to or consistent with the Specific Plan could expose underlying soils to erosion or siltation, leading to downstream sedimentation in stormwater runoff.	coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit a copy of the SWPPP and evidence of approval of the SWPPP by the SWRCB to the Building Services Division. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	ongoing throughout demolition, grading, and/or construction activities	Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection
Impact Hydro-4: Operational activities such as increased vehicular use, landscaping maintenance and industrial operations could potentially introduce pollutants into stormwater runoff, resulting in degradation of downstream water quality. New development pursuant to the Specific Plan could create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems, create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality.	**SCA 80: Post-Construction Stormwater Management Plan.** The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable. a. The post-construction stormwater pollution management plan shall include and identify the following: i. All proposed impervious surface on the site; ii. Anticipated directional flows of on-site stormwater runoff; and iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and iv. Source control measures to limit the potential for stormwater pollution; and v. Stormwater treatment measures to remove pollutants from stormwater runoff. vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required	Prior to issuance of building permit or other construction-related permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	under the NPDES permit. b. The following additional information shall be submitted with the post-construction stormwater pollution management plan: i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project. iii. All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program. c. (Prior to final permit inspection.) The applicant shall implement the approved stormwater pollution management plan.		
	SCA 81: Maintenance Agreement for Stormwater Treatment Measures. For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following: a. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and b. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment	Prior to final zoning inspection	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland – Public Works Department, Sewer and Stormwater

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.		Division

West Oakland Specific Plan and Related Actions Adoption Findings

In addition to the California Environmental Quality Act (CEQA) findings, there are additional findings which the Commission must make in recommending the *West Oakland Specific Plan* (WOSP) and Related Actions to the City Council, as detailed below.

The City Planning Commission finds and determines:

1. The WOSP is consistent with Policy A3 of the *Land Use and Transportation Element (LUTE)* of the Oakland General Plan: "Develop General Plan amendment cycles and related procedures." Specifically:

   a. Policy A3 of the General Plan *LUTE* states that the City will amend its General Plan, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances Plan implementation; b) how it is consistent with the policies in the Element; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals. As detailed below, the General Plan amendments proposed by the WOSP advance Policy A3 of the General Plan *LUTE* by amending the General Plan to be consistent with the WOSP Area.

   b. The WOSP and associated General Plan text and map amendments, zoning regulations and Design Guidelines (Related Actions) are consistent with and further advance the Oakland General Plan including the *LUTE*. By way of example and not by limitation, the following summary lists the major goals and policies of the *LUTE* and discusses how the WOSP and Related Actions are consistent with these goals and policies:

      - As discussed in Chapter 4.6 of the West Oakland Specific Plan Environmental Impact Report (WOSP EIR) (hereby incorporated by reference throughout these findings, as if fully set forth herein), the General Plan *LUTE* sets forth a Policy Framework in five focus areas: Industry and Commerce, Transportation and Transit-Oriented Development, Downtown, Waterfront, and Neighborhoods. The *LUTE* also provides specific direction for several distinct Planning Areas, including West Oakland. The Plan Area falls within the West Oakland planning area. Goals and policies within the *LUTE* focus on the need to develop business attraction strategies for the area while developing complementary uses and improving physical conditions. Various elements of the WOSP address these components.

      - As discussed in Chapter 4.6 of the WOSP EIR, the General Plan *LUTE* provides specific direction for several distinct Planning Areas, including West Oakland. For West Oakland, the *LUTE* encourages maintaining and enhancing established neighborhood areas, business expansion to take advantage of the I-880 alignment, resolving land use conflicts between business and residents, access to the waterfront, better transportation linkages, and overall improvements to the appearance of the community. The *LUTE* includes direction to support the character of established neighborhoods and guide development of housing with ground floor commercial along major corridors such as San Pablo Avenue, 7th Street, and West Grand Avenue. The proposed Specific Plan recommendations are consistent with the *LUTE*.

      - As discussed in Chapter 4.6 of the WOSP EIR, the *LUTE* targets areas in West Oakland for focused public and private investment. Many of these target areas are encompassed within the Specific Plan Opportunity Areas and Opportunity Sites, including the BART station, 7th Street, Wood Street, Pine Street, San Pablo Avenue, and West Grand Avenue. The Specific

Plan would support the specific *LUTE* recommendations for West Oakland, including maintaining and enhancing established neighborhood areas, retaining industrial uses toward the core of the Mandela/West Grand industrial area away from residential areas, locating new trucking services away from residential neighborhoods, encouraging business expansion, reducing land use incompatibilities between industrial and residential uses, improving access to the waterfront, better transportation linkages, enhancing the overall appearance of the community, development of housing with ground floor commercial along San Pablo Avenue, 7th Street, and West Grand Avenue, a transit village at the West Oakland BART Station, and revitalizing 7th Street.

- As discussed in Chapter 4.6 of the WOSP EIR, the *LUTE* contains several Industry and Commerce policies:
    - Policy I/C1.1: Attracting New Business.
    - Policy I/C1.2: Retaining Existing Business
    - Policy I/C1.3: Supporting Economic Development Expansion through Public Investment.8
    - Policy 1/C1.4: Investing in Economically Distressed Areas of Oakland
    - Policy 1/C1.8: Providing Support Amenities Near Employment Centers
    - Policy I/C1.9: Locating Industrial and Commercial Area Infrastructure.
    - Policy I/C1.10: Coordinating City and Port Economic Development Plans.
    - Policy I/C1.11: Expanding job Training Opportunities.
    - Policy I/C2.1: Pursuing Environmental Clean-Up
    - Policy I/C2.2: Reusing Abandoned Buildings
    - Policy I/C2.3: Providing Vacant or Buildable Sites.
    - Policy I/C3.1: Locating Commercial Business
    - Policy I/C3.2: Enhancing Business Districts.
    - Policy I/C3.3: Clustering Activity in "Nodes"
    - Policy I/C3.4: Strengthening Vitality
    - Policy I/C3.5: Promoting Culture, Recreation, and Entertainment
    - Policy 1/C4.1: Protecting Existing Activities
    - Policy 1/C4.2: Minimizing Nuisances

  The Specific Plan would be consistent with the policy framework of the Land Use and Transportation Element's Industry and Commerce policies, including attracting new businesses (I/C1.1), retaining existing businesses (I/C1.2), supporting economic development expansion through public investments (I/C 1.3), investing in economically distressed areas of Oakland (I/C1.4), providing support amenities near employment centers (I/C1.8), coordinating City and Port economic development plans (I/C1.10), pursuing environmental cleanup (I/C2.1), reusing abandoned buildings (I/C2.2), enhancing business districts (I/C3.2), clustering activity in nodes (I/C3.3), promoting culture, recreation and entertainment (I/C3.5), and minimizing nuisances (I/C4.2).

- Transportation and Transit-Oriented Development objectives and policies to encourage alternative means of transportation; to include bikeways and pedestrian walks in new streets; and to improve the visual quality of streetscapes. The *LUTE* contains two Transportation and Transit policies particularly relevant to the Specific Plan:
    - Policy T2.2: Guiding Transit-Oriented Development. Transit-oriented developments should be pedestrian oriented, encourage night and day time use, provide the

neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

- Policy T2.3: Promoting Neighborhood Services. Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.

The Specific Plan would be consistent with the policy framework of the Land Use and Transportation Element's Transportation and Transit policies, including guiding future transit planning, establishing new transit-oriented development and promoting development of neighborhood commercial near transit.

- Neighborhood objectives and policies to ensure compatible development in terms of density, scale, design and existing or desired character of surrounding development; and to recognize and support the identification of distinct neighborhoods. The *LUTE* contains various neighborhood policies: Policy N1.1: Concentrating Commercial Development.
- Policy N1.4: Locating Large-Scale Commercial Activities.
- Policy N1.5: Designing Commercial Development
- Policy N1.6: Reviewing Potential Nuisance Activities
- Policy N5.2: Buffering Residential Areas
- Policy N5.3: Supporting Live-Work Development.
- Policy N1.8: Making Compatible Development
- Policy N3.1: Facilitating Housing Construction
- Policy N3.2: Encouraging Infill Development
- Policy N5.1: Environmental Justice
- Policy N6.1: Mixing Housing Types
- Policy N6.2: Increased Home Ownership
- Policy N8.1: Developing Transit Villages.
- Policy N9.1: Recognizing Distinct Neighborhoods.
- Policy N9.2: Supporting Neighborhood Improvement.
- Policy N9.6: Respecting Diversity.
- Policy N10.1: Identifying Neighborhood "Activity Centers".

The Specific Plan is consistent with the *LUTE*'s neighborhood policies. The WOSP recommendations speak to each of the topics covered in the policies. It includes goals, policies and actions that promote revitalization of the Plan Area consistent with *LUTE* neighborhood policies. The proposed General Plan and Planning Code amendments, Design Guidelines, applicable Standard Conditions of Approval and CEQA mitigation measures serve to implement the WOSP goals, policies and actions by creating a regulatory framework that support future development in accordance with the *LUTE* neighborhood policies.

2. The WOSP and Related Actions are consistent with and further advance the following Elements of the Oakland General Plan - including the *LUTE* (as described above); *Open Space, Conservation and Recreation (OSCAR) Element; Historic Preservation Element*; and *Housing Element*; as well as the *Bicycle and Pedestrian Master Plans*. By way of example and not by limitation, the following summary lists the major goals and policies of these elements of the General Plan and discusses how the WOSP and Related Actions are consistent with these goals and policies.

   a. The WOSP is consistent with policies of the Bicycle Master Plan to include provisions for safe and direct bicycle access to special development areas and key corridors; to support improved

bicycle access to public transportation; and to insure that the needs of bicyclists are considered in the design of new development. Chapter 6 Circulation of the Specific Plan and the WOSP Design Guidelines, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the include goals and policies and standards that support completing the bicycle network as envisioned in the Bicycle Master Plan and providing enhanced bicycle facilities and bicycle parking. Applicable *LUTE* Transportation-related policies are listed in Chapter 4.10 of the WOSP EIR. The WOSP would be consistent with the Bicycle Master Plan *Policies 1A, 1B, and 1C.*

b. The WOSP is consistent with policies of the Pedestrian Master Plan to include provisions for safe and direct pedestrian access between "activity centers" throughout the city; to support improved pedestrian access to public transportation; and to insure that the needs of pedestrians are considered in the design of new development. Chapter 5, Circulation of the Specific Plan and the WOSP Design Guidelines, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the WOSP include goals and policies and standards that support improvements to pedestrian environment such as improvements that enhance safety and visual quality (e.g. crosswalks, pedestrian-scaled lighting and other streetscape amenities). Applicable *LUTE* Transportation-related policies are listed in Chapter 4.11 of the EIR. The WOSP would be consistent with the Pedestrian Master Plan *Policies 1.1, 1.2, 2.1, and 2.3.*

c. The WOSP is consistent with the policies of the OSCAR of the General Plan in that implementation of the WOSP goals and policies would also make important contributions to the community's parks and public realm environment. The Specific Plan calls for new private open space areas, landscaped corridors, pedestrian connections, and other enhancements of the public realm. Applicable *OSCAR*-related policies include, but are not limited to:

- Policy REC-3.1: regarding level of service standards
- Policy REC-3.3: regarding considering a range of factors when locating new parks or recreational facilities; and
- Policy REC-5.2: Safety-Oriented Design

These and other relevant policies are listed in Chapter 4 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 9 Open Space of the Specific Plan and the WOSP Design Guidelines include goals and policies and standards support the OSCAR policies referenced above. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the WOSP also support the OSCAR policies referenced above.

d. The WOSP is consistent with the policies of the *Historic Preservation Element (HPE)* of the Oakland General Plan to encourage the reuse of existing buildings and building materials; to incentivize the preservation of historic resources; and to avoid or minimize adverse historic preservation impacts. WOSP Chapter 4 Land Use, Chapter 8 .2 Preservation of Historic Resources and the WOSP Design Guidelines, as well as the proposed Planning Code amendments include goals and policies and standards to preserve and enhance existing buildings, including those that are not deemed to be a historic resource under CEQA. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the WOSP also support the HPE policies referenced below. Applicable *Historic Preservation Element*-related policies include, but are not limited to:

- Goal 1: relating to using historic preservation to foster the economic vitality and quality of life in Oakland
- Goal 2: relating to preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value
- Objective 1: Identifying Properties Potentially Warranting Preservation.
- Objective 2: Preservation Incentives and Regulations for Designated Historic Properties.
- Policy 2.1: The City will use a combination of incentives and regulations to encourage
- preservation of significant older properties and areas which have been designated as Landmarks, Preservation Districts, or Heritage Properties
- Policy 2.6: This policy recommends Preservation Incentives for Landmarks and Preservation District properties, including several financial incentives

These and other relevant policies are listed in Chapter 4.9 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).

e. The WOSP is consistent with the goals and policies of the *Housing Element* to provide adequate sites for housing for all income groups, to conserve and improve older housing and neighborhoods, and to promote sustainable development and sustainable communities. Chapter 4 Land Use and Chapter 3.3 Residential Development Potential of the WOSP, as well as the proposed Planning Code amendments include goals and policies and strategies to support and incentivize the provision of affordable housing. Applicable *Housing Element*-related goals and policies include, but are not limited to:

- Goal 1: Provide adequate sites suitable for housing for all income groups.
- Goal 2: Promote the development of adequate housing for low- and moderate-income households.
- Goal 3: Remove constraints to the availability and affordability of housing for all income groups.
- Goal 4: Conserve and improve older housing and neighborhoods.
- Goal 5: Preserve affordable rental housing.
- Goal 6: Promote equal housing opportunity.
- Goal 7: Promote sustainable development and smart growth.
- Goal 8: Increase public access to information through technology

These and other relevant policies are listed in Chapters 4.8 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).

3. There are no inconsistencies between the WOSP and the Oakland General Plan which need to be reconciled and the WOSP is consistent with and will further advance achievement of citywide goals, as detailed herein and in the June 11, 2014 Staff Report to the City Planning Commission.

4. The WOSP and Related Actions are consistent with and further advance other related plans, including the *Estuary Policy Plan, West Oakland-based Redevelopment Plans, and the Energy and Climate Action Plan*. By way of example and not by limitation, the following summary lists

the major goals and policies the above-mentioned plans and discusses how the WOSP is consistent with them.

a. The Estuary Policy Plan is part of the Oakland General Plan and establishes land use designations and policy for the Estuary shoreline, extending from Adeline Street to 66th Avenue, including all lands west of I-880 that are within City or Port of Oakland jurisdiction, and including portions of the 3rd Street Opportunity Area. The Estuary Policy Plan seeks to enhance the waterfront for the economic benefit of the community and connect the waterfront to the rest of the city. The following Estuary Policy Plan policy is relevant to the environmental impacts of the proposed Specific Plan.

    - Policy JL-7: Maintain light industrial and warehousing uses west of Martin Luther King, Jr. Boulevard. The Estuary Policy Plan recommends maintaining light industrial activities, including warehousing and distribution uses west of Martin Luther King, Jr. Boulevard, where a concentration of industrial activities exist. Office and retail uses should be encouraged within this area as well, to promote economic diversity. These uses should be carefully screened to ensure that they are compatible with existing industrial activities and with the adjacent West Oakland neighborhood north of the I-880 freeway.

    The proposed Specific Plan would be consistent with this policy of the Estuary Policy Plan. The land use and development strategy for the 3rd Street Opportunity Area is for a mix of business activities and development types, including food and beverage production and distribution. Mixed-use commercial, dining and entertainment uses are encouraged in attractive, older warehouse buildings near dead-end streets. These and other applicable Estuary Plan policies are listed in Chapter 4.6 of the EIR.

b. *West Oakland-based Redevelopment Plans.* As of February 1, 2012, the City of Oakland Redevelopment Agency ceased to exist. Although Redevelopment Agencies were eliminated by state legislation in 2011, there was no legislation that eliminated the Redevelopment Project Areas, or the many laws and regulations that had been passed over 40 years affecting Project Areas. There are four Redevelopment Areas within the WOSP Area:

    (1) West Oakland Redevelopment Plan, adopted 2003
    (2) Oakland Army Base Redevelopment Plan, adopted 2000
    (3) Oak Center Redevelopment Plan, adopted 1970
    (4) ACORN Redevelopment Plan, adopted 1968

c. WOSP recommendations are consistent with the development patterns envisioned in each of these plans. These intents of each Redevelopment Plan are listed in Chapter 4.6 of the EIR.

d. The *Energy and Climate Action Plan (ECAP).* On December 4, 2012, the City Council adopted the ECAP which evaluates and prioritizes opportunities to reduce energy consumption and GHG emissions in its own government operations and throughout the community. The ECAP also includes a set of actions aimed at increasing local resilience and helping Oakland adapt to the projected impacts of climate change. In addition, Oakland is participating in the regional Adapting to Rising Tides (ART) project, led by the San Francisco Bay Conservation Development Commission (BCDC) and the National Oceanic and Atmospheric Administration (NOAA). The ART project, which began in late 2010, was created to advance regional understanding of how sea level rise and other climate change impacts will affect the Bay Area and to begin to explore adaptation strategies that may benefit Oakland and the

region. The WOSP is consistent with the ECAP, as explained in Chapter 4.4, Greenhouse Gas Emissions, of the EIR.

The WOSP provides a vision and planning framework that envisions the Plan Area's transformation into a vibrant, sustainable and economically prosperous neighborhood and retail destination, which is consistent with the *Estuary Policy Plan, the various West Oakland-based Redevelopment Plans and the ECAP. The elements contained in* Chapters 4 Land Use, 5 Circulation, and Chapter 6 Infrastructure, , the WOSP Design Guidelines, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the WOSP include goals, policies and requirements that are consistent with the *ECAP's* Priority Actions regarding transportation and land use integration and promoting alternative energy use and green building.

5. Adoption of the West Oakland Specific Plan (WOSP) meets the provisions of California Government Code Section 65351 et. seq., specifically:

a. The City provided "opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and at public workshops" (Government Code section 65351). Specifically, five community workshops were held between September 2011 and February 2014; twelve Steering Committee meetings, seven TAC meetings and ten joint Steering Committee and TAC meetings have be held to date in shaping the Plan. Since the project's July 2011 initiation date periodic status reports and other opportunities for review were provided to the Oakland City Planning Commission on October 2, 2011 and May 16, 2012, and to the Landmarks Preservation Advisory Board (LPAB) on September 19, 2011 and April 9, 2012. Periodic presentations were also made to the former West Oakland Project Area Committee, West Oakland Community Advisory Group, Neighborhood Crime Prevention Councils, Oakland Metropolitan Chamber of Commerce Committees, and various neighborhood associations and community groups to offer these bodies opportunities to shape the Specific Plan.

Formal review of the Public Review Draft Specific Plan and Draft Environmental Impact Report (DEIR) occurred during the 45-day public comment period which began on January 29, 2014 and concluded on March 17, 2014. During this period, the Plan and DEIR was considered by the Landmarks Preservation Advisory Board on February 10, 2014, City Planning Commission on February 24, 2014, and the City Parks and Recreation Advisory Commission on March 12, 2014.

b. In addition to providing newspaper notice in the Oakland Tribune of various public hearings, the City also provided notice of hearings in compliance with Government Code Section 65352 through (1) the October 22, 2012, Notice of Preparation of the Environmental Impact Report; (2) the January 29, 2014 Notice of Availability/Notice of Release of the Draft EIR and Draft *WOSP and Related Actions*; and (3) the May 30, 2014, Notice of Availability/Notice of Release of the Final EIR and public hearings to consider adoption of the *WOSP and Related Actions*, which were sent to:

- The neighboring cities of Alameda, Berkeley, Emeryville, Piedmont, San Francisco, San Leandro; the County of Alameda; the County of San Francisco; the Port of Oakland;
- The Oakland Unified School District;
- The Local Agency Formation Commission;
- The Association of Bay Area Governments; the Metropolitan Transportation Commission; the Regional Water Quality Control Board;

- East Bay Municipal Utility District, (which was served on the WOSP Technical Advisory Committee and was consulted during the preparation of the *West Oakland Specific Plan*, and which has commented on the Draft EIR);
- The Bay Area Air Quality District (which served on the WOSP Technical Advisory Committee and was consulted during the preparation of the *West Oakland Specific Plan*, and which has commented on the Draft EIR);
- Property owners and neighborhood and community associations within the Project area;
- Individuals who specifically requested to be notified about the project; and
- There are no California Native American tribes with traditional lands in Oakland's jurisdiction. There are no Federal agencies with "operations or lands" that would be significantly affected by adopting the WOSP. There is no branch of the US Armed Forces that have military installations or airspace that could be affected by adopting the WOSP.

6. That the WOSP and related zoning regulations are adequate and promote the public interest and the existing zoning is inadequate and contrary to the public interest because it does not implement various provisions of the *LUTE* and the WOSP, in part, for the reasons stated herein and in the June 11, 2014, Staff Report to the City Planning Commission.

ATTACHMENT E

CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning
Landmarks Preservation Advisory Board

(510) 238-3941
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June 10, 2014

City Planning Commission:

At its regular meeting of June 9, 2014, the Landmarks Preservation Advisory Board held a public hearing and commented on the final West Oakland Specific Plan and its Final EIR, Design Guidelines, and other related actions.

There were two public speakers. Naomi Schiff of Oakland Heritage Alliance was concerned about what seemed like half-hearted language supporting adaptive reuse "particularly initially" (a Board member suggested "from the start" instead); she wanted the Mills Act program expanded in West Oakland; she said the definition of Local Register should be expanded, particularly in light of the pending state historic tax credit program; and she predicted need for a "powerful program for reduced rents" to get "home-grown local businesses" into the planned new retail spaces.

Bruce Loughridge, West Oakland property owner and developer, proposed that the zoning be modified on the streets facing the BART station in South Prescott to allow "cottage businesses" in existing houses. This would support entry-level businesses, provide an attractive square with active uses around the station, maintain the traditional pattern of proprietors living over the shop, provide a transition to the higher-density mixed-use development planned at BART, and could take place immediately unlike the longer-term large-scale proposals.

Board members Valerie Garry (chair), Chris Andrews (vice chair), Mary MacDonald, Stafford Buckley, and Peter Birkholz offered the following comments and unanimously voted to forward them to the Planning Commission. (Frank Flores was absent; Eleanor Casson was recused.)

The Board commended the plan's evolution and responsiveness to community and Board input over the years. Comments focused largely on **implementation**: "sounds great, but who's going to do these things?"; "it's about an intention, how do we effect it?" Language could be stronger and more concrete ("shall instead of should" – but at least "where feasible" seems to be gone). There has been tremendous progress in "pulling cultural heritage up to the surface," not just in the traditional way of counting landmarks but in recognizing long term residents and the sense of place as resources in themselves. How can this recognition remain at the forefront so the plan doesn't lose its soul?

Board noted the "sense of **fragility** of the existing system" in the neighborhoods of West Oakland. Displacement is already taking place, houses are incrementally deteriorating through neglect and shoddy work, and the number of owner-occupied homes is abysmally low. The proposal to ease parking restrictions on in-law units seems like a good idea – given the City's previous hard line on parking, outreach will be needed to inform residents of this and any other programs that are implemented.

Preservation projects will happen if they make **economic sense**. The plan offers **incentives** that can direct private development, but only if they are funded and made policy. The various pieces – design guidelines, Mills Act, facade programs, etc. – are all interdependent. Small-scale developments such as "shop houses," mini-lot projects, and projects on the existing 25-foot lots are now happening because they are profitable, and the plan needs to recognize this work and make sure it happens equitably and compatibly.

Design guidelines in particular are absolutely crucial to the quality of new construction, infill, and rehab work. They would be more useful to applicants and planners if they were more detailed, fine-grained, and neighborhood-specific, were more extensively illustrated, and had more teeth. An applicant told to make an infill building "compatible" in a given neighborhood needs to know *how*. Preservation **education** initiatives are especially important in helping property owners and others understand the value and advantage of historic resources.

Thank you for your attention,

Valerie Garry, Chair
Landmarks Preservation Advisory Board

SUMMARY OF RESPONSES TO SPECIFIC PLAN COMMENTS

The following are a summary of major comments the City has received on the Public Review Draft West Oakland Specific Plan during the public review period, and the City responses[1]. The comments/responses are organized by category, as shown below. The City has considered all comments received even though they might not be specifically listed here. Any edits to Specific Plan text that resulted from the comments are shown in underlined font for added text; deleted text is shown in strikethrough (~~strikethrough~~) font.

Category #	Comment Topic	Category #	Comment Topic
1.	Displacement & Gentrification	9.	Historic / Cultural Resources
2.	Opportunities to Participate in Future Anticipated Economic Development & Jobs	10.	Infrastructure
3.	Community Benefits	11.	Circulation
4.	Specific Plan's Benefit to Existing Residents	12.	Open Space
5.	Lack of Recommendations Specifically Geared towards West Oakland's African American population and other Specific Populations	13.	Community Involvement in Plan Implementation Actions
6.	Plan Length & Organization	14.	Additional Information / Modifications to Selected Specific Plan Chapters
7.	Land Use: Proposed Overlays / HBX Zoning / Rezoning of Certain Sites and Other Zoning & General Plan Concerns	15.	Actions Beyond Scope of Specific Plan
8.	Lane Reductions (Road Diets), Roundabouts & Other Traffic-Related Recommendations		

[1] Please refer to the West Oakland Specific Plan Final Environmental Impact Report / Response to Comments document for a summary of comments received on the Draft Environmental Impact Report, and City responses.

1. GENTRIFICATION & DISPLACEMENT

Comment 1.1: Issues associated with gentrification and the potential for displacement of residents and small businesses are among the most predominant topics expressed in reaction to the West Oakland Specific Plan The comments expressed concern that the Specific Plan will lead to greater gentrification of West Oakland's neighborhoods, will result in changed economic conditions that will cause indirect displacement of existing residents and business, and will result in the direct displacement of people from West Oakland, or will directly result in the displacement of residents or local businesses.

Response:

❖ For the purposes of this Response:

- "Gentrification" is defined as a shift in an urban community toward wealthier residents and/or businesses and increasing property values, sometimes at the expense of the poorer residents of the community. It is often associated with increases in educational attainment and household incomes, as well as an appreciation in housing prices. It is also often associated, but not directly linked to an overall change in the racial or ethnic makeup of a community.

- "Indirect displacement" is defined as the potential outcome of community investment that results in rising property values, benefiting homeowners and property owners but causing serious economic challenges for renters and prospective owners. These challenges may include existing residential renters and local small businesses facing higher and unaffordable rents, and potential local homebuyers trying to compete with outside cash investors for single family homes. As a result, housing or business costs may become (more) unaffordable, and existing tenants may be forced by changing economic trends to find more affordable housing or business locations elsewhere, if available.
- "Direct displacement" is defined as a more intentional outcome, at a small or broad scale, of planned changes in land use and the direct redevelopment of existing neighborhoods or business properties. Direct displacement occurs when existing homes and/or business properties are converted to new and different land uses or when affordable rental properties are converted into less affordable use (i.e., condominiums). New or changed land use regulations that facilitate or enable such changes in land use can be the root cause of direct displacement.

Current West Oakland Demographic Characteristics

The following population and demographic data is derived from the Draft EIR (pages 4.8-1 through -5) and from the Draft West Oakland Specific Plan (Chapter 9 Social Equity). While some of these data are now three years old, it is still considered representative of existing conditions and trends.

Population

The population of West Oakland has grown from approximately 23,400 in 1990 to 25,250 persons in 2011, an increase of 15%. This growth rate is faster than the City's overall growth rate during the same time period, which was at 11%.

Race and Ethnicity

West Oakland has been a primarily African American community since the mid-20th century, but in recent decades the West Oakland population has become more diverse. In 2011, African Americans represented only a slight majority of West Oakland residents, representing a significant shift in the racial and ethnic composition of West Oakland. White, Asian and Hispanic populations have

increased both in absolute number and as a proportion of total West Oakland residents, while the absolute number of African Americans has decreased. In 1990, there were 18,000 African American residents, representing 77% of the West Oakland population. By 2011, West Oakland's African American population had decreased by approximately 5,000 people (to just over 13,000) and represented 53% of West Oakland's total population.

Income

Median household incomes throughout West Oakland rose sharply between 1990 and 2000. The 1990 household income was reported at $12,306 in 1990 and at $22,424 in 2000, for an 82% increase. Household median incomes rose again by 2011, to $27,055 (just over a 20% increase). Between 1990 and 2000, the median household income in West Oakland rose faster than did the median household incomes for the City as a whole, and rose at about the same rate as the rest of the City between 2000 and 2011 (18%). However, two-thirds of West Oakland households have median incomes below the federally-defined poverty level, and significantly lower than the City-wide average. These data indicate that while median incomes have gone up substantially, they still remain below the poverty level for many (the majority, or 2/3) of West Oakland households.

Home Ownership vs. Rental

In 2000, there were 9,415 housing units in West Oakland and 8,181 of these units were occupied. Of the total occupied units, approximately 21% were owner-occupied and 79% were renter-occupied. By 2010 the number of occupied units had increased to 9,040 and 25% of these were owner-occupied. Year 2013 data shows that of there were 9,409 total occupied units and approximately 24% were owner-occupied and 76% were renter-occupied. Since the number of total housing units increased from 2000 to 2013, there are currently more homeowners in West Oakland than there were in 1990 or 2000.

Home Prices

Based on US Census data, the median home price in West Oakland was $98,737 in 1990, and rose to $139,314 by year 2000.[2] There was a dramatic increase in the real estate value of the average single family home in the five-year period between 2000 and 2005, during which time the 2004 Census trend estimates the median home price in West Oakland at $237,377. Actual purchase prices were as high as $331,000 according to other estimates.[3] After the economic downturn of 2007 and 2008, property prices in West Oakland have increased by about 46% between 2009 and 2010. In contrast to long-term data trends, 2010 median home sales prices were higher in West Oakland than for the City as a whole.

Foreclosures

Oakland has been substantially affected by the national foreclosure trend following the 2008 collapse of the housing market. There was a 106% increase in foreclosure activity in West Oakland in 2008, compared to a 46% increase City-wide, with a slight moderation in 2009.

Rental Rates

Rental rates in West Oakland have fluctuated slightly since 2008 but have largely remained constant over the years. Unlike the rapid apartment rent increases projected for the City and the larger region, West Oakland rents remain flat. West Oakland has been seen as a discounted price rental market.

[2] City of Oakland, accessed at: http://www.planning.org/communityassistance/2005/pdf/WestOaklandDemographicProfile.pdf
[3] Social Compact, Neighborhood Market DrillDown, accessed at: http://www.urbanstrategies.org/documents/WestOaklandBook.pdf

However, West Oakland has a high percentage of residents that are cost burdened and who may have difficulty affording necessities such as food, clothing, transportation and medical care after paying rent.

Labor Force Participation, Jobs and Wages

West Oakland residents are less likely to be employed or to participate in the labor force than Oakland residents as a whole. In 2011, 42% of West Oakland residents over age 16 were employed in civilian workplaces as compared to 55% of all Oakland residents over age 16. Roughly 42% of West Oakland adults are reported as not participating in the labor force, compared to 36% of City-wide residents.

According to the 2010 US Census, there is a higher concentration of jobs in West Oakland in the industrial and construction□related industries than in the City as a whole. However, few West Oakland residents were employed in the higher-paying industrial and construction□related sectors. Instead, most employed West Oakland residents worked in the service sector. Meanwhile, City-wide there are more jobs in the educational services and professional, scientific, and technical services sectors.

There is also a difference in earnings between West Oakland jobs and citywide jobs. A larger proportion of the City of Oakland's workers earned higher wages (defined as earnings over $3,333 per month) than workers employed in West Oakland. However, the City as whole also had a higher proportion of low earning workers (defined as earnings of $1,250 or less per month) compared to West Oakland.

Implications & Conclusions

- While West Oakland's population has increased by nearly 2,000 people between 1990 and 2010 (at a rapid rate of 15%), the African American population of West Oakland has declined by nearly 5,000 people during the same time period.
- African Americans now represent about 53% of the West Oakland population, compared to 1990 when African Americans represented about 77% of the West Oakland population.
- Median household incomes have risen sharply between 1990 and 2000 (by about 50%), but approximately two-thirds of West Oakland households still have median incomes below the federally-defined poverty level. This indicates that the income levels of some West Oakland residents are substantially higher than the median incomes of others (i.e., a widening wealth gap).
- In contrast to longer-term trends, the 2010 median home sales price in West Oakland (a strong indicator of relative property values) was higher in West Oakland than for the City as a whole, reflecting a rapid increase in property values.
- Although rents have so far remained relatively stable, the reintroduction of previously foreclosed homes in West Oakland (many purchased by corporate investors at low prices during the Recession and now offered at substantially greater than purchased prices) indicates a substantial increase in the relative unaffordability of housing for many West Oakland residents.

It is important to note that demographic statistics reveal that West Oakland has increasingly been experiencing gentrification, and possibly displacement of some residents, over the past two decades; hence the Specific Plan cannot be attributed with creating the circumstances cited in commenters' remarks.

How Does the West Oakland Specific Plan Interact with these Trends?

Many comments have expressed the opinion that implementation of the West Oakland Specific Plan will exacerbate these pre-existing gentrification trends, and will not only result in definable indirect displacement but also will result in direct displacement of residents, small businesses and employees. Below is an assessment of the extent to which the Specific Plan interacts with current gentrification and displacement trends, considering the following issues:

- the extent to which land use changes are proposed for West Oakland's residential neighborhoods;
- opportunity for small scale residential development;
- increases in number of new housing units;
- removal of existing economic barriers; and
- the impact of particular proposed zones for business enhancement, low intensity business, high intensity business and retail services.

The assessment indicates whether these Specific Plan elements either: (a) counter the gentrification and displacement trends, (b) exacerbate these trends, or (c) is neutral and maintains the status quo.

No Significant Land Use Changes in West Oakland Residential Neighborhoods

One of the first products of the Specific Plan effort presented to the public was the boundary for each of the Plan's Opportunity Areas. The Opportunity Areas are the places where new growth and development is facilitated by the Specific Plan and is most likely to occur. Many of the sites located within these Opportunity Areas are long-standing dormant and/or underutilized properties, potential development sites available as a result of the relocated I-880 freeway and other prospective developments sites expected to be vacated when current uses proceed with planned relocation to the former Oakland Army Base. Development of these Opportunity Area sites has been historically challenging, yet their strategic location affords them the potential to assist in revitalizing the areas surrounding them. The boundaries of the Opportunity Areas were carefully drawn to not include any of West Oakland's residential neighborhoods. Instead, the residential neighborhoods are identified in the Specific Plan as Residential Enhancement Areas which should be enhanced through the preservation of historic resources, by facilitating maintenance of homes by property owners, with improved streetscapes, and by small-scaled infill of vacant parcels with similarly-scaled and compatible housing. The Specific Plan keeps all of West Oakland's single family homes and residential neighborhoods intact, with no change in land use designation, zoning or other land use plans within any of West Oakland's residential neighborhoods.

- ❖ Because it cannot dictate market values, the Specific Plan maintains the status quo regarding West Oakland's neighborhoods and increasing home prices and rents. However, the Specific Plan counters on-going speculation occurring within West Oakland's neighborhoods, where property owners or developers may have anticipated substantial redevelopment opportunities to convert existing older single-family home neighborhoods in to new, more dense and more profitable development projects. The Specific Plan does not offer new land use changes within West Oakland's neighborhoods that would facilitate or permit such development.

Smaller-Scale Residential Development Opportunities

The Specific Plan relaxes current development regulations within existing single-family neighborhoods to permit and encourage the creation of secondary units by easing the City's Planning Code restrictions relative to parking and setbacks.

- This component of the Specific Plan counters displacement trends by making smaller, affordable secondary units more easily obtained, and increases the relative income potential for existing individual single-family homeowners.

Increased Number of New Housing Units

Outside of the existing West Oakland residential neighborhoods, the Specific Plan substantially increases the number of potential new housing development opportunities within the Plan's identified Opportunity Areas. The majority of these new housing units are associated with the expected Transit-Oriented Development (TOD) at the West Oakland BART station (West Oakland BART TOD). The Specific Plan supports and reaffirms the City's long-standing commitment to development of the West Oakland BART TOD, which has been planned for nearly a decade and which is already allowed and encouraged under current City zoning. Other residential development anticipated pursuant to the Specific Plan includes the conversion of underutilized industrial properties at the Roadway site near Raimondi Park and at the Phoenix Iron Works site near I-800, to housing and business mix use. It also envisions the infill of mixed-use development along the 7th Street and San Pablo Avenue corridors. The development of new housing opportunities at all of these locations would result in increasing the number of housing units available in West Oakland by about 5,000 units over the buildout term of the Plan.

- By encouraging the addition of new housing units to the West Oakland market, it is likely that these new units would ease the market demand on existing houses. With greater housing supply, the market may respond by lowering the rate at which housing prices have escalated in the recent past, thus countering current economic trends.

Removal of Existing Economic Development Barriers

An important goal of the West Oakland Specific Plan is to remove or reduce several recognized barriers to economic development and business retention. These barriers, as identified in the Plan include substandard public infrastructure; abandoned rail lines in the middle of the streets; crime and the need for improved means of police response, communication, reporting of criminal acts and prosecution of offenders; illegal dumping; graffiti on public and private property; weeds and debris on public and private property; homeless encampments; blight; and the presence of contaminated soils and groundwater. These conditions are identified as barriers that hinder economic development. The Specific Plan identifies current City efforts and possible new strategies to better address the physical and land use improvements needed to remove these obstacles to growth, development and revitalization.

- The barriers listed above not only make West Oakland a less attractive place for investment and economic development, they also make West Oakland a less desirable place for existing residents and businesses. They are generally economically-driven social conditions which result in negative images of West Oakland as a place to live and to conduct business, and they detract from the quality of life of those who now live in West Oakland. Removal of blight, addressing crime, securing basic public infrastructure and remediation of toxic contamination are considered essential components of a healthier West Oakland community for all people.

- By improving these conditions (toxics, air quality, infrastructure, blight, and crime), one of the possible results may be an increase in the relative value of surrounding properties. The resulting socio-economic changes related to increased property values may include motivating landlords to raise rents, increasing housing prices even further to the detriment of existing residents looking to purchase, and causing even more frequent land sales with a compounding increase in property values.

Business Enhancement Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 133 acres (approximately 50%) as Business Enhancement zones. The purpose of the Business Enhancement zone is to facilitate more intensive use of existing buildings and facilities which remain structurally sound and economically viable, thereby lowering vacancies and increasing utilization. New development projects proposing to demolish an existing non-blighted building within a Business Enhancement zone would be required to demonstrate that it is economically, functionally, architecturally or structurally infeasible to reuse the existing structure. This zone provides for the retention of nearly 5.2 million square feet of existing industrial building space within West Oakland.

- Although this Specific Plan strategy received fewer comments than did other topics, it is perhaps the boldest recommendation included in the Plan to address potential displacement of existing small businesses and the loss of industrial lands and buildings. Much of the older industrial building stock in West Oakland provides relatively affordable industrial space, and contains smaller industrial businesses that provide a substantial number of well-paying industrial and construction-related jobs. The Business Enhancement zone will significantly reduce the extent of speculative land holding, as property owners realize that building demolition, land clearing and construction of new and higher intensity business space will not be easily permitted.

Low Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 48 acres (approximately 18%) as Low Intensity Business zones. The purpose of the Low Intensity Business zone is to identify where new business and light industrial development should occur, generally in similar scale and character as the surrounding industrial and business area. Generally, sites proposed to be zoned Low Intensity Business are vacant or underutilized lots, or properties which contain structures so heavily blighted or compromised as to be a hazard or a detriment to the economic development of surrounding properties. Frequently, these sites also have a legacy of soil and groundwater contamination in need of clean-up and remediation. The Low Intensity Business zone would place further restrictions on the expansion or introduction of intensive land uses such as new primary truck and freight operations and recycling and waste operations, and would lower the permitted floor-area ratio (FAR) from the current ratio of 4:1, to a new ratio of 2:1. The Low Intensity Business zone has a buildout potential of as much as nearly 1.18 million square feet of new building business and industrial space.

- The Specific Plan's Low Intensity Business zone also counters potential displacement of existing small businesses within West Oakland. It reduces the currently allowed development envelop for new business space by one-half and is targeted specifically to those types of industries that have substantial market potential in West Oakland (i.e., urban and custom manufacturing, industrial arts, construction and related design and engineering, and "green"

economy jobs). The Low Intensity Business zone will reduce the extent of speculative land holdings by reducing permitted Floor Area Ratio (FAR). The majority of jobs in the urban manufacturing and construction sectors are in the production and construction occupations. These are good-paying, middle-wage jobs for workers with less than a college education. Many offer on-the-job training and advancement opportunities. The green economy sector includes a diversified mix of industries that offer a range of job types. Overall, the majority of jobs in this sector are in middle-wage occupations, often defined as green collar occupations. They offer good-paying jobs, do not require higher education, and can provide training and advancement opportunities for workers.

High Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, 66 acres (approximately 25%) are proposed under the Specific Plan as having a High Intensity Business zone. The purpose of the High Intensity Business zone is to identify appropriate sites where particularly strong locational advantages make possible the attraction of higher business uses in the information, life sciences and biotechnology sectors. This zone identifies preferred locations for these more intensively developed (i.e., mid-rise building heights, densely developed, likely served by structured parking) sites, more likely to be developed in the mid-term or later. The High Intensity zone would encourage buildings with more interior improvements and amenities and more costly structured parking, generally supported by businesses with greater rent-paying abilities. The High Intensity Business zone is expected to be able to accommodate as much as 4.68 million square feet of new building space.

- The life sciences and information sectors typically have a large share of jobs in the professional, technical, and scientific occupations. These are higher-wage occupations and many require college educations. These business sectors also support jobs that provide on-the-job training for employees without higher education, and they include jobs in good-paying, middle-wage occupations as well. Entry level jobs exist in support of business in these sectors, some which offer career ladder pathways with attainment of specific technical credentials. The future development of new building space serving these business sectors could change the character of West Oakland's industrial area. However, the High Intensity Business zone is applied to a limited number of targeted sites and serves to guide new larger-scaled development in the information, life sciences and biotechnology sectors, rather than reacting to changing market conditions.

Retail Services

West Oakland is severely underserved by retail uses that supply the basic consumer needs of its residents. The degree to which retail needs are left unmet by local shops is greater than for the City as a whole. As stated in the Specific Plan, "great neighborhoods include local shopping districts that provide opportunities for people to take part in the social life of the greater community as they satisfy their everyday shopping needs. Currently, there are few if any local and walkable neighborhood commercial streets that give focus and identity to the community". West Oakland's historic neighborhood commercial districts were focused along 7th Street and Market Street, but these commercial districts were largely removed (directly displaced) in the 1960s and 1970s. The Specific Plan seeks to re-establish West Oakland's traditional neighborhood districts with active ground-floor retail including grocers, locally-serving convenience retail and destination retail.

- The provision of greater retail opportunities throughout West Oakland can increase the availability of goods and services for local residents and businesses, especially grocery stores; can capture "economic leakage" (dollars from West Oakland residents that are spent within and that benefit other neighborhoods and communities); and can create additional retail jobs.

Affordable Housing and Equitable Economic Development
The Specific Plan includes a chapter addressing the broader implications of development with respect to access to affordable housing and equitable economic development. This chapter of the Specific Plan recommends strategies for ensuring that existing residents and local workers, households and businesses can participate in and benefit from future development in West Oakland.

- The Specific Plan acknowledges that there is the potential that new development will raise concerns about the effects of neighborhood change and displacement on long-standing residents and businesses. The strategies recommended in the Specific Plan to address these concerns build upon the prior efforts of Community-Based Organizations (CBOs) and the City of Oakland to support the ability for existing residents as well as newer residents and businesses to participate in and benefit from new economic activity in West Oakland.

Affordable Housing
Affordable housing is a critical component of a sustainable neighborhood, and the Plan acknowledges that it is therefore imperative to have a strategy in place to ensure affordable housing is available to all existing and future residents, especially since having affordable rents targeted to 30% of household income both stabilizes low income residents and provides these households with expendable income for other living and recreating expenses. Due to declining federal assistance to support new affordable housing construction, the recent statewide dissolution of California's Redevelopment Agencies (including the Oakland Redevelopment Agency) and a still-recovering City revenue projection, a creative menu of strategies is needed to provide additional affordable housing to accommodate the area's projected population growth and maintain a balanced mix of incomes in the area.

- The Specific Plan recognizes several existing City and other non-profit programs that provide various forms of effective (though limited by reduced funding availability) assistance, including:

  - **City of Oakland Housing Programs:** These housing programs support and fund housing rehabilitation, provide assistance to first time home buyers, help fund housing development, and provide other miscellaneous housing services for low- and moderate-income households.

  - **First Time Homebuyer Assistance**: The City's Mortgage Assistance Programs provides deferred payment second mortgages to low and very low income homebuyers.

  - **Tenant Protections**: Several tenant protection ordinances currently exist in Oakland that includes Rent Adjustment and Just Cause for Eviction. However, these largely benefit current tenants, benefit eligible residents regardless of income levels, and do not guarantee rents that are affordable to the households currently living in the units.

- **Residential Lending Programs**: One key component of equitable housing development and prevention of displacement of existing Oakland residents are programs to improve existing smaller residential buildings, particularly those owned by low to moderate income households, and/or seniors. The Residential Lending Division of the City's Department of Housing provides technical and financial assistance for repairs to owner-occupied homes and grants for accessibility modifications to 1-4 unit owner-occupied and rental properties.

- **Affordable Housing Development Programs**: Under these programs, City staff works with for-profit and non-profit developers to revitalize neighborhoods and increase housing opportunities through new construction, substantial rehabilitation and preservation of rental and ownership housing for very low-, low- and moderate income households.

- **Oakland Community Land Trust (OakCLT)**: The mission of OakCLT is to help provide permanently affordable homes and to stave off blight in Oakland's neighborhoods. The Oakland Community Land Trust (OakCLT) was established through the joint efforts of Urban Strategies Council and other community partners to acquire and rehabilitate vacant, foreclosed homes and then sell the renovated homes to new homebuyers at a price affordable to working families earning 50 to 80% of the area's median income.

❖ The Specific Plan recommends that the City target 15% of the new units to be built in West Oakland between now and 2035 for low- and moderate-income households, consistent with former state Redevelopment Area requirements. The financing method for these new affordable units is uncertain given the state-wide dissolution of former Redevelopment agencies, but the City is currently undertaking a number of city-wide initiatives to develop new funding mechanisms to produce affordable housing. The Specific Plan also discourages an over-concentration of affordable or other special needs housing within one area or development, and instead recommends that such housing should be distributed throughout West Oakland and be well integrated with general market-rate housing. In addition, the Plan recommends that City programs should be used to help existing restricted affordable housing properties stay in excellent condition, and to cultivate first-time homebuyers as well as to provide resources for existing low income residents to remain in their units by lowering cost burdens. Additional strategies that are intended to ensure continued availability of affordable housing options for lower and moderate income households in West Oakland are included in the Specific Plan. These strategies below also include more detailed implementation recommendations that are not itemized in this list.

- Prioritize preservation of subsidized affordable housing and seek out additional sources of funding to continue the City of Oakland's programs.
- In addition to providing market-rate new units, expand, stabilize, and improve affordable housing opportunities for extremely low to moderate income renters and homebuyers.
- Promote intergovernmental coordination in review and approval of residential development proposals when more than one governmental agency has jurisdiction.
- Expand opportunities for affordable homeownership and rentals, while balancing the needs for both additional market rate and affordable housing.

- Ensure continued availability of safe and affordable housing options for lower income and moderate income households.
- Take steps to reduce the vulnerability to foreclosures of existing owners and renters, and to ensure that new owners of foreclosed properties become responsible stewards of the properties
- Conserve and improve older housing and neighborhoods.
- Preserve the affordability of subsidized rental housing for lower-income households that may be at-risk of converting to market rate housing.
- Promote equal housing opportunity.
- Develop and promote sustainable development and sustainable communities that in turn create more disposable income for housing.
- Study the feasibility to enact a "right of first refusal" policy, where not in place, to require that housing units that are renovated through redevelopment, rehabilitation (including due to code enforcement activities), to be offered to existing tenants first, before being sold or re-rented on the private market.
- Explore ways to evaluate and mitigate displacement by individual development projects.

In summary, the West Oakland Specific Plan does not have any policies, strategies or recommendations that would result in direct displacement of existing businesses or residents. No housing is proposed to be removed or changed, and no significant shift in land use plans or policies pertaining to West Oakland's existing residential neighborhoods is recommended. The Specific Plan does not have any recommendations or land use plans that would displace any existing businesses, but instead seeks to direct new business and industrial development to currently vacant and blighted properties, or properties that may be vacated by the existing businesses for reasons unrelated to the Specific Plan. Many of the Specific Plan recommendations minimize the extent of displacement currently occurring within the Plan Area. The Specific Plan's original, underlying intent has always been to facilitate development of underutilized properties as a means of furthering continued revitalization of the West Oakland district as a whole, for both existing and future residents.

In reference to housing affordability concerns, the Specific Plan is not intended to, nor can it, provide all of the answers to the difficulties associated with providing an adequate supply of affordable housing, ensuring economic equity and improving community-wide health. These goals can only be achieved through diligent, cooperative implementation efforts between existing residents, City staff and elected officials, and developers of the projects envisioned under this Plan.

In reference to gentrification, the Specific Plan contains several goals and recommended actions regarding assisting and sustaining existing residents, neighborhoods and businesses, however, it is limited in its ability to curtail gentrification: a planning document cannot legally dictate the characteristics of new residents that would be allowed to live, work, purchase property, or participate in any other way in the community of their choice.

2. OPPORTUNITIES TO PARTICIPATE IN FUTURE ANTICIPATED ECONOMIC DEVELOPMENT & JOBS

Comment 2.1: Many comments expressed social equity concerns regarding a perceived lack of future participation of existing residents in future employment opportunities unless the Specific Plan included definitive requirements for local hiring programs at specific wage levels.

Response:

- The WOSP anticipates creation of approximately 28,000 new jobs throughout the Plan Area over the 20 to 25 year Plan horizon, and target in particular, a variety of business market sectors that offer a wide range of positions at varying educational and skills levels. The WOSP includes a number of strategies for empowering existing residents and businesses to participate in and benefit from the new development and economic activity planned for West Oakland by building on and connecting existing governmental and community-based equitable economic development programs. It includes strategies that seek to empower residents at a range of education and skill levels to find high quality and well-paying jobs, either in West Oakland or elsewhere in the region; to support, develop and retain small businesses including locally-owned neighborhood-serving businesses, as well as the growing industrial arts and urban manufacturing sectors; to cultivate a business environment that contributes to West Oakland's overall economic competitiveness; and to ensure that households have access to neighborhood-serving retail and other goods and services to support a high quality of life.

  The Specific Plan presents a number of strategies for empowering existing residents and businesses to participate in and benefit from the new development and economic activity planned for West Oakland by building on and connecting existing governmental and community-based equitable economic development programs. It includes strategies that seek to empower residents at a range of education and skill levels to find high quality and well-paying jobs, either in West Oakland or elsewhere in the region; to support, develop and retain small businesses including locally-owned neighborhood-serving businesses, as well as the growing industrial arts and urban manufacturing sectors; to cultivate a business environment that contributes to West Oakland's overall economic competitiveness; and to ensure that households have access to neighborhood-serving retail and other goods and services to support a high quality of life. These strategies, which are outlined below (and which also include more detailed implementation recommendations that are not itemized in this list) seek to ensure that all West Oakland residents, workers and businesses have the opportunity to participate in and benefit from economic growth:

  - Continue to work with public agencies to identify additional job opportunities on major public construction and/or operations projects.
  - Continue to work with local job readiness, training, and placement organizations to establish career pathways in construction and operations.
  - Continue to work with public agencies to bring job training, placement and referral resources for an array of employment types to the West Oakland Job Resource Center.
  - Work with West Oakland employers, Community-Based Organizations, and educational institutions to establish career pathways for residents in a range of local industries.
  - Work with regional employers, Community-Based Organizations, educational institutions to establish career pathways for residents in a range of industries at the regional level.
  - Enact land use policies, zoning regulations, and design guidelines to protect historic, architecturally and structurally significant structures through adaptive reuse and encourage infill development between existing buildings.
  - Encourage the preservation of affordable space for artists and/or small urban manufacturers.
  - Market West Oakland's arts and culture districts and unique "maker" identity.
  - Include local art, design, and fabrication as integral components of new development.
  - Continue to offer and raise awareness of small business support opportunities for West Oakland businesses through the City of Oakland's existing economic and workforce development programs.

- Establish a neighborhood economic development corporation to provide entrepreneurship training and small business support in West Oakland.
- Support the expansion of an existing grocery store and/or the establishment of new grocery stores in West Oakland.
- Promote the development of community-based, neighborhood-serving retail and service businesses.
- Identify vacant or underutilized publicly-owned land in West Oakland with the potential for community benefit.
- Work with the developers of the West Oakland Transit Village project to include space for community-based businesses as part of the development.
- Explore long-term opportunities to leverage new development and industries for community benefit

To further enhance existing residents' ability to access the jobs expected to result from development in accordance to the Plan, Staff has responded to these concerns as follows:

- Staff has added the following new language and /or recommendations to the Plan's Chapter 11 'Social Equity' [added text shown in underline; deleted text in strikethrough (~~strikethrough~~) font]:

  - Encouraging a mix of land uses that will generate a range of jobs—retail, medical, office and other professional service uses, as well as short term construction jobs—and a range of housing types is a key component of the Plan. The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/ Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on projects that do not involve City funding and/or other City participation. As such, the Plan supports continuing to provide private developers and business owners with information about workforce development programs, including those administered by the City or other organizations, in order to encourage opportunities for the creation of high quality, local jobs and job training programs.

  - EED-18: Encourage a mix of land uses and development that will generate a range of job and career opportunities, including permanent, well-paying, and green jobs (including short-term, prevailing wage construction jobs and living wage-permanent jobs) that could provide work for local residents.

  - EED-19: Encourage consideration of Project Labor Agreements (PLAs) for projects that involve City subsidy.

- Existing text in this chapter was revised as follows [added text shown in underline; deleted text in strikethrough (~~strikethrough~~) font]:

- **Workforce and Economic Development:** The City plays a role in supporting and attracting businesses and helping job seekers gain employment. The City of Oakland directly operates or serves as a key partner in offering a number of economic development resources, including the Department of Economic & Workforce Development, the Workforce Investment Board, the Oakland Business Assistance Center, the Oakland Business Development Corporation, the West Oakland Job Resource Center, and the West Oakland Public Library. In general, these agencies tend to connect job seekers and businesses with funding and referrals for services, rather than directly providing job training, business technical support, or other programming. These services should be publicized and in a manner that is accessible to Planning Area Oakland residents.

- **EED-2:** Continue to work with local job readiness, training, and placement organizations to establish career pathways in construction and operations, and support the provision of local job training opportunities for jobs being developed both in the Planning Area and the region, particularly those accessible via the transit network.

- **EED-56:** Work with regional employers, Community-Based Organizations, educational institutions to establish career pathways for residents in a range of industries at the regional level.

  In addition to better connecting West Oakland residents to jobs within the neighborhood, the City should explore long-term opportunities to partner with regional employers, Community-Based Organizations, and educational institutions throughout the East Bay and other parts of the Bay Area. This should include opportunities in industries that also exist in West Oakland, such as construction and manufacturing, as well as sectors projected to experience growth at the regional level, such as professional services, healthcare and educational services, and leisure and hospitality. These sectors are expected to create employment opportunities at a range of wage and training levels. For example, jobs in the professional services will range from management positions to entry-level administrative support jobs that could start workers on a career pathway; occupations in the healthcare sector can include everything from doctors and nurse practitioners, to medical assistants and home health care aids.

  Local businesses should be encouraged to offer internship, mentoring and apprenticeship programs to high school and college students.

In summary, the West Oakland Specific Plan builds in many mechanisms to increase local residents' opportunity to participate in the anticipated economic development and job generation that is promoted through Specific Plan policies.

3. COMMUNITY BENEFITS PACKAGE

Comment 3.1: Several commenters expressed the need to incorporate a Community Benefits package in the Specific Plan.

Response:
Staff has responded to these concerns as follows:

- Staff has added the following new language in the Specific Plan Chapter 11 'Social Equity' [added text shown in underline; deleted text in strikethrough (~~strikethrough~~) font]:

  Affordable Housing and Community Benefits:

  The City will analyze, as part of a citywide policy, to require large developments in those areas throughout the city that are most prime for development, such as Priority Development Areas (PDAs), to make contributions to assist in the development of affordable housing and other community benefits, such as open space. Options that may be included, but not limited to, are: impact fees, land dedication, and a Housing Overlay Zone (HOZ). Among other actions, the City will conduct a nexus study and an economic feasibility study to evaluate new programs to achieve this objective, including inclusionary zoning and impact fees for new housing development.

  Criteria to consider as part of this analysis are:
  - Study and selection of appropriate policy mechanism(s) to provide the public benefits. The City will conduct a nexus study for the target public benefits mechanism.
  - Quantification of the costs of providing the desired benefits as well as the value of corresponding bonuses and incentives.
  - Creating a potential system of "tiers" of bonuses and incentives given and benefits provided, that could effectively phase requirements, prioritize benefits, and create effective evaluation criteria to improve the program delivery over time.
  - Increasing benefit to developer as more benefits and amenities are added.
  - Numerically linking the financial value of the bonus or incentive given (defined by value of gross floor area added) to the cost of benefit or amenity provided.
  - Establishing a potential "points" system to link incentives and benefits. For example, the City may devise a menu of community benefits and amenities and assign points to each item. The points earned then determine the amount of bonus and/or incentive a development may claim.
  - Identifying the economic feasibility of development to inform the amount of community benefits and amenities to be provided by a particular project in exchange for additional height or density.
  - Clear direction on the relationship between city-wide mechanisms and the implementation in specific plans

4. SPECIFIC PLAN'S BENEFITS TO EXISTING RESIDENTS

Comment 4.1: Several comments expressed concerns that the Specific Plan does not benefit existing residents, in particular, related to the gentrification concerns previously noted, that the Plan was attempting to attract a new population to West Oakland and to displace existing residents

Response:

❖ The Public Review Draft Specific Plan contained several chapters of recommendations geared to acknowledge and protect existing populations, as examples:

- The former '*Chapter 5 Retaining Existing Assets*' contained a number of strategies for retaining existing industrial jobs. (This information is now in Final Specific Plan Chapter 3 Market Analysis, in section 3.1: '*Targeting Selected Business Types*').

- Former Chapter 5 included strategies for retaining and enhancing existing residential neighborhoods (the WOSP includes no recommendations for changing the location, scale or development character of the existing residential areas. (This information is now in Final Specific Plan Chapter 8 Cultural Assets, in section 8.1 '*Neighborhood Enhancement*').

- Former Chapter 5 included strategies for retaining historic resources which includes the current historically designated neighborhoods within which many of West Oakland's existing population live. (This information is now in Final Specific Plan Chapter 8 Cultural Assets, in section 8.2 '*Preservation of Historic Resources*').

- Former Chapter 5 spoke to the need for retaining adequate educational resources for the existing population and the DEIR noted that the existing school facilities could accommodate the existing population as well as future anticipated additional populations that might result from the new development envisioned in the Plan. (This information is now in Final Specific Plan Chapter 7 Obstacles to Community & Economic Development, in section 7.4 '*Educational Resources*').

- None of the Opportunity Sites /Opportunity Areas where the major growth and development is anticipated to occur are designated in residential neighborhoods, hence the Plan does not promote change to these areas that would result in direct displacement of existing residents.

- Former *Chapter 7 Building to the Plan's Potential*' promotion of the West Oakland BART TOD project for intensive mixed-use development is intended to not only encourage and support TOD projects, but also to redirect development pressure away from the existing residential neighborhoods, lessening an incentive property owners might have to remove existing residential resources (and displace current residents) and replace with other types of developments. (This information is now in Final Specific Plan Chapter 4 Land Use, in section 4.4 '*7th Street Opportunity Area*').

- Per the discussion above regarding gentrification and displacement, the former *Chapter 9 Tending to the Broader Vision*' contained numerous strategies for keeping existing housing resources affordable for current residents. (This information is now in Final Specific Plan Chapter 10 Social Equity, in section 10.1 '*Affordable Housing*').

- Former Chapter 9 additionally included recommendations for maximizing existing resident's participation in current and future economic development and employment opportunities expected from development envisioned in the Specific Plan. (This information is now in Final Specific Plan Chapter 10 Social Equity, in section 10.2 '*Equitable Economic Development*').

- Former Chapter 9 (and the Air Quality section of the DEIR) additionally included recommendations and mitigation measures, respectively to ensure that existing residents would not be subjected to worsening air quality impacts from future development envisioned in the Specific Plan. (This information is now in Final Specific Plan Appendix E *'Community Health'*). As an aside, parking garage that was illustrated on the edge of the proposed West Oakland BART TOD project, immediately adjacent to the I-880 freeway was recommended to not only reduce BART-related parking within the adjacent residential areas, but also to serve as a physical buffer between freeway impacts and adjacent neighborhoods and existing residents.

Each of these recommendations – as well as the new recommendations added per the above 'Gentrification and Displacement' discussion – are retained in the Final Specific Plan to benefit existing residents. As further benefits to existing residents staff has responded as follows:

- ❖ New zoning regulations specifically geared to assist current West Oakland homeowners are recommended.
  - o The City's Secondary Unit regulations for properties within the West Oakland Specific Plan area will be relaxed to eliminate (unlike interest of the city) the existing requirement for a separate, non-tandem parking space. These zoning changes will also allow Secondary Units in the side and rear setback as long as the structure does not exceed existing size limit and can meet all of the same standards that allow a garage or accessory structure in the same location.

  This code amendment is intended to provide West Oakland homeowners with expanded opportunities for an accessory unit on their lot if desired, as a means of generating additional income to support their mortgages.

- ❖ Additionally, staff has recommended adding new zoning regulatory recommendations for home-based businesses or "Home Occupations."
  - o The Home Occupation regulations will be modified for properties within the West Oakland Specific Plan area to allow, unlike in the rest of the city, business operations in detached garages or accessory structures, up to one (1) non-resident employee.

  This amendment is intended to facilitate West Oakland residents who wish to operate home-based businesses as a means of augmenting their income.

5. LACK OF RECOMMENDATIONS SPECIFICALLY GEARED TOWARDS WEST OAKLAND'S AFRICAN AMERICAN POPULATION & OTHER SPECIFIC POPULATIONS

Comment 5.1: Several comments indicated that the Specific Plan did not contain recommendations specifically geared towards the African American population; for example, comments noted the absence of strategies that help elderly African Americans retain their homes, that support African American business ventures, and that require African American themes be reflected in future development projects and in the type of business establishments allowed on 7th Street in particular.

Response:

- The West Oakland district has historically maintained a large African American population since the 1940s and 1950s. Although it has declined in recent years, the percentage of African American residents still represents a significant percentage of West Oakland's demographic composition.

Although the Specific Plan acknowledges the historic and current demographic composition of African Americans vis-à-vis the total West Oakland population, and the contribution of this ethnicity in establishing a vibrant, cultural atmosphere along 7th Street which the Plan's recommendations seek to reestablish, it does not contain recommendations specifically for this (or any) particular segment of the West Oakland community because of the legal prohibitions against specifying that housing, businesses or other community resources be focused to a particular ethnic group. The Specific Plan's recommendations are intended to support development that benefits all West Oakland ethnic groups. With reference to future development projects, public art and similar installations, should, during project design and development, decision-makers wish to recognize or reflect a particular cultural group, the Specific Plan does not contain language that prohibits such representation; in this manner it provides flexibility on the part of the designers to reflect whatever is deemed important given the nature, location and other characteristics of the project.

6. PLAN LENGTH & ORGANIZATION

Comment 6.1: Commenters indicated that the Plan document itself was too lengthy, that it was difficult to find particular material, and that by including of the variety of topics the Plan might be veering away from its mandated, prescribed purpose of being a planning document designed to regulate physical development and implement the issues under General Plan purview since many of the topics covered are not controlled by a General Plan.

Response:
The WOSP addresses all of the topics required by California State Law governing Specific Plans:

- Text and diagrams showing the distribution, location and extent of all land uses;
- Proposed distribution, location, extent and intensity of major components of public and private transportation and other essential public facilities needed to support the land uses;
- Standards and guidelines for development, and standards for the conservation, development and utilization of natural resources, where applicable;
- Program of implementation measures including regulations, programs, public works projects and financing measures; and
- Statement of the Specific Plan's relationship to the General Plan.

It also includes substantial sections on topics not required by law but of particular interest to West Oakland stakeholders (Equitable Economic Development, Community Health). WOSP contents speak to combatting blight, addressing crime, securing infrastructure, addressing brownfields, preserving historic resources, fostering the arts and art-related industries, retaining educational

resources, targeting key business/market sectors, increasing retail opportunities and residential facilities, identifying and facilitating street and transit enhancements, increasing affordable housing, and encouraging open space resources. Commenters indicated that while these topics merited attention, the resulting Draft Specific Plan document itself was too lengthy, that it was difficult to find particular material, and that by including this variety of topics the Draft Plan might have veered away from its mandated, prescribed purpose of being a planning document designed to regulate physical development and implement the issues under General Plan purview since many of the topics covered are not controlled by a General Plan.

- The Final Specific Plan has been reorganized to now follow the more traditional format of other Specific Plans, making information easier to locate. The Public Review Draft Plan and Final Specific Plan organizational format is presented below for comparison:

Public Review Draft Specific Plan Organization		**Final Specific Plan Organization**	
1.0	Executive Summary	1.0	Introduction
2.0	Introduction	2.0	Vision & Goals
3.0	Vision Statement	3.0	Market Analysis
4.0	Removing Barriers to Economic & Community Development	4.0	Land Use
5.0	Retaining Existing Assets	5.0	Circulation
6.0	Identifying the Opportunities	6.0	Public Infrastructure
7.0	Building to the Plan's Potential	7.0	Obstacles to Community & Economic Development
8.0	Supporting the Plan	8.0	Cultural Assets
9.0	Tending to a Broader Vision	9.0	Open Space
10.0	Implementation Program	10.0	Social Equity
		11.0	Implementation Program

- The *Executive Summary* has been eliminated to avoid redundancy of information.
- The level of detail previously included in many of the prior Public Review Draft chapters (i.e., the '*Residential Development Potential*,' '*Crime*,' and *'Brownfields'* chapters) has been reduced to shorten the overall Plan document.
- The land use discussion—one of the major elements of a Specific Plan—previously located in the second half of the document has been relocated closer to the front of the document.
- The text of other required Specific Plan topics (infrastructure, circulation, open space) has been edited so that information is presented in a more streamlined, 'tighter' format.
- '*Community Health'* and other supplementary sections have been relocated to the Appendices.
- Superfluous graphics have been eliminated.
- Other ministerial text edits/corrections have been inserted where necessary

Although there are now eleven chapters instead of the prior ten of the Public Review Draft Specific Plan, the overall document is less pages in length. It is intended that these changes now result in a Plan document that is easier for readers to follow and locate information.

7. LAND USE: PROPOSED OVERLAYS / HBX ZONING / PROPOSED REZONING OF CERTAIN SITES, OTHER ZONING AND GENERAL PLAN CONCERNS & DESIGN GUIDELINES

Comment 7.1: The Public Review Draft Plan included recommendations for creating various land use Overlays that would be mapped over the existing Commercial Industrial Mix-1 Zone (CIX-1) in order to direct preferred future land uses and enhance operation of existing commercial and industrial businesses. Comment expressed concerns over potential conflicts that could result between the provisions of the new Overlays and those of the underlying CIX base zone.

Response:

- The former five proposed Overlays (Large Format Retail, High Intensity Business, Low Intensity Business, Business Enhancement, and High Density Mixed-Use Transit Oriented Development) have been replaced with the following recommended new CIX Zoning designations:

    - CIX-1A (Business Enhancement) Zone, intended to create, preserve and enhance industrial areas in West Oakland that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small space for start-up businesses.

    - CIX-1B (Low Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.

    - CIX-1C (High Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of higher intensity commercial, retail, office and advanced manufacturing –type uses. This zone will be applied o tares with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.

    - CIX-1D (Retail Commercial Mix) Zone, intended to create, preserve, and enhance industrial areas in West Oakland that are appropriate for a broad range of large-scale retail and commercial uses. This district will be applied to certain areas with a prominent street location.

- In order to improve air quality and decrease truck traffic in the neighborhoods, the draft zoning provisions would restrict the allowed location of certain heavy impact land uses such as freight/truck terminals, truck yards, and primary waste collection centers, to designated areas outside of the West Oakland "freeway ring" (defined as I-980 to the east, I-880 to the south and west, and I-580 to the north). These new restrictions would be implemented through the creation and mapping of a new "T" (for 'Trucks') Combining Zone Overlay to indicate areas where such heavy impact land uses would not be problematic:

- The proposed "T" Combining Zone Overlay can be combined with any of the new CIX-1A, CIX-1B, CIX-1C, or CIX-1D base zones in order to designate the allowed areas for heavy impact land uses (e.g., 'CIX-1C/T). The "T" Overlay will primarily be applied within the 3rd Street Opportunity Area below the I-880 freeway.

Other previously proposed WOSP overlays / districts ('Home Craft Production,' '7th Street Cultural District,' and designation of the entire Plan Area as an 'Arts and Culture District') remain as previously recommended.

- The prior proposed High Density Mixed Use Transit-Oriented Development (TOD) Overlay has been replaced by the new recommended S-15W Zone intended to maximize the locational asset of the West Oakland BART Station by promoting commercial and high-density housing near this major transit resource, while additionally mandating reductions in TOD building heights near the adjacent South Prescott neighborhood among other features, to better direct development of the prospective BART TOD project in accordance with WOSP objectives.

Comment 7.2: The Public Review Draft Plan included recommendations for rezoning some existing CIX-zoned areas to Housing & Business Mix (HBX) in order to better reflect existing land use patterns and establish more clearly defined buffers in West Oakland between existing residential neighborhoods and less compatible commercial and industrial areas. Comments expressed concerns regarding some of the current HBX provisions, specifically that it would encourage conversion of commercial and industrial-zoned parcels to residential use.

Response:

- Many of the new HBX-zoned sites would be designated with a new type of HBX zone: Housing and Business Mix Zone 4 (HBX-4) intended to provide standards that allow live/work, work/live, and housing to compatibly co-exist in areas with a strong presence of industrial and heavy commercial activities. 'Live/work' and 'Work/Live' developments would be outright permitted, but 'Residential' developments would only be conditionally permitted.

Comment 7.3: Some commenters expressed concern regarding the proposed rezoning of the Coca Cola/Mayway site at 1340 Mandela Parkway from the CIX to the HBX.

Response:

- This site has been eliminated from rezoning consideration to allow for continued use as a commercial and/or industrial operation.

Comment 7.4: Some commenters expressed concern regarding the proposed rezoning of the East Bay Municipal Utilities District (EBMUD) Maintenance facility on West Grand Avenue from CIX-1 to the originally proposed High Intensity Business land use overlay.

Response:

- The January Draft Specific Plan proposed to designate this site with a High Intensity Business land use overlay, indicating that this site was an appropriate location for higher intensity commercial and light industrial land uses should EBMUD elect to vacate the property. This site has been re-

designated to the proposed CIX-1B (Low Intensity Business) Zone to allow for continued use as a commercial and/or industrial operation according to regulations that are similar to the current intensities allowed by existing zoning.

Comment 7.5: Some comments reflected the need for clarification and additional information regarding the proposed Zoning and General Plan Amendments.

Response:

- In the period since the Commission's February 24, 2014 consideration of the Plan staff conducted three subsequent Joint WOSP Steering Committee/TAC meetings with other Community stakeholders regarding the zoning recommendations in April, 2013, May 13, 2014 and May 20, 2014. The initially proposed zoning recommendations were refined and resulted in the modifications that are summarized in Attachment E1 of the West Oakland Specific Plan June 11 City Planning Commission staff report.

Comment 7.6: Some comments requested clarifications and/or additions to the proposed WOSP Design Guidelines.

Response:

- Minor additions have been made to the Design Guidelines (now Attachment 'A' of the Final Specific Plan) in response to selected comments. For example, the following two guidelines were added among other modifications to the Guidelines:

    - Loading docks in new development should be located the maximum distance feasible from nearby residential zones and activities.
    - Loading docks in new development should be electrified if feasible in order to allow docked trucks to be powered by electricity.

8. LANE REDUCTIONS (ROAD DIETS), ROUNDABOUTS & OTHER TRAFFIC-RELATED RECOMMENDATIONS

Comment 8.1: Comments reflected concerns regarding the proposed road diets recommendations for narrowing Adeline Street from existing four travel lanes to two travel lanes, between 3rd Street to 36th Street and well as the proposed road diets on 12th Street between Market Street and Mandela Parkway, 14th Street between Market Street and Mandela Parkway, 18th Street between Market Street and Mandela Parkway.

Response:

The January 2014 Draft Specific Plan recommended a network of "complete streets" throughout West Oakland. The Complete Streets policy and Ordinance (C.M.S. 13153) specifically calls for a "comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders". The streets named below were

therefore designated to serve not only the automobile, but also providing an interconnected system of bicycle paths and lanes, pedestrian improvements and streetscape amenities, and transit improvements. As part of the complete streets strategy, the Draft Plan proposed roadway travel lane reductions at the following locations:

- reducing the number of travel lanes on West Grand Avenue from the existing six travel lanes to four travel lanes between West Street and Mandela Parkway, while retaining bike lanes and passage for transit;
- reducing the number of travel lanes on Adeline Street from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 12th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 14th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane; and
- reducing the number of travel lanes on 8th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.

Comments have reflected concerns regarding the proposed lane reductions as potentially causing greater conflicts between pedestrian, bicyclists and motor vehicles (including trucks); as presenting operational problems for transit services; as reducing traffic capacity resulting in congestion; and as economic development disincentives. Staff now proposes to remove the lane reductions previously recommended for 14th Street, 12th Street and 8th Street.

Staff also provides the following additional information to further clarify that the lane reductions indicated on West Grand Avenue and Adeline Street are those same bicycle lane improvements called for in the City of Oakland's Bicycle Master Plan that were adopted by City Council in 2007 as part of the Land Use and Transportation Element of the City's General Plan, and reaffirmed by City Council on December 4, 2012. As required by the complete streets Ordinance and consistent with the City of Oakland's Bicycle Master Plan, bike lanes are to be added on Adeline Street and on West Grand Avenue. Both projects will close gaps in the citywide bikeway network. The projects will be implemented in coordination with the City's Pavement Management Program through the City's update to the Five Year Paving Plan. If the roadways are not part of the updated Five Year Paving Plan, the projects will be implemented as restriping projects funded by the City's Capital Improvement Program for Bicycle Master Plan Implementation.

- ❖ The new bike lanes on Adeline Street will create a continuous bikeway through Oakland and Emeryville. These bicycle lanes will intersect with existing bikeways on West Oakland streets. The Adeline Street bike lanes will require reconfiguration of Adeline Street from two travel lanes in each direction to one travel lane and one bike lane in each direction, plus a two-way center turn lane.

- ❖ The bike lanes on West Grand Avenue will close a key gap from Mandela Parkway to Market Street and connect to the existing bikeway on Grand Avenue between Market Street and Embarcadero in the Grand Lake neighborhood. In conjunction with the proposed Gateway Park/Bike Bridge to West Oakland project, the West Grand Avenue bike lanes will provide direct access to the eastern span of the San Francisco - Oakland Bay Bridge from West Oakland, downtown, and the Lake Merritt neighborhoods. The West Grand Avenue bike lanes will

reconfigure the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction.

As confirmed by the City's Public Works Agency, the lane reductions are needed to facilitate creation of bike lanes pursuant to the City's adopted Bicycle Master Plan. Additionally, both Public Works Agency engineers and the WOSP traffic consultant have confirmed that the potential for the lane reduction's negative impact on economic development and safety concerns is not as prevalent as some commenters may expect. Thus the conversion of travel lanes to bike lanes for Adeline Street and West Grand Avenue is still recommended in the Specific Plan.

Comment 8.2: Comments also reflected concerns regarding the proposed roundabouts on Adeline Street.

Response:

- The January 2014 Draft Plan recommended installing roundabouts or other traffic-calming features to enhance the streetscape and to identify gateways or landmarks along Adeline Street at 12th, 14th and 18th Streets; and along Peralta Street at 18th and 28th Streets. These roundabouts have been criticized by numerous commenters, suggesting similar adverse consequences as might occur with the lane reductions. Because they do pose logistic circulation concerns, particularly for buses, all previously recommended roundabouts have been eliminated in the Final Specific Plan.

Comment 8.3: Comments reflected concerns regarding as any truck restrictions in the areas near the Schnitzer Steel business located in the vicinity of the 3rd Street Opportunity Area.

Response:

- To acknowledge and support the reliance many businesses have for significant truck use in selected areas of the Plan Area, the Specific Plan has been amended recommend the creation and mapping of the majority of the 3rd Street Opportunity with new "T" (Truck) Zone Overlay discussed earlier in this document. Per above, areas within the "T" Zone allows for land uses that have heavy truck impacts. The proposed "T" Zone Overlay would encompass areas in immediate vicinity of Adeline Street / Middle Harbor Road, a major arterial for Port-related traffic and near I-880 Freeway access and an area where lane reductions to accommodate bike traffic would not occur.

9. HISTORIC / CULTURAL RESOURCES & NEIGHBORHOODS

Comment 9.1: Various comments reflected a need to clarify information in the discussion of historic resources, i.e. indicate efforts to preserve the Brotherhood of Railway Porters Building at 1716 7th Street and the entire 7th Street Commercial District Area of Secondary Importance, incorporate references to the Secretary of Interior where necessary, strengthen the planning for the 16th Street Train Station, and other misc. edits.

Response:

- The Cultural Resources chapter (now Chapter 8.2 'Preservation of Historic Resources) has been augmented to better describe historic buildings & areas, and make other related edits when not already included in prior Plan language.

Comment 9.2: Comments requested that the staff facilitate a neighborhood-centric approach by renaming Opportunity Areas, e.g. Opportunity Area-1 to "West Mandela Grand Center" in discussing Opportunity Area development.

Response:

- Identification of and information regarding the neighborhoods which surround each Opportunity Area has been added to better emphasize the relationship between development of the Opportunity Areas and the benefits to the adjacent neighborhoods. The intent is for future development to be viewed not only as an Opportunity Area issue, but also as an issue for the surrounding West Oakland neighborhood.

Comment 9.3: Comments reflected the need to "look on historic resources as not just interesting artifacts but as having great value to economic development" and indicated that specific mechanisms were needed to promote preservation, enhancement, and reuse of historic resources.

Response:

- This concern is already addressed in the Specific Plan. Please see recommendations in now Chapter 8.2 of the Final Plan and the WOSP Implementation Matrix at the end of Chapter 11 'Implementation Program' for specific approaches to promote preservation, enhancement and reuse of historic resources.

Comment 9.4: Comments indicated that sites which have historic buildings and/or are located in historic neighborhoods may also allow reduced parking requirements or in-law units that could assist residents with developing their property in order to profit from this economic development.

Response:

- The City's Secondary Unit regulations for properties within the West Oakland Specific Plan area will be relaxed to eliminate (unlike interest of the city) the existing requirement for a separate, non-tandem parking space. These zoning changes will also allow Secondary Units in the side and rear setback as long as the structure does not exceed existing size limit and can meet all of the same standards that allow a garage or accessory structure in the same location. This amendment is intended to assist current West Oakland homeowners whose parcels are sufficiently sized to accommodate a Secondary Unit, in providing an additional unit as a means of generating income to support their mortgages if desired.

Comment 9.5: Comments indicated that in terms of the design standards, the neighborhood framework in some areas should really review both massing height and building details in the specific neighborhoods, and suggested that the WOSP Design Guidelines address historical and cultural resources

and the character-defining features and historic context of the neighborhoods, including the architectural context.

Response:

- The current City of Oakland Design Guidelines and the proposed WOSP Design Guidelines contain direction for massing height and building details, many speaking to historic preservation elements, for example:

    - New construction and renovation in Opportunity Areas should be designed to maintain continuity with West Oakland's unique history and character.

Please refer to the WOSP Design Guidelines in Appendix A of the Final Specific Plan for more details.

Comment 9.6: Comments indicated that it was unclear whether or not Cole Elementary and McClymonds schools are historic properties.

Response:

- Both school facilities are identified as Potential Designated Historic Properties (PDHPs), the inclusive definition of "historic" in the Preservation Element of the Oakland General Plan. Both are distinguished Art Deco buildings and neighborhood institutions and as such are potentially eligible for the Local Register of Historical Resources. Further, Chapter 7.4 'Educational Resources' of the Final Specific Plan has been modified with the following added text to reflect the historic nature of some West Oakland school facilities:

    - West Oakland's schools include several substantial and distinguished Moderne buildings. If campuses are closed in the short term, it would be prudent to maintain the facilities in good condition, perhaps with interim uses, to be ready for rising enrollments that may result from the Plan.

Comment 9.7: Comments indicated that the definition of CEQA resources [Local Register] adopted in 1998 too narrow and "should be revisited."

Response:

- This comment is noted for future reference. The Specific Plan's discussion of historical resources is based on those buildings or sites that meet the City's current definition.

Comment 9.8: Comments reflected a concern regarding the intensity and height of new buildings proposed particularly near the West Oakland BART station, and the effects of these new buildings on the adjacent neighborhoods, particularly on the historically important South Prescott neighborhood immediately adjacent to the BART Station.

Response:

- The Public Review Draft Specific Plan proposes that the height and massing of new buildings at the proposed West Oakland BART Transit-Oriented Development area lower and become less intensive as the project approaches to the South Prescott neighborhood, with lower building heights on Chester

Street, stepping up to 4-5 stories over a parking podium on 5th Street, and taller buildings further east. New development in the northeast corner of the AMCO block (on 3rd Street) would lower closer to existing homes, and be up to 4-5 stories further away. At the height and massing proposed, and with consideration of local context as part of Design Review of subsequent individual development projects, proposed new development at the eastern edge of the South Prescott ASI would not be expected to result in a significant adverse change in the character of this district or its individual resources or on its potential eligibility for the National Register, or S-20 status, should it be re-evaluated or designated in the future.

10. INFRASTRUCTURE

Comment 10.1: Some comments reflected a need to augment information in the Infrastructure chapter regarding existing rail lines.

Response:

- The Infrastructure Improvements Map has been augmented to add additional locations where problematic rail lines exist in the streets.

11. TRANSPORTATION / CIRCULATION

Comment 11.1: Some comments reflected a need to augment information in the Circulation chapter regarding existing truck routes.

Response:

- Revised the Truck Routes Map to add selected streets as necessary as 'Truck Routes'.

Comment 11.2: Some comments inquired regarding the level of analysis undertaken in recommending the enhanced transit loop (The 'O' proposal); as examples, commenters inquired:

- How did (staff) arrive at the mode and alignment for the proposed 'O' streetcar?
- What analysis was completed to determine demand for transit in the proposed newly developed areas?
- What analysis was completed to determine the destinations for West Oakland riders currently?

Response:

- The 'O' streetcar is highly conceptual at this point. It was recommended for further exploration as an enhanced transit service option that potentially could provide better connections to, from, and within West Oakland. Fixed-route systems such as light rail and streetcars offer the advantages of certainty. Travelers know where the routes are located due to the tracks. In addition, based on the experience of other cities that have installed similar systems, the long-term investment in fixed-route systems inspires confidence among the development community that transit-based development is a solid bet because the system is permanent. Light rail and street cars have the additional advantages of non-exhaust fumes, and are generally quieter and smoother. Research shows that public transit ridership generally increases when light rail and streetcars are installed. As funding becomes available the

WOSP encourages additional evaluations be completed (such as the Broadway Transit Line Study currently underway to explore among other items, the potential for a streetcar) to further refine the 'O' concept and where necessary, propose alternative transit enhancements should the concept be deemed infeasible.

12. OPEN SPACE

Comment 12.1: Comments reflected a need to augment information in the Urban Open Space chapter.

Response:

- Minor text edits regarding names of existing parks were incorporated.
- A recommendation was added to acknowledge Lowell Park as a major recreational asset and to support improvements to the park as funding become available.
- Additional park facilities were included on the Public Facilities Map.
- Information regarding the proposed Gateway Park project was updated.
- Staff confirmed that park facilities identified in comment letters were reflected in the Plan's discussion of recommended zoning and/or General Plan amendments, in order to retain these properties as open space resources.
- Information regarding the proposed West Oakland Walk was streamlined to be more consistent with the level of detail provided for other open space concepts in this chapter. (Details removed from the body of the Final Plan body have been relocated to an Appendix thus no information was removed from the Plan itself.)

13. COMMUNTY INVOLVEMENT IN PLAN IMPLEMENTATION ACTIONS

Comment 13.1: Comments were received regarding whether the community will be engagement and involvement in Plan implementation, such as in neighborhood identity design and other efforts which improve the West Oakland district.

Response:

- The Specific Plan has always included opportunities for community involvement in further revitalizing the West Oakland district, such as the following recommendation from the Public Review Draft Plan:
    - Include Art-3: Work with community groups to install educational and interpretive signs, artwork and landscaping that highlight West Oakland's historic and cultural features.

  Text similar to the above has been added in various locations in the Final Plan to highlight opportunities for public involvement. It should be noted, however, that even if the Specific Plan

doesn't indicate community involvement in a revitalization action, decision-makers may still elect to incorporate a public engagement process if one does not already exist.

- To ensure continued community involvement in shaping the results of the Specific Plan should it be adopted by the City Council, the WOSP includes a recommendation developing a citizen and stakeholder process to help select and guide the priority and timing of this Plan's implementation strategies, providing advice and recommendations through City staff to the City Council.

14. MISC. ADDITIONAL INFORMATION / MODIFICATIONS TO SELECTED CHAPTERS

In response to various comments noted below reflecting the need to clarify and/or expand the information contained in the Public Review Draft Specific Plan, staff has revised text and maps in the Final Specific Plan as necessary.

Comment 14.1: Comments indicated a request for clearer statements regarding the potential income, jobs, or other benefits to the city associated with the Oakland Film office.

Response:

- Text has been added in Chapter 8.3 'Fostering the Creative Economy & Cultural Arts Community' to supplement prior Oakland Film Office language.

Comment 14.2: Some comments reflected a need to work with non-City parties to address various issues throughout the City, such as working with the railroad companies, the Port of Oakland and BART to reduce noise associated with their respective operations, with the rail companies exclusively to eliminate rail tracks on neighborhood streets and in industrial areas, and working with Caltrans to address under freeway nuisances, etc.

Response:

- The Specific Plan does contain references to the need for interagency cooperation to address issues, such as the following recommendation:

    - Pavement Repair-4: For work within what would typically be the railroads' responsibility for maintenance, the City should explore all possible avenues to ensure the railroads live up to their obligations to remove those rail lines not identified for reuse…

The Specific Plan mentions other avenues for interagency participation and some comments received reflected a willingness to interact with other parties (such as comment regarding BART's interest in working with the City and stakeholders to ensure transit ridership growth, and encourage sustainable station access modes, as a means of addressing BART parking concerns[4]). However, such interaction can occur as City decision-makers direct even if not specifically referenced in the Specific Plan.

Comment 14.3: Comments indicated a concern that the WOSP was attempting to turn West Oakland into another 'Emeryville.'

[4] BART also submitted comments regarding the EIR; responses to those comments are contained in the FEIR document

Responses:

- Miscellaneous text references to Emeryville were removed to emphasize the WOSP's longstanding premise that future development is intended to benefit West Oakland and the City of Oakland as a whole and not be viewed as an attempt to redefine the West Oakland as an extension of Emeryville.

15. ACTIONS BEYOND SCOPE OF SPECIFIC PLAN

Several comments raised issues that fall beyond the scope and function of a Specific Plan. Representative samples of these types of comments are noted below.

Comment 15.1: Some comments expressed the need for development of a Place-Based" Social Development Plan; and that a community-driven Roundtable happen and that a micro WOSP working group be constructed from it to invent a Social Equity Action Plan.

Comment 15.2: Some comments noted that the Specific Plan did not contain recommendations regarding the following topics:

- Methods to better assess and handle the growing homeless population (including those who live under freeways and those who live out of carts),
- Mental health concerns
- Re-entry, public health and other social welfare services
- Improvements to area schools curriculum
- Mechanisms that decrease the number of bike riders and/or bikers who disregard traffic lights/auto traffic
- A social mobility plan for under-served students/youth

Response to Above Comments:

- A Specific Plan is a tool for implementing development in accordance with a City's General Plan. Although each the above topics are of significant interest to various members of the West Oakland community and to the City, a Specific Plan is not intended to, nor can it, provide all of the answers all issues affecting the West Oakland District or the city as a whole. Instead, the Specific Plan is one of many resources that – in partnership with other City, regional, state and national initiatives, tools and resources– address challenges to a viable, healthy, economically sustainable community. Given that the Specific Plan is not the only avenue for securing services and resources needed by any community, efforts to address outstanding issues can and should proceed by parties proficient in the respective subject matter, during and after adoption of the Specific Plan.

West Oakland Specific Plan

Proposed General Plan & Zoning Amendments

Attachment G

Planning and Building Department, June 2014

Legend

City Boundary | WOSP Plan Boundary | Area changing from Estuary Policy Plan to Land Use & Transportation Element | "T" Combining Zone

General Plan Designations

- Mixed Housing Type Residential
- Urban Residential
- Neighborhood Center Mixed Use
- Community Commercial
- Housing and Business Mix
- Central Business District
- Regional Commercial
- Business Mix
- Gen Industrial/Transportation
- Institutional
- Urban Open Space

General Plan / Zoning Changes: A1

General Plan / Zoning Corrections: C1

Feet

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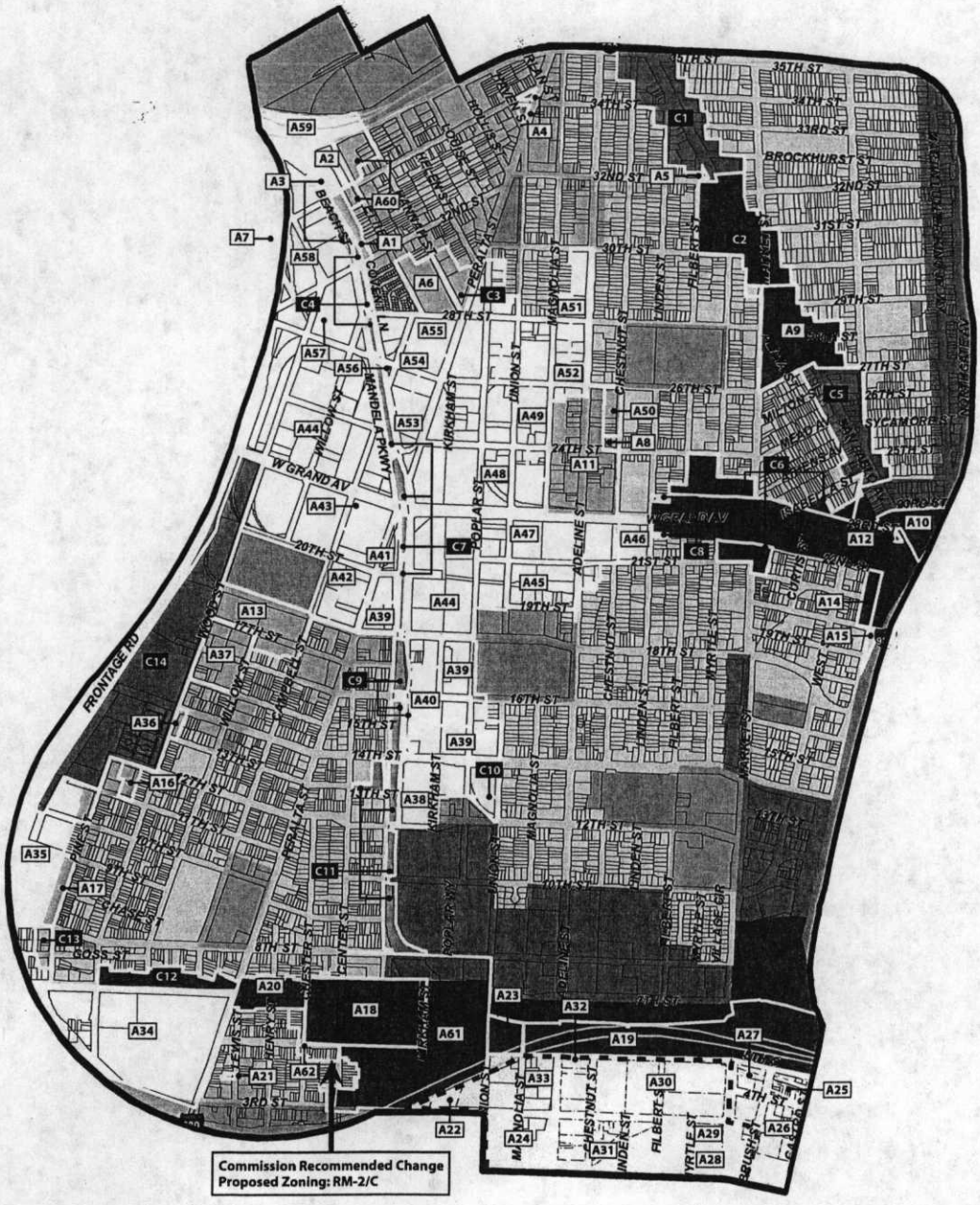


Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

Location		Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
A1	Northeast Mandela	Business Mix	Housing and Business Mix	OS (LP)/S-4	HBX-4
A2	Northeast Mandela	Housing and Business Mix	Business Mix	HBX-2	CIX-1D (Retail Commercial Mix)/S-19
A3	Northeast Mandela Parkway	Business Mix	(No Change)	OS (LP)/S-4	CIX-1D (Retail Commercial Mix)/S-19
A4	Union Plaza Park and Fitzgerald Park	Housing and Business Mix	Urban Open Space	HBX-2	OS/AMP
A5	St. Andrews Plaza	Urban Residential	Urban Open Space	RU-5	OS/AMP
A6	Ettie Street at 28th St	Business Mix	Housing and Business Mix	CIX-1	HBX-4
A7	West of I880 between 32nd and 35th St	General Industrial/Transportation	Business Mix	IG	CIX-1D (Retail Commercial Mix)
A8	Chestnut Street and 24th St	Mixed Housing Type Residential	Housing and Business Mix	RM-4	HBX-2
A9	San Pablo Avenue at 28th Street Site	Community Commercial	(No Change)	CC-3	CC-2
A10	West Grand at San Pablo	Urban Residential	Community Commercial	RU-5	CC-2
A11	Chestnut/Magnolia	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-4
A12	West Grand at San Pablo Mini-Park	Community Commercial	Urban Open Space	CC-2	OS-AMP
A13	Roadway Site	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-2
A14	Brush from 20th to 22nd St	Mixed Housing Type Residential	Community Commercial	RM-4/C	CC-2
A15	Small Triangle Site	Community Commercial	Mixed-Housing Type Residential	CC-2	RM-4/C/S-20
A16	Prescott-Oakland Point	Business Mix	Housing and Business Mix	RM-2	HBX-2
A17	Phoenix Iron Works Site	Business Mix	Housing and Business Mix	CIX-1	HBX-4
A18	7th Street/BART parking	Neighborhood Center Mixed Use	Community Commercial	S-15	S-15W
A19	7th Street within the 3rd Street Opportunity Area	Business Mix	Community Commercial	CIX-1/S-19	CC-3
A20	7th Street between Chester and Peralta	Neighborhood Center Mixed Use	Community Commercial	S-15	CC-2
A21	Lewis Street	Mixed Housing Type Residential	Housing and Business Mix	RM-2	HBX-2

EPP* = Estuary Policy Plan

LUTE** = Land Use & Transportation Element

Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

	Location	Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
A22	Southern edge of Interstate 880 West of Union	Community Commercial	Business Mix	S-15	CIX-1A (Business Enhancement) /T
A23	Beneath Freeway between 5th St, 7th St, Union and Magnolia	Business Mix	Community Commercial	CIX-1/S-19	S-15
A24	3rd Street Industrial	General Industry/Transportation	Business Mix	IG	CIX-1B (Low Intensity Business)/T
A25	Block bounded by Brush, Plan Boundary, 4th and 5th	Light Industry 1 (EPP*)	Business Mix (LUTE**)	C-40	CIX-1B (Low Intensity Business)
A26	3 blocks bounded by Market, Brush, 4th and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement)
A27	Block bounded by 5th, Brush, 4th and Market	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)
A28	3 blocks bounded by3rd St, Filbert, Myrtle, Market, 2nd St and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)/T
A29	Block bounded by 3rd St, Market, 2nd St and Myrtle	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement) /T
A30	2 blocks bounded by 5th St, Market, 3rd St and Chestnut	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1C (High Intensity business)/T
A31	Several blocks bounded by Adeline, Chestnut, 3rd St, Filbert, Myrtle and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement) /T
A32	Portion of block bounded by 5th St, Chestnut, 3rd St and Adeline	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)/T
A33	Blocks bounded by 5th St, Adeline, 3rd St, Plan Boundary, **A22** area and Union	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19/T
A34	Blocks bounded by 7th St, Peralta and Plan Boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1A (Business Enhancement) /S-19
A35	Area between 11th St, Pine, 8th St and Plan boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1B (Low Intensity Business)/S-19
A36	Wood St between 13th and 14th	Housing and Business Mix	(No Change)	CIX-1/S-19	HBX-4

EPP* = Estuary Policy Plan **LUTE**** = Land Use & Transportation Element

Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

Location		Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
	St				
A37	16th St between Willow and Wood	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-4
A38	East of Mandela Parkway between 14th and 12th St	Business Mix	(No Change)	CIX-1/S-19	CIX-1B (Low Intensity Business)/S-19
A39	Multiple blocks from 19th St to 14th St mostly adjacent to Mandela Parkway	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1A (Business Enhancement) /S-19
A40	16th St between Mandela and Poplar	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1B (Low Intensity Business)/S-19
A41	Multiple blocks west of Mandela Parkway between 18th St and Grand	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A42	Portion of block bounded by 20th St, Peralta, 18th and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19
A43	Portion of block bounded by W Grand, Peralta, 20th St and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A44	East and west of Mandela from 18th to 28th St	Business Mix	(No Change)	CIX-1	CIX-1C (High Intensity business)
A45	Between 19th St, Poplar, 21st St, Adeline, W Grand and Chestnut	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19
A46	Block bounded by 21st St, Chestnut, W Grand and Linden	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)/S-19
A47	Multiple blocks between 21st St, Poplar, 28th St, Union and Adeline	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A48	Block bounded by Poplar, 24th St, Union St and W Grand	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A49	Multiple blocks between W Grand , Union, 28th St and Adeline	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A50	Chestnut St between 24th and 26th St	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-2
A51	Adeline between 26th and 30 St	Business Mix	(No Change)	CIX-1	CIX-1A (Business

EPP* = Estuary Policy Plan **LUTE**** = Land Use & Transportation Element

Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

	Location	Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
					Enhancement) /S-19
A52	Portion of block bounded by 26th St Magnolia, 28th St	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)/S-19
A53	Portion of triangle block bounded by Peralta, Mandela and 26th St, and small triangle to south	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A54	Portion of triangle area bounded by Mandela, 28th St and Peralta	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A55	North end of block bounded by 28th, Peralta, 26th St and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A56	Small triangle block at Mandela and 26th St	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A57	2 blocks bounded by 26th St, Wood St, 32nd St and Mandela Parkway	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A58	Multiple blocks between 26th St, Wood 32nd St, Mandela, I580 and Plan Boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1D (Retail Commercial Mix)/S-19
A59	Northeast corner of Plan area beneath I580	Regional Commercial	Business Mix	CR-1	CIX-1D (Retail Commercial Mix)
A60	Ettie and 34th St	Housing and Business Mix	(No Change)	HBX-2	HBX-4
A61	Multiple blocks between Union, 3rd St, Center and 8th St	Community Commercial	(No Change)	S-15	S-15W
A62	Chester and 5th St fronting on BART station	Mixed Housing Type Residential	(No Change)	RM-2	RM-2/C
C1	San Pablo between 32nd and 35th	Mixed Housing Type Residential	Urban Residential		
C2	San Pablo between 27th and 32nd	Mixed Housing Type Residential	Community Commercial		
C3	Peralta and Hannah	Business Mix	Housing and Business Mix		
C4	Mandela Parkway	Business Mix	Urban Open Space		
C5	San Pablo between 24th and 27th	Mixed Housing Type Residential	Urban Residential		
C6	Market and W Grand	Mixed Housing Type Residential	Community Commercial		
C7	Mandela Parkway	Business Mix	Urban Open Space		

EPP* = Estuary Policy Plan **LUTE**** = Land Use & Transportation Element

Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

Location		Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
C8	Linden and W Grand	Community Commercial	Mixed Housing Type Residential		
C9	Mandela Parkway and 16th St	Business Mix	Urban Open Space		
C10	Union and 12th Street	Urban Open Space	Business Mix		
C11	Mandela Parkway	Mixed Housing Type Residential	Urban Open Space		
C12	7th St between Peralta and Wood	Mixed Housing Type Residential	Community Commercial		
C13	Frontage Road and 7th Street	Business Mix	Housing and Business Mix		
C14	Wood St District	Urban Residential	(No Change)	Wood St	D-WS

EPP* = Estuary Policy Plan **LUTE**** = Land Use & Transportation Element

Title 17 PLANNING

Chapters:

Chapter 17.10 - USE CLASSIFICATIONS

Chapter 17.17 - RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Chapter 17.19 - RU URBAN RESIDENTIAL ZONES REGULATIONS

Chapter 17.35 - CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Chapter 17.37 - CR REGIONAL COMMERCIAL ZONES REGULATIONS

Chapter 17.65 - HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

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

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

Chapter 17.84 - S-7 PRESERVATION COMBINING ZONE REGULATIONS

Chapter 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONES REGULATIONS

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

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

Chapter 17.102 - REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

Chapter 17.110 - BUFFERING REGULATIONS

Chapter 17.112 - HOME OCCUPATION REGULATIONS

Chapter 17.114 - NONCONFORMING USES

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

Chapter 17.136 - DESIGN REVIEW PROCEDURE

Chapter 17.142 - MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Chapter 17.10 USE CLASSIFICATIONS

Sections:

Article I - General Classification Rules

Article II - Activity Types

Part 3 - Commercial Activity Types

Article I General Classification Rules

17.10.030 Listing of activity classifications.

17.10.040 Accessory activities.

17.10.030 Listing of activity classifications.

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

A. Residential Activities:

Permanent

Residential Care

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

Semi-Transient

Bed and Breakfast

B. Civic Activities:

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

Special Health Care

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Medical Service

General Retail Sales

Large-Scale Combined Retail and Grocery Sales

Consumer Service

Consultative and Financial Service

Check Cashier and Check Cashing

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

Personal Instruction and Improvement Services ~~and Small Scale Entertainment~~

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

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

Automotive and Other Light Vehicle Repair and Cleaning

Taxi and Light Fleet-Based Service

Automotive Fee Parking

Animal Boarding

Animal Care

Undertaking Service

D. Industrial Activities:

Custom Manufacturing

Light Manufacturing

General Manufacturing

Heavy/High Impact Manufacturing

Research and Development

Construction Operations

Warehousing, Storage and Distribution

Regional Freight Transportation

Trucking and Truck-Related

Recycling and Waste-Related

Hazardous Materials Production, Storage and Waste Management

E. Agricultural and Extractive Activities:

Plant Nursery

Crop and Animal Raising

Mining and Quarrying

17.10.040 Accessory activities.

In addition to the principal activities expressly included therein, each activity type shall be deemed to include such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal activity; are located on the same lot as such principal activity except as otherwise provided in subsections A, J, and K of this section; and meet the further conditions set forth hereinafter. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in the zoning regulations. Such accessory activities include, but are not limited to, the activities indicated below, but exclude the sale of alcoholic beverages to the general public except at a full-service restaurant. (See also Section 17.10.050 for additional activities included within activity types in the case of combinations of different principal activities.)

A. Off-street parking and loading serving a principal activity, whether located on the same lot thereas or on a different lot, but only if the facilities involved are reserved for the residents, employees, patrons, or other persons participating in the principal activity;

B. Home occupations, subject to the applicable provisions of the home occupation regulations in Chapter 17.112;

C. Residential occupancy in connection with a principal nonresidential activity on the same lot, but only:

1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or

2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;

D. Operation of an employee cafeteria by a firm engaging in a principal nonresidential activity on the same lot;

E. Sale of goods on the same lot as a principal Civic Activity, but only if such goods are available only to persons participating in the principal activity;

F. Production of goods for sale by a firm engaged in a principal Commercial Activity on the same lot, but only if:

1. All goods so produced are sold at retail by the same firm either on the same or other lots, and

2. Such production does not occupy more than seventy-five percent (75%) of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot, and

3. Such production does not ~~in any case~~ occupy more than three thousand (3,000) square feet of such floor area and open area;

G. Storage of goods sold by a principal Commercial Activity, or used in or produced by a principal Industrial Activity, engaged in by the same firm on the same lot;

H. Operation of an administrative office of a firm engaged in a principal Manufacturing or Industrial Activity on the same lot, but only if such office does not occupy more than fifty (50) percent of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot;

I. Wholesale sale, or retail sale to the buyer's custom order, of goods produced by a principal Manufacturing or Industrial Activity engaged in by the same firm on the same lot;

J. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time;

K. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five (5) or more lots;

L. Benches, street furniture, lighting, public art, sheds, and similar infrastructure associated with city and regional parks;

M. Public restrooms serving park and recreational facilities;

N. Car-sharing services and parking spaces are considered accessory to all activities, as long as required parking space for that activity is not taken by car-sharing trucks and automobiles. Car-sharing services are considered accessory to all facility types, excepting: one-family dwellings, one-family dwellings with secondary units, two-unit dwellings, and rooming houses.

Part 3 Commercial Activity Types

17.10.380 Group assembly commercial activities.

17.10.385 Personal instruction and improvement services ~~and small scale entertainment~~ commercial activities.

17.10.380 Group assembly commercial activities.

Group Assembly Commercial Activities include the provision of instructional, amusement, and other services of a similar nature to group assemblages of people. This classification does not include any activity classified in Section 17.10.160 Community Assembly Civic Activities, Section 17.10.170 Recreational Assembly Civic Activities, or Section 17.10.180 Community Education Civic Activities. Examples of activities in this classification include, but are not limited to the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with two thousand (2,000) square feet or more of classroom or instructional space;
- Drive-in theaters;
- Theaters or venues with three thousand (3,000) square feet or more of performance, lobby space, and audience floor area;
- Temporary carnivals, fairs, and circuses;
- Cabarets, night clubs, dance halls, adult entertainment, and pool halls;
- Banquet halls;
- Fitness clubs with two thousand (2,000) square feet or more of floor area.

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

17.10.385 Personal instruction and improvement services ~~and small scale entertainment~~ commercial activities.

Personal Instruction and Improvement Services Commercial Activities include t~~T~~he provision of informational, instructional, personal improvement and other services of a similar nature. This classification does not include any activity classified as Section 17.10.180 Community Education Civic Activities or Section 17.10.380 Group Assembly Commercial ~~Civic~~ Activities. Examples of activities in this classification include but are not limited to the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than two thousand (2,000) square feet of classroom or instructional space;
- Fitness clubs with less than two thousand (2,000) square feet of floor area;
- Theaters or venues with less than three thousand (3,000) square feet of performance, lobby space, and audience floor area.

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

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.040 Permitted and conditionally permitted facilities.

17.17.050 Property development standards.

17.17.060 Special regulations for mini-lot and planned unit developments.

17.17.070 Other zoning provisions.

17.17.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RM-1	**RM-2**	**RM-3**	**RM-4**	**C**	
Residential Facilities						
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.103.080
Two-Family Dwelling	C(L1)	P	P	P	Same as underlying zone	
Multifamily Dwelling	—	C(L1)	C(L1)	P(L1)	Same as underlying zone	
Rooming House	—	—	—	—	—	

Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C	
Sidewalk Cafe	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations on Table 17.17.02:

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

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

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

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

L4. Business Signs are allowed in the C combining zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

17.17.050 Property development standards.

A. Zone Specific Standards. Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	**RM-2**	**RM-3**	**RM-4**	
Minimum Lot Dimensions					
Width mean	45 ft	25 ft / 45 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1

Lot area	5,000 sf	2,500 sf / 4,000 sf / 5,000 sf	4,000 sf	4,000 sf	1
Maximum Density					
Permitted density	1 primary unit per lot	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; For 1 — 4 units, 1 unit per 1,100 sf of lot area; only on lots 4,000 sf or greater	2
Conditionally permitted density (only for lots 4,000 sf or greater)	2 units	For 3 or more units, 1 unit per 2,500 sf of lot area	For 3 or more units, 1 unit per 1,500 sf of lot area	For 5 or more units, 1 unit per 1,100 sf of lot area;	2, 3
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet					
Minimum front (<20% street-to-setback gradient)	20 ft	20 ft	15 ft	15 ft	4, 5
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	4, 5, 6
Minimum interior side	5 ft	3 ft / 4 ft / 5 ft	4 ft	4 ft	1, 7, 8, 9
Minimum street side	5 ft	3 ft / 4 ft / 5 ft	4 ft	4 ft	1, 4, 7, 8, 10
Rear	15 ft	15 ft	15 ft	15 ft	11
Side and Rear Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)	See Table 17.17.04 for setbacks for smaller lots				
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for	N/A	40%	50%	N/A	

3 or More Units					
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft	25 ft	30 ft	35 ft	12, 13, 14
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	35 ft	12, 13, 14
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	12
Height Regulations for all Lots with a Footprint Slope of > 20%	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required <u>for all Lots with a Footprint Slope of > 20%</u>	40 ft	40 ft	40 ft	40 ft	15
Minimum Parking					
Minimum parking spaces required per unit	1.5	<u>1 /</u> 1.5	1	1	16, 17
Additional parking spaces required for secondary unit	1	1	1	1	16, 18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Minimum Open Space					
Group open space per unit	300 sf	300 sf	200 sf	175 sf	19
Group open space per unit when private open space substituted	100 sf	100 sf	85 sf	70 sf	19
Courtyard Regulations	See Section 17.108.120				

Additional Regulations for Table 17.17.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum lot width mean shall be reduced to twenty-five (25) feet and the minimum lot area shall be reduced to four thousand (4,000) square feet.

a. Also for the RM-2 Zone in the West Oakland District only, a conditional use permit to further reduce the minimum lot area from four thousand (4,000) square feet (as specific above) to two thousand five hundred (2,500) square feet and the minimum interior side and street side setbacks from four (4) feet (as specified in additional regulation 8. below) to three (3) feet may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to the following additional criteria:

i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

3. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms to additional criteria a., d., and e.

a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;

b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;

c. That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;

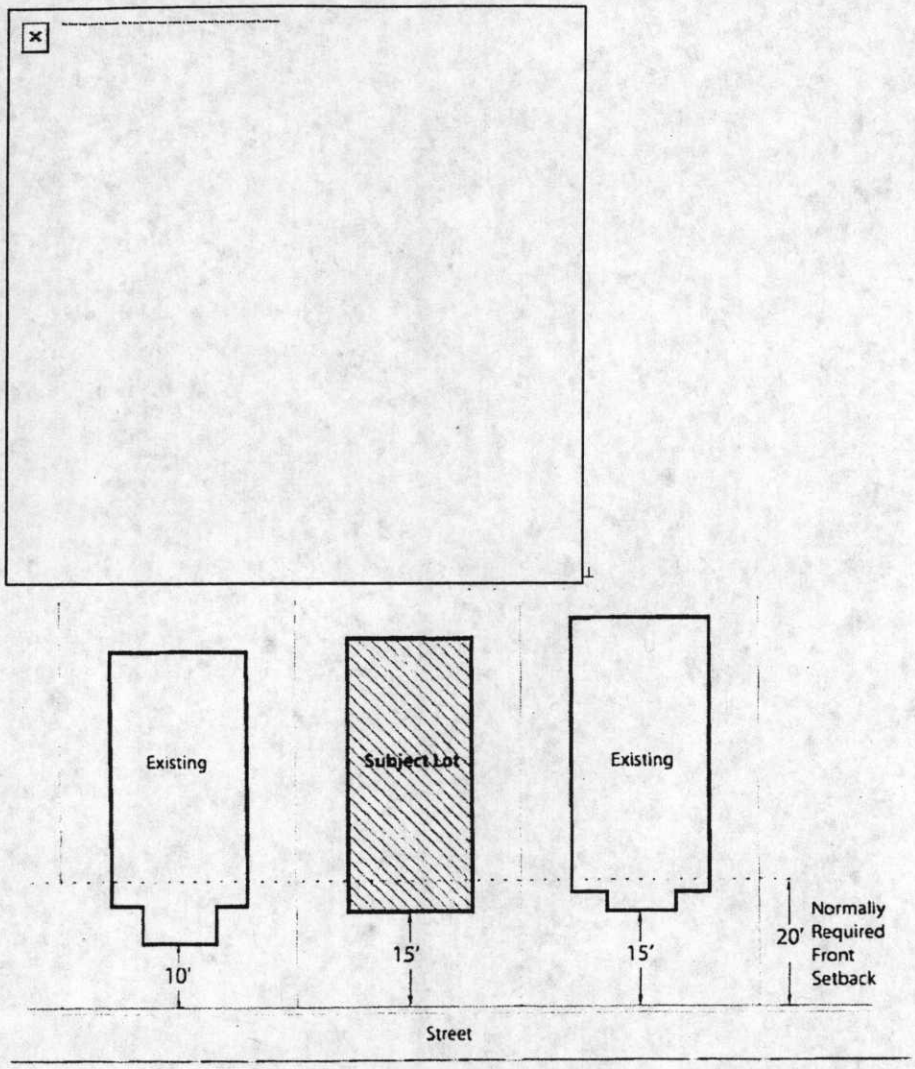
d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;

e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot lien and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the

corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03 [Additional Regulation 4]
*For illustration purposes only



5. On lots with only residential facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

a. Roadway construction or widening;

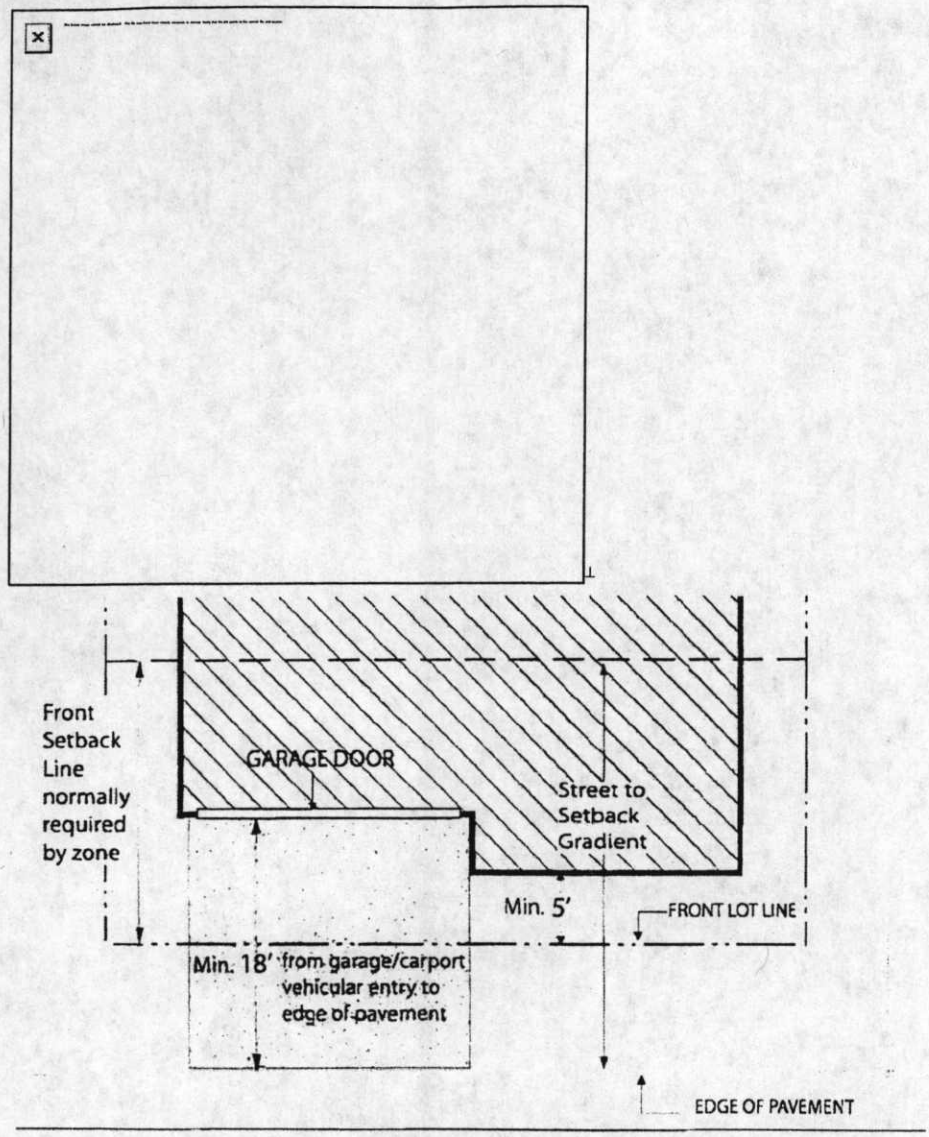
b. Sidewalk construction or widening; and

c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a planned unit development permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

6. In all residential zones the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03 [Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03 [Additional Regulation 5
*for illustration purposes only



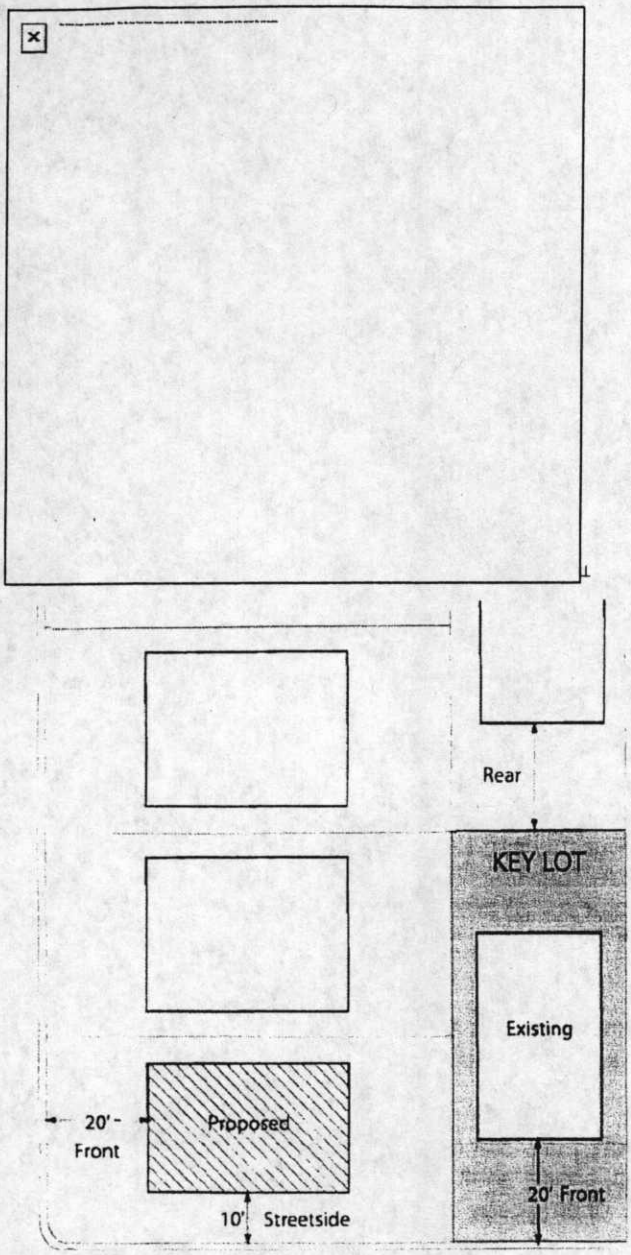
7. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in a C combining zone or commercial zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

8. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum interior side and street side setbacks for lots equal to or greater than four thousand (4,000) square feet shall be reduced to four (4) feet. See additional regulation 1. above for further reduced interior side and street side setbacks for the RM-2 Zone in the West Oakland District only; and Table 17.17.04 for general reduced side, and rear setbacks for smaller lots. ~~, Table 17.17.04.~~ See also Section 17.108.130 for allowed projections into setbacks.

9. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.

10. 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 setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C combining zone (see Illustration for Table 17.17.03 [Additional Regulation 9], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03 [Additional Regulation 9]
*for illustration purposes only



11. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

13. In the RM-1 and RM-2 Zones if at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each

side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

14. In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this Section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in Section 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:

a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and

b. In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.

15. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.

16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.

17. In the RM-2 Zone, when the lot is less than four thousand (4,000) square feet in size or forty-five (45) feet in width only one (1) parking space is required per unit. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum parking requirement shall be only one (1) space per unit regardless of lot size or width.

18. One (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

19. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)

Regulation	Lot Size		Additional Regulations
	< 4,000 sf or < 40 feet wide	< 3,000 sf or < 35 feet wide	

Minimum Setbacks			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks.

C. Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only. Table 17.17.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One- and Two-Family Dwelling Units Only

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	>5,000 and <12,000	>12,000 and <25,000	>25,000 and <43,560	>43,560	
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.17.05:

1. Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than five thousand (5,000) square feet may have a dwelling with a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.

2. Regulation does not apply in the C Combining zone.

3. Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and < 40%	> 40% and < 60%	> 60%	> 20%	
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Payment	18 ft	18 ft	18 ft	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

Additional Regulations for Table 17.17.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:

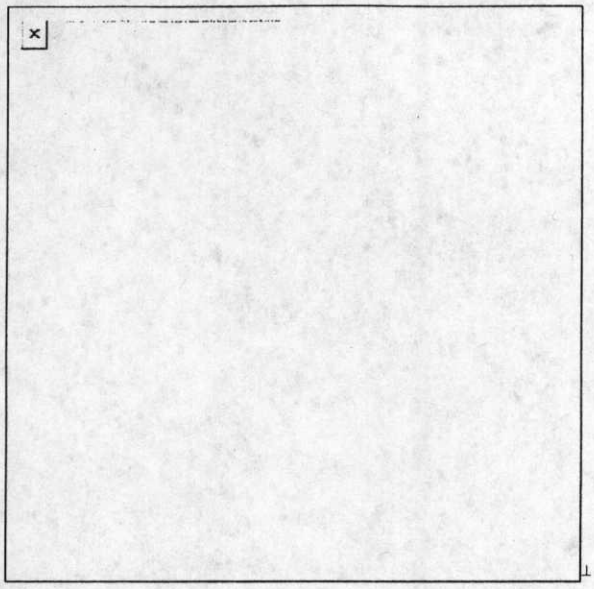
   a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and

   b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and

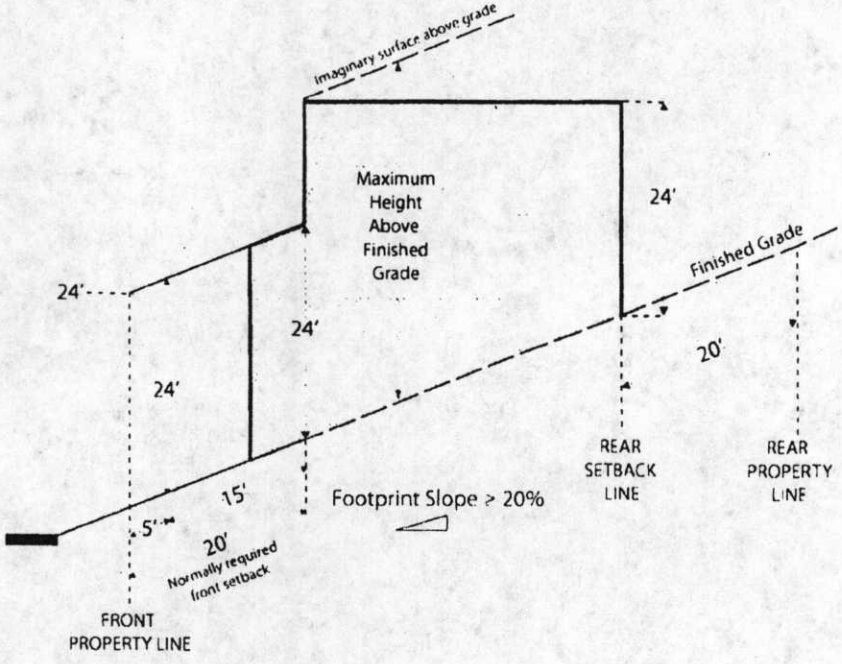
   c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06 [Additional Regulation 2], below).

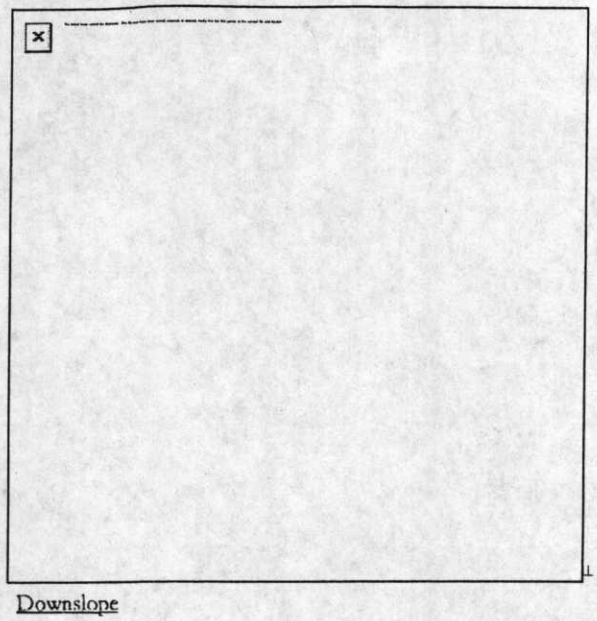
3. The building height is measured from finished or existing grade, whichever is lower.

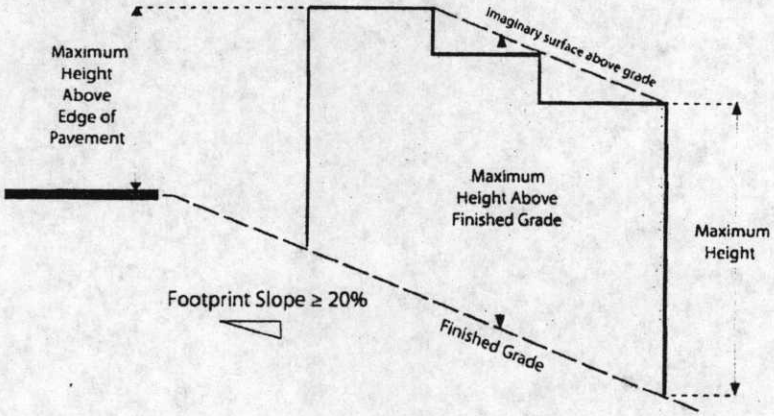
Illustrations for Table 17.17.06 [Additional Regulation 2]
*for illustration purposes only



Upslope







17.17.060 Special regulations for mini-lot and planned unit developments.

A. Mini-Lot Developments. In mini-lot developments, certain regulations that otherwise apply to individual lots in the RM zones may be waived or modified when and as prescribed in Chapter 17.142.

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 RM zones, and certain of the other regulations applying in said zone may be waived or modified.

17.17.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.

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

C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RM zones.

D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RM zones.

E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RM zones.

F. 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, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.040 Permitted and conditionally permitted facilities.

17.19.070 Other zoning provisions.

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	**RU-2**	**RU-3**	**RU-4**	**RU-5**	
Residential Facilities						
One-Family Dwelling	P	P	P	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	—	C	C	P	P	
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	

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

Limitations on Table 17.19.02:

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

L2. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.

L3. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.

L4. Sidewalk cafes are allowed only as an accessory facility to an ~~already~~ approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in Section 17.103.090.

L5. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.19.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. <u>See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.</u>

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

C. Chapters 17.104, 17.106, and 17.108 shall apply in the RU zones.

D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RU-1, RU-2, RU-3, RU-4, and RU-5 zones.

E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RU Zones.

F. 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, storage areas, control of artificial illumination, and other matters specified therein.

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Sections:

17.35.030 Permitted and conditionally permitted activities.

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

17.35.070 Other zoning provisions.

17.35.010 Title, intent, and description.

A. Intent. The provisions of this Chapter shall be known as the Community Commercial (CC) Zones Regulations. The intent of the CC zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. These regulations shall apply to the CC zones.

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

1. **CC-1 Community Commercial Zone - 1.** The CC-1 zone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.

2. **CC-2 Community Commercial Zone - 2.** The CC-2 zone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.

3. **CC-3 Community Commercial Zone - 3**. The CC-3 zone is intended to create, maintain, and enhance areas with heavy commercial and service activities.

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)	P(L4)	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(L5)	C(L5)	C(L5)	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	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L7)	C(L7)	C(L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	

General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L10)	C(L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L11)	
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(L12)	C(L12)	C(L12)	
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. Except as indicated in subsection a. below, t~~T~~hese activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

a. Buildings not located within twenty (20) feet of the principal street frontage and i~~I~~ncidental pedestrian entrances that lead to one of these activities elsewhere in a ~~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.

L5. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

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

L7. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, sayings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L8. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

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

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

1. That all repair and servicing is performed in an enclosed building;

2. That a minimum six (6) foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH, RD or RM Zone;

3. That a landscape buffering is at all parcels lines adjacent to an RH, RD or RM Zone; and

4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week.

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

L12. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

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

17.35.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	**CC-2**	**CC-3**	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L2)	P(L3)	—	
Multifamily Dwelling	P(L2)	P(L3)	—	
Rooming House	P(L2)	P(L3)	—	
Mobile Home	—	—	—	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	

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

Limitations on Table 17.35.02:

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

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

L3. Except as indicated in subsection a. below, c~~C~~onstruction of new ground floor Residential Facilities is not permitted; ~~except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.~~

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

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

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

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

17.35.050 Property development standards.

A. Zone Specific Standards. Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	**CC-2**	**CC-3**	
Minimum Lot Dimensions				
Width mean	50 ft	25 ft	25 ft	1
Frontage	50 ft	25 ft	25 ft	1
Lot area	7,500 sf	4,000 sf	4,000 sf	1
Minimum/Maximum Setbacks				
Minimum front	0 ft	0 ft	0 ft	2
Maximum front	N/A	10 ft	N/A	3
Minimum interior side	0 ft	0 ft	0 ft	4, 5

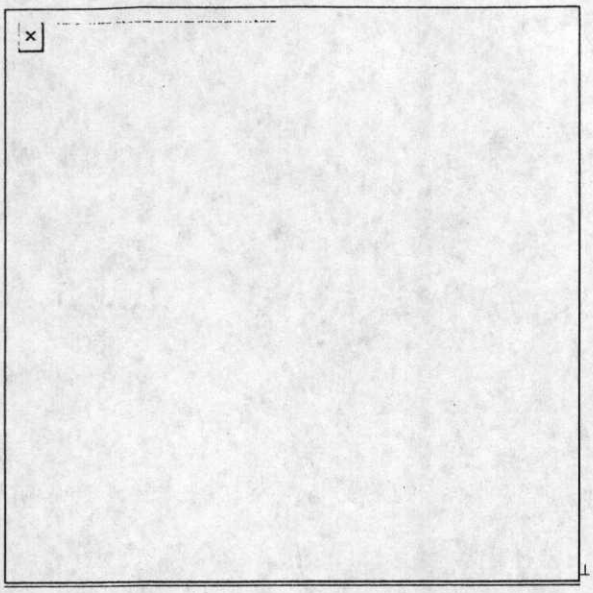
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor nonresidential facilities	N/A	12 ft	N/A	10
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
Courtyard Regulations	See Section 17.108.120			

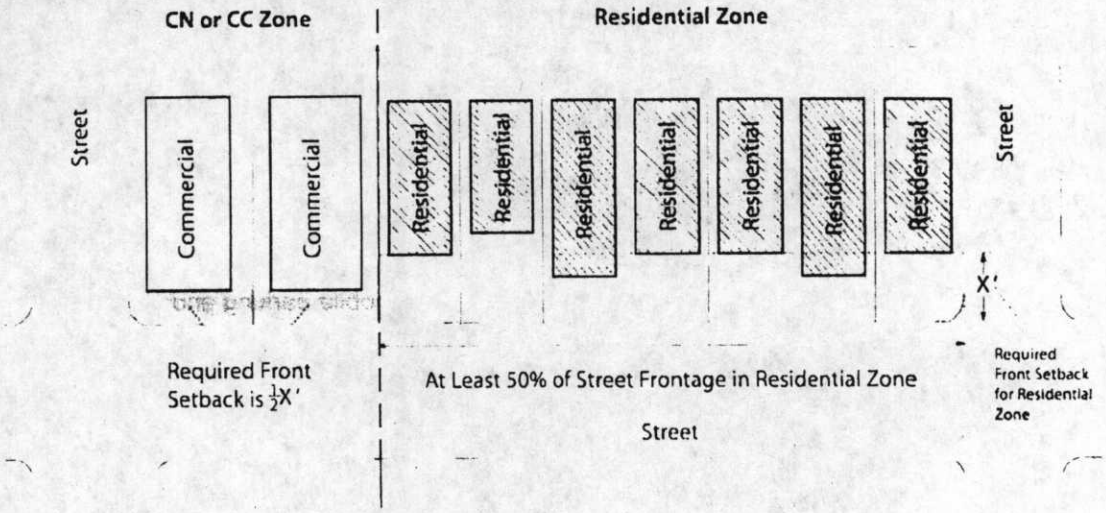
Additional Regulations for Table 17.35.03:

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

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

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





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

a. The requirements only apply to the construction of new principal buildings; ~~.~~ and if multiple new principal buildings are to be constructed on a lot, the requirements only apply to the building(s) that can be reasonably sited along the street frontage(s).

b. The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.

c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of a Conditional Use Permit ~~Regular Design~~ (see Chapter 17.134 for the CUP procedure). ~~Review approval (see Chapter 17.136 for the design review procedure).~~ In addition to the CUP criteria contained in Section 17.134.050, ~~17.136.035, the~~ a proposal to reduce to fifty percent (50%) the amount of street frontage that maximum yards would apply to must also meet each of the following additional criteria:

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

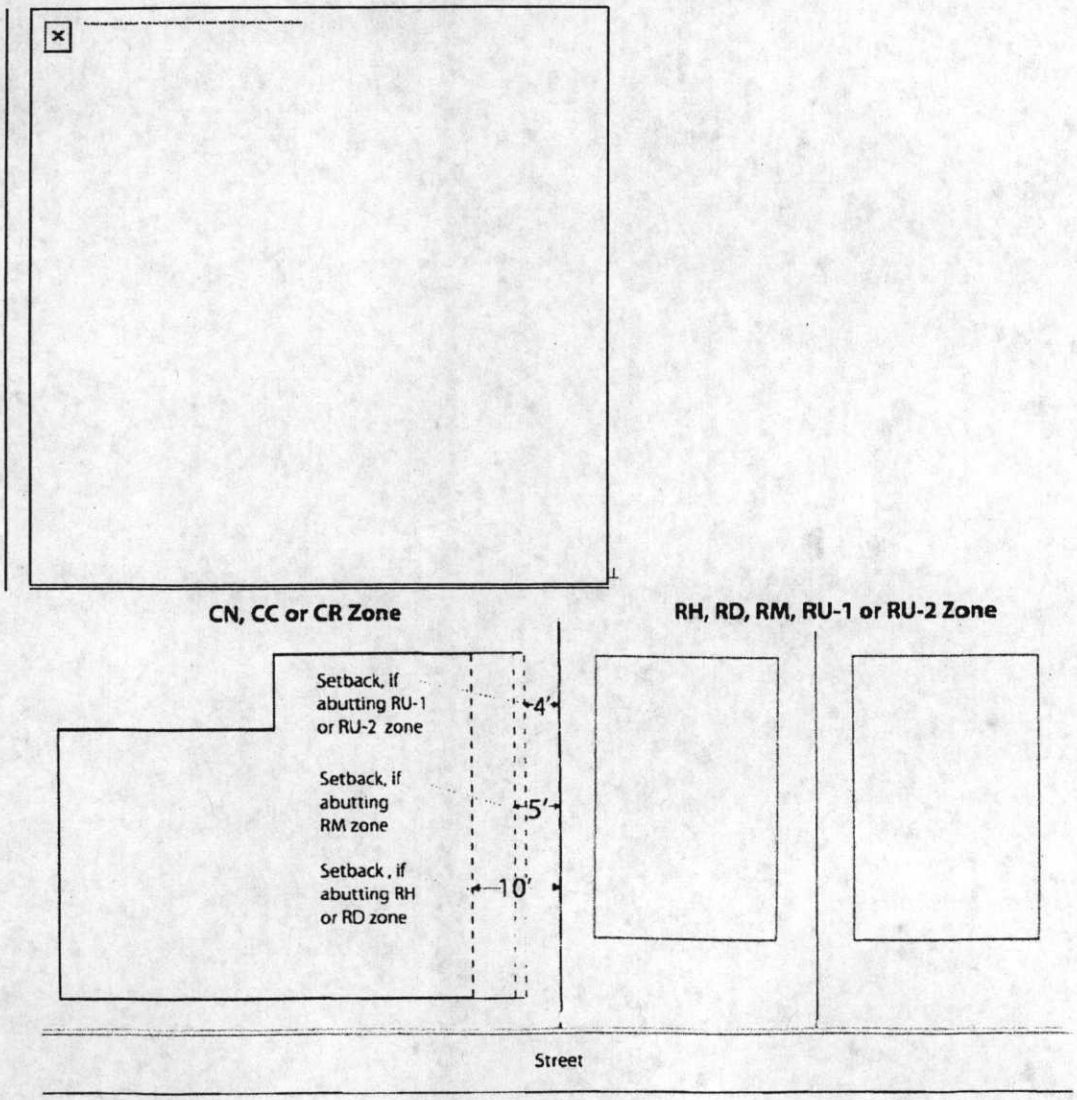
ii. The proposal will not impair a generally continuous wall of building facades;

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

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

4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

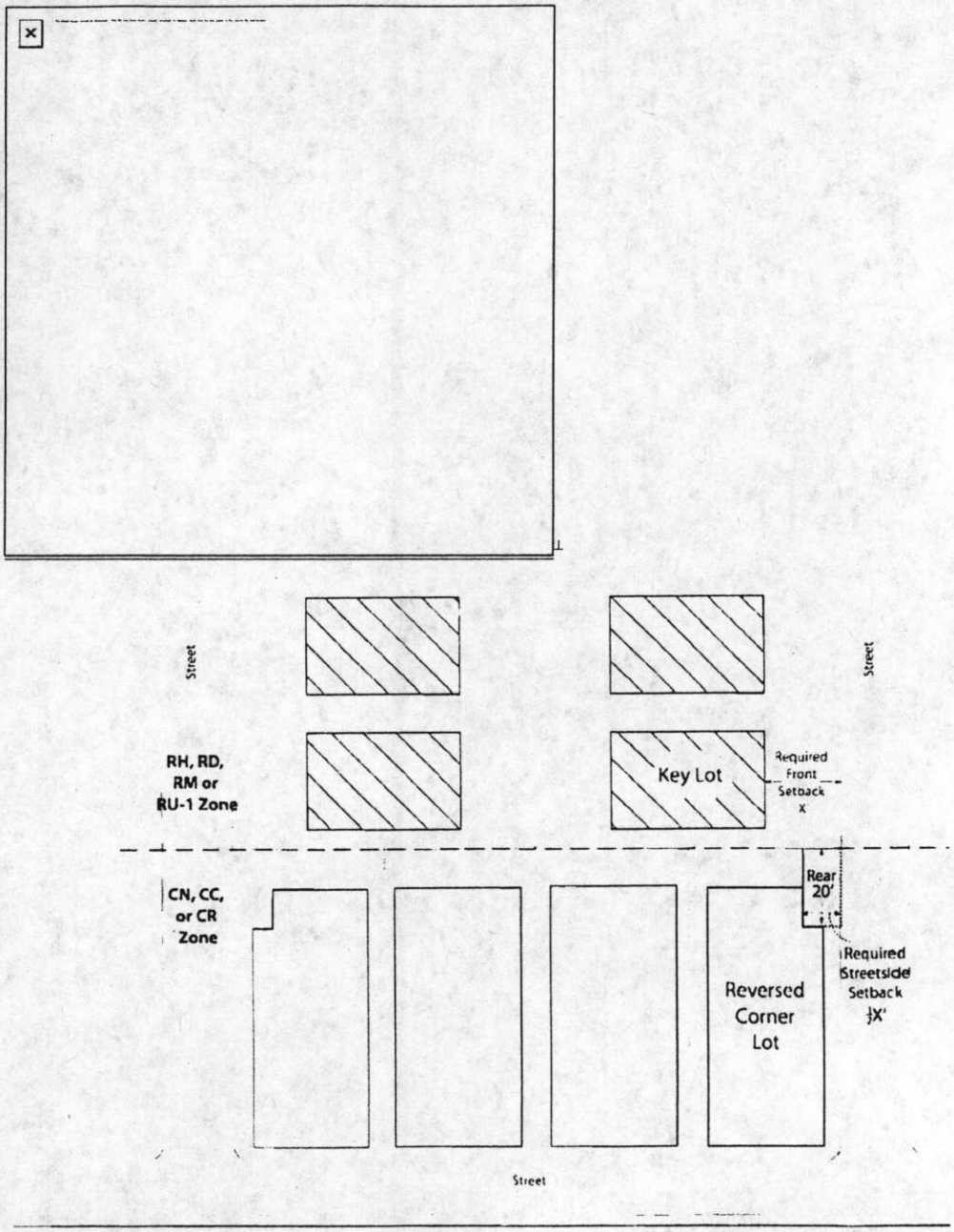
Illustration for Table 17.35.03 [Additional Regulation 4]
*for illustration purposes only



5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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



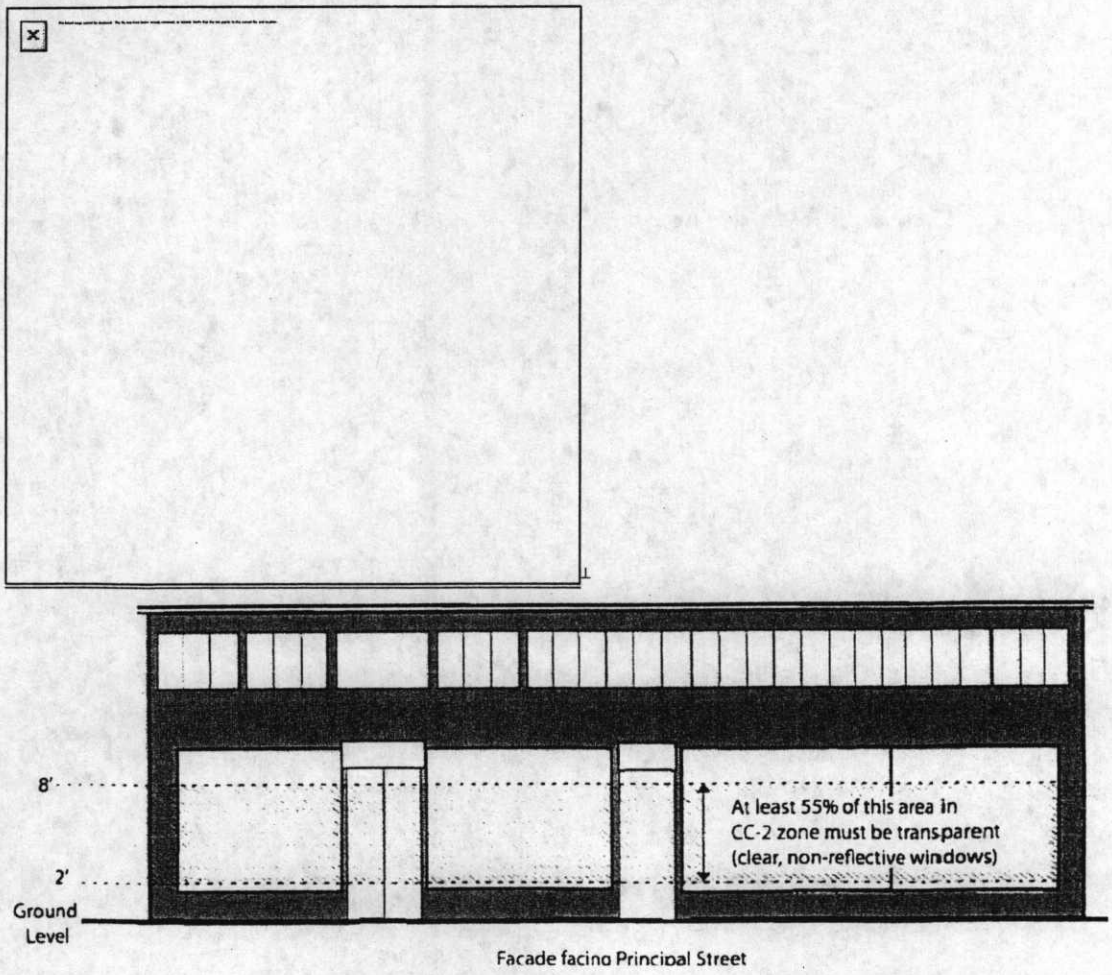
7. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum

rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

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

9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities, and only applies ~~y~~ to ~~the~~ facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

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



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

11. For the ~~new~~ construction of new principal buildings in the CC-2 zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

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

C. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

17.35.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

Sections:

17.37.030 Permitted and conditionally permitted activities.

17.37.070 Other zoning provisions.

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01 lists the permitted, conditionally permitted, and prohibited activities in the CR-1 zone. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.37.01: Permitted and Conditionally Permitted Activities

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

Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C(L2)	17.103.020
Utility and Vehicular	C	
Extensive Impact	C	
Commercial Activities		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	17.103.030 and 8.09
Convenience Market	C	17.103.030
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	
Medical Service	P	
General Retail Sales	P	

Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L3)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P(L4)	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L6~~5~~)	
Personal Instruction and Improvement Services	P	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.103.050
Building Material Sales	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L4)	
Taxi and Light Fleet-Based Services	P(L4)(L5)	
Automotive Fee Parking	—(L7~~6~~)	
Animal Boarding	C	
Animal Care	P	

Undertaking Service	—	
Industrial Activities		
Custom Manufacturing	P(L4)	
Light Manufacturing	P(L4)	
General Manufacturing	C(L4)(L5)	
Heavy/High Impact	—	
Research and Development	P	
Construction Operations	—	
Warehousing, Storage, and Distribution		
A. General Warehousing, Storage and Distribution	P(L4)(L5)	
B. General Outdoor Storage	C(L4)(L5)	
C. Self-or Mini Storage	C(L4)(L5)	
D. Container Storage	C(L4)(L5)	
E. Salvage/Junk Yards	—	
Regional Freight Transportation	C(L4)(L5)	
Trucking and Truck-Related	C(L4)(L5)	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	C(L4)	
B. Primary Recycling Collection Centers	C(L4)(L5)	17.103.060
Hazardous Materials Production, Storage, and Waste Management	—	
Agriculture and Extractive Activities		
Crop and animal raising	C(L4)(L~~8~~7)	

Plant nursery	C(L4)	
Mining and Quarrying	—	
Accessory off-street parking serving prohibited activities	P	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 on Table 17.37.01:

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

L2. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

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

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

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

L6~~5~~. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L7~~6~~. Existing fee parking lots may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

L8~~7~~. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following criteria:

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

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

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

17.37.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

17.65.010 Title, purpose, and applicability.

17.65.020 Required design review process.

17.65.030 Permitted, conditionally permitted, and prohibited activities.

17.65.040 Permitted and conditionally permitted facilities.

17.65.060 Minimum lot area width and frontage.

17.65.070 Maximum density.

17.65.080 Maximum floor area ratio.

17.65.090 Maximum density and floor-area ratio for mixed use projects.

17.65.100 Maximum height.

17.65.110 Minimum yards and courts.

17.65.120 Minimum usable open space.

17.65.130 Landscaping, paving, and buffering.

17.65.140 Outdoor storage.

17.65.150 Special regulations for HBX work/live units.

17.65.160 Special regulations for HBX live/work units.

17.65.170 Special regulations for mini-lot and planned unit developments.

17.65.180 Other zoning provisions.

17.65.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the Housing and Business Mix Commercial Zones Regulations. This chapter establishes land use regulations for the HBX-1, HBX-2, ~~and~~ HBX-3, and HBX-4 zones.

The purposes of the Housing and Business Mix zones are to:

A. Allow for mixed use districts that recognize both residential and business activities;

B. Establish development standards that allow residential and business activities to compatibly co-exist;

C. Provide a transition between industrial areas and residential neighborhoods;

D. Encourage development that respects environmental quality and historic patterns of development;

1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

Housing and Business Mix 1 (HBX-1) Zone. The HBX-1 zone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix 2 (HBX-2) Zone. The HBX-2 zone is intended to provide development standards for areas that have a mix of industrial, certain commercial and medium to high density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix 3 (HBX-3) Zone. The HBX-3 zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

Housing and Business Mix 4 (HBX-4) Zone. The HBX-4 zone is intended to provide development standards for live/work, work/live, and housing in areas with a strong presence of industrial and heavy commercial activities.

17.65.020 Required design review process.

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

B. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX zones.

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

* Editor's Note— The "HBX Design Guidelines Manual," referred to in this Chapter, is incorporated by reference as if fully set forth herein by Section 2 of Ordinance 12772. A copy of this manual is kept on file in the Oakland City Hall.

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

	HBX-1	HBX-2	HBX-3	HBX-4	Regulations
Residential Activities					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	C	17.103.010
Service-Enriched Permanent Housing	C	C	C	C	17.103.010
Transitional Housing	C	C	C	C	17.103.010
Emergency Shelter	C	P(L2)	C	C	17.103.010
Semi-Transient Residential	C	C	C	C	17.103.010
Bed and Breakfast	—	—	—	C	17.12.125
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care	P	P	P	P	
Community Assembly	P(L3)	P(L3)	P(L3)	P(L3)	
Recreational Assembly	P(L3)	P(L4)	P(L4)~~(L5)~~	P(L4)	
Community Education	C	C	C	C	
Nonassembly Cultural	P(L4)	P(L4)	P(L4)	P(L4)	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Special Health Care	C(L6)	C(L6)	C(L6)	C(L6)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					

General Food Sales	P(L3)~~(L4)~~	P(L3)~~(L4)~~	P(L3)~~(L4)~~	P(L3)	
Full Service Restaurant	P(L5)	P(L5)	P(L5)	P(L3)	
Limited Service Restaurant and Cafe	P(L5)	P(L5)	P(L5)	P(L3)	
Fast-Food Restaurant	—	—	—	—	17.103.030
Convenience Market	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	17.103.030
Mechanical or Electronic Games	C	C	C	C	
Medical Service	P(L4)	P(L4)	P(L4)	P(L4)	
General Retail Sales	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L4)	P(L4)	P(L4)	P(L4)	
Check Cashier and Check Cashing	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	C	
Group Assembly	C(L8)	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services ~~and Small Scale Entertainment~~	C	C	C	P	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	

Research Service	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L4)	P(L4)	P(L4)	P(L4)	
Transient Habitation	—	—	—	C	17.103.050
Building Material Sales	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L10)	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L10)	—	—	—	
Taxi and Light Fleet-Based Service	~~P(L4)~~C	~~P(L4)~~C	~~P(L4)~~C	C	
Automotive Fee Parking	—	—	—	—	
Animal Boarding	C(L14)—	C(L14)—	C(14)—	C	
Animal Care	C	C	C	C	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	P(L4)	P(L4)	P(L4)	P(L4)	17.120
Light Manufacturing	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	17.120
General Manufacturing	—	—	—	P(L3)(L9)	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
Construction Operations	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Warehousing, Storage and Distribution					

A. General Warehousing, Storage and Distribution	P(L3)(L9) ~~(L4)~~	P(L3)(L9) ~~(L4)~~	P(L3)(L9) ~~(L4)~~	P(L4)(L9)	
B. General Outdoor Storage	C	C	C	C	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	=	
E. Salvage/Junk Yards	—	—	—	=	
Regional Freight Transportation	—	—	—	=	
Trucking and Truck-Related	—	—	—	=	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	=	
A. Primary Recycling Collection Centers	—	—	—	=	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	=	
Agricultural and Extractive Activities					
Plant Nursery	C	C	C	C	
Crop and Animal Raising	~~C(L13)~~ C(L13)	~~C(L14)~~ C(L13)	~~C(L13)~~ C(L13)	C(L13)	
Mining and Quarrying Extractive	—	—	—	=	
Accessory off-street parking serving prohibited activities	C	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	C	17.102.110

Limitations:

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

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

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

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

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

L6. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

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

L8. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

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

L10. 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.

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

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

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.

2. No facility that includes a Self- or Mini-Storage activity shall be within the front twenty (20) feet of a building.

3. Projects that include self storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor. These ground floor activities shall not be directly associated with the self storage establishment at the site.

L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

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

L14. These activities may be located in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north) upon the granting of a conditional use permit (see Chapter 17.134).

17.65.040 Permitted and conditionally permitted facilities.

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

A. Definitions.

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

2. **"Work/Live"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary nonresidential activity with an accessory residential component.

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

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

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

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

Facility Types	Zones	Additional

	HBX-1	HBX-2	HBX-3	HBX-4	Regulations
Residential Facilities					
One-Family Dwellings	P	P	P	C	
One-Family Dwelling with Secondary Unit	P	P	P	C	17.103.080
Two-Family Dwelling	P	P	P	C	
Multifamily Dwelling	P	P	P	C	
Rooming House	P	P	P	C	
Mobile Home	—	—	—	—	
Live/Work	P	P	P	P	17.65.160
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	P	
Work/Live	P	P	P	P	17.65.150
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
~~Shopping Center~~	—	—	—		
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128

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

Limitation:

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width, and frontage requirements for the zones in this chapter.

Standard	Zones			
	HBX-1	**HBX-2**	**HBX-3**	**HBX-4**
Minimum lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf
Minimum lot width mean	35 ft	35 ft	35 ft	35 ft
Minimum lot frontage	35 ft	35 ft	35 ft	35 ft

Note:
See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage

regulations. Lots that do not meet the standards described above may be developed if they meet the requirements described in Subsection 17.106.010A and all other applicable requirements.

17.65.070 Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	**HBX-2**	**HBX-3**	**HBX-4**
Dwelling Unit	1,000 sf of lot area per unit	930 sf of lot area per unit	730 sf of lot area per unit	800 sf of lot area per unit
Rooming Unit	500 sf of lot area per unit	465 sf of lot area per unit	365 sf of lot area per unit	400 sf of lot area per unit

Notes:

1. See (1) Section 17.103.070 for regulations regarding secondary units; (2) Chapter 17.107 for affordable housing density incentives; and (3) Section 17.106.060 for increased density for senior housing.

2. New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134) in the HBX-2, ~~and~~ HBX-3, and HBX-4 Zones. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

17.65.080 Maximum floor area ratio.

A. The following table contains the maximum Ffloor Aarea Rratios (FARs) for all structures for the zones in this Chapter.

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

Notes:

1. Under no circumstances shall a project exceed these FARs for all structures or the nonresidential FARs listed in Subsection B.

2. See Section 17.65.090 for how to calculate Floor Area Ratio (FAR) in mixed use projects.

3. A conditional use permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 zones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

A. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.

B. That the additional floor area ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Ffloor Aarea Rratios (FARs) for nonresidential facilities for the zones in this Chapter.

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

Notes:

1. Under no circumstances shall a project exceed the nonresidential FAR listed in this table or the FAR for all structures in Subsection A.

2. See Section 17.65.090 for how to calculate FAR in mixed use projects.

17.65.090 Maximum density and floor-area ratio for mixed use projects.

A. This Section shall only apply to the following two (2) types of mixed use projects:

1. Projects that have at least twenty percent (20%) of its total floor area devoted to nonresidential facilities or

2. Projects that:

a. Are on lots that are fifty (50) feet wide or less and

b. Have a minimum fifty percent (50%) of lot frontage occupied by Ground Floor Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities. This commercial floor area must be at least twenty (20) feet deep measured from the building frontage and be within an enclosed building. Projects on through lots require this minimum fifty percent (50%) on only the longest lot frontage to qualify as a mixed use project for this Section.

B. For projects described in Subsection A, the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. For projects described in Subsection A, this Subsection supersedes the requirements in Section 17.106.030.

C. Section 17.106.030 describes how to calculate density and floor area ratio for mixed use projects not included in Subsection A.

17.65.100 Maximum height.

A. The following table contains the maximum heights for the zones in this chapter.

Standard	Zone			
	HBX-1	**HBX-2**	**HBX-3**	**HBX-4**
Maximum height	35 ft.*	45 ft. when the lot abuts a street right of way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right of way that is 80 ft. wide or more.	55 ft.	55 ft.

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM residential zone. This maximum height shall increase one foot for every foot of distance from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. See subsection (B) for situations when exceeding these maximum heights may be permitted.

3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see Chapter 17.134).

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only 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) and in conformance with the "Design Guidelines for the HBX zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

17.65.110 Minimum yards and courts.

A. Minimum yards shall be consistent with the "Design Guidelines for the HBX zones" as adopted by the City Council.

B. A minimum ten (10)-foot rear yard depth is required when a rear lot line abuts any portion of a lot in a residential zone. Also, see Section 17.108.110 for reduced required rear yard depth next to an alley.

C. See Section 17.108.080 for the required interior side yard width on a lot containing two or more living units and opposite a legally required living room window.

D. When the rear yard of a reversed corner lot abuts a key lot that is in a residential zone, the required street side yard width of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see illustration 1-12a).

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

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone

HBX-1	HBX-2	HBX-3	HBX-4
200 sf/unit	150 sf/unit	150 sf/unit	100 sf/unit

Note:

Usable open space is only required on lots with two (2) units or more, and not required for single family homes with secondary units. Each square foot of private usable open space equals two square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

17.65.130 Landscaping, paving, and buffering.

A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding secondary units of five hundred (500) square feet or less, and for additions to existing building facilities of over five hundred (500) square feet.

1. Landscaping and buffering that is consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council;
2. An automatic system of irrigation for all landscaping shown in the plan;
3. A minimum of one (1) 15-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.
4. At least one (1) 15-gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
5. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required area, the width of the required landscaping area shall be increased by two (2) feet unless wheel stops are installed.

17.65.140 Outdoor storage.

The outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: 1) the storage is within fifteen (15) feet from any property line of a lot containing Rresidential Aactivities, and 2) the storage faces any windows of a residential facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the HBX Zones" as adopted by the City Council.

17.65.150 Special regulations for HBX work/live units.

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

1. In the HBX-4 Zone, an "HBX work/live unit" shall be considered a Commercially/ Industrially Oriented Joint Living and Working Quarter under the Building Code. Any building permit plans for the construction or establishment of HBX work/live units in the HBX-4 Zone shall: (a) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (b) label such units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow a certain level of industrial activities in HBX-4 work/live units.

2. In the HBX-1, HBX-2, and HBX-3 Zones, aAn "HBX work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit in the HBX-1, HBX-2, and HBX-3 Zones accommodates both residential and nonresidential activities, but emphasizes the accommodation of commercial activities. Such ~~An~~ HBX work/live units shall meets all applicable regulations contained in this section.

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

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

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

Standard	Requirement		Note
Activities allowed in an HBX work/live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)		
Required parking	One parking space per unit.		1
Required bicycle parking	**With private garage for each unit:**	**Without private garage for each unit:**	2

	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.
Required loading	**Square feet of facility**	**Requirement** 3
	Less than 25,000 square feet	No berth required
	25,000—69,999 square feet	One berth
	70,000—130,000 square feet	Two berths
	Each additional 200,000 square feet	One additional berth
Residential Density	Not applicable because HBX work/live units are nonresidential facilities.	
Required usable open space	75 square feet of usable open space per unit	
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area	

Notes:

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

2. See Chapter 17.117 for other bicycle parking standards.

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

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

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area

Type 1	One-third	~~None~~In the HBX-4 Zone, all remaining floor area to be used for the primary non-residential activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the unit, one adjacent to the residential space, the other adjacent to the nonresidential space; the nonresidential entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	1. The majority of the nonresidential floor area for the ground floor unit must be at a public street level and directly accessible to the street; 2. The unit must have no residential floor area at the ground level; and 3. The ground floor entrance must be clearly designated as a business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines).

Notes:

1. In Types 1 and 2, a kitchen may be open to non-residential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.

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

F. For HBX work/live units, residential and nonresidential floor areas shall be designated according to the following standards:

1. Residential floor area shall be considered areas containing bedrooms, sleeping areas, and kitchens (not including kitchenettes).
2. Nonresidential floor area shall include floor areas designated for working.
3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this Subsection.
4. The floor area between residential rooms that will commonly be used for residential activities and foot traffic such as the corridors and areas between bedrooms, kitchens, residentially designated bathrooms, and other similar areas shall be considered residential floor area.

5. The floor area of bathrooms shall be counted as residential or nonresidential based on whether it is most conveniently accessed from the residential or nonresidential portion of the unit. If there is only one (1) bathroom in the unit, one-half (½) of the bathroom shall be considered residential floor area and one-half (½) shall be considered nonresidential floor area;

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

7. If any part of a loft or mezzanine is designated as residential space, then the entire loft or mezzanine space shall be considered residential floor area.

8. The Planning Director shall determine the floor area designation when the above standards do not clearly apply.

G. Each ground floor HBX work/live unit shall have at least one (1) public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

H. Each unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

I. For any HBX work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold; and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The unit is in a nonresidential facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

J. Each building with an HBX work/live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine (9) by eleven (11) inches and lettering at least one-half (½) an inch tall. This sign shall contain the following language; "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing." Further, City of Oakland regulations require that each unit have a tenant that: (1) operates a business from that unit, and (2) possesses an active City of Oakland Business Tax Certificate for this business.

K. HBX work/live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.

L. Regular Design Review Criteria. Regular design review approval for HBX work/live units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.

2. That a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor or level and at street fronting elevations.

3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.

4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
   a. Service elevators designed to carry and move oversized items,
   b. Stairwells wide and/or straight enough to deliver large items,
   c. Loading areas located near stairs and/or elevators and
   d. Wide corridors for the movement of oversized items.
7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

17.65.160 Special regulations for HBX live/work units.

A. Definition. "HBX live/work unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX live/work unit accommodates both residential and nonresidential activities. An HBX live/work unit meets all applicable regulations contained in this section.

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

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

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX live/work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX live/work unit, and the loading and open space for each HBX live/work unit:

Standard	Requirement		Note
Activities allowed in an HBX live/work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)		
Required parking	One parking space per unit		1
Required	**With private garage for**	**Without private garage for each unit:**	

bicycle parking	**each unit:**		
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two-short-term spaces.	2
Required loading	**Square feet of facility**	**Requirement**	
	Less than 50,000 square feet	No berth required	3
	50,000—149,999 square feet	One berth	
	150,000—299,999 square feet	Two berths	
	Each additional 300,000 square feet	One additional berth	
Permitted density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.130		

Notes:

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

2. See Chapter 17.117 for other bicycle parking standards.

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

E. The amount of floor area in an HBX live/work unit designated for and devoted to residential is not restricted.

F. Any building permit plans for the construction of HBX live/work units shall: (1) clearly state that the proposal includes live/work facilities, and (2) label the units intended to be live/work units. This requirement is to assure the City applies building codes appropriate for a live/work facility.

G. For any HBX Live/Work Facility a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an

acknowledgment that the property is in a facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

H. Each building with an HBX live/work unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains live/work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."

I. HBX live/work units are residential facilities, shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to HBX live/work units.

J. Regular Design Review Criteria. Regular design review approval for HBX live/work units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

   a. Service elevators designed to carry and move oversized items,

   b. Stairwells wide and/or straight enough to deliver large items,

   c. Loading areas located near stairs and/or elevators and

   d. Wide corridors for the movement of oversized items.

17.65.170 Special regulations for mini-lot and planned unit developments.

A. Mini-Lot Developments. In mini-lot developments, certain regulations otherwise applying to individual lots in the HBX ~~HBX-1, HBX-2 and HBX-3 Z~~zones may be waived or modified when and as prescribed in Chapter 17.142.

B. Planned Unit Developments. Large integrated developments in the HBX Zones 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 HBX Zzones, and certain of the other regulations applying in said zones may be waived or modified.

17.65.180 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. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.

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~~ in the HBX Z~~z~~ones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the HBX Z~~z~~ones.

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

Sections:

17.72.030 Permitted and conditionally permitted activities.

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(L2)	P(L2)	P(L2)	
Health Care	C	—	—	
Special Health Care	C(L3)	C(L3)	C(L3)	17.103.020
Utility and Vehicular	C	P(L4)	P(L4)	
Extensive Impact	C	C	C	
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(L2)	P	P	
General Retail Sales	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	

Consumer Service	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L7)	C(L7)	
Personal Instruction and Improvement Services	—	C	C	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L8)	P(L8)	P(L8)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L8)	P(L8)	P(L8)	
Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	

Animal Care	C	C	C
Undertaking Service	—	—	—
Industrial Activities			
Custom Manufacturing	P(L9)	P	P
Light Manufacturing	P(L10)	P	P
General Manufacturing	C(L10)	C(L10)	C(L10)
Heavy/High Impact	—	—	C
Research and Development	C	C	P
Construction Operations	C	P	P
Warehousing, Storage, and Distribution			
A. General Warehousing, Storage and Distribution	C	P	P
B. General Outdoor Storage	C	P	P
C. Self- or Mini Storage	P	P	P
D. Container Storage	C	P	P
E. Salvage/Junk Yards	C	C	P(L11)
Regional Freight Transportation	C	C	C
Trucking and Truck-Related			
A. Freight/Truck Terminal	C	P(L8)(L12)	P(L8)(L12)
B. Truck Yard	C	P(L8)(L12)	P(L8)(L12)
C. Truck Weigh Stations	C	P(L8)(L12)	P(L8)(L12)
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L8)(L12)	P(L8)(L12)

E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L8)(L12)	P(L8)(L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L13)	C(L13)	C(L13)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Crop and Animal Raising	C(L14)	C(L14)	C(L14)	
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.

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

L3. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

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

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

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

L7. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

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

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

L10. Electroplating activities are prohibited.

L11. Salvage/Junk Yards Industrial Activities in the M-40 Zone are only permitted upon the granting of a Conditional Use Permit if located within four hundred (400) feet of any zone except the M-30 Zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 Zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed twenty (20) feet in height.

L12. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in ~~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 south and west, and Interstate 580 to the north.

L13. These activities are prohibited when located within two thousand (2,000) feet from a residential facility. When not within two thousand (2,000) feet of a residential facility, Hazardous Materials Production, Storage, and Waste Management is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. That the project is not detrimental to the public health, safety or general welfare of the community;

2. That the project is or will be adequately served by roads and other public or private service facilities;

3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

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

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

Sections:

17.73.010 Title, purpose, and applicability.

17.73.015 Required design review process.

17.73.020 Permitted and conditionally permitted activities ~~uses~~ and facilities.

17.73.030 Property Development Standards.

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

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

17.73.050 Parking and loading dock restrictions.

17.73.060 Referral to other applicable regulations.

17.73.070 Other zoning provisions.

17.73.010 Title, purpose, and applicability.

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

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

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

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

A. Description of Zones. This Chapter establishes land use regulations for the following zones:

1. **CIX-1 Commercial Industrial Mix 1 Zone.** The CIX-1 Zone is intended to create, preserve, and enhance industrial areas~~, including but not limited to West Oakland,~~ that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-scale commercial and retail uses will be limited to sites with direct access to the regional transportation system.

2. **CIX-1A West Oakland Plan Area Commercial Industrial Mix 1A Zone (Business Enhancement).** The CIX-1A Zone intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small spaces for start-up businesses.

3. **CIX-1B West Oakland Plan Area Commercial Industrial Mix 1B Zone (Low Intensity Business).** The CIX-1B Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.

4. **CIX-1C West Oakland Plan Area Commercial Industrial Mix 1C Zone (High Intensity Business).** The CIX-1C Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of higher intensity commercial, retail, office, and advanced manufacturing-type users. This zone is applied to areas with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.

5. **CIX-1D West Oakland Plan Area Commercial Industrial Mix 1D Zone (Retail Commercial Mix).** The CIX-1D Zone is intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of large scale retail and commercial uses. This district is applied to areas with a prominent street location.

6~~B~~. **CIX-2 Commercial Industrial Mix 2 Zone.** The CIX-2 Zone is intended to create, preserve, and enhance industrial areas~~, including but not limited to the Central and Eastern portions of the City,~~ that are appropriate for a wide variety of ~~heavy~~ commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.

7~~C~~. **IG General Industrial Zone.** The IG Zone is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. This zone allows heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

8~~D~~. **IO Industrial Office Zone.** The IO Zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

17.73.015 Required design review process.

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

B. No facility located within one hundred fifty (150) feet of any residential zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136.

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

C. Establishment of a work/live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the Regular Design Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Subsection 17.73.040.D.

17.73.020 Permitted and conditionally permitted activities ~~uses~~ and facilities.

The following table lists the permitted, conditionally permitted, and prohibited activities ~~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 activities ~~uses~~ and facilities in the corresponding zone.

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

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

Table 17.73.020: Permitted and Conditionally Permitted Activities ~~Uses~~ and Facilities

Activities ~~Uses~~	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities ~~Uses~~										

Emergency Shelter	—	—	—	—	P(L1)	P(L1)	—	—	P(L1)	
All Other Residential Activities ~~Uses~~	All other residential activities ~~uses~~ prohibited in each zone									
Civic Activities ~~Uses~~										
Essential Service	P	P	P	P	P	P	P	P		
Limited Child-Care	C	C	C	C	—	—	—	—		
Community Assembly	P	P	P	P	P	C	—	C		
Recreational Assembly	P	P	P	P	P	C	—	C		
Community Education	C	C	C	C	P	C	—	C		
Non-assembly Cultural	P	P	P	P	P	C	—	C		
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	P	—	—	—	P	
Special Health Care	C	—	—	—	C	C	—	—		See Section 17.103.020
Utility and Vehicular	C	C	P	C	P	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		
Commercial Activities ~~Uses~~										
General Food Sales	P	P	P	P	P	P(L15) ~~C(L2)~~	C(L2)	P(L2)		

Full Service Restaurant	P	P	P	P	P	P(L15) C(L2) ~~C(L2)~~	C(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L15) C(L2) ~~C(L2)~~	C(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C		See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C		
Alcoholic Beverage Sales	C	C	C	C	P(L3)	C	—	—		See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L15) —	—	P(L15) —		~~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	—	—	C	C	—	—	—	—		
Consumer Service	P	P	P	P	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	P	P	P	P	C~~—~~	—	—		
Check Cashier and Check Cashing	~~—~~	~~—~~	~~—~~	~~—~~	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	P	C	—	—		
Group Assembly	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P~~C~~(L9)	P~~C~~(L9)	C~~(L9)~~		
Personal Instruction and Improvement Services ~~and Small Scale Entertainment~~	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P~~C~~(L9)	P~~C~~(L9)	C~~(L9)~~		
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		

Research Service	P	P	P	P	P	P	C	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		No retail ancillary activities for this use allowed in IG, ~~or IO~~.
Transient Habitation	C	C	C	C	—	—	—	—		
Building Material Sales	P(L17)	P(L17)	P(L17)	P(L17)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	C	—	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P	P	P	—	P(L4)	~~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	P(L7)	P(L7)	P(L7)	P(L7)	P(L4)	P(L4)	P	—	P(L4)	~~Requires Regular Design Review approval if located within 150 feet of any residential zone (see~~

										~~Chapter 17.136 for the Design Review procedure).~~
Taxi and Light Fleet-Based Services	C	C	C	C					P	
Automotive Fee Parking	C	C	C	C	P(L4)	P	P	P		
Animal Care	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Animal Boarding	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Undertaking Service	C	C	C	—	P	C	C	—		
Industrial Activities ~~Uses~~										
Custom Manufacturing	P	P	P	P	P	P	P	P		
Light Manufacturing	P	P	P	P	P	P	P	P		
General Manufacturing	P(L4)	P(L4)	P(L4)	—	P(L4)	P(L4)	P	—	P(L4)	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C	—		
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L17)	P(L17)	P(L17)	C	P(L4)	P(L4)	P(L4)	C	P(L4)	
Warehousing, Storage and Distribution Related:										
A. General Warehousing, Storage and	P(L16)	P(L16)	P(L16)	C	P	P	P	P	P	No retail component of this use

Distribution										allowed in IG. ~~or IO~~. Also, see Section 17.73.060
B. General Outdoor Storage	C	C	C	C	C	P(L4)	P	P		
C. Self or Mini Storage	—	—	—	—	C	C	—	C	C	
D. Container Storage	—	—	—	—	—	P(L4)	P	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
Regional Freight and Transportation Related:										
A. Seaport	—	—	—	—	—	—	P	C		
B. Rail Yard	—	—	—	—	—	C	P	—		
Trucking and Truck Related:										
A. Freight/Truck Terminal	—	—	—	—	P(L6)	P(L4)	P	—	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~~
B. Truck Yard	—	—	—	—	P(L6)	C	P	C	P	
C. Truck Weigh Stations	—	—	—	—	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6)	P	P	—	P	

										~~Chapter 17.136 for the Design Review procedure).~~
Recycling and Waste-Related: ~~Activities~~										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection Centers	—	—	—	—	P(L11)	P(L11)	P(L12)	—	P(L11)	See also performance standards set out in Section 17.73.035
Hazardous Materials Production, Storage & and Waste-Related: ~~Activities~~										
A. Small Scale Transfer and Storage	—	—	—	—	—	C	C	—		
B. Industrial Transfer/ Storage	—	—	—	—	—	—	C	—		L12 - See also Health and Safety Protection Zone (S-19)
C. Residuals Repositories	—	—	—	—	—	—	C	—		
D. Oil and Gas Storage	—	—	—	—	—	—	P(L3)	—		
Agricultural and Extractive Activities ~~uses~~										
Plant nursery	P	P	P	C	P	P	P	—		
Crop and animal raising	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	—		
Mining and Quarrying	—	—	—	—	—	—	C	—		See Chapter

Extractive									17.155

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D base zone also has the T combining zone, the T regulations shall supersede the base zone. Wherever the T regulations are silent, the base zone regulations shall supersede.

Facility Types	Zones								Additional Regulations
	CIX-1A	**CIX-1B**	**CIX-1C**	**CIX-1D**	**CIX-1**	**CIX-2**	**IG**	**IO**	
Residential Facilities	All residential facilities ~~uses~~ prohibited in each zone								
Nonresidential Facilities									
Enclosed Nonresidential	P	P	P	P	P	P	P	P	
Open Nonresidential	P	P	P	P	P	P	P	P	
Sidewalk Cafe	P	C	C	P	C	C	—	—	See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—	
Drive-Through Nonresidential	C	C	C	C	C	C	C	C	See Section 17.103.100
~~Shopping Center Facility~~					—	—	—	—	
Telecommunications Facilities									
Micro Telecommunications	P	P	P	P	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	

Macro Telecommunications	C	C	C	C	C	C	P	P	
Monopole Telecommunications	C	C	C	C	C	C	P	P	
Tower Telecommunications	—	—	—	—	—	—	P	P	
Signs Facilities									
Residential Signs	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	P	P	P	P	P	P	P	P	
Development Signs	P	P	P	P	P	P	—	—	
Realty Signs	P	P	P	P	P	P	P	P	
Civic Signs	P	P	P	P	P	P	P	P	
Business Signs	P	P	P	P	P	P	P	P	
Advertising Signs	—	—	—	—	—	—	—	—	

Limitations:

L1. Emergency shelters are permitted by-right within those portions of the Third Street corridor, East 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).

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

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

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

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

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

L7. A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area. ~~Also, only permitted upon the granting of a Conditional Use Permit (see 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.~~

L8. A conditional use permit is required for entertainment uses. Also, no new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L9. ~~Entertainment, educational and athletic services are not permitted.~~A conditional use permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). Also, no new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

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

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

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

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

L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

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

L15. Permitted outright if located within one thousand (1,000) feet of Highway 880, International Boulevard, Hegenberger Road, or 66th Avenue; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure).

L16. 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).

L17. A conditional use permit is required if the use involves any outdoor activities within three hundred (300) feet of a residential zone. Outdoor activities are permitted if the use is located greater than three hundred (300) feet from a residential zone.

17.73.030 Property Development Standards.

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

Table 17.73.030: Property Development Standards

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft	25 ft	50 ft	50 ft	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Width	25 ft	25 ft	50 ft	50 ft	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Area (square feet)	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	10,000 sf	10,000 sf	25,000 sf	1
Floor-Area Ratio (FAR)									
FAR - Greater than 300 feet from a residential zone boundary	2.0	2.0	2.0	2.0	4.0	4.0	2.0	4.0	2
FAR - Within 300 feet of a residential zone boundary	2.0	2.0	2.0	2.0	2.0	2.0	1.0	2.0	2
Maximum Height	85 ft	85 ft	85 ft	85 ft	None	55 ft	None	55 ft	3,4
Minimum Front Yard Setback	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	20 ft	5
Minimum Rear Yard Setback	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	5
Minimum Interior Side Yard setback	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	5
Minimum Street Side Yard Setback	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft	5

of a Corner Lot									
Site Landscaping (% of entire lot area)	5%	5%	5%	5%	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of parking lot area)	10%	10%	10%	10%	10%	10%	10%	10%	8
Street Trees	Required	Required	Required	Required	Required	Required	Required ~~See also note 10~~	Required	9, 10
Site and Driveway Access - Minimum Distance from any residential or open space boundary	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	11
Driveway Width Maximum	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	12
Pedestrian Walkway	Required	Required	Required	Required	Required	Required	Required	Required	13
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft	12 ft	12 ft	12 ft	15 ft	15 ft	15 ft	15 ft	14, 15

Additional Regulations Noted in Table 17.73.030

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

2. A conditional use permit to exceed the maximum ~~permitted~~ Ffloor Aarea Rratio (FAR) ~~may be allowed,~~ as shown ~~in parentheses above~~ in Table 17.73.030, may be granted for the CIX-1C, CIX-1D,

CIX-1, CIX-2, IG, and IO Zones upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134~~,~~ and to all of the following additional criteria:

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

b. If in the CIX-1, CIX-2, IG, or IO zones, ~~T~~the site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume. If in the CIX-1C or CIX-1D Zones, the site is located within five hundred (500) feet of Mandela Parkway or the T overlay Zone;

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

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

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

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

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

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

6. All ~~new~~ projects which involve the construction of a new Nonresidential Facility, ~~building,~~ or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, ~~expansion or replacement of existing building footprint by more than twenty percent (20%) such that the floor area to site ratio exceeds thirty-five percent (35%),~~ shall comply with the landscape requirements in this chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See ~~also~~ Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.

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

8. Parking Lot Landscaping applies only to lots associated with new construction of ~~with~~ more than ten thousand (10,000) ~~twenty-five thousand (25,000)~~ square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the ~~Regular~~ Design Review process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.

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

10. The street tree requirement noted above shall apply ~~only~~ to all projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards). ~~properties in the IG Zone that have frontage on San Leandro Street, 98th Avenue, 66th Avenue, and Hegenberger Road.~~

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

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

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

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

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

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

A. Applicability. This Section applies to Recycling and Waste-Related Industrial Activities — Primary Collection Centers, that are located in the Commercial Industrial Mix (CIX), ~~Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) or~~ General Industrial (IG), ~~Zone~~ or Industrial Office (IO) Zones. Conditional use permits issued for operations in CIX Zones must contain conditions no less stringent than the performance standards set out in this Section. Where there is any apparent conflict between these regulations and regulations contained elsewhere in Title 17 of the Oakland Municipal Code, and/or with conditions of approval, the more stringent shall govern.

B. Performance Standards. In addition to the performance standards set forth in Chapter 17.120, the following minimum performance standards shall be uniformly applied, as applicable, to all Primary Recycling Collection Centers.

1. Site Design and Layout. For new and expanded uses, submittal and approval of the following plans, and implementation of approved plans shall be required:

   a. Site and floor plans, which shall include designated areas for separation and disposal of materials, as well as required fencing/walls, to the Planning and Zoning and Building Services Divisions;

   b. Building plans to the Fire Services Division;

   c. Fire safety/emergency plan to the Fire Services Division.

2. Signage. For existing, new or expanded uses: identification, directional and informational signs shall be provided on site in conformance with Chapter 17.104 General Limitation on Signs and with the small project design review procedure in Chapter 17.136. At a minimum, the following information shall be posted near the entrance(s) and/or perimeter of the facility:

   a. Business Identification, 24-hour contact information of facility operator;

   b. Hours of operation;

   c. Signage prohibiting the delivery or drop off of material to be recycled after-hours;

   d. Signage prohibiting illegal dumping, littering loitering or sleeping in proximity of the site's perimeter;

   e. A map of authorized truck routes to the facility posted at the office or scale house (and available to customers);

   f. A list of accepted and/or non-accepted materials for recycling.

3. Appearance and Design.

   a. Landscaping.

      i) For existing, new or expanded uses, all required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.

      ii) For new or expanded uses, submittal and approval of a landscape and irrigation maintenance plan and/or street tree plan, and implementation of approved plan for new and expanded uses, as required by the Planning Director or his/her designee;

   b. Screening. For existing, new and expanded uses, screening by a solid fences and/or walls shall be required around the entire site;

   c. Lighting.