i) For new or expanded uses, submittal and approval of lighting plans, and implementation of approved plans, to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency shall be required. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector so as to prevent unnecessary glare onto adjacent properties or public streets.

ii) For existing uses, lighting shall comply with the performance standards of Section 17.120.100 of the Oakland Planning Code relating to glare. Lighting shall be so operated as to not adversely affect nearby properties or public streets.

4. Noise, Vibration and Other Applicable Health and Safety Regulations. For existing, new or expanded uses:

   a. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning and Building Services Divisions;

   b. Vibration levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code. If vibration levels exceed these standards, the activity causing the vibration shall be abated until appropriate vibration reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services;

   c. The project operator/applicant shall comply with State and other regional bodies and/or applicable regulations including, but not limited to, the federal Clean Water Act and Occupational Safety and Health Administration (OSHA), the California Penal Code Section 496.(a), the Environmental Protection Agency (EPA), the Bay Area Air Quality Management District (BAAQMD) and Best Management Practices (BMP) for stormwater.

5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:

   a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;

   b. The public right-of-way shall not be used for storage or processing of materials;

   c. Graffiti shall be removed within seventy-two (72) hours of application;

   d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Recycling Collection Center. In addition, the Primary Recycling Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.

   e. A site/immediate neighborhood shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection. If the Primary Recycling Collection Center accepts materials from the public brought by means of a shopping cart, it shall be responsible for the retrieval of all shopping carts within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). Additionally, a Primary Recycling Collection Center shall post signage that includes contact information to report

abandoned shopping carts in the vicinity of the facility; if called or notified by a member of the public about abandoned shopping carts located within a two-block radius of the premises, a Primary Recycling Collection Center shall retrieve said carts. A two-block radius of the premises shall comprise all street sides of the twenty-five (25) square block area that includes the block on which the premises is located (as the center block of the twenty-five (25) square block area) See Figure 17.73.01).

f. A loitering deterrence plan shall be developed, implemented and maintained, such that is ready for inspection;

6. Circulation. For new or expanded uses submittal and approval of the following plans, and implementation of approved plans are required:

   a. A circulation plan that shows ingress and egress, parking both on-site and off-street, as well as includes provisions for any needed staff to monitor on-site traffic operations, submitted to the Transportation Services Division;

   b. A plan showing rail loading and unloading within site shall be required (as applicable) submitted to the Transportation Services Division.

7. Equipment and Facilities. For existing, new or expanded uses:

   a. There shall be no exterior pay telephones located at the site;

   b. All equipment shall be maintained and kept in good working order;

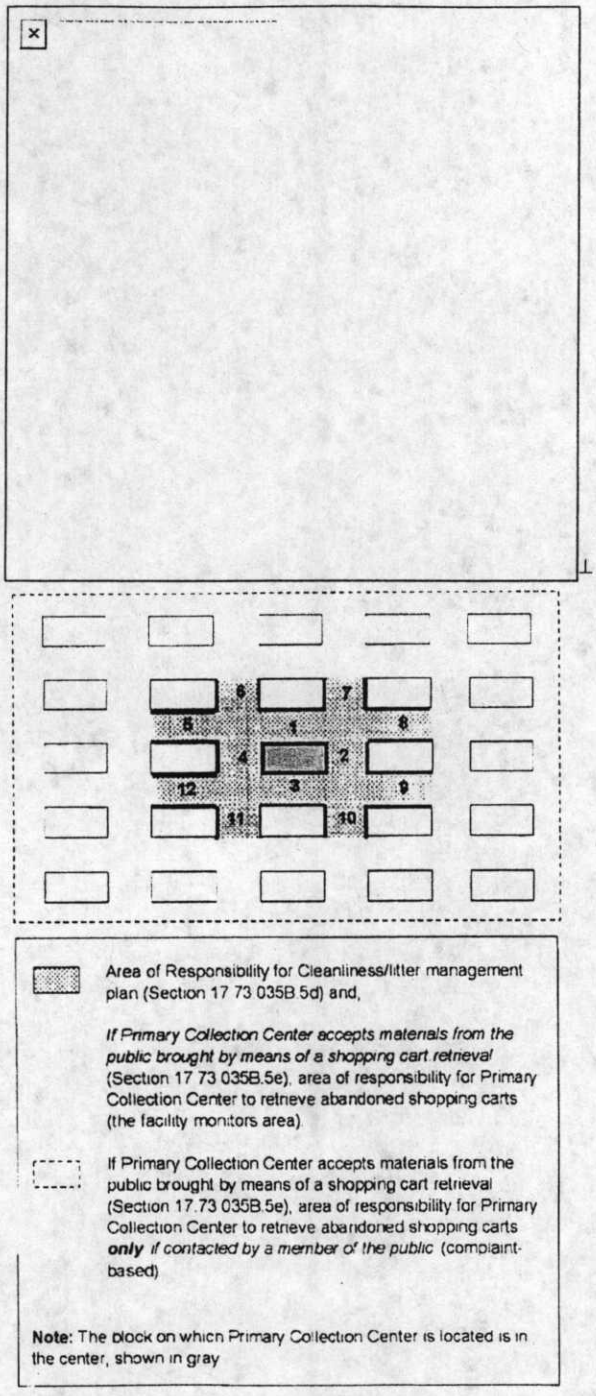
   c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

8. Operations. All existing, new or expanded uses:

   a. Shall have a representative attend Neighborhood Crime Prevention Council meetings—a minimum of two (2) meetings per year or more frequently if items pertaining to their facility are on the agenda—for their community policing beat with the sole purpose of addressing and responding to community complaints. For the purposes of this provision said representative will mean a site or company manager with sufficient authority to address the concerns of neighbors;

   b. Shall maintain a 24-hour "hotline" where neighbors can log complaints regarding nuisance activity associated with or emanating from the recycling facility. Complaints logs shall be maintained and made available to the City for inspection/copying upon reasonable notice;

Figure 17.73.01: Illustration of Extent of Area Primary Recycling Collection Centers are responsible for Litter/Garbage/Debris Removal and Shopping Cart Retrieval



c. Shall provide staff and training for traffic operations needed on-site, as required by the Transportation Services Division as part of any circulation plan;

d. Shall develop, implement and maintain a plan for the disposal and containment of non-recoverable materials that is ready for inspection; submittal and approval of such a plan prior to operation shall be required for new or expanded uses;

e. Shall keep all entrance gates closed and locked when the Primary Recycling Collection facility is not open to the public;

f. Shall not burn insulation from copper wire as a means to increase the material's value or for any other purpose.

C. Relief from Performance Standards. Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the performance standards within ten (10) days of being initially notified of the performance standards. For purposes of this Section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must: (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code Chapter 17.132.

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

A. Applicability. A work/live unit in the CIX, IG, and IO industrial Zzones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones Rregulations contained in this Section 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. ~~for work/live units in the industrial zones only~~.

B. Definition. The following definition applies to this chapter only: A "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. A work/live unit accommodates a primary nonresidential activity with an accessory residential component.

C. Conditional use permit required.

1. Establishment of a work/live unit ~~for new construction~~ is only permitted 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 one or both of the following additional use permit criteria: ~~on lots that are both:~~

   a. The project is ~~(1)~~ in the ~~CIX-1 or~~ CIX-~~2~~ Zones, and involves new construction or conversion of a building: (1) ~~(2)~~ within three hundred (300) feet of a residential zone, or (2) on an irregular shaped parcel that is adjacent to Mandela Parkway and in existence prior to the effective date of this amended Code section.

   b. The project is in the CIX, IG, or IO Zones, and involves conversion of an existing building originally designed for commercial or industrial activities and there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "live/work" (issued August 29, 2001 and amended August 23, 2004).

2. ~~Establishment of a work/live unit through the conversion of an existing building originally designed for commercial or industrial activities is permitted in all industrial zones with the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 provided there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "live/work" (issued August 29, 2001 and amended August 23, 2004).~~

D. Regular design review required. 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 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 work/live units in the industrial zones 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 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 roll up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
4. 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; and
5. 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.

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

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for work/live units.

Standard	Requirement		Note
Activities allowed in a work/live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.		
Required parking	One (1) parking space per unit plus one additional unassigned visitor or employee parking space per five (5) work/live units		1, 3
Required loading	**Square feet of facility**	**Requirement**	
	Less than 10,000 square feet	No berth required	
	10,000—69,999 square feet	One (1) berth	
	70,000—130,000 square feet	Two (2) berths	

	Each additional 200,000 square feet	One (1) additional berth	
Required usable open space	Seventy-five (75) square feet of usable open space per unit		2, 3
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. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space work/live units may be provided above ground. Further, each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement.

3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.

F. A work/live unit shall consist of a maximum of one-third (1/3) residential floor area with the remaining floor area to be used for the primary non-residential activity. All required plans for the creation of industrial work/live units shall: (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities, and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

G. Work/live space shall be considered Commercially/Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercial/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow industrial activities in work/live units in the industrial zones.

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 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) recorded with the County of Alameda as a Notice of Limitation and in any other 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 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 a 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; (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."

K. The development of work/live units in the CIX, IG, and IO industrial zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.73.050 Parking and loading dock restrictions.

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

B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX ~~CIX-1, CIX-2,~~ and IO Zones except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a residential zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.

17.73.060 Referral to other applicable regulations.

The following table contains referrals to other regulations that may apply:

Table 17.73.050: Referral to Other Regulations

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.020 17.104.060
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.124
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120

The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.154.060
Landmarks	17.05
Regulations applying to tobacco-oriented activities	17.102.350
Microwave and satellite dishes over three (3) feet in diameter located in or near residential zones ~~and energy production facilities~~	17.102.240
Special regulations applying to adult entertainment activities	17.102.160
Special regulations applying to massage service activities	17.102.170
Buffering regulations for lots with three or more required parking space. This includes the screening of parking, loading, glare, and storage from residential properties and zones	17.110.030
Buffer Regulations for commercial and industrial uses next to residential and open space zones	17.110
Special regulations applying to electroplating activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100A

17.73.070 Other zoning provisions.

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

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

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX, ~~CIX-1, CIX-2,~~ IG, and IO Zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX, ~~CIX-1, CIX-2,~~ IG, and IO Zones.

Chapter 17.97 S-15 TRANSIT ORIENTED DEVELOPMENT ZONES REGULATIONS

Sections:

17.97.010 Title, purpose, and applicability.

17.97.020 Required design review process.

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

17.97.040 Permitted and conditionally permitted activities.

17.15.050 Permitted and conditionally permitted facilities.

~~17.97.040 Permitted activities.~~

~~17.97.050 Conditionally permitted activities.~~

~~17.97.060 Permitted facilities.~~

~~17.97.070 Conditionally permitted facilities.~~

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

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

17.97.100 Use permit criteria.

17.97.110 Limitations on Signs, marquees, awnings.

17.97.120 Minimum lot area, width, and frontage.

17.97.130 Height, floor area ratio (FAR), density, and open space.

17.97.160 Minimum yards and courts.

17.97.180 Buffering and landscaping.

17.97.190 Special regulations for mini-lot developments.

17.97.200 Special regulations for large scale developments.

17.97.210 Other zoning provisions.

17.97.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-15 transit oriented development zones regulations. The S-15 Zones are ~~is~~ intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit

(BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 Zones.

17.97.020 Required design review process.

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

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

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

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

B. Professional Design. The application shall utilize the following professionals in the design process for the development:

   1. An architect licensed by the state of California; and

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

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

D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.97.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty percent (150%) of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District.

17.97.040 Permitted and conditionally permitted activities.

Table 17.97.01 lists the permitted, conditionally permitted, and prohibited activities in the S-15 zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.97.01: Permitted and Conditionally Permitted Activities

Activities	Zone		Additional Regulations
	S-15	S-15W	
Residential Activities			
Permanent	P	P	
Residential Care	C	C	
Service-Enriched Permanent Housing	C	C	
Transitional Housing	C	C	17.103.010
Emergency Shelter	—	—	17.103.010
Semi-Transient	—	—	
Bed and Breakfast	—	—	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	P	P	
Recreational Assembly	P	P	
Community Education	P	P	
Nonassembly Cultural	P	P	
Administrative	P	P	

Health Care	P	P	
Special Health Care	—	—	17.103.020
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	P	P	
Full Service Restaurants	P	P	
Limited Service Restaurant and Cafe	P	P	
Fast-Food Restaurant	C	C	17.103.030 and 8.09
Convenience Market	C	C	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	
Medical Service	P	P	
General Retail Sales	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	P	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	C	C	
Consumer Dry Cleaning Plant	C	C	

Group Assembly	P	P	
Personal Instruction and Improvement Services	P	P	
Administrative	P	P	
Business, Communication, and Media Services	P	P	
Broadcasting and Recording Services	P	P	
Research Service	—	C	
General Wholesale Sales	—	C	
Transient Habitation	C	C	17.103.050
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	C	
Animal Boarding	C	C	
Animal Care	C	C	
Undertaking Service	—	—	
Industrial Activities			
Custom Manufacturing	C	P	
Light Manufacturing	—	C	

General Manufacturing	—	=	
Heavy/High Impact	—	=	
Research and Development	—	C	
Construction Operations	—	=	
Warehousing, Storage, and Distribution	—	=	
A. General Warehousing, Storage and Distribution	—	=	
B. General Outdoor Storage	—	=	
C. Self-or Mini Storage	—	=	
D. Container Storage	—	=	
E. Salvage/Junk Yards	—	=	
Regional Freight Transportation	—	=	
Trucking and Truck-Related	—	=	
Recycling and Waste-Related	—	=	
A. Satellite Recycling Collection Centers	—	=	
B. Primary Recycling Collection Centers	—	=	17.103.060
Hazardous Materials Production, Storage, and Waste Management	—	=	
Agriculture and Extractive Activities			
Crop and animal raising	—	C	
Plant nursery	—	=	
Mining and Quarrying	—	=	
Accessory off-street parking serving prohibited activities	—	=	17.116.075

Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	17.102.110

~~17.97.040 Permitted activities.~~

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

~~A. Residential Activities:~~

~~Permanent~~

~~B. Civic Activities:~~

~~Essential Service~~

~~Limited Child Care~~

~~Community Assembly~~

~~Recreational Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Administrative~~

~~Health Care~~

~~C. Commercial Activities:~~

~~General Food Sales~~

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~Medical Service~~

~~General Retail Sales~~

~~Consumer Service (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~~

~~Administrative~~

~~Business, Communication, and Media Service~~

~~Broadcasting and Recording Service~~

~~Group Assembly~~

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

~~**17.97.050 Conditionally permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~

~~Residential Care~~

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

~~B. Civic Activities:~~

~~Utility and Vehicular~~

~~Extensive Impact~~

~~C. Commercial Activities:~~

~~Fast Food Restaurant~~

~~Convenience Market~~

~~Consumer Cleaning and Repair Service~~

~~Consumer Dry Cleaning Plant~~

~~Transient Habitation and Commercial Activities (see Section 17.103.050)~~

~~Alcoholic Beverage Sales~~

~~Mechanic or Electronic Games~~

~~Animal Care~~

~~Animal Boarding~~

~~Automotive Fee Parking subject to the additional criteria contained in Subsection 17.97.100F.~~

~~D. Industrial Activities:~~

~~Custom Manufacturing~~

~~E. Off-street parking serving nonresidential activities listed in Sections 17.97.040 and 17.97.050~~

~~F. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110~~

17.97.050 Permitted and conditionally permitted facilities.

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.97.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Residential Facilities			
One-Family Dwelling	C	—	
One-Family Dwelling with Secondary Unit	—	—	17.103.080
Two-Family Dwelling	C	C	
Multifamily Dwelling	P	P	
Rooming House	—	C	
Mobile Home	—	—	
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	C	C	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section	C	17.128

	17.128.025)		
Mini Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P	P	17.104
Advertising Signs	—	—	17.104

~~**17.97.060 Permitted facilities.**~~

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

~~A. Residential Facilities:~~

~~Multifamily Dwelling~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~

~~Sidewalk Cafe~~

~~C. Signs:~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications:~~

~~Micro, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~Mini, except when a Major Conditional Use Permit is required by Section 17.128.025~~

~~17.97.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~

~~Two-Family Dwelling~~

~~B. Nonresidential Facilities:~~

~~Open Facilities~~

~~C. Telecommunications:~~

~~Macro~~

~~Monopole~~

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

A. Fast-Food Restaurants. Convenience Markets, and Certain Establishments Selling Alcoholic Beverages. See Section 17.103.030.

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

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

See Sections 17.97.100 and 17.102.230.

17.97.100 Use permit criteria.

In the S-15 Zones, a conditional use permit for any activity ~~use~~ or facility listed in Sections 17.97.030, 17.97.040, 17.97.050, ~~17.97.070~~ and 17.97.200, may be granted only upon determination that the

proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way;

2. That every reasonable effort has been made to share means of vehicular access with abutting properties;

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B.

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;

2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;

3. The new parking structure shall represent no more than a seventy-five percent (75%) increase of existing parking at the site;

4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;

5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and

6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

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

17.97.110 Limitations on Signs, marquees, awnings.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Chapter 17.104.

17.97.120 Minimum lot area, width, and frontage.

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

17.97.130 Height, floor area ratio (FAR), density, and open space.

Table 17.97.01 below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

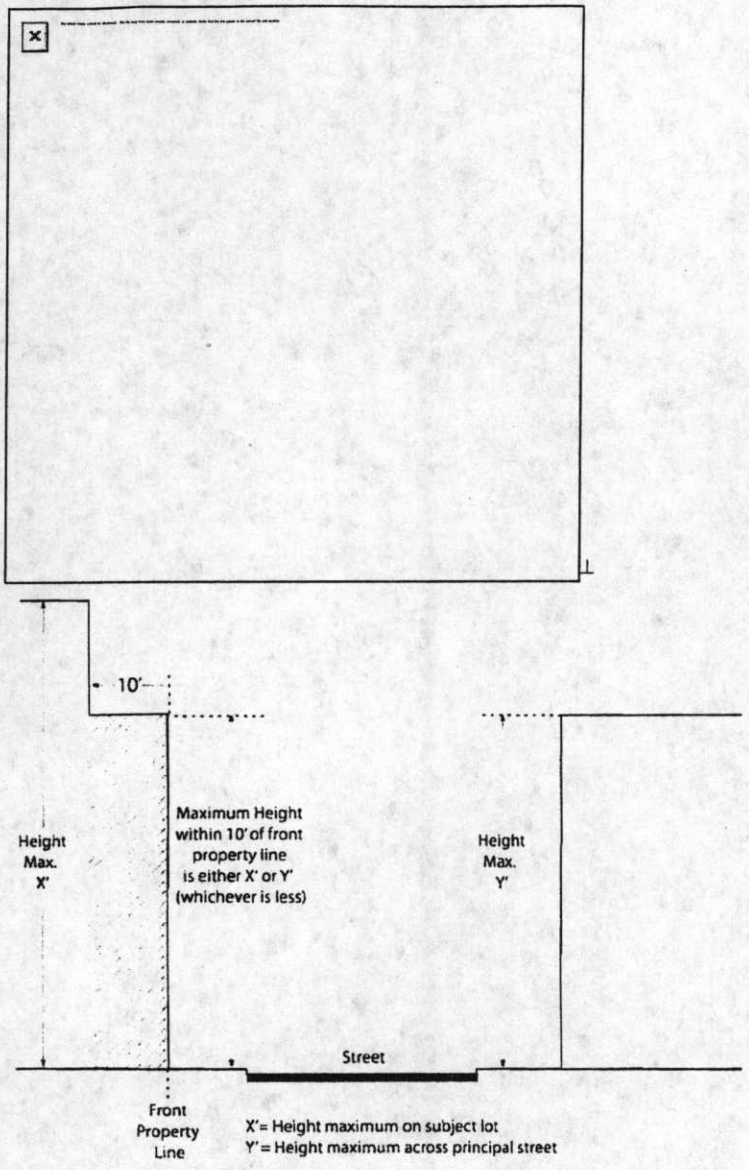
Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
Maximum Height	35 ft	45 ft	55 ft	60 ft	75 ft	90 ft	100 ft	120 ft	140 ft	160 ft	1, 2
Height Minimum											
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per dwelling unit)											
Regular units	550	450	375	375	275	225	225	225	225	225	4, 5
Rooming units	275	225	185	185	135	110	110	110	110	110	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	5	7	8	9	11	13	15	
Minimum Usable Open Space											

Group usable open space per regular unit	150	150	150	150	100	100	75	75~~100~~	75	75~~100~~	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	15	15~~20~~	15	15~~20~~	6
Group usable open space per rooming unit	75	75	75	75	50	50	38	38~~50~~	38	38~~50~~	6
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	8	8~~10~~	8	8~~10~~	6

Additional Regulations for Table 17.97.01:

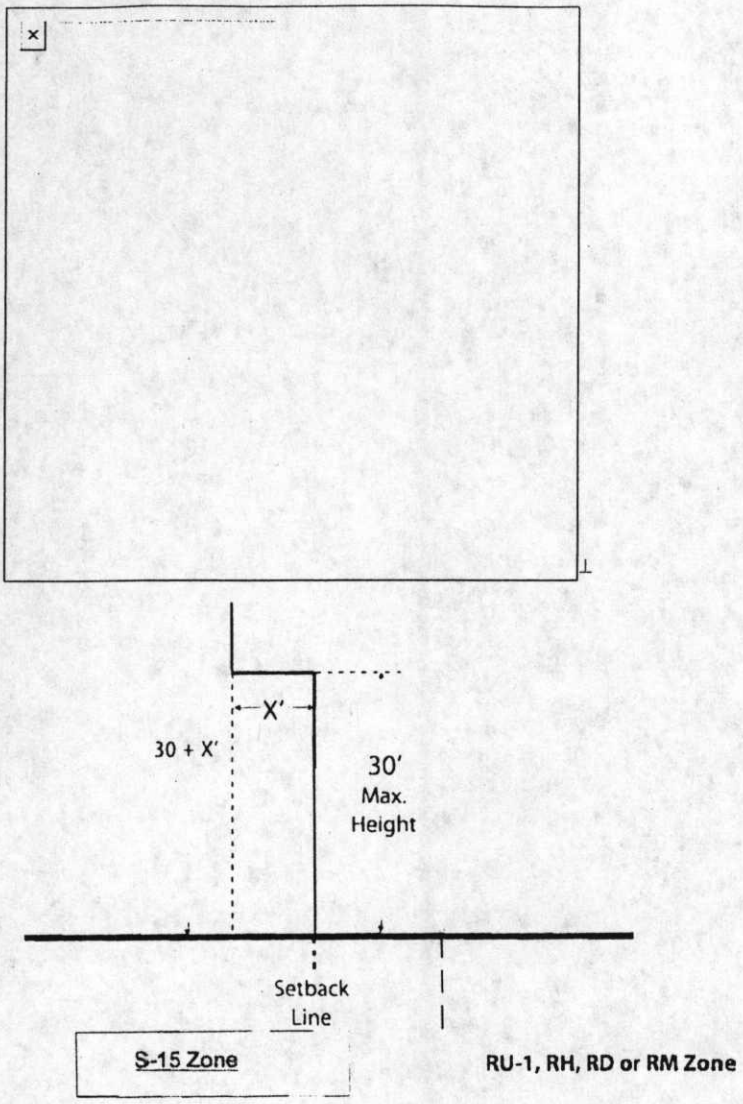
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional Regulation 1], below).

Illustration for Table 17.97.01 [Additional Regulation 1]
*for illustration purposes only



2. 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 an RH, RD, RM, or RU-1 Zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table 17.35.04 [Additional Regulation 2]
*for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings ~~in the CC-1 Zone and buildings~~ constructed to accommodate Essential Service, ~~,~~ Utility and Vehicular, ~~,~~ or Extensive Impact Civic Activities, or ~~Automobile and~~ Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one 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 or more bedrooms.

5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.

6. 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.

17.97.160 Minimum yards and courts.

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

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

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

C. Side Yard—Interior Lot Line.

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

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

D. Rear Yard.

1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

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

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

17.97.180 Buffering and landscaping.

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

B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein.

17.97.190 Special regulations for mini-lot developments.

In mini-lot developments, certain of the regulations otherwise applying to individual lots in the S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142.

17.97.200 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97.100, or upon the granting of a planned unit development approval pursuant to Chapters 17.140 and 17.142.

17.97.210 Other zoning provisions.

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

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

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. 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 S-15 Zones.

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

Sections:

17.100A.010 Title, Purpose and Applicability.

17.100A.020 Definitions.

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

17.100A.040 Prohibited land uses.

17.100A.050 General standards.

17.100A.060 Regulations required by other agencies.

17.100A.010 Title, Purpose and Applicability.

The intent of the S-19 Health and Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities which use hazardous material substances or store hazardous materials, hazardous waste, or explosives locate in appropriate locations and develop in such a manner as not to be a serious threat to the environment, or to public health, particularly to residents living adjacent to industrial areas where these materials are commonly used, produced or found.

17.100A.020 Definitions.

For the purposes of this regulation, the following definitions apply:

A. Hazardous Material. Hazardous material is defined as that which could exhibit one or more of the hazard characteristics defined in the California Fire Code (CFC), which generally means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment (H.S.C. §25503.5a).

B. Hazardous Waste. Hazardous waste is defined as any hazardous material whose intended original purpose is no longer applicable for its use, or a waste that meets federal or state criteria for ignitability, corrosivity, reactivity or toxicity, or is specifically listed by the federal or state law or regulations (40 C.F.R., part 240 et. seq.).

C. Explosives. Explosives are defined as chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure, or high temperatures; or a material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect (29 C.F.R).

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

A. The standards of this combining zone shall apply to the following zoning districts:

1. Housing and Business Mix (HBX) Zones;
2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
3. CIX-1 (Commercial Industrial Mix-1) Zone;

4. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones;

5. CIX-2 (Commercial Industrial Mix-2), ~~and~~ IG (General Industrial), and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

B. The standards of this combining zone shall apply to the following facility types:

1. All new nonresidential facilities or activities;

2. Any nonresidential facility which has lost its legal non-conforming status;

3. Any existing facility or activity where the usable floor area is expanded by more than twenty percent (20%) after the effective date of the adoption of this chapter;

4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

17.100A.040 Prohibited land uses.

The following land use activities are prohibited within the S-19 Health and Safety Protection Combining Zone:

A. Electroplating;

B. Hazardous Waste Management, Industrial/Transfer Storage; and Residuals Repositories;

C. Activities which involve manufacturing, storing or use of explosives.

17.100A.050 General standards.

The following additional regulations shall apply within the S-19 Health and Safety Protection Combining Zone:

A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (O.M.C. 8.42).

B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

17.100A.060 Regulations required by other agencies.

A. The following regulations may be required by the Fire Department, City of Oakland:

1. Process Hazard Analysis;

2. Risk Management Plan;

3. Local Hazardous Materials Business Plan.

B. In addition, the Fire Department may establish any of the following limitations:

1. Limitations on the location for storage or use of hazardous materials;

2. Containment measures for storage or use of hazardous materials;

3. Limitations or prohibitions on the storage or use of specific hazardous materials; or specific processes that use or combine hazardous materials.

C. The foregoing shall not prevent compliance with other requirements that may be imposed under other federal, state or local rules, statutes, codes or regulations.

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

Sections:

17.101A.010 Title, purpose, and applicability.

17.101A.010 Title, purpose, and applicability.

A. The provisions of this chapter shall be known as the D-WS Wood Street District Commercial Zone Regulations. The D-WS Zzone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.

B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, which are described in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, and all subsequent amending Ordinances adopted by City Council, shall apply to the area of the zoning maps with a D-WS designation.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial zones.

17.102.190 Joint Living and Work Quarters.

17.102.340 Electroplating activities in the Industrial Zones.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial zones.

In all Ccommercial zones, no Commercial or Industrial Activity shall be conducted within any building above any story thereof occupied wholly or partly by Residential Activities, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, this requirement shall not apply to nonresidential activities within HBX, CIX, or D-CE Work/Live Facilities.

17.102.190 Joint Living and Work Quarters.

A. General Provisions. Joint living and work quarters are permitted in all zones where Residential Activities are permitted or conditionally permitted. ~~In all zones where Residential Activities are not otherwise allowed by the applicable individual zone regulations,~~ Except as may otherwise be indicated by the applicable individual zone regulations, joint living and work quarters may also be permitted in zones where Residential Activities are not otherwise allowed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Definition. Joint living and work quarters means residential occupancy by not more than four (4) persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

C. Use Permit Criteria. A conditional use permit for joint living and work quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure and to both of the following use permit criteria:

1. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and

2. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions.

17.102.340 Electroplating activities in the Industrial Zones.

A. Distance Standards. No electroplating activity shall be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the CIX-1, CIX-2, IG, M-20, M-30, or M-40 Zones, nor from any area designated "Resource Conservation Area" or "Park and Urban Open Space" in the Oakland General Plan.

B. Use Permit Criteria for Electroplating Activities. A conditional use permit for an electroplating activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That the proposal will not adversely affect any residences; child care centers; shopping areas; churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; hospitals, convalescent homes, rest homes, or nursing homes; or public or parochial playgrounds; all located within one thousand (1,000) feet of the activity; and

2. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;

3. That a Hazardous Materials Business Plan and California Accidental Release Plan has been reviewed and approved by the City prior to approval of the conditional use permit;

4. That the facility has been designed to minimize impacts to surrounding properties, and that the site design has been approved by the City of Oakland Fire Services Agency, Office of Emergency Services prior to approval of the conditional use permit.

C. Expansion of Existing Facilities. No existing electroplating activity shall be expanded without the approval of a conditional use permit, pursuant to Subsection B. above and any relevant provisions of the provided further that no such expansion shall be permitted in any case if the distance standards of Subsection A. above are not met. For purposes of this Section, "expansion" shall mean any alteration or extension as stipulated in the nonconforming use regulations in Chapter 17.114, any increase in the volume of hazardous chemical used or stored on the site as indicated in the Hazardous Materials Business Plan filed with the City of Oakland Fire Services Agency, Office of Emergency Services; any increase in the floor area or site area of the facility; or any increase in the volume of goods produced by the electroplating activity, as determined by the Zoning Administrator from any relevant records.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article III - Commercial Activities

Article III Commercial Activities

17.103.050 Transient Habitation Commercial Activities.

17.103.050 Transient Habitation Commercial Activities.

A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria except in the West Oakland Specific Plan area, where criteria 3. below shall not apply:

1. That the proposal is located in downtown, along the waterfront, near the airport, ~~or~~ along the I-880 freeway, in a specific plan area, and/or in an area with a concentration of amenities for hotel patrons, including restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit;

2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services;

3. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, ~~or~~ along the 1-880 freeway or in a specific plan area, which provide:

   a. A minimum of one hundred (100) sleeping rooms;

   b. A full service restaurant providing three (3) meals per day; and

   c. On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts;

4. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:

   a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;

   b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;

   c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;

   d. The majority of the parking located to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;

e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;

f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;

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

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

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

B. See Chapter 17.157 for Deemed Approved Hotel regulations.

Chapter 17.104 GENERAL LIMITATIONS ON SIGNS

Sections:

17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and industrial zones.

17.104.030 General limitations on signs—S-1, S-2, S-3 and S-15 zones.

17.104.060 General Limitations on Advertising Signs.

17.104.070 Master Sign Programs.

17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and industrial zones.

The following limitations shall apply to the specified Signs in the RU-4 and RU-5 Zones and all Commercial and Industrial zones, and except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. Permitted Aggregate Sign Area.

1. In the RU-4 and RU-5 Zones and all Commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below and to the small project design review procedure in Chapter 17.136.

2. In all Industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below.

3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.

b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.

C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, ~~CIX-1, CIX-2,~~ IG, IO, and D-CE Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial zones is ten (10) feet.

D. Limitations on Signs within Required Minimum Yards.

1. No business, realty, or development sign shall be located within a required minimum yard.

E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a Residential zone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

1. Within twenty-five (25) feet from any boundary of a Residential zone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.

F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

H. Signs Within One thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

I. Permitted Projection Over Sidewalk. An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but can-not extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.

J. Temporary Business Signs.

1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.

2. Allowed Time Limits.

a. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of thirty (30) days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.

b. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of four (4) times per calendar year and a maximum of five (5) consecutive days per event.

3. Placement of Signs.

a. Signs are allowed on private property only. Signs shall not he placed in public rights-of-way or at off-site locations.

b. Signs must be affixed to a permanent structure.

4. Temporary signs shall not be illuminated.

5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window signs may he made of nonrigid (e.g. paper) material.

6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.

K. Window Signs. Window signs shall not take up more than twenty-five percent (25%) of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Subsection 17.104.020.B. Interior signs which are located eighteen (18) inches or more from behind the window face shall be exempt from these regulations.

L. Clear Sight Restrictions. A triangular area measuring fifteen (15) feet from ~~form~~ the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring ten (10) feet from the intersection of a driveway and a street line shall be kept free of all freestanding signs.

17.104.030 General limitations on signs—S-1, S-2, S-3 and S-15 zones.

The following limitations shall apply to the specified signs in the S-1, S-2, S-3 and S-15 Zones, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations or development control maps:

A. Design Review. No business. civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 Zones. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.

1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.

b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.

C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3 and S-15 Zones is ten (10) feet.

D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 Zones. Signs shall be subject to the same special limitations along or near boundaries of Residential zones, except the RU-4 and RU-5 Zones, as are set forth in Subsection 17.104.020.E.

E. Special, Development, and Realty Signs. All special, development, and realty signs shall be subject to the same limitations as are set forth in Subsections C., D. and F. of Section 17.104.010 for such signs in Residential zones, except the RU-4 and RU-5 Zones.

F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

17.104.060 General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, advertising signs are not permitted in Oakland except: (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

17.104.070 Master Sign Programs.

A. Submittal Requirements. In all Commercial and Industrial zones, as well as the RU-4, RU-5, S-1, S-2, S-3, and S-15 Zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

B. Use Permit Criteria. A Master Sign Program may be allowed to deviate from the normally required sign standards in this Chapter, including but not limited to, total aggregate sign area. A Master Sign Program application which would deviate from the normally required sign standards shall be processed as a conditional use permit under the provisions of Chapter 17.134. A conditional use permit for a Master Sign Program may only be granted upon determination that the proposed sign program conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That the proposal will be of a quality and character appropriate to the Commercial, Industrial, mixed use building or complex;

2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;

3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

C. Review of Individual Signs Upon Approval of a Master Sign Program. Once a Master Sign Program is approved for any multi-tenant building or complex, the following provisions shall apply:

1. Sign applications determined to conform to the provisions of an approved Master Sign Program shall be exempt from design review as is otherwise specified in Chapter 17.136.

2. Sign applications determined to not conform to an approved Master Sign Program may only be granted upon approval of a revision to the original Master Sign Program conditional use permit.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.080 Minimum side yard opposite living room windows.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

17.108.130 Exceptions to required openness of minimum yards and courts.

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110 or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

Facilities	**Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)**				
	Front Yard	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
A. Eaves; awnings, louvers, and similar shading devices; sills, cornices, and chimneys; and similar architectural projections from a building.	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into court.
B. Patio roofs and similar structures projecting from	Four (4) feet into above	Four (4) feet into above yard, but may extend any	Two (2) feet into above yard, but may extend any	Any distance into above yard.	Two (2) feet into court.

and serving a Residential Facility, if such structures do not exceed twelve (12) feet in height above the finished grade of the required yard or level of the required court and if each has open, unwalled sides along not less than fifty percent (50%) of its perimeter. (If less open, see Subsection K.)	yard.	distance if they meet the same provisos as stated in Subsection K.	distance if they meet the same provisos as stated in Subsection K.		
C. Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed twelve (12) feet in height above the finished grade of the required yard or level of the required court and eight (8) feet in width and if they are not enclosed on the sides. (If wider or less open, see Subsection K.)	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Any distance into above yard.	Two (2) feet into court.
D. Bay windows, if the aggregate width of bay windows on any one story does not exceed fifty percent (50%) of the length of the	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential		Five (5) feet into above yard.	

wall containing them; and if no individual bay window exceeds fifteen (15) feet in width.	Residential Facilities.	Facilities.		
E. Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the finished grade of the required yard or level of the required court, but excluding corridors and similar facilities providing access to two (2) or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof.	Six (6) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.	Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in Subsection K.	Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.
F. Exterior access facilities which lead to the second or higher story of a building, including	Four (4) feet into above yard, but may extend any distance if they	Four (4) feet into above yard, but may extend any distance if they meet the same	Any distance into above yard if they meet the same provisions as stated in	Four (4) feet into above yard, but may extend any distance if they meet the same

open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps.	are required to accommodate wheelchair ramps or similar ADA access facilities.	provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Subsection K. (not allowed otherwise).	provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	
G. Unroofed porches, steps, decks, and wheelchair ramps, and other similar raised structures projecting from a building and having a height, including railings, of not more than six (6) feet above the finished grade of the required yard or level of the required court.	Eight (8) feet into above yard; but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Any distance into above yard.	Anywhere in court.
H. Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also Subsection I., and O.M.C. Subsection 8.24.020.F.)			Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in court.
I. Air conditioners, compressors, hot				Anywhere in above yard.	Anywhere in court.

tub motors, and similar devices if emitting noise readily noticeable by the average person at or beyond the lot line, whether or not the devices are attached to a building.			
J. Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave or satellite dishes.		Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in court, subject where applicable to the provisions of Section 17.102.240
K. Detached garages and sheds; detached or attached carports, parking podiums and other detached or attached accessory structures not provided for elsewhere by this Section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby.		Anywhere in above yards, provided that: 1. The facility is within thirty-five (35) feet of the rear lot line; and 2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and 3. The facility itself does not contain any residential living quarters, except that in the West Oakland Specific Plan area, a Secondary Unit may be allowed in such a facility if it meets all requirements set forth in Section 17.103.080; and 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights or it involves an approved home occupation in the West Oakland Specific Plan Area as specified in Section 17.112.060 or an approved home occupation in the D-CE Central Estuary District zones as specified in Chapter 17.101E; and 5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150.C.1.	

		But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Subsection 17.110.040.C.	
L. Unroofed, raised platforms designed to accommodate off-street parking, including ramps and stairways necessary to provide access.	Anywhere in above yard except within five (5) feet of interior side lot line and except as otherwise provided in Subsection M.	Same as prescribed in Subsection K., except as otherwise provided in Subsection M.	
M. Unroofed parking and loading areas.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 Zones, no unroofed parking space which is located on any lot containing three (3) or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of the edge of pavement of any street or alley.		
N. Covered, underground or partially excavated structures including, but not limited to garages, fallout shelters, wine cellars, and basements.	In any yard or court, provided that: 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and 2. Such facilities do not extend more than thirty (30) inches above finished grade. However, these provisions shall not apply if the facilities would otherwise qualify, in the same yard, under Subsection K.		
O. Fences; dense hedges; barrier, and similar freestanding walls.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.		
P. Trees, shrubs, and landscaping other than dense hedges with a screening effect; sculpture and similar decorations; flagpoles; unroofed patios and swimming pools; driveways;	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."		

walkways and detached steps; and utility poles and lines.	
Q. Signs.	In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.
R. Security fences (for active Code Enforcement Cases addressing blighted vacant lots and vacant buildings)	In any yard or court provided that such facilities: 1. Shall not exceed eight (8) feet; 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections" and 3. Shall contain a minimum seventy-five percent (75%) transparency to allow visual access into the site from the public right-of-way.
S. Living space located completely under driveway ramps	In any yard or court.
T. Retaining walls; and earthen mounds, embankment s, and other fill.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.150.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".

B. Residential zones and Residential Facilities. The provisions of this Section apply to all properties located in all residential zones, and to all properties located in any zone containing Residential Facilities.

1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:

a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:

i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:

a) Thirty-five (35) feet from the rear lot line;

b) The distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or

ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.

c. In any other minimum yard or court: eight (8) feet; and

d. One (1) entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet.

2. Materials. The following materials are restricted in constructing or rebuilding walls or fences:

a. Barbed wire or razor wire is not allowed to be used in fences.

b. Chain link fencing is not allowed to exceed forty-two (42) inches in height in the following locations:

i. Street-fronting yards; or

ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.

c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.

C. Commercial zones and in the OS, S-1, S-2, S-3, and S-15 Zones. The provisions of this Subsection apply to all properties located in all commercial zones and in the OS, S-1, S-2, S-3, and S-15 Zones.

1. Height.

a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.

2. Restricted Materials. In any location visible from the adjacent public right-of-way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.

a. Exceptions. Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:

i. Public utility installations, including but not limited to electrical substations and gas substations.

ii. Rights-of-way and transit routes.

D. Industrial Zones. The provisions of this Subsection apply to all properties in all industrial zoning districts.

1. Height.

a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

Chapter 17.110 BUFFERING REGULATIONS

Sections:

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15 and OS zones.

17.110.030 General buffering requirements —Commercial and industrial zones.

17.110.040 Special buffering requirements.

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15 and OS zones.

The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, S-15 and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:

1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, except where a maneuvering aisle is shared with one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.

B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

17.110.030 General buffering requirements —Commercial and industrial zones.

The following regulations shall apply in all commercial and industrial zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and

2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. Screened from any lot abutting the side or rear property lines located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.

D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be directed away from said facilities and lots so as to eliminate objectionable glare.

17.110.040 Special buffering requirements.

A. Open Storage Areas on Same Lot as Residential Facility—Screening Required Within Three Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5½)

feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.

B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3 and S-15 zones. In the CN, CR-1, M-20, D-CE-3 and S-15 zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126.

Chapter 17.112 HOME OCCUPATION REGULATIONS

Sections:

17.112.010 Title, purpose, and applicability.

17.112.020 Definitions.

17.112.030 Exclusions.

17.112.040 Requirements.

17.112.050 Required approval.

17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.

17.112.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the home occupation regulations. The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to Residential Activities. Except as may otherwise be specified in Chapter 17.101E for the D-CE Central Estuary District Zones, these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such nonresidential activities would not be allowed if they were not incidental to Residential Activities. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area and Chapter 17.101E ~~Central Estuary District Zones Regulations~~ for home occupation regulations specific to the D-CE Central Estuary District zones.

17.112.020 Definitions.

A. Except as otherwise defined in Section 17.112.060(B) for the West Oakland Specific Plan Area, a~~A~~ "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, or, for crop growing activities, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, crop growing activities (unless the activities include mechanized farming equipment), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, and 17.112.050. ~~, and 17.112.060.~~

B. For the purpose of this chapter, a "crop growing activity" is the cultivation of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants for sale.

17.112.030 Exclusions.

The following activities shall not in any case qualify as home occupations:

A. Introductory service;

B. Teaching of organized classes totaling more than six (6) persons at a time;

C. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;

D. Operation of a beauty parlor with more than two (2) hairdrying machines;

E. Maintenance of a construction contractor's storage or construction yard or garage;

F. Care, treatment, or boarding of animals for profit.

G. Crop growing activities that include the use of mechanized farm equipment.

17.112.040 Requirements.

A. Applicability. The home occupation regulations described below shall apply citywide except as otherwise specified in Section 17.112.060 for the West Oakland Specific Plan Area and Chapter 17.101E for the D-CE Central Estuary District zones.

B. Location. A home occupation shall only be performed in the following locations:

1. Within a living unit by a resident thereof;

2. Within a garage that is attached to, and reserved for, a living unit; and

3. For crop growing activities only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment.

CB. Employees. No person other than a resident of the living unit shall be employed in the conduct of the home occupation, except that practitioners in the medical arts may employ one assistant who does not reside in the living unit.

DC. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.

ED. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and nonflashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.

FE. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.

GF. Traffic Generation. The home occupation shall not generate pedestrian or vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.

HG. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

17.112.050 Required approval.

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.

A. Purpose and Applicability. The special home occupation regulations described below shall only apply in the West Oakland Specific Plan Area. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the West Oakland Specific Plan Area when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in West Oakland's neighborhoods, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained.

B. Definitions.

1. For the purpose of this section only, a "home occupation" is defined as an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the same lot as the living unit, or for crop growing activities, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, crop growing activities (unless the activities include mechanized farming equipment), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this section and Sections 17.112.030 and 17.112.050.

C. Requirements.

1. Location. A home occupation in the West Oakland Specific Plan Area shall only be performed in the following locations:

   a. Within a living unit by a resident thereof;

   b. Within an attached or detached garage or accessory structure reserved for a living unit; and

   c. For crop growing activities only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment.

2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.

3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.

4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.

5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.

6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.

7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.

8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.

9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.

D. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.

Chapter 17.114 NONCONFORMING USES

Sections:

Article I - General Provisions

Article II - Nonconforming Activities

Article III - Nonconforming Facilities

Article I General Provisions

17.114.040 Right to continue nonconforming use, subject to limitations.

17.114.040 Right to continue nonconforming use, subject to limitations.

A. Right to Continue. A nonconforming use which is in existence on the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such use nonconforming, and which existed lawfully under the previous zoning controls, or which is subsequently developed or changed pursuant to Section 17.114.030, may thereafter be continued and maintained indefinitely, and the rights to such use shall run with the land, except as otherwise specified in the nonconforming use regulations. However, no substitution, extension, or other change in activities and no alteration or other change in facilities is permitted except as otherwise provided in Section 17.114.030 and except as specifically provided hereinafter.

B. Limitation on Right to Continue Nonconforming Auto and Truck Related Activities in All Districts. As used in regards to all such nonconforming auto and truck related activities, the word "activity" refers solely to the unique function or operation occurring on the affected property, and does not refer to any other activity within an activity type with which that activity is grouped. Any right to substitute, extend or alter an existing auto or truck related activity refers solely to the specific existing function or operation, and does not provide any right to substitute, extend or alter that activity with any other type of activity within the activity type with which the activity is grouped.

Article II Nonconforming Activities

17.114.050 Nonconforming activity—Discontinuance.

17.114.080 Nonconforming activity—Allowed alterations and extensions.

17.114.050 Nonconforming activity—Discontinuance.

A. Activity Nonconforming Because It Is Not a Permitted Activity. Other than: 1) an Alcoholic Beverage Sales Commercial Activity, 2) the sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, ~~or~~ 3) an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BR Zone, or 4) Trucking and Truck Related Industrial Activities and Recycling and Waste-Related Industrial Activities in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, whenever an activity that is nonconforming wholly or partly because it is not itself a permitted activity where it is located, occupies four hundred (400) square feet or more of floor area and hereafter discontinues active operation for a continuous period of one (1) year, or occupies less than four hundred (400) square feet of floor area and hereafter discontinues active operation for a

continuous period of six (6) months, and the facilities accommodating or serving such activity are not utilized for another activity during such period, said facilities may thereafter be utilized only for a normally permitted or conditionally permitted activity pursuant to Subsection 17.114.070.A., except the former activity may be resumed after a longer period upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Whenever a ~~n~~ nonconforming Alcoholic Beverage Sales Commercial Activity, or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, discontinues active operation for more than ninety (90) days or ceases to be licensed by the State Department of Alcoholic Beverage Control, it may only be resumed ~~only~~ upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

C. Whenever a~~n~~ nonconforming Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BR Zone discontinues active operation for more than six (6) months, it may only be resumed ~~only~~ upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

D. Whenever a nonconforming Trucking and Truck Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones discontinues active operation for more than ninety (90) days, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

E. Activity Nonconforming for Other Reasons. A nonconforming activity which is itself a permitted activity where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities, may be resumed regardless of the period during which it may have discontinued active operation. However, if another activity has replaced it, the former activity may thereafter be resumed only if such resumption would constitute an allowable change under Section 17.114.070B. Section 17.114.060 shall also apply.

17.114.080 Nonconforming activity—Allowed alterations and extensions.

A. Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a nonresidential activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:

1. Except as otherwise provided in subsection (A)(3) of this section, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty percent (20%) of that already existing. See Tables 17.15.01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU zones.

2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In residential zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.116.075.

4. New Signs may be provided for such activity, but the aggregate area of display surface of all Signs serving such activity shall not be increased. All Signs shall be subject to the limitations, other than aggregate area of display surface, normally applying to Signs where they are located.

5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this subsection, shall not exceed twenty-five percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.

6. No facility accommodating a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity shall be altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

7. 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 in Chapter 17.136. This conditional use permit and 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.

B. Residential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:

1. The number of living units shall not be increased.

2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required in the RU-2 zone.

3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-2 zone.

4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-3 zone, as well as to the requirements generally applying to uses where the activity is actually located.

C. Activity Nonconforming for Other Reasons. Except as otherwise provided in Section 17.114.060, any activity which is itself a permitted activity where it is located and which is nonconforming only as to off-street parking or loading requirements, performance standards, or other requirements applying to activities may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, in any way which does not result in a greater degree of nonconformity with respect to such requirements and which conforms to the requirements normally applying to uses where the activity is located.

Article III Nonconforming Facilities

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 zones—Screening required within three (3) years.

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 zones—Screening required within three (3) years.

In the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 zones, all open storage areas shall, within three (3) years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040B.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article I General Provisions

17.116.010 Title, purpose, and applicability.

17.116.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the off-street parking and loading requirements. The purpose of these regulations is to require adequate off-street parking and loading, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking, promoting more efficient loading operations, and reducing the use of public streets for loading purposes. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for parking regulations specific to Boat and Marine Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District zones.

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

17.116.060 Off-street parking—Residential Activities.

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

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement

		of two (2) spaces per secondary unit. See Section 17.103.080.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Two-Family Dwelling, Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.

B. Residential Care, Service-Enriched Permanent, Transitional Housing and Emergency Shelter Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter.

Residential Activity	Requirement
Residential Care.	One space for each three employees on site during the shift that has maximum staffing, and one space for each facility vehicle. Where more than three spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
Service-Enriched Permanent Housing.	Two spaces for each three dwelling units and one space for each three rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Transitional Housing.	One space for each three dwelling units and one space for each four rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Emergency Shelter.	One space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.

17.116.070 Off-street parking—Civic Activities.

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

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.

B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of	One (1) space for each 10 seats, or for each 100 square

		floor area where seats are not fixed in principal meeting rooms.	feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural. Administrative.	CBD-P, CBD-C, and CBD-X zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.

E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for reach two other employees.
All other.	CBD-P zone (only when combined	-	No spaces required.

	with the S-7 zone).		
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, and CBD-X zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

17.116.080 Off-street parking—Commercial Activities.

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

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

	zone.		of floor area.
B. Mechanical or Electronic Games. Medical Service.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required
General Retail Sales, (except when sales are primarily of bulky merchandise such as furniture or large appliances). Consumer Service. Consumer Cleaning and Repair Service, (except when services consists primarily of repair or cleaning of large items such as furniture or carpets). General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail. Undertaking Service.	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service. Administrative. Business, Communication and Media Service. Broadcasting and Recording Service Research Service.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale	S-15 zones.	—	No spaces required.

Sales, whenever less than 50 percent of all sales on the lot are at retail. Building Material Sales. Automotive Sales and Service. Automobile and Other Light Vehicle Sales and Rental.	C-45, CBD-P, CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services. ~~and Small Scale Entertainment.~~	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	CN zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning,

		without fixed seats, or 5,000 square feet of outdoor assembly areas.	pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), and S-15 zones.	—	No spaces required.
	CBD-P, CBD-C, and CBD-X zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Animal care and Animal boarding.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

Automotive Fee Parking.	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing. Taxi and Light Fleet-based Service.	CBD-P, CBD-C, CBD-X.	—	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, and CBD-X zones.	—	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.

Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.090 Off-street parking—Industrial Activities.

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

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
~~C-45, S-2.~~	~~10,000 square feet of floor area.~~	~~One (1) space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.~~
Any other zone.	10,000 ~~5,000~~ square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three (3) employees, whichever requires more spaces.

Article IV Standards for Required Parking and Loading Facilities

17.116.240 Tandem spaces and berths.

17.116.280 Control on artificial illumination of parking and loading facilities.

17.116.290 Special requirements applying in some zones.

17.116.240 Tandem spaces and berths.

(See illustration I-21.) A vehicle shall not have to cross another loading berth, or a parking space, in order to gain access to any required loading berth. On any lot containing three (3) or more required off-street parking spaces, or containing required spaces for two (2) or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space, except that:

A. In the S-11 zone, with the provision of three (3) or more required parking spaces for a given dwelling unit, at least fifty percent (50%) of the vehicles shall not have to cross another parking space in order to gain access to a required parking space.

B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.

C. In the RH, RD, RM-1, and RM-2 zones, except in the West Oakland Specific Plan Area as indicated in Subsection D or when combined with the S-11 or S-12 zones, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.

D. In the West Oakland Specific Plan Area, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.

E~~D~~. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

F~~E~~. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

17.116.280 Control on artificial illumination of parking and loading facilities.

In all residential zones and in the S-1, S-2, S-3 and OS zones, artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street loading areas on any lot, and of driveways related thereto, shall be nonflashing and shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare. In commercial and industrial zones, artificial illumination of off-street parking and loading facilities shall be controlled when and as specified in Section 17.110.030 of the buffering regulations.

17.116.290 Special requirements applying in some zones.

A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.

B. In the S-15 zones:

1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.

3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the

granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.

4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134.

C. In the RU-4, RU-5, CN, CC, CR, ~~or~~ CBD, or S-15 zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

Chapter 17.120 PERFORMANCE STANDARDS

Sections:

17.120.050 Noise.

17.120.060 Vibration.

17.120.070 Smoke.

17.120.080 Particulate matter and air contaminants.

17.120.090 Odor.

17.120.110 Humidity, heat, cold, and glare.

17.120.120 Electrical disturbance.

17.120.050 Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsection A, B, or C as modified where applicable by the adjustments indicated in subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any residential zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Ccommercial Zzone (including the Housing and Business Mix (HBX) Zones and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

C. ~~Manufacturing,~~ Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Iindustrial~~, manufacturing or mining and quarrying~~ zZone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.

E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.

F. Noise Measurement Procedures. Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four (4) to five (5) feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any Rresidential, Ccommercial, or Iindustrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

TABLE 17.120.04
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.

H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.

I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. 12875 § 2(part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 11895 § 7, 1996: prior planning code § 7710)

17.120.060 Vibration.

All activities, except those located within the ~~IG or~~ M-40 Zone, the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 Zone, or in the IG, ~~or~~ M-30, or CIX Zones more than four hundred (400) feet from any R~~r~~esidential Z~~z~~one boundary, shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

17.120.070 Smoke.

All Commercial and Industrial Activities located ~~in the zone,~~ in a Residential Zone or in any HBX, D-CE, ~~or~~ CIX, or M Z~~z~~one shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

17.120.080 Particulate matter and air contaminants.

All Commercial~~, Manufacturing~~ and Industrial Activities which are located in a R~~r~~esidential Z~~z~~one or the M-20, S-3, CIX, HBX, D-CE-3, or D-CE-4 Zones, or which are located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, ~~CIX-2,~~ IG, or IO Zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities.

17.120.090 Odor.

When located in the zones specified below, all Commercial and ~~,~~ Industrial ~~and Manufacturing~~ Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination described in Table 17.120.05. Table 17.120.05 establishes the maximum allowable receiving noise level standards.

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any R~~r~~esidential Z~~z~~one, M-20, S-3, the HBX Zones, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone.	At or beyond any lot line of the lot containing the activities.
D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a R~~r~~esidential Z~~z~~one.	At or beyond any boundary of a R~~r~~esidential Z~~z~~one.

17.120.110 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Industrial ~~Manufacturing~~ Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare

Zone in Which Activities are Located	Point of Determination
Any R~~r~~esidential Z~~z~~one, M-20, S-3, HBX Zones, D-CE 3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones.	At or beyond any lot line of the lot containing the activities.
D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a R~~r~~esidential Z~~z~~one.	At or beyond any boundary of a R~~r~~esidential Z~~z~~one.

17.120.120 Electrical disturbance.

All Commercial and~~,~~ Industrial ~~and Manufacturing~~ Activities located in a R~~r~~esidential Z~~z~~one or the M-20, S-3, HBX, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone, or located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, CIX-2, IG, ~~or~~ M-30, or M-40 Zones and within four hundred (400) feet of any boundary of a R~~r~~esidential Z~~z~~one, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot.

Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

17.128.080 Monopoles.

17.128.080 Monopoles.

A. General Development Standards for Monopoles.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.
2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
3. When a monopole is in a residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
4. In all zones other than the D-CE-5, D-CE-6, IG, ~~CIX-1,~~ CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
5. In the D-CE-5, D-CE-6, ~~CIX-1,~~ CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
6. In the IG Zone, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may reach a height of forty-five (45) feet. These facilities may reach a height of eighty (80) feet upon the granting of Regular Design Review approval (see Chapter 17.136 for the Design Review Procedure).
7. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
8. Antennas may not extend more than fifteen (15) feet above their supporting structure.

B. Design Review Criteria for Monopoles. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.
2. Monopoles should not be sited to create visual clutter or negatively affect specific views.
3. Monopoles shall be screened from the public view wherever possible.

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

C. Conditional Use Permit Criteria for Monopoles. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in Subsection B of this section.

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.

3. The proposed project must not disrupt the overall community character.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

   a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

   b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

   c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.

   d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.

   e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.

   f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the City.

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.020 Definition of major and minor conditional use permits.

17.134.020 Definition of major and minor conditional use permits.

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

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:

   a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;

   b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones;

   c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:

      i. Three (3) or more dwelling units in the RM-2 Zone,

      ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.

   d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.

   e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones and results in more than one hundred thousand (100,000) square feet of new floor area.

2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):

   a. Activities:

      i. Residential Care Residential,

      ii. Service Enriched Housing Residential,

      iii. Transitional Housing Residential,

      iv. Emergency Shelter Residential,

      v. Extensive Impact Civic,

      vi. Fast-food Restaurant Commercial,

      vii. Convenience Market Commercial,

      viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,

      ix. Heavy/High Impact Industrial, ~~Manufacturing,~~

      x. Small Scale Transfer and Storage Hazardous Waste Management,

xi. Industrial Transfer/Storage Hazardous Waste Management,

xii. Mining and Quarrying Extractive,

xiii. Special Health Care Civic Activities.

b. Facilities:

i. Drive-Through,

ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.

3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:

a. A~~ny~~ project ~~that~~ requiring ~~es~~ development of an Environmental Impact Report (EIR);

b. A~~ny~~ single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, and S-2 Zones serving fifty (50) or more vehicles;

d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;

e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential or HBX Zone;

f. A~~ny~~ project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;

g. A~~ny~~ electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;

h. A~~ny~~ Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;

i. A~~ny~~ Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.

B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

17.136.025 Exemptions from design review.

17.136.030 Small project design review.

17.136.035 Small project design review criteria.

17.136.038 Special project design review.

17.136.040 Regular design review.

17.136.050 Regular design review criteria.

17.136.055 Special regulations for historic properties in the Ccentral Bbusiness Ddistrict zones.

17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.

17.136.025 Exemptions from design review.

A. Applicability. A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:

1. The proposal is limited to one or more of the types of work listed as exempt from design review in Section 17.136.025B;
2. The proposal does not require Regular Design Review, a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Ccode;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA);
4. All exterior treatments visually match the existing or historical design of the building; and
5. The proposal will not have a significant effect on the structure's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a structure as representative of its period and contribute to its visual distinction or historical significance.

B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):

1. Additions or Alterations.
   a. Projects not requiring a building permit, except if otherwise specified below;
   b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
   c. After notice to the Director of City Planning, demolition or removal of either:
      i) Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
      ii) Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.

d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080;~~.~~

e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;

f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the West Oakland Plan Area CIX Zones, c~~C~~umulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;

g. For Non-residential Facilities in the West Oakland Plan Area CIX Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;

hg. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;~~.~~

ih. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.

2. Signs.

a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;

b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;

c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.

3. Other Projects.

a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.103.090;~~.~~

b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

17.136.030 Small project design review.

A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Special Project Design Review as set forth in Section 17.136.038 or Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);
2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and
4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

1. Additions or Alterations.
   a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
   b. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX-1A Zone, Sections 17.136.025, and Section 17.136.040, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
   c. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, Ccumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
   d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
   e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
2. Fences, barriers, and similar freestanding walls.
   a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;
   b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.
3. Signs.
   a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;
   b. New or modified awnings or other similar facilities;

c. Color changes to Signs, awnings or other similar facilities;

d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.103.090.B.;

C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040.

1. Track One Procedure—Small Project Design Review Proposals Not Involving a Local Register Property; or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection C.3.:

   a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this Section.

   b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

   c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:

   a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX, D-CE-3, or D-CE-4 Zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Subsection 17.136.030.C.3.

   b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

   c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.

   a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.

c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.

e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

17.136.035 Small project design review criteria.

A Small project design review approval shall be granted for proposals that conform to each of the applicable criteria set forth in Subdivisions (1), (2), and (3) below, and if also applicable, to the criteria in Subdivision (4), below:

1. That for Nonresidential Facilities and the nonresidential portions of Mixed Use Development projects, the proposed design conforms with the adopted checklist criteria for nonresidential facilities, as may be amended;

2. That for Residential Facilities with one (1) or two (2) primary dwelling units and the residential portions of Mixed Use Development projects with one (1) or two (2) primary dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with 1-2 primary dwelling units, as may be amended;

3. That for Residential Facilities with three (3) or more living units and the residential portions of Mixed Use Development projects with three (3) or more dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with three (3) or more living units, as may be amended;

4. That for Local Register Properties, the proposed project will not substantially impair the visual, architectural, or historic value of the affected site or facility.

17.136.038 Special project design review.

A. Applicability. "Special Project Design Review" shall apply to Non-residential Facilities in the West Oakland Plan Area CIX Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in Chapter 17.73.

"Special Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Special Project" in Section 17.136.038(B);
2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and
4. The proposal does not involve the demolition or removal of structures on a site in the CIX-1A Zone as specified in Section 17.136.075, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080.

B. Definition of "Special Project". Special Projects are limited to one or more of the following types of work:

1. Cumulative additions to Non-residential Facilities in the West Oakland Plan Area CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones over a three (3) year period that are outside the existing building envelope and exceed three thousand (3,000) square feet or fifty percent (50%) of the total floor area or footprint on site, whichever is less;
2. New construction of principal Non-residential Facilities in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones.

C. Procedures for Consideration—Special Project Design Review. The Director of City Planning shall consider an application for Special project design review according to the following Two-Track process, or if additional consideration is required, determine that the proposal shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.

1. Track One Procedure—Special Project Design Review Proposals Not Involving a Local Register Property:
   a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for Special project design review as set forth in this section.
   b. At the time of Special project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
   c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.

e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).

f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

2. Track Two Procedure—Special Project Design Review Proposals Involving a Local Register Property:

a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposal involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposal determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.

b. At the time of Special project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.

c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.

e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).

f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

D. Design Review Criteria—Special Project Design Review. A Special project design review approval shall be granted for proposals that conform with the adopted checklist criteria for Non-residential Facilities in the West Oakland Specific Plan Area CIX Zones, as may be amended, based on applicable design review guidelines or criteria which have been

adopted by the Planning Commission or City Council as part of the West Oakland Specific Plan.

17.136.040 Regular design review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, pProjects requiring regular design review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;
2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. New construction of one (1) or two (2) dwelling units, other than a secondary unit;
4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
5. New construction of principal facilities in the HBX or D-CE Zones;
6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17,101E.070 and 17.101E.080). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
11. Demolition or removal of any structure, or portion thereof, in the CIX-1A zone or where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.

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

possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.

1. Decision by the Director of City Planning. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning.

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

3. The Director or the applicant may seek the advice of outside design professionals. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A decision by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. In the event that the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 shall be final immediately and are not ultimately appealable to the City Council.

D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.

1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred

(300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

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

17.136.050 Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

3. That the proposed design will be sensitive to the topography and landscape.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

B. For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:

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

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or

3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

E. For Retaining Walls:

1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;

2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;

3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;

4. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

17.136.055 Special regulations for historic properties in the Ccentral Bbusiness Ddistrict zones.

A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) Zones.

B. Findings.

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

a. Any replacements of exterior character-defining elements are required because repair is not feasible. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance; and

b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of

Primary Importance (API) or Area of Secondary Importance (ASI), if applicable, and retains the character-defining appearance of the feature.

2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:

   a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

   b. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;

   c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.

   d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;

   e. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs with a character-defining height and their character-defining height level are designated on the zoning maps; and

   f. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see Chapter 17.134 for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in Subsection g., below.

   g. For construction of new principal buildings:

      i. The project will not cause the API to lose its status as an API;

      ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and

      iii. The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.

3. Approval of an application for a project that requires Regular Design Review Approval involving a DHP or PDHP outside of an API may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and either meets each criteria (a), (b), and (c), or only (d), below:

a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI;

c. The proposal does not disqualify an ASI as an ASI; and

d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

C. Required Hearings in Front of the Landmarks Preservation Advisory Board (LPAB).

1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and/or advice to the decision making body:

a. Any construction of a new principal building in an API;

b. An addition to an API contributor when required by Subsection 17.136.055.B.2.f.

c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered "visible from a street or other public area" if it is located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.

d. New construction or an addition to a building when required by Subsection 17.136.055.B.3.d.

e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.

A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this chapter.

B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

2. If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and

3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone or Area or Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:

1. For the demolition of Non-residential Facilities in the West Oakland Plan Area CIX-1A Zone, or contributors to an S-7 or S-20 Zone or API:

   a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and

   b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.

2. For the demolition of noncontributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard, or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

3. For the demolition of any structure in an S-7 zone, S-20 Zone or API:

   a. The design quality of the replacement structure is equal/superior to that of the existing structure; and

   b. The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:

      i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

      ii. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;

      iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;

      iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;

      v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and

vi. The replacement project will not cause the district to lose its current historic status.

D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:

1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or

2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or

3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

E. For proposals that have received Design Review approval pursuant to this section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

Article II - Mini-Lot Developments

Article III - Planned Unit Developments

Article II Mini-Lot Developments

17.142.012 Basic provisions for mini-lot developments.

17.142.012 Basic provisions for mini-lot developments.

Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a mini-lot development, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
    a. 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 setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
        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.

Article III Planned Unit Developments

17.142.040 Ownership and division of land.

17.142.080 Zones in which bonuses may be granted.

17.142.040 Ownership and division of land.

If any of the bonuses set forth in Section 17.142.100 are proposed for a development, the tract or tracts of land included in such development must be in one (1) ownership or control or the subject of a

joint application by the owners of all the property included. The holder of a written option to purchase; any governmental agency, including the Redevelopment Successor Agency of the City; or a redeveloper under contract with the Redevelopment Successor Agency shall be deemed the owner of such land for the purposes of this Section. Unless otherwise provided as a condition for approval of a planned unit development permit, the permittee may divide and transfer units of any development for which a permit is required by Section 17.142.030. The transferee shall complete each such unit, and use and maintain it, in strict conformance with the approved permit and development plan.

17.142.080 Zones in which bonuses may be granted.

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a planned unit development in any residential or commercial zone or in the S-1, S-2 or S-15 Zones.

Wood Street Zoning District (D-WS) - Text Amendment to Development Standards

The following zoning text amendment for the Wood Street Zoning District (D-WS) changes the minimum required residential density for Development Area 4 to be the same of that of Development Area 3 (similar to the Zephyr Gate and Iron horse development sites), which is 1 unit per 2,000 sq. ft. of site area. This text amendments also lowers the maximum height for Development Area 4 from 65 feet to 50 feet, and increases the minimum required open space for Development Area 4 from 75 square feet per unit to 100 square feet per dwelling unit.

The text amendments to the Wood Street Zoning District (D-WS) Development Standards below shall apply to the area of the zoning maps with a D-WS designation, and are considered part of the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, which are described by reference in **Oakland Zoning Chapter 17.101A**, and include the original Ordinance 12673 C.M.S, the amending Ordinance 13093 C.M.S, and this and all subsequent amending Ordinances adopted by City Council.

The Wood Street Zoning District (D-WS) Development Standards in the table below are amended as follows - with the deleted former standard for Development Area 4 shown in ~~strikethrough~~, the new standard shown in **bold type,** and current standards remaining the same shown in normal type:

Table 5.10.1	**Development Area 4**	**Development Area 3**
Max. Residential Density 1. Min land area/dwelling unit 2. Max. dwelling unit/acre 3. Max number of units	 613.75 sq. ft. 71.1 DU/A 450	 1217.50 sq. ft. 35.8 DU/A 200
Min. Residential Density	~~1 unit per 1000sf of site area (44 DU/A)~~ **1 unit /2000sf of site area (22 DU/A)**	1 unit /2000sf of site area (22 DU/A)
Max. FAR	2.02:1	N/A
Max. Area - non-residential uses	40,000 sq. ft.	0
Max. Height	~~65 ft. (some exceptions apply)~~ **50 ft. (some exceptions apply)**	50 ft. (some exceptions apply)
Min. Street setbacks -Wood Street -12th Street -Frontage Road -14th Street -Public Access Areas	 10ft. 0 0 0 0	 10 ft. 0 0 0 0
Min. Interior setbacks	5 ft.	10 ft.
Min. useable open space	~~75 sq. ft.~~ **100 sq. ft.**	100 sq. ft.
Reqd. off-street parking- - Residential	1.1 space/DU	1.1 space/DU
Reqd. off-street parking-- Live/work	1.2 space/LWU	1.2 space/LWU
Reqd. off-street parking – Non-residential	Depends on actual activity	Depends on actual activity