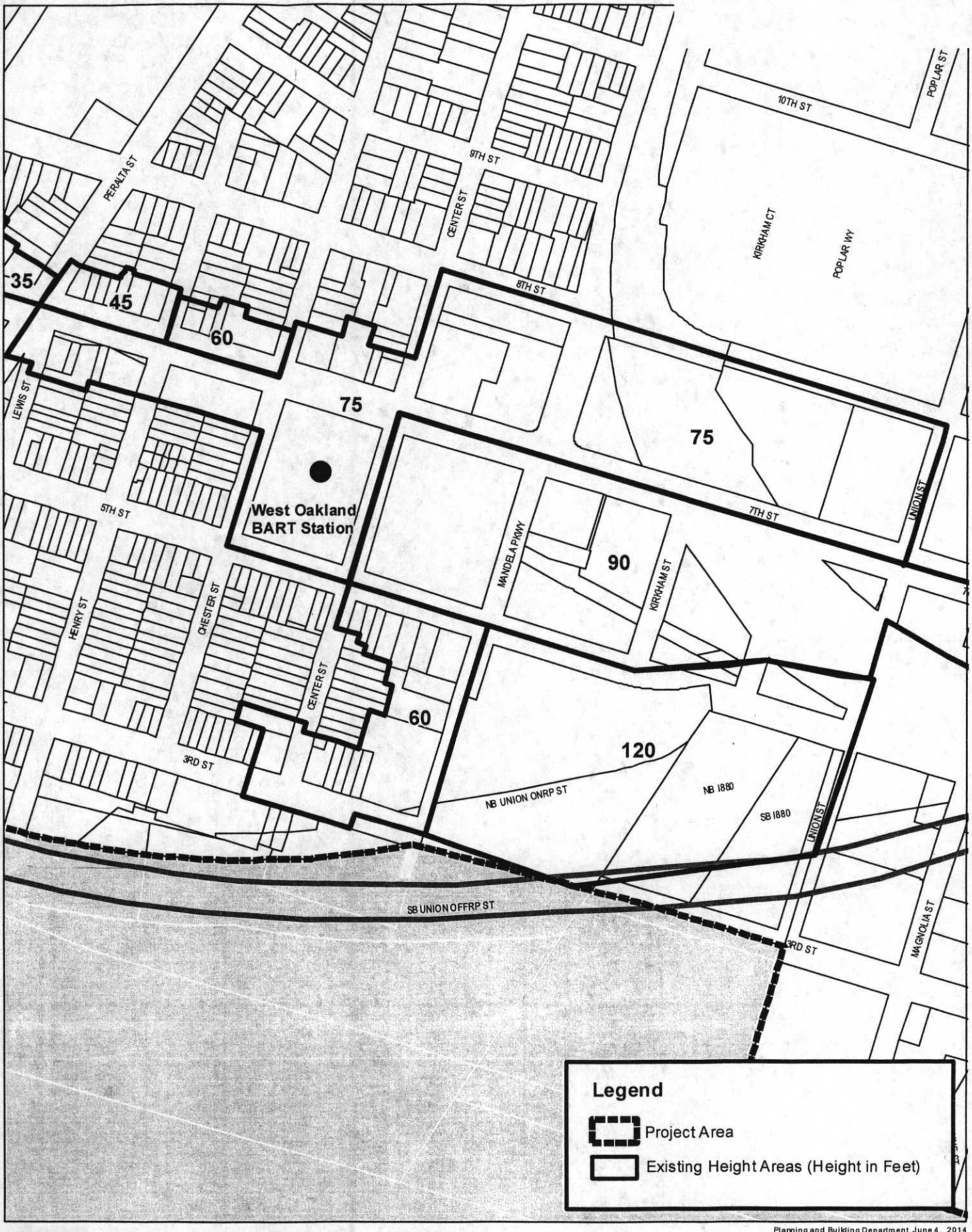
ATTACHMENT H



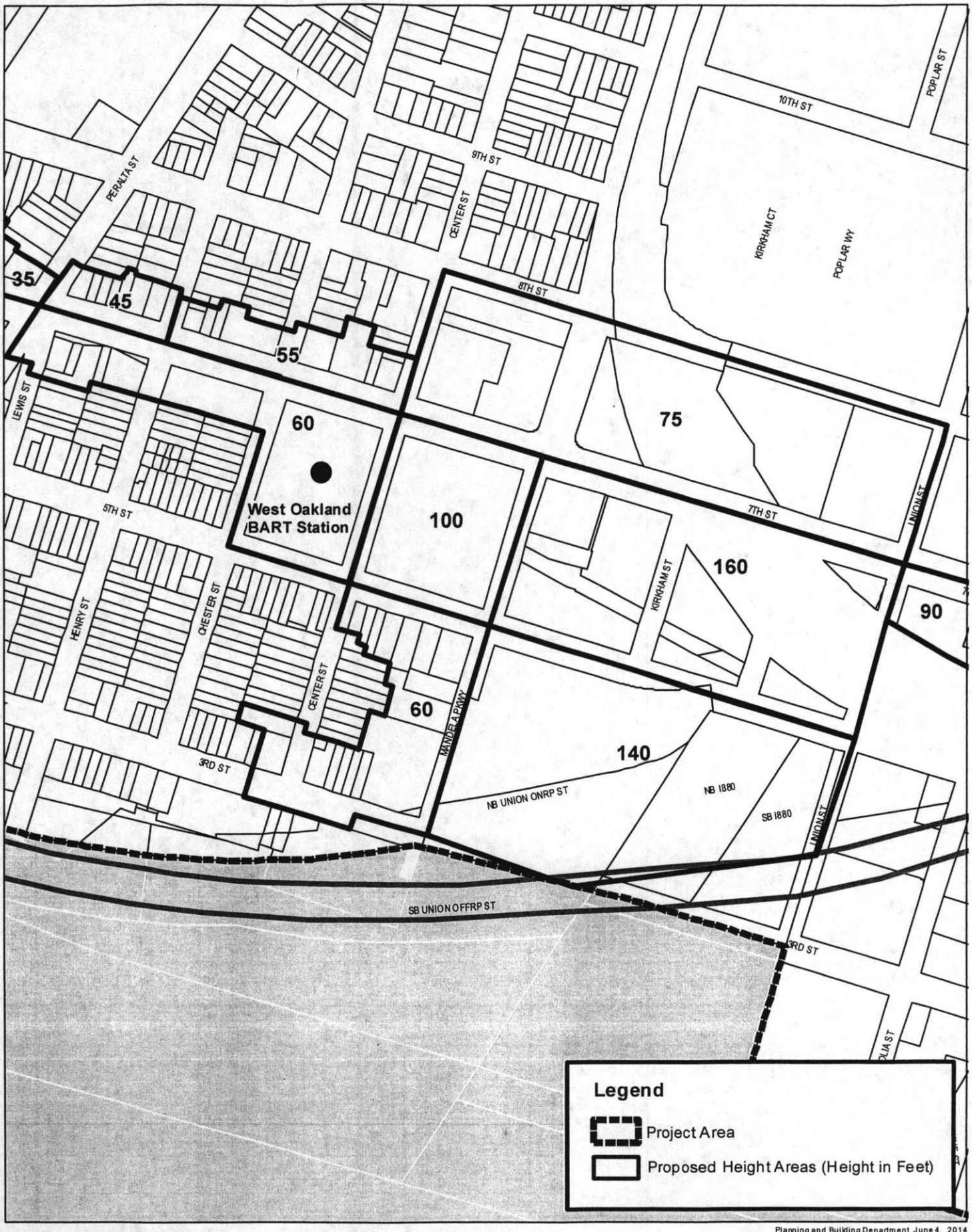
Planning and Building Department June 4, 2014

CITY OF OAKLAND

West Oakland Specific Plan

Existing Height Areas

0 250 500 ft



Planning and Building Department June 4, 2014

West Oakland Specific Plan

Proposed Height Areas

0 250 500 ft

Appendix A: Design Guidelines

New development in West Oakland should aesthetically respond to the unique characteristics already found in the area, including the character of land uses and building types, thus honoring the culture, legacy, and history that have made West Oakland special. All development must be of high quality, emphasizing the project's role in the larger neighborhood, West Oakland, and the region.

The purpose of these design guidelines is not to impose a uniform design palette on individual parcels, but rather to ensure that individually designed projects and buildings pursuant to the West Oakland Specific Plan:

- use design as a means for advancing the qualities that makes West Oakland unique;
- do not detract, overpower, or conflict with existing neighboring buildings;
- when combined with existing buildings, create a composition "greater than the sum of the parts"; and
- raise the standard of design and construction to a high level that respects West Oakland's past while embracing the future.

These design guidelines supplement the regulations set forth in the zoning districts for the West Oakland Specific Plan, by providing further direction for project designs to meet the goals expressed for the character of new construction and alteration of existing facilities in the area. They highlight general considerations and offer examples, solutions, and techniques to address issues that may arise in the design process. These guidelines are not meant to supersede the regulations in the Oakland Planning Code. Conformance with these guidelines and with the design review criteria contained in Chapter 17.136 of the Oakland Planning Code is required to receive City approval for projects in West Oakland. Applicants may submit design proposals that deviate from these guidelines, but must offer clear explanations that proposed solutions meet their intent.

HOW TO USE THESE DESIGN GUIDELINES

The West Oakland Specific Plan Design Guidelines are intended to aid building designers, property owners, business owners, developers, residents, and public agencies in achieving employment, residential development, and other Plan goals while improving livability and retaining West Oakland's unique and diverse character. City staff will utilize these guidelines to determine project conformance in meeting the goals set for West Oakland.

Related Design Guidelines

These design guidelines are specifically crafted to apply to the context in West Oakland, while building upon citywide design guidelines already in place or currently proposed.

Existing documents include:

- Design Guidelines for Corridors and Commercial Areas;
- Design Review Manual for 1- and 2-Unit Residences;
- Small Project Design Guidelines;
- *Rehab Right* - historic rehabilitation guidebook; and
- Housing and Business Mix (HBX) Design Guidelines;
- Design Guidelines for Commercial and Corridor Areas.

Design Guidelines for West Oakland

These guidelines apply to a variety of architectural contexts in West Oakland, including Victorian and early 20th century residences, neighborhood commercial arterials, and early 20th century industrial areas. The Design Guidelines address:

ATTACHMENT I

Character Defining Features

Character-defining natural and architectural features of West Oakland are illustrated here to help designers understand the context of the area, and to encourage creative design solutions. Intact historical residential areas and a mixture of industrial and commercial uses define West Oakland's eclectic charm.

Site Planning

Site Planning refers to the placement and relationship of buildings, open spaces, parking, and service areas on a site. The predominant character of an area can include block size, lot size, massing, building height, and the context of existing uses. Projects that set a design precedent, which may occur on larger sites or in underutilized areas with few buildings, may deviate from the existing context to shape future development. For these projects, applicants should work closely with the City to ensure that the project appropriately responds to the future vision for the area, as defined in the West Oakland Specific Plan.

Building Design

Building design must respect the area's diversity, yet at the same time create a sense of cohesion. Regardless of the form, scale or character of new development, projects should respect the public realm: streets, block pattern, and open spaces. These design guidelines do not require a specific architectural style or set of styles. However, cues should be taken from the surrounding context of a project, particularly where a defined character is presented. Where the character of a district is less defined, projects may set new precedent within the context of West Oakland's overall goals.

Application

These Design Guidelines apply throughout the West Oakland Specific Plan Area. Each of the Design Guidelines is geographically organized as follows (see **Figure A-1**).

- ***All Residential Areas***: For areas generally described in the West Oakland Specific Plan as the "Residential Areas."
- ***All Opportunity Areas***: For areas identified in the Plan as "Opportunity Areas".

DESIGN GUIDELINES APPLICABLE TO ALL RESIDENTIAL AREAS

This section of the Design Guidelines addresses the urban design strategies and guidelines that are applicable throughout this Plan's Residential Areas, and apply particularly to restoration and infill development within areas that include mostly 19th century housing.

Character Defining Features

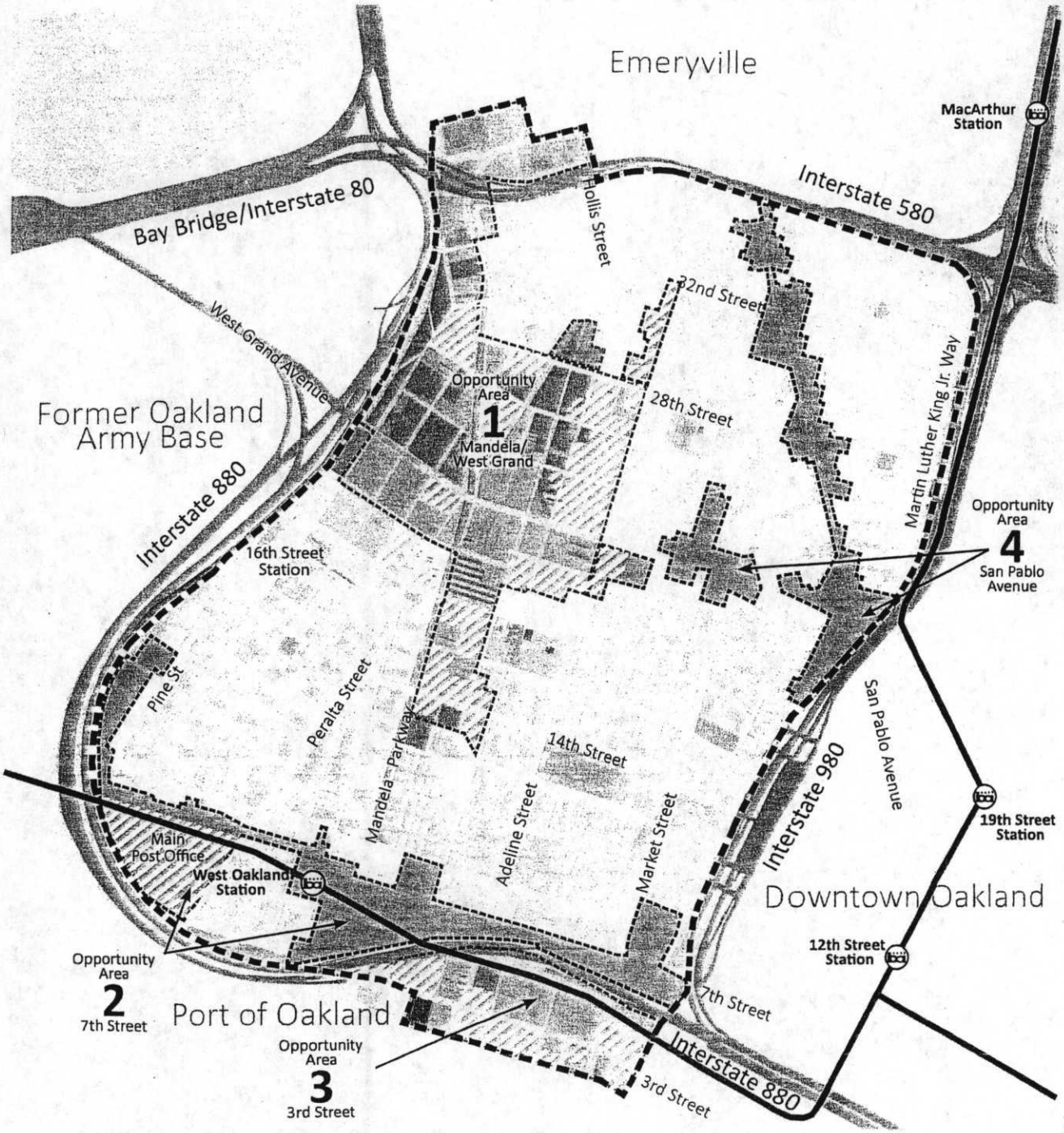
One-story and two- and raised basement late 19th and early 20th century houses, usually on narrow lots.

Intent: New construction and additions to residential homes in the Residential Areas should be designed to enhance and maintain the existing historical character of each residential neighborhood.

Residential Area - Site Planning 1: *Pedestrian Circulation.* New additions to existing buildings and infill development should reinforce the pedestrian scale and character of the neighborhoods by including raised, street-facing porches and front entries approached from the street with ample space for seating.

Residential Area - Site Planning 2: *Vehicular Circulation.* A garage should generally be located in a separate structure behind the main house or as part of a "raised basement" below the main house. The garage should always be viewed as secondary to the larger and more significant pedestrian entrance.

Residential Area - Site Planning 3: *Service Circulation.* Service areas for larger structures, such as multi-family residential and commercial buildings should be shielded from view from city sidewalks whenever possible.


Emeryville
MacArthur Station
Bay Bridge/Interstate 80
Interstate 580
Hollis Street
West Grand Avenue
32nd Street
Opportunity Area 1
Mandela/ West Grand
28th Street
Martin Luther King Jr. Way
Former Oakland Army Base
Interstate 880
16th Street Station
Opportunity Area 4
San Pablo Avenue
Pine St
Peralta Street
Mandela Parkway
14th Street
San Pablo Avenue
Interstate 980
19th Street Station
Main Post Office
West Oakland Station
Adeline Street
Market Street
Downtown Oakland
12th Street Station
Opportunity Area 2
7th Street
Port of Oakland
7th Street
Opportunity Area 3
3rd Street
Interstate 880
3rd Street
1000
2000
4000
FEET
N
Legend
Planning Area
BART
Residential Enhancement Area
Opportunity Area- Industrial
Opportunity Area- Commercial
Business Enhancement

Residential Area - Site Planning 4: *Building Footprint.* New infill structures and additions to existing structures should be set back from front and side lot lines on the site in a manner consistent with those historical buildings in the immediate vicinity.

Residential Area - Site Planning 5: *Open Space.* New projects should have front yards similar in scale and character to historical buildings in the immediate vicinity.

Residential Area - Building Design 1: *Massing.* Roof elements, bay windows, and other projections should be consistent with those of buildings in the immediate vicinity.

Residential Area - Building Design 2: *Fenestration and Material:* Fenestration refers to the design and construction of openings in a building. Fenestration includes windows, doors, louvers, vents, wall panels, skylights, storefronts, curtain walls, and other glazed systems. Building fenestration, which can be either more historic or more contemporary, should be articulated to project a sense of scale characteristic of West Oakland's residential areas.

Residential Area - Fencing 1: *Height and Materials*: Front yard fencing located within or in proximity to Residential Areas should be designed and of a height that doesn't result in the creation of 'fortresses' within the residential neighborhood.

DESIGN GUIDELINES APPLICABLE TO ALL INDUSTRIAL/ BUSINESS/ COMMERCIAL OPPORTUNITY AREAS

These guidelines are applicable throughout the West Oakland Specific Plan's industrial/ business/ commercial Opportunity Areas.

Intent: New construction and renovation in the four identified Opportunity Areas should be designed to maintain continuity with West Oakland's unique history and character.

Site Planning

Site Planning 1: *Pedestrian Circulation.* Active street edges with entrances from city sidewalks should directly face streets, maximizing the utilization of city sidewalks by users of the buildings.

Site Planning 2: *Vehicular Circulation.* Vehicular entrances and garages should be less prominent than pedestrian entrances.

Site Planning 3: *Service Circulation.* Service areas should be hidden from view from sidewalks whenever possible.

Site Planning 4: *Building Footprint.* New construction should be built to the edge of sidewalks to maintain the continuity of the area's street walls. Small ground-level inset bays for entrances, outdoor seating, and special corner features are appropriate variations within the street wall. In addition, an occasional plaza may be also appropriate.

- Relate to existing buildings and utilitarian structures, which need to be rehabilitated and reused.
- Expansion of existing buildings is encouraged, with unique aspects of existing buildings respected, featured, and protected.
- Surface parking is strongly discouraged along frontages facing public streets.

Site Planning 5: *Open Space.* West Oakland's public streetscapes along with its parks need to be embraced, improved, and enriched as public open space elements. Any new open space located in public view should not be walled from the street by dense planting or a tall fence.

Building Design 1: *Massing.* New buildings should be designed with major massing elements that are consistent with those found in existing desirable buildings located in the immediate vicinity.

Building Design 2: *Fenestration and Materials.* Fenestration elements, such as windows, doors, louvers, vents, wall panels, skylights, storefronts, curtain walls, and other glazed systems, can be either more historic or more contemporary depending on the context, and should be articulated to maintain the sense of scale found in the immediate context.

DESIGN GUIDELINES SPECIFIC TO THE MANDELA/WEST GRAND & 3RD STREET OPPORTUNITY AREAS

This section of the Design Guidelines addresses the urban design strategies and guidelines that are particular to the Mandela/Grand and 3rd Street Opportunity Areas, industrial and commercial areas without housing or neighborhood commercial corridors.

Character Defining Features

Many of the Mandela/Grand and 3rd Street area's 19th and early 20th century factory buildings feature large windows, skylights, and clerestory windows providing maximum access to sunlight. Building materials include brick, concrete, and corrugated metal. Although primarily utilitarian, building facades were often articulated by pilasters, decorative brick work and ornamental parapets, representative of the craftsmanship of the time. Industrial buildings are characterized by specific shapes, walls and roofs. Features common in the industrial areas of West Oakland include:

- Saw-tooth roofs for well-lighted space;
- Monitors and roof projections creating interesting roof lines;
- Metal sash, roof with partial saw-tooth form; mix of corrugated metal and concrete;
- Corrugated metal siding;
- Large plain gabled sheds;
- Stepped parapet with coping;
- Patterned brick work creating decorative accents;
- Large floor to ceiling steel sash windows with concrete lintels;
- Building façades articulated by structural bays;
- Parapet details;
- Change in materials and decorative detail accentuate building entrances;
- Sign components painted directly onto siding;
- Steel sash factory windows; and
- Brick arched openings.

Traditional Industrial Blocks

Intent: The rougher workmanlike texture of the area's traditional industrial buildings needs to be preserved and honored even as new commercial uses fill in between and adaptively reuse existing buildings.

The following Design Guidelines apply to traditional industrial blocks.

Traditional Industrial Blocks 1: *Site Planning.* Additions and new construction should generally connect to and face public streets.

Traditional Industrial Blocks 2: *Massing.* Buildings should generally be composed of simple shapes reflecting the industrial heritage of the area.

Traditional Industrial Blocks3: *Height.* New buildings that are more than two stories taller than the existing buildings adjacent to or across the street from the site should include transitions in scale to better relate to the existing height context.

Traditional Industrial Blocks 4: *Fenestration and Materials.* A combination of punched openings and curtain wall areas is encouraged. Generally, punched openings should be located at the base of the building to relate to historical industrial buildings.

Traditional Industrial Blocks 5: *Landscape.* Street trees and consistent sidewalk paving should be part of a larger, phased streetscape composition.

Mandela Parkway

Intent: Buildings facing Mandela Parkway should respect its civic prominence, quality of public landscaped areas, and unique history.

The following Design Guidelines apply particularly to properties and buildings facing onto Mandela Parkway.

Mandela 1: *Site Planning.* The most distinguished public features of a building should be oriented towards and visible from Mandela Parkway.

Mandela 2: *Massing.* Projects are encouraged to have dramatic architectural features visible along the Parkway.

Mandela 3: *Height.* Taller buildings are encouraged along the Parkway.

Mandela 4: *Fenestration and Materials.* Incorporate large openings that create visual connections to Mandela Parkway.

Mandela 5: *Landscape.* Landscaping should be coordinated with that of the public landscaped areas along Mandela Parkway, and the new planting and paving should be of a similarly high quality.

West Grand Avenue

Intent: Buildings facing West Grand Avenue should be designed to enhance the street as an important boulevard and as the most important surface street gateway leading from West Oakland to downtown Oakland.

The following Design Guidelines apply particularly to buildings and properties facing West Grand Avenue.

West Grand 1: *Massing.* Buildings along the highly trafficked West Grand Avenue leading to I-880 and the Bay Bridge should be carefully massed given its importance as a key gateway to Oakland from the region.

West Grand 2: *Height.* Distinctive, taller buildings are encouraged on this important gateway street, especially at major intersections, such as that of West Grand and Mandela, and West Grand and San Pablo.

West Grand 3: *Fenestration and Materials.* The ground floor of buildings should have large openings and a high degree of transparency in the blocks between Myrtle and San Pablo Avenue where West Grand is an important neighborhood commercial street.

West Grand 4: *Landscape.* Sidewalks should include densely spaced street trees that establish West Grand as a boulevard gateway leading to I-880 and the Bay Bridge, as well as buffer to uses along this highly trafficked arterial.

Priority Pedestrian Streets

Intent: Priority Pedestrian Streets are important pedestrian-focused streets that lead from Mandela Parkway into areas planned for substantial new employment. It is hoped that many employees will come to the area as pedestrians from enhanced transit on Mandela Parkway.

The following Design Guidelines apply to buildings and properties along Priority Pedestrian Streets, particularly along 18th, 20th, 24th and 26th Streets (see **Figures A-2 and A-3**).

Priority Pedestrian Street 1: *Site Planning.* Public uses in buildings such as retail, outdoor seating, lobbies, and galleries should be placed along the priority pedestrian streets, particularly at corners.

Priority Pedestrian Street 2: *Massing.* Building massing should be articulated to establish a pedestrian scale at the sidewalk level while respectfully relating to adjacent buildings. Ground floors should generally have a minimum of 15-foot clear height.

Priority Pedestrian Street 3: *Height.* New buildings that are more than two stories taller than the existing buildings adjacent to or across the street from the site should include transitions in scale to better relate to the existing height context.

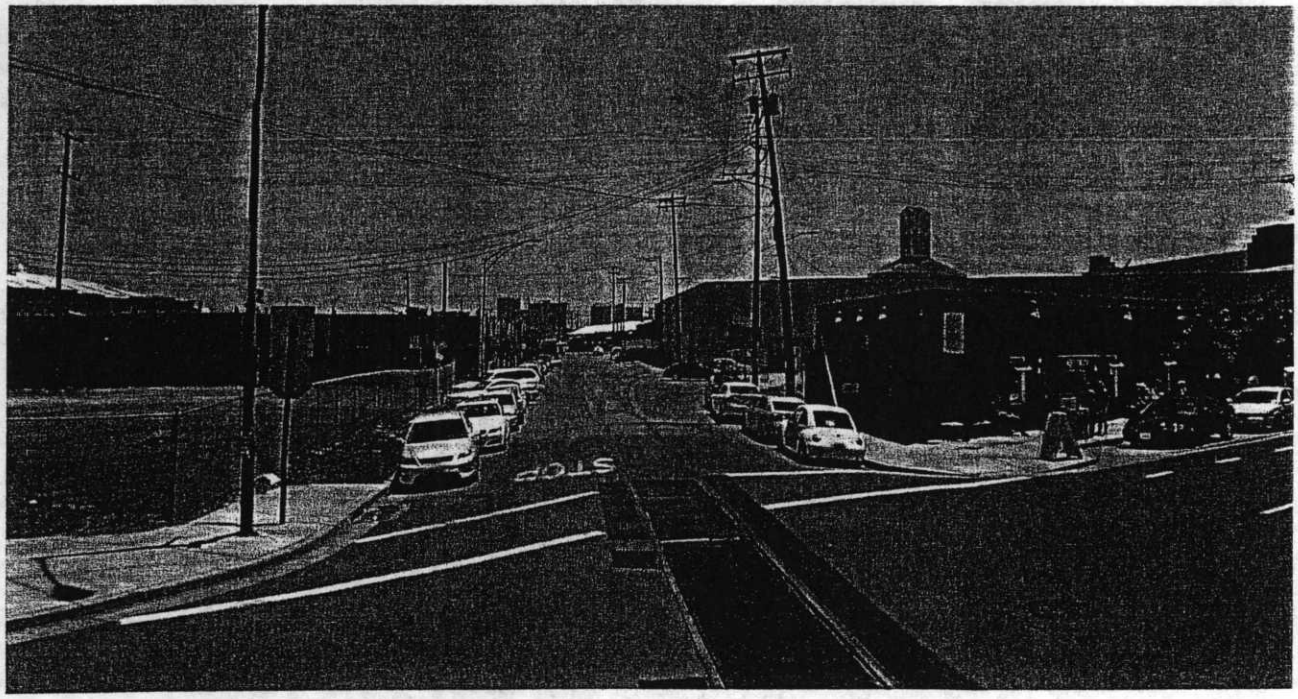


Fig. A-2: Existing View at 26th Street from Mandela

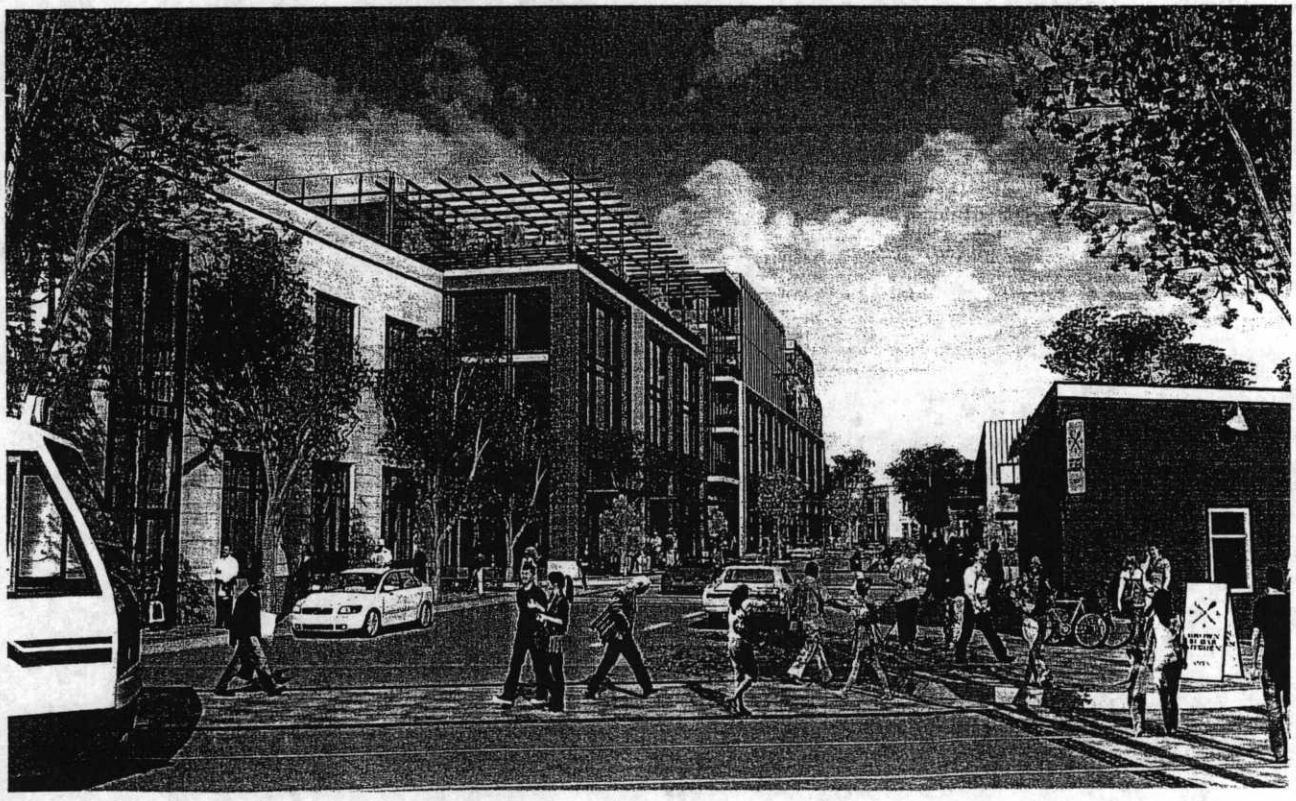


Fig. A-3: Proposed Infill Development at 26th Street from Mandela Parkway

Priority Pedestrian Street 4: *Fenestration and Materials.* Provide as many door and window openings as possible at the sidewalk level.

Priority-Pedestrian Street 5: *Landscape.* Street trees and paving should be part of larger phased streetscape compositions, enhancing the pedestrian experience.

3rd Street

Intent: Third Street needs to be enriched and recognized as the primary connection between West Oakland and the Jack London District waterfront area.

The following Design Guidelines apply to buildings and properties along 3rd Street (see **Figure A-4 and A-5**).

3rd Street 1: *Site Planning.* Create at least one major pedestrian entry facing 3rd Street for each new building project.

3rd Street 2: *Massing.* Buildings can be massed in simple rectangles, usually the width of their parcels, as are many existing buildings on this street.

3rd Street 3: *Fenestration and Materials.* Building facades can be simple but should include detail around entrances. Use of decorative brick is encouraged, but not required.

3rd Street 4: *Landscape.* Dense street planting should be included to buffer the large volume of traffic along 3rd Street.

DESIGN GUIDELINES SPECIFIC TO THE 7TH STREET AND SAN PABLO AVENUE OPPORTUNITY AREAS

This section of the Design Guidelines addresses the urban design strategies and guidelines that are particular to the 7th Street and San Pablo Avenue Opportunity Areas, especially as to neighborhood commercial corridors with housing.

Neighborhood Commercial

Intent: 7th Street and San Pablo Avenue should become the focus of the surrounding neighborhoods with active street edges that encourage neighbors and visitors to enjoy a high-quality urban streetscape.

Neighborhood Commercial 1: *Site Planning.* Buildings should be built immediately fronting 7th Street and San Pablo to emphasize and re-establish where necessary the continuity of the neighborhood commercial street.

- Ground floors should have active publically accessible uses such as restaurants, retail, lobbies and galleries (see **Figure A-6 and A-7**)
- Driveways and vehicular entrances are discouraged from accessing directly from 7th Street and moved to side streets where feasible.
- Small segments of roadway adjoining West Grand Avenue, San Pablo, and Market Street could be repurposed to accommodate the site planning of larger projects (see **Figure A-8 and A-9**).

Neighborhood Commercial 2: *Massing.* Residential upper stories are encouraged to include bay windows above the ground floor to provide light and air, and to break up the scale of buildings and convey residential use.

Neighborhood Commercial 3: *Height.* Except when located at important intersections such as Mandela Parkway and 7th Street, buildings over 5 stories in height should generally include a significant step-back along commercial arterial roadways to harmonize the scale of new buildings with the existing neighborhood.

Neighborhood Commercial 4: *Fenestration.* Ground floors should have as many openings as possible with as few blank wall sections as possible. Awnings and canopies are encouraged.



Fig. A-4: Existing View at 3rd Street and Linden Street

- **Opportunity Site #35 at Linden & Third Street**

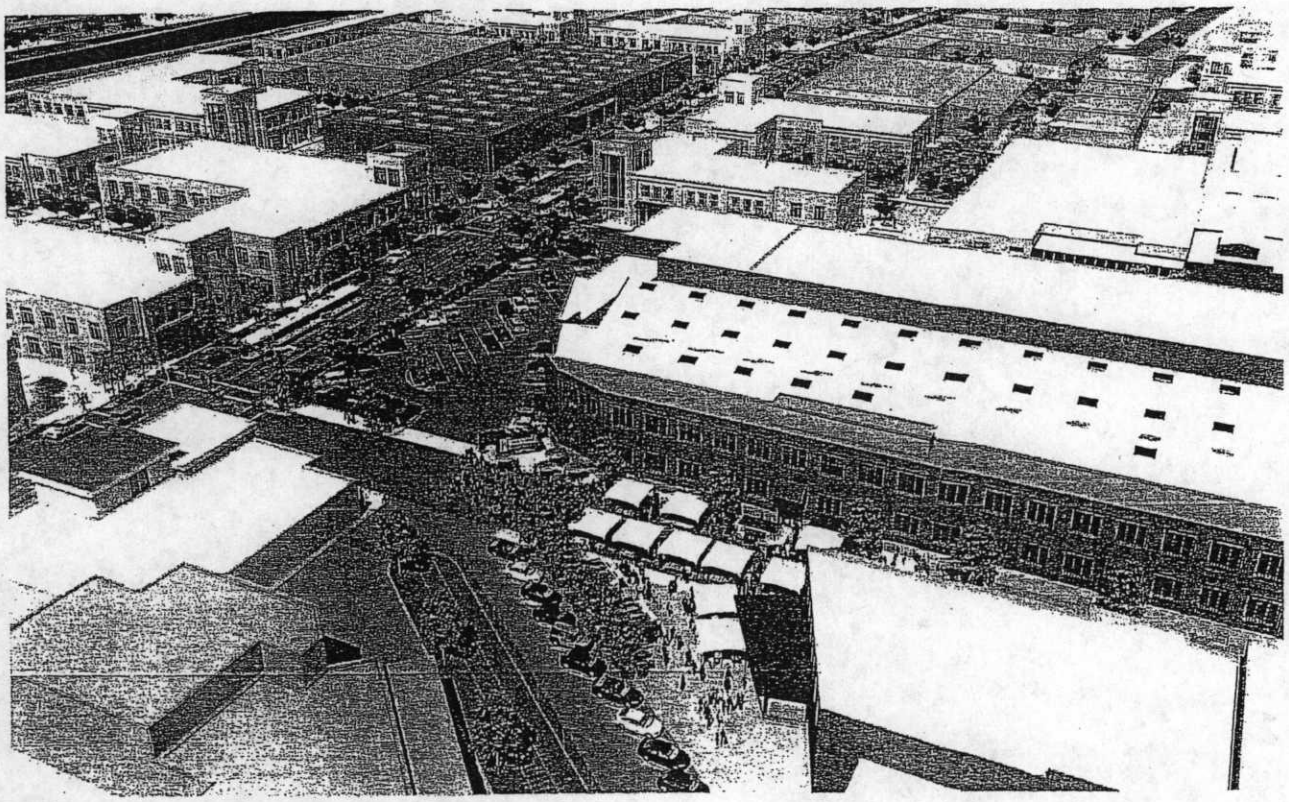


Fig A-5: Proposed Development at 3rd Street and Linden Street

- **Adaptive reuse and preservation of historic industrial buildings**
- **3rd Street as enhanced connection between West Oakland and Jack London Square**

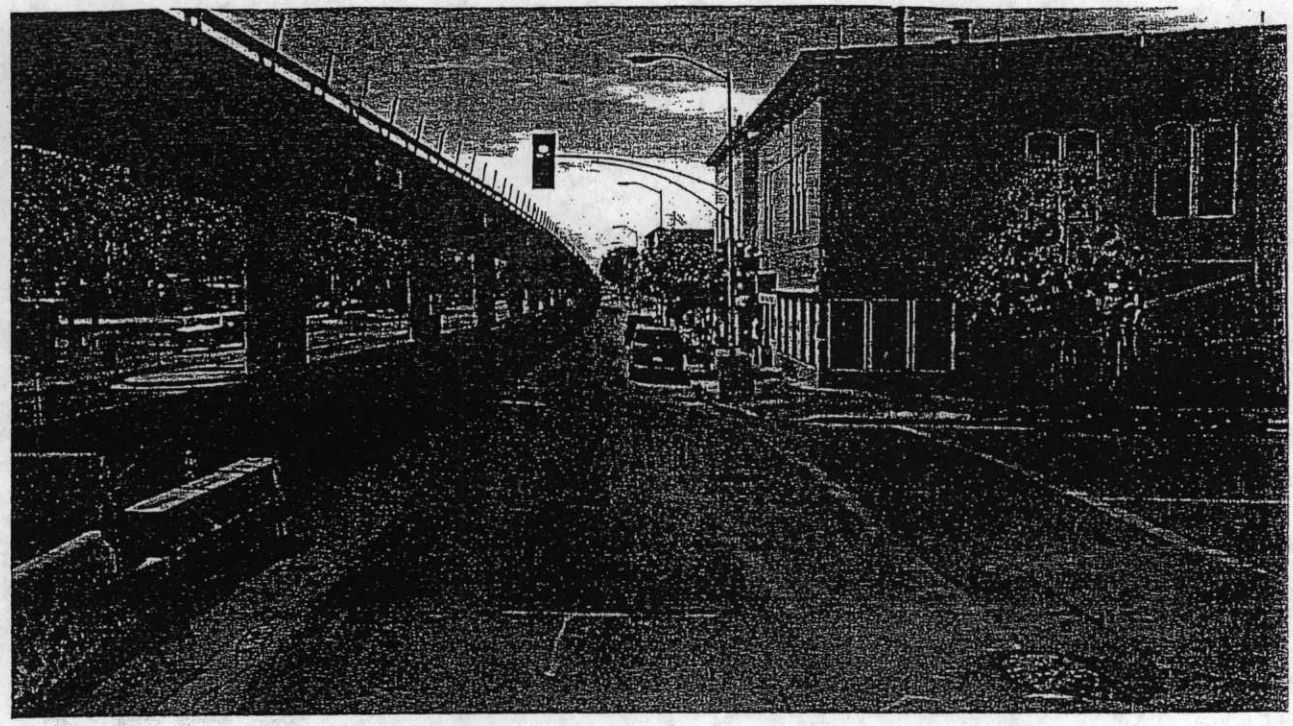


Fig. A-6: Existing view of 7th Street and Peralta

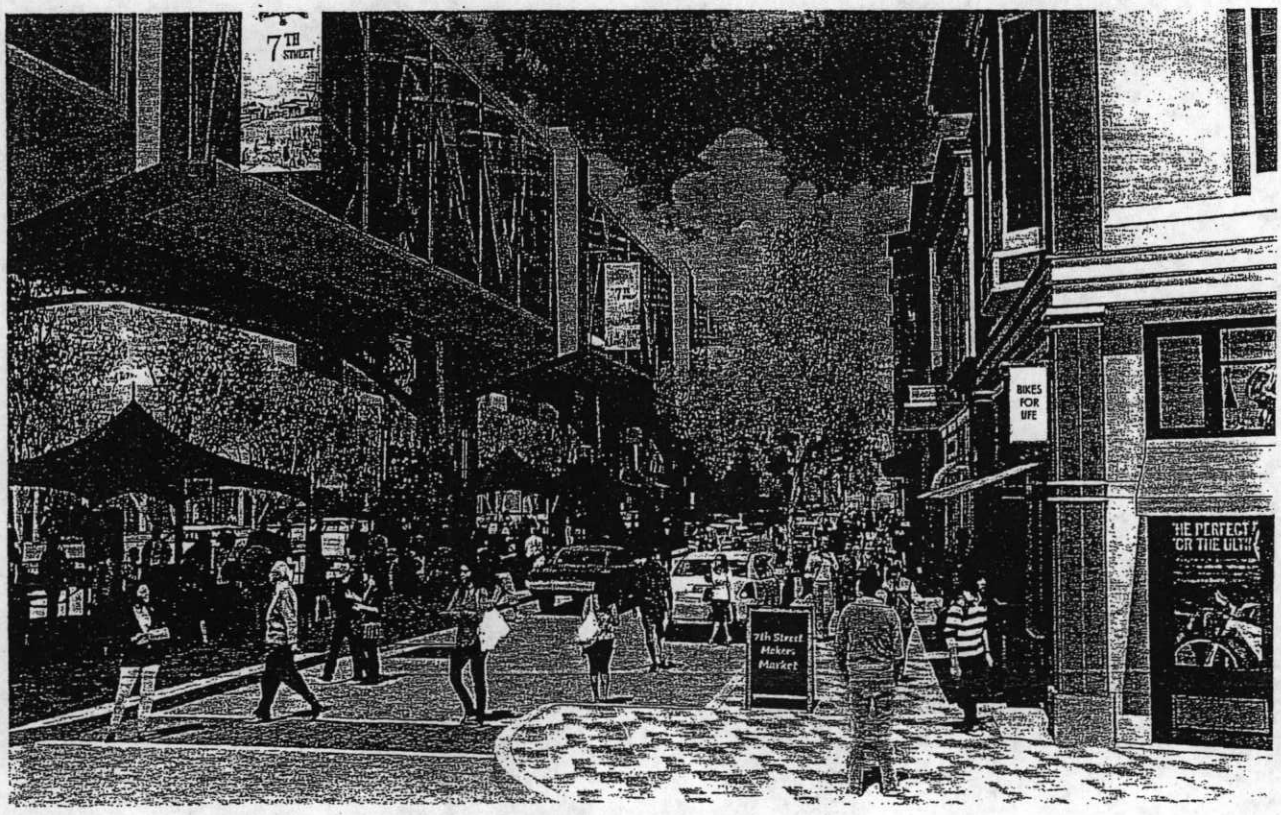


Fig. A-7: Example of renovated historic building at 7th Street and Peralta

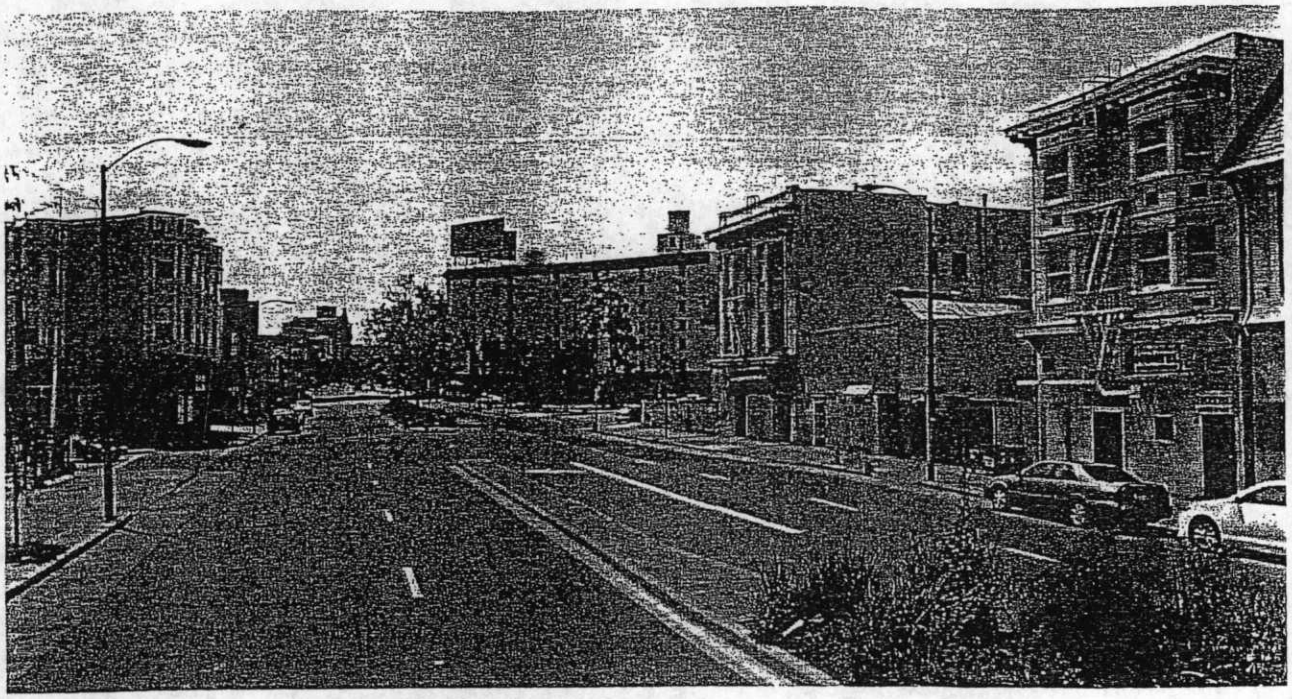


Fig. A-8: Existing view of San Pablo Avenue near West Grand Avenue

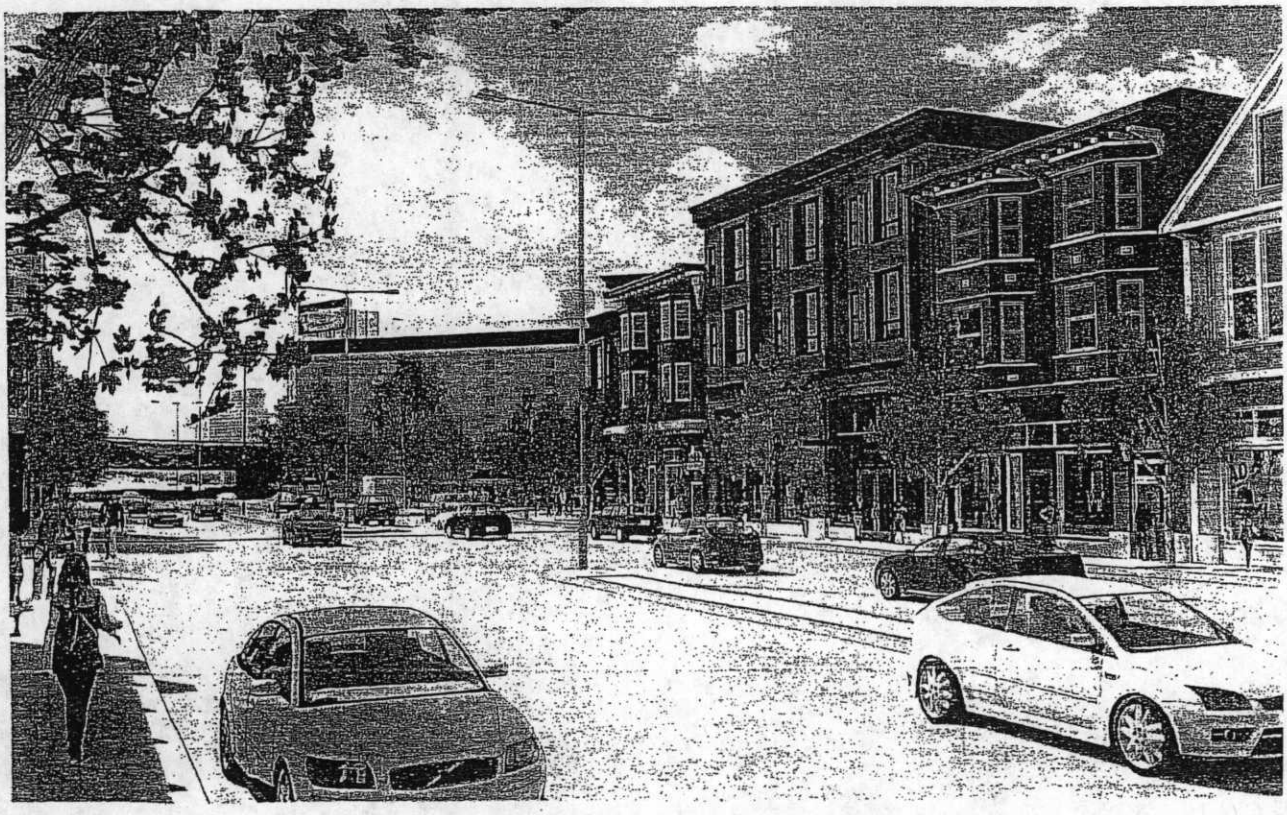


Fig. A-9: Proposed development at San Pablo Avenue near West Grand Avenue

Neighborhood Commercial 5: *Materials:* Buildings should have a variety of high quality materials that will define an interesting character when viewed up close and from a distance.

Neighborhood Commercial 6: *Renovation of Older Buildings.* Older commercial buildings should be restored in a manner consistent with their original architectural style.

Neighborhood Commercial 7: *Landscape.* Street trees should be of a type that allows high visibility to storefronts and spaced to allow street lights to penetrate to sidewalks during nighttime.

Neighborhood Commercial 8: *Landscape.* Publicly accessible outdoor space areas should be comprehensively designed with high quality pavement, landscaping, and seating, and are encouraged at the following locations:

- Mandela and 7th Street
- San Pablo and West Grand Avenue
- San Pablo and 32nd Street

Adjacent to Residential Areas

Intent: Buildings need to make gentle transitions from the larger commercial buildings facing 7th Street and San Pablo Avenue to the residential side streets of historic houses.

The following Design Guidelines apply to those buildings and properties facing residential side streets in the Residential Areas.

Residential Area 1: *Site Planning.* Create active entry points facing the street to roughly match porches and entrances on historic housing elsewhere on the street.

Residential Area 2: *Massing* Modulate front facades facing streets into segments to roughly match the scale of historic housing elsewhere on the street. Bay windows and porches are encouraged. Building heights and setbacks should transition from neighborhood commercial arterials to residential side streets. Buildings that are taller and built to the lot line should be located near the commercial street and have setbacks closer to the adjacent lower-scale residential buildings (see **Figures A-10 and A-11**).

Residential Area 3: *Height.* Buildings directly facing residential side streets should be appropriately massed to best relate to the residential scale within the immediate context.

Residential Area 4: *Fenestration and Materials.* Employ high quality building openings with high quality detail around entries and primary windows.

Residential Area 5: *Landscape.* Establish landscaped front yards between the sidewalk and the face of the building that reflect the landscaping context in the immediate area.

Mandela/7th

Intent: The intersection of Mandela Parkway and 7th Street needs to establish an important civic focus adjacent to the West Oakland BART station.

The following Design Guidelines apply to properties immediately fronting onto the intersection of Mandela Parkway and 7th Street (see Figure **A-12 and A-13**).

Mandela/7th 1: *Site Planning.* Close to the West Oakland BART station, a large civic plaza should be created near the intersection of Mandela Parkway and 7th Street that is surrounded by ground floors that include publicly accessible uses such as restaurants, retail, building lobbies, galleries, and studios.

Mandela/7th -2: *Massing, Height.* Taller buildings are encouraged along Mandela Parkway and in particular to mark the intersection of 7th Street and Mandela Parkway.

Mandela/7th- 3: *Height.* It is encouraged that taller buildings mark the intersection of 7th Street and Mandela Parkway.

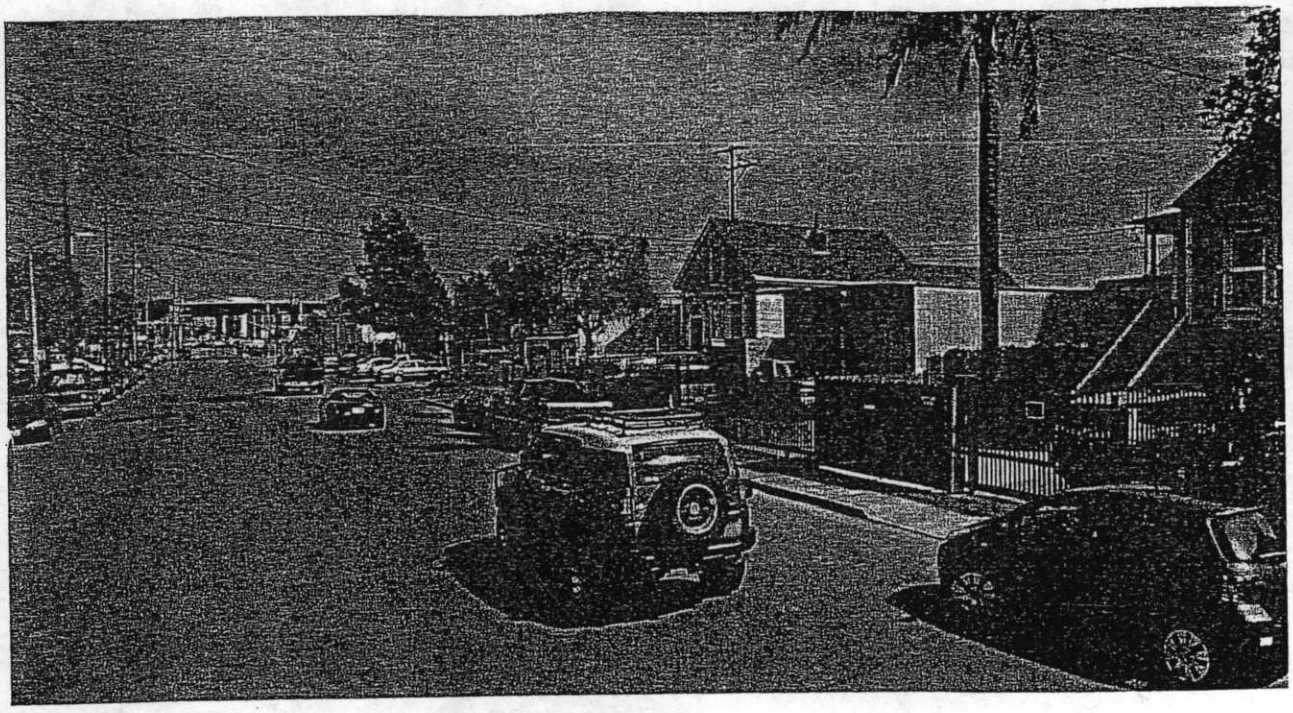


Fig. A-10: Existing view of 5th Street at West Oakland BART station



Fig. A-11: Proposed Transit-Oriented Development at 5th Street looking east.

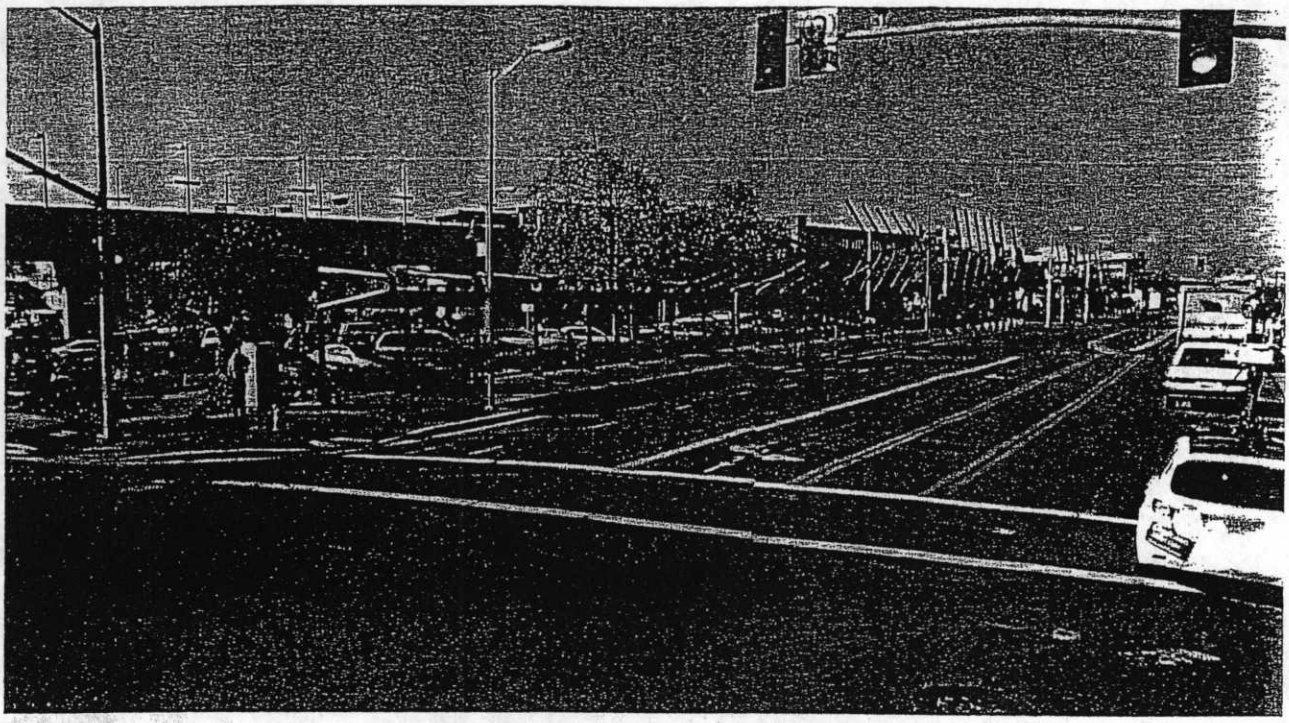


Fig. A-12: Existing view of West Oakland BART station at 7th Street and Mandela Parkway

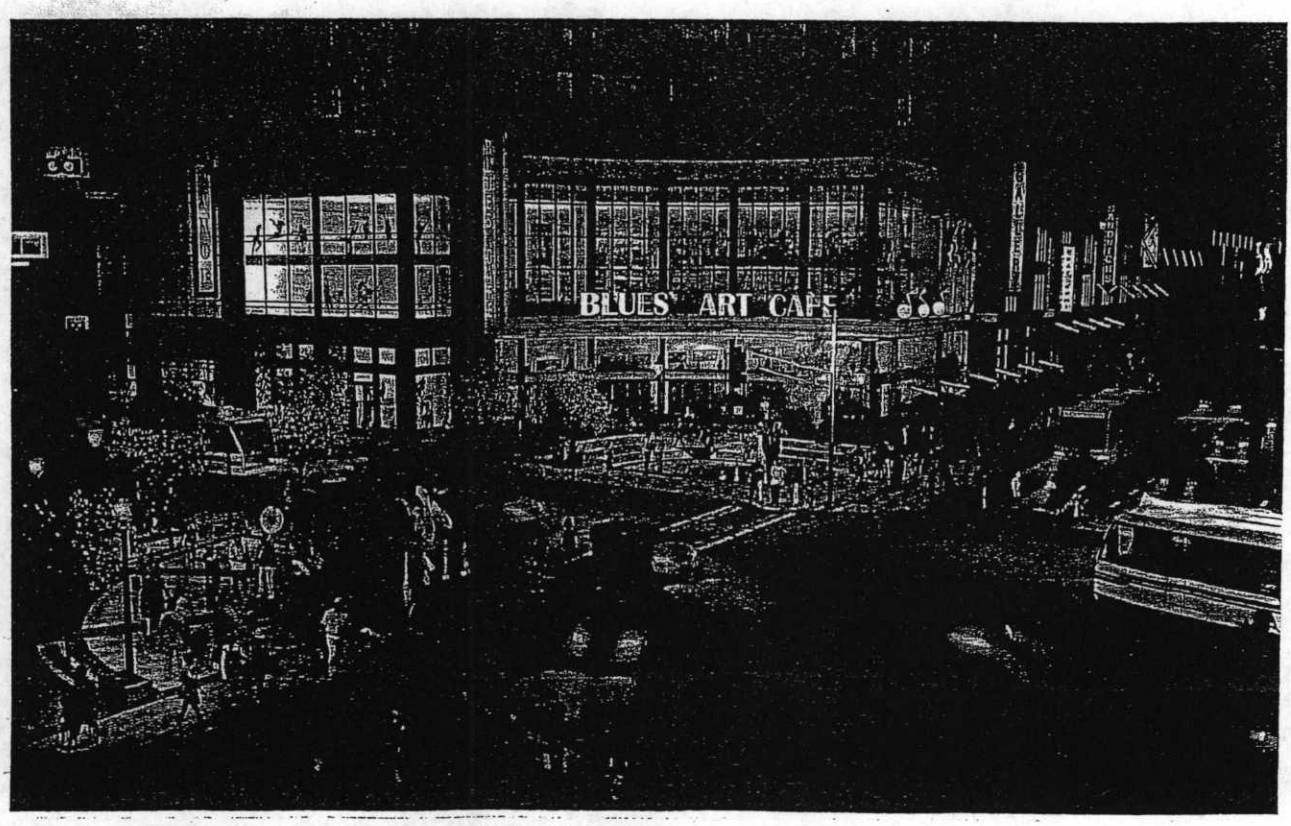


Fig. A-13: Urban open space at 7th Street and Mandela Parkway

Mandela /7th -4: *Fenestration.* Ground floors should have large openings and a high degree of transparency in the blocks adjacent to the West Oakland BART station.

Mandela/7th - 5: *Landscape.* Landscaping should be coordinated with that of the existing public landscaped areas along Mandela Parkway and should include a similarly high quality of planting and paving.

Pine Street

Intent: The section of Pine Street identified as part of the 7th Street Opportunity Area needs to be carefully respected, as it includes some of the oldest Victorian houses in West Oakland.

The following Design Guidelines apply to properties directly facing onto Pine Street.

Pine 1: *Site Planning.* Create entries facing Pine Street that are compatible with the porches and entrances on historic houses on the opposite side of street.

Pine 2: *Massing.* Articulate facades on the west side of Pine Street into segments that are generally 25 to 35 feet wide to roughly match the scale of historic housing on the opposite side of the street. Bay windows and porches are encouraged.

Pine 3: *Height.* Buildings directly facing Pine Street should relate to the scale of historic housing on the opposite side of the street.

Pine 4: *Fenestration and Materials.* Employ clear, logical, and high quality building openings appropriate detail around entries and primary windows.

Pine 5: *Landscape.* Establish landscaped yards between the sidewalk and the face of the building.

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OAKLAND

2014 JUN 26 PM 3:37

Approved as to Form and Legality

Hlee
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING RELATED CEQA FINDINGS; (B) ADOPTING THE WEST OAKLAND SPECIFIC PLAN AND DESIGN GUIDELINES; AND (C) AUTHORIZING THE INSTALLATION OF BICYCLE LANES ON ADELINE STREET FROM SEVENTH (7TH) STREET TO THIRTY-SIXTH (36TH) STREET, AND ON WEST GRAND AVENUE FROM MANDELA PARKWAY TO MARKET STREET

WHEREAS, on April 27, 2011the City of Oakland issued a Request for Proposals to solicit a consulting team to prepare a West Oakland Specific Plan (WOSP) and associated Environmental Impact Report; and

WHEREAS, after a competitive bidding process the JRDV International consultant team was selected and the project was initiated; and

WHEREAS, the project commenced in July, 2011 and a Steering Committee and a Technical Advisory Committee was established to solicit public input on development of the West Oakland Specific Plan; and

WHEREAS, over the course of the project as part of the public outreach effort, twelve Steering Committee meetings, seven Technical Advisory Committee, ten joint Steering Committee and Technical Advisory Committee meetings, and six community workshops/meetings, were held to guide the development of the Specific Plan; and

WHEREAS, the West Oakland Specific Plan will be a 20- to 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which is generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south and west with a small portion of the Plan Area above I-880 in the East Bay Bridge Shopping Center and below I-880 along the 3rd Street corridor; and

WHEREAS, the West Oakland Specific Plan presents an extraordinary opportunity to guide West Oakland's future development in a land use direction that: (a) improves the quality of life for existing and future residents; (b) supports existing businesses and industry while encouraging new development, services and land uses that have significant job generation; (c) promotes Transit-Oriented Development (TOD) at the West Oakland BART Station; (d) encourages

residential and commercial mixed-use development along major West Oakland corridors; (e) enhances and preserves West Oakland residential neighborhoods and historic resources; and (f) in recognition of considerable community concerns, offers strategies that minimize the impact of ongoing displacement and gentrification; and

WHEREAS, the West Oakland Specific Plan contains recommendations to meet the above-noted objectives and contains recommendations for addressing barriers to community and economic development; and

WHEREAS, the West Oakland Specific Plan supports the longstanding vision for West Oakland that contains increased employment opportunities, provides needed goods and services to local residents, supports abundant and affordable housing resources and facilitates sustainable development; and

WHEREAS, the West Oakland Specific Plan includes amendments to the Oakland General Plan to update the land use map to accommodate compatible uses; and

WHEREAS, West Oakland Specific Plan contains Design Guidelines to ensure that the new development addresses the character of surrounding areas, and recognizes the historic character of West Oakland neighborhood and key historic structures; and

WHEREAS, on October 22, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the West Oakland Specific Plan was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the Landmarks Preservation Advisory Board (LPAB) on November 5, 2012 and the second before the City Planning Commission on November 14, 2012, to receive comments on the scope and content of the Draft EIR for the West Oakland Specific Plan; and

WHEREAS, an Environmental Impact Report has been prepared that analyzes impacts associated with implementation of the West Oakland Specific Plan;

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on January 29, 2014, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a Landmarks Preservation Advisory Board public hearing on February 10, 2014, a City of Oakland Planning Commission hearing on February 24, 2014, and a Parks and Recreation Advisory Commission hearing on March 12, 2014; and

WHEREAS, on February 24, 2014, the Draft Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Map, Height Area Map, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Landmarks Preservation Advisory Board, as well as the Parks and Recreation Advisory Commission, each of which provided comments unique to their topic area; and

WHEREAS, on May 30, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan

was issued, and a Final EIR and Specific Plan were published on May 30, 2014, both of which were made available for public review and comment; and

WHEREAS, on June 9, 2014 a duly noticed public hearing was held before the Landmarks Preservation Advisory Board to consider the Final Draft West Oakland Specific Plan (WOSP), Related Documents and EIR and the Board recommended approval, with minor revisions; and

WHEREAS, on June 11, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft WOSP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the WOSP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the WOSP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the WOSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission), and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new West Oakland Commercial Zones Regulations (which are essentially correction of typographical and/or clerical errors), and to make nonsubstantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the West Oakland Specific Plan without returning to the City Council or City Planning Commission; and

WHEREAS, action on the WOSP affords an opportunity to implement certain bicycle-related amendments to the existing West Oakland circulation network; and

WHEREAS, installing bicycle lanes meets the goals of the City of Oakland's Bicycle Master Plan to provide safe and direct bicycle access to key areas and on key corridors in Oakland; and

WHEREAS, the Bicycle Master Plan was adopted by City Council on December 7, 2007 as part of the Land Use and Transportation Element of the City's General Plan and reaffirmed by City Council on December 4, 2012; and

WHEREAS, the Bicycle Master Plan identifies Adeline Street from 3rd Street to 36th Street and West Grand Avenue from Mandela Parkway to Market Street as proposed projects for the installation of bicycle lanes; and

WHEREAS, the installation of bicycle lanes on Adeline Street will reconfigure the applicable portions of the roadway from two travel lanes in each direction to one travel lane and one bike lane in each direction plus a two-way center turn lane; and

WHEREAS, the installation of bicycle lanes on West Grand Avenue will reconfigure the applicable portions of the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction; and

WHEREAS, City Council has directed staff to prepare reports for their approval when bicycle projects require the reduction of travel lanes on a roadway; and

WHEREAS, the Adeline Street bike lanes and West Grand Avenue bike lanes have been studied for feasibility and evaluated for environmental impacts; and

WHEREAS, the WOSP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development (CED) Committee of the City Council on July 8, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the WOSP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on July 15, 2014; now, therefore be it

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the West Oakland Specific Plan EIR and the CEQA findings of the City Planning Commission contained in the approved June 11, 2014, City Planning Commission Report; and be it

FURTHER RESOLVED, that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Resolution (as if fully set forth herein) all the CEQA findings contained in the approved June 11, 2014, City Planning Commission Report prior to taking action in approving the West Oakland Specific Plan; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the West Oakland Specific Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved June 11, 2014, City Planning Commission Report; and be it

FURTHER RESOLVED, that the City Council, hereby adopts the West Oakland Specific Plan and Design Guidelines, based, in part, upon the WOSP Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the WOSP; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the adopted Design Guidelines for the WOSP consistent with the WOSP, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; without returning to the City Council or Planning Commission; and (3) non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the WOSP; and be it

FURTHER RESOLVED, that the City Council authorizes the installation of bicycle lanes on Adeline Street from 7th Street to 36th St Street by reconfiguring the roadway from two travel lanes in each direction to one travel lane and one bike lane in each direction plus a two-way center turn lane; and be it

FURTHER RESOLVED, that the City Council authorizes the installation of bicycle lanes on

West Grand Avenue from Mandela Parkway to Market Street by reconfiguring the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this Resolution; and be it

FURTHER RESOLVED, that it is the intent of City Council that future adopted Citywide Impact Fees would apply the West Oakland Specific Plan if the City Council so directs; and be it

FURTHER RESOLVED, that the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED, that the record before this Council relating to these actions include, without limitation, the following:

1. the West Oakland Specific Plan, Design Guidelines, General Plan including all accompanying maps, papers and appendices;

2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the West Oakland Specific Plan and attendant hearings;

3. all oral and written evidence received by the Landmarks Preservation Advisory Board, City Planning Commission and City Council during the public hearings on the WOSP; and all written evidence received by the relevant City Staff before and during the public hearings on the WOSP;

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

FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa

Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; and be it

FURTHER RESOLVED, that this Resolution shall be conditioned upon, and shall only become effective, upon the City Council's final adoption of the City Council's adoption of Resolution No. ____ C.M.S., entitled RESOLUTION APPROVING THE ENVIRONMENTAL DETERMINATIONS FOR, AND ADOPTING, THE FOLLOWING TWO AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN: (1) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS IN SUPPORT OF THE WEST OAKLAND SPECIFIC PLAN AS DELINEATED IN EXHIBIT A;AND (2) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS OF (a) ASSESSOR'S PARCEL NUMBER 0018-0415-001-01 (KNOWN AS "SITE D" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY THE BUILDING KNOWN AS 70 WASHINGTON STREET TO THE SOUTH AND WEST, EMBARCADERO WEST TO THE NORTH, AND BROADWAY TO THE EAST) FROM RDE-1 (RETAIL, DINING, ENTERTAINMENT PHASE 1) TO RDE-2 (RETAIL, DINING, ENTERTAINMENT PHASE 2), AND (b) ASSESSOR'S PARCEL NUMBER 0018-0420-004-01 (KNOWN AS "SITE F-2" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY HARRISON STREET TO THE WEST, EMBARCADERO WEST TO THE NORTH, ALICE STREET TO THE EAST, AND WATER STREET TO THE SOUTH) FROM WCR-1 (WATERFRONT COMMERCIAL RECREATION 1) TO MUD (MIXED USE DEVELOPMENT) AS DELINEATED IN EXHIBIT B.

FURTHER RESOLVED, that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - NOES -

ABSENT -

ABSTENTION -

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

DATE OF ATTESTATION: _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 26 PM 3:37

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO CREATE THE COMMERCIAL INDUSTRIAL MIX CIX-1A BUSINESS ENHANCEMENT ZONE, COMMERCIAL INDUSTRIAL MIX CIX-1B LOW INTENSITY BUSINESS ZONE, COMMERCIAL INDUSTRIAL MIX CIX-1C HIGH INTENSITY BUSINESS ZONE, COMMERCIAL INDUSTRIAL MIX CIX-1D RETAIL COMMERCIAL MIX ZONE, HOUSING AND BUSINESS MIX HBX-4 ZONE, THE "T" COMBINING OVERLAY ZONE REGULATIONS, AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS, AS WELL AS MAPPING OF A 'C' (COMMERCIAL) OVERLAY FOR THE RM-2 ZONED PROPERTIES NEAR THE WEST OAKLAND BART STATION ALONG THE 5TH STREET AND CHESTER STREET FRONTAGE AREA, AND ADOPTING ZONING AND HEIGHT AREA MAPS.

WHEREAS, on April 27, 2011the City of Oakland issued a Request for Proposals to solicit a consulting team to prepare a West Oakland Specific Plan (WOSP) and associated Environmental Impact Report; and

WHEREAS, after a competitive bidding process the JRDV International consultant team was selected and the project was initiated; and

WHEREAS, the project commenced in July, 2011 and a Steering Committee and a Technical Advisory Committee was established to solicit public input on development of the West Oakland Specific Plan; and

WHEREAS, over the course of the project as part of the public outreach effort, twelve Steering Committee meetings, seven Technical Advisory Committee, ten joint Steering Committee and Technical Advisory Committee meetings, and six community workshops/meetings, were held to guide the development of the Specific Plan; and

WHEREAS, the West Oakland Specific Plan will be a 20- to 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area which is generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south

and west with a small portion of the Plan Area above I-880 in the East Bay Bridge Shopping Center and below I-880 along the 3rd Street corridor; and

WHEREAS, the West Oakland Specific Plan presents an extraordinary opportunity to guide West Oakland's future development in a land use direction that: (a) improves the quality of life for existing and future residents; (b) supports existing businesses and industry while encouraging new development, services and land uses that have significant job generation; (c) promotes Transit-Oriented Development (TOD) at the West Oakland BART Station; (d) encourages residential and commercial mixed-use development along major West Oakland corridors; (e) enhances and preserves West Oakland residential neighborhoods and historic resources; and (f) in recognition of considerable community concerns, offers strategies that minimize the impact of ongoing displacement and gentrification; and

WHEREAS, the West Oakland Specific Plan contains recommendations to meet the above-noted objectives and contains recommendations for addressing barriers to community and economic development; and

WHEREAS, the West Oakland Specific Plan supports the longstanding vision for West Oakland that contains increased employment opportunities, provides needed goods and services to local residents, supports abundant and affordable housing resources and facilitates sustainable development; and

WHEREAS, the West Oakland Specific Plan (WOSP) includes (a) amendments to the Oakland General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) amendments to the new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

WHEREAS, City Planning staff have proposed (a) five new West Oakland zones and one combining zone to replace the existing zoning in the area to implement the West Oakland Specific Plan, as well as make changes associated to the new West Oakland zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a Landmarks Preservation Advisory Board (LPAB) public hearing on February 10, 2014, a City of Oakland Planning Commission hearing on February 24, 2014, and a Parks and Recreation Advisory Commission hearing on March 12, 2014; and

WHEREAS, on February 24, 2014, the Draft West Oakland Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Map, Height Area Map, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Landmarks Preservation Advisory Board, as well as the Parks and Recreation Advisory Commission, each of which provided comments unique to their topic area; and

WHEREAS, on May 30, 2014, a Notice of Availability/Release of a Final EIR and West Oakland Specific Plan was issued, and a Final EIR and Specific Plan were published on May 30, 2014, both of which were made available for public review and comment; and

WHEREAS, on April 30, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the West Oakland Specific Plan (WOSP) was published; and

WHEREAS, on June 9, 2014 a duly noticed public hearing was held before the LPAB to consider the Final Draft WOSP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

WHEREAS, on June 11, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft WOSP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the West Oakland Specific Plan Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the West Oakland Specific Plan, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the WOSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission), and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new West Oakland Commercial Zones Regulations (which are essentially correction of typographical and/or clerical errors), and to make nonsubstantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the West Oakland Specific Plan without returning to the City Council or City Planning Commission; and

WHEREAS, the West Oakland Specific Plan, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on July 8, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the West Oakland Specific Plan, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on July 15, 2014; now, therefore

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

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

Section 2. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the West Oakland Specific Plan EIR and the CEQA findings of the City Planning Commission contained in the approved June 11, 2014, City Planning Commission Report.

Section 3. The City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Ordinance (as if fully set forth herein) all

the CEQA findings contained in the approved June 11, 2014, City Planning Commission Report prior to taking action in approving the amendments to Planning Code, Oakland Zoning Map and Height Area Map.

Section 4. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), as conditions of approval of the West Oakland Specific Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved June 11, 2014 City Planning Commission Report.

Section 5. Title 17 of the Oakland Planning Code is hereby amended to (a) create new zones for the West Oakland, as detailed in ***Exhibit A*** all attached hereto and hereby incorporated by reference.

Section 6. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), including omnibus cross-referencing conforming changes through-out the Planning Code, prior to formal publication of the Amendments in the Oakland Planning Code.

Section 7. The Oakland Zoning Map and Height Area Maps are hereby amended to map the new commercial and industrial zones and Height Areas as indicated in ***Exhibit B*** and ***Exhibit C*** respectively, attached hereto and hereby incorporated herein by reference.

Section 8. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) to zoning applications approved by the City and not yet expired; or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so. However, this Ordinance shall not become effective unless and until the City Council's adoption of Resolution No. ____ C.M.S., entitled RESOLUTION APPROVING THE ENVIRONMENTAL DETERMINATIONS FOR, AND ADOPTING, THE FOLLOWING TWO AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN: (1) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS IN SUPPORT OF THE WEST OAKLAND SPECIFIC PLAN AS DELINEATED IN EXHIBIT A;AND (2) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS OF (a) ASSESSOR'S PARCEL NUMBER 0018-0415-001-01 (KNOWN AS "SITE D" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY THE BUILDING KNOWN AS 70 WASHINGTON STREET TO THE SOUTH AND WEST, EMBARCADERO WEST TO THE NORTH, AND BROADWAY TO THE EAST) FROM RDE-1 (RETAIL, DINING, ENTERTAINMENT PHASE 1) TO RDE-2 (RETAIL, DINING, ENTERTAINMENT PHASE 2), AND (b) ASSESSOR'S PARCEL NUMBER 0018-0420-004-01 (KNOWN AS "SITE F-2" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY HARRISON STREET TO THE WEST, EMBARCADERO WEST TO THE NORTH, ALICE STREET TO THE EAST, AND WATER STREET TO THE SOUTH) FROM WCR-1 (WATERFRONT COMMERCIAL RECREATION 1) TO MUD (MIXED USE DEVELOPMENT), AS DELINEATED IN EXHIBIT B.

Section 9. Nothing in this Ordinance shall be interpreted or applied so as to create any

requirement, power, or duty in conflict with any federal or state law.

Section 10. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Ordinance [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular portion of this Ordinance.

Section 11. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), the Adoption Findings contained in the approved June 11, 2014, City Planning Commission Report, including without limitation finding and determining that the existing zoning for the West Oakland is inadequate and contrary to public interest and that the proposed zoning will implement the policies presented in the West Oakland Specific Plan (as amended by this planning process) and create certainty for the developers and the public regarding the City's expectations for new development.

Section 12. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the West Oakland Specific Plan, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices;

2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the West Oakland Specific Plan and attendant hearings;

3. all oral and written evidence received by the LPAB, City Planning Commission and City Council during the public hearings on the West Oakland Specific Plan; and all written evidence received by the relevant City Staff before and during the public hearings on the West Oakland Specific Plan;

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

Section 13. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department –Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

Section 14. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

Title 17 PLANNING

EXHIBIT A

Chapters:

Chapter 17.10 - USE CLASSIFICATIONS

Chapter 17.17 - RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Chapter 17.19 - RU URBAN RESIDENTIAL ZONES REGULATIONS

Chapter 17.35 - CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Chapter 17.37 - CR REGIONAL COMMERCIAL ZONES REGULATIONS

Chapter 17.65 - HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

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

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

Chapter 17.84 - S-7 PRESERVATION COMBINING ZONE REGULATIONS

Chapter 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONES REGULATIONS

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

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

Chapter 17.102 - REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

Chapter 17.110 - BUFFERING REGULATIONS

Chapter 17.112 - HOME OCCUPATION REGULATIONS

Chapter 17.114 - NONCONFORMING USES

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

Chapter 17.136 - DESIGN REVIEW PROCEDURE

Chapter 17.142 - MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Chapter 17.10 USE CLASSIFICATIONS

Sections:

Article I - General Classification Rules

Article II - Activity Types

Part 3 - Commercial Activity Types

Article I General Classification Rules

17.10.030 Listing of activity classifications.

17.10.040 Accessory activities.

17.10.030 Listing of activity classifications.

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

A. Residential Activities:

Permanent

Residential Care

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

Semi-Transient

Bed and Breakfast

B. Civic Activities:

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

Special Health Care

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Medical Service

General Retail Sales

Large-Scale Combined Retail and Grocery Sales

Consumer Service

Consultative and Financial Service

Check Cashier and Check Cashing

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

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

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

General Wholesale Sales

Transient Habitation

Building Material Sales

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Taxi and Light Fleet-Based Service

Automotive Fee Parking

Animal Boarding

Animal Care

Undertaking Service

D. Industrial Activities:

Custom Manufacturing

Light Manufacturing

General Manufacturing

Heavy/High Impact Manufacturing

Research and Development

Construction Operations

Warehousing, Storage and Distribution

Regional Freight Transportation

Trucking and Truck-Related

Recycling and Waste-Related

Hazardous Materials Production, Storage and Waste Management

E. Agricultural and Extractive Activities:

Plant Nursery

Crop and Animal Raising

Mining and Quarrying

17.10.040 Accessory activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M. Public restrooms serving park and recreational facilities;

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

Part 3 Commercial Activity Types

17.10.380 Group assembly commercial activities.

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

17.10.380 Group assembly commercial activities.

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

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

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

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

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

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

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

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.040 Permitted and conditionally permitted facilities.

17.17.050 Property development standards.

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

17.17.070 Other zoning provisions.

17.17.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

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

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

Limitations on Table 17.17.02:

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

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

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

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

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

17.17.050 Property development standards.

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

Table 17.17.03: Property Development Standards

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

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

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

Additional Regulations for Table 17.17.03:

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

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

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

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

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

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

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

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

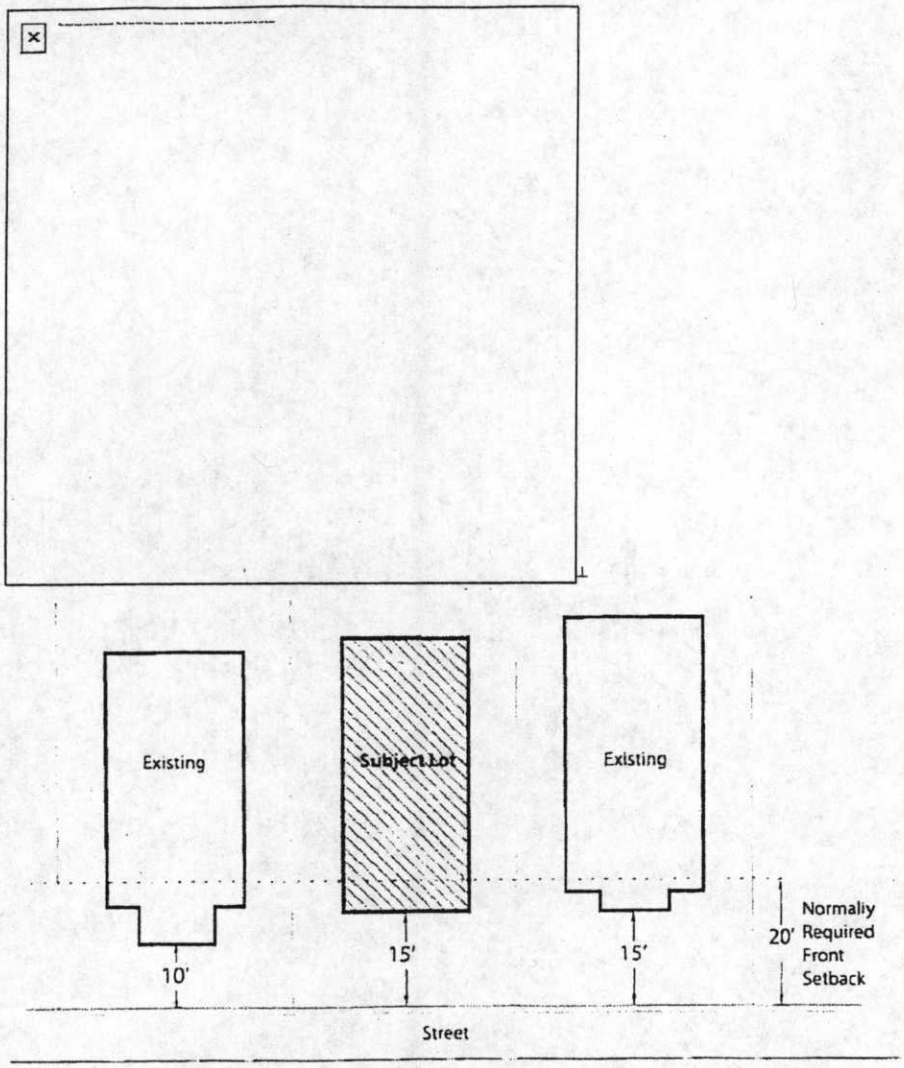
d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;

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

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

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

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



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

a. Roadway construction or widening;

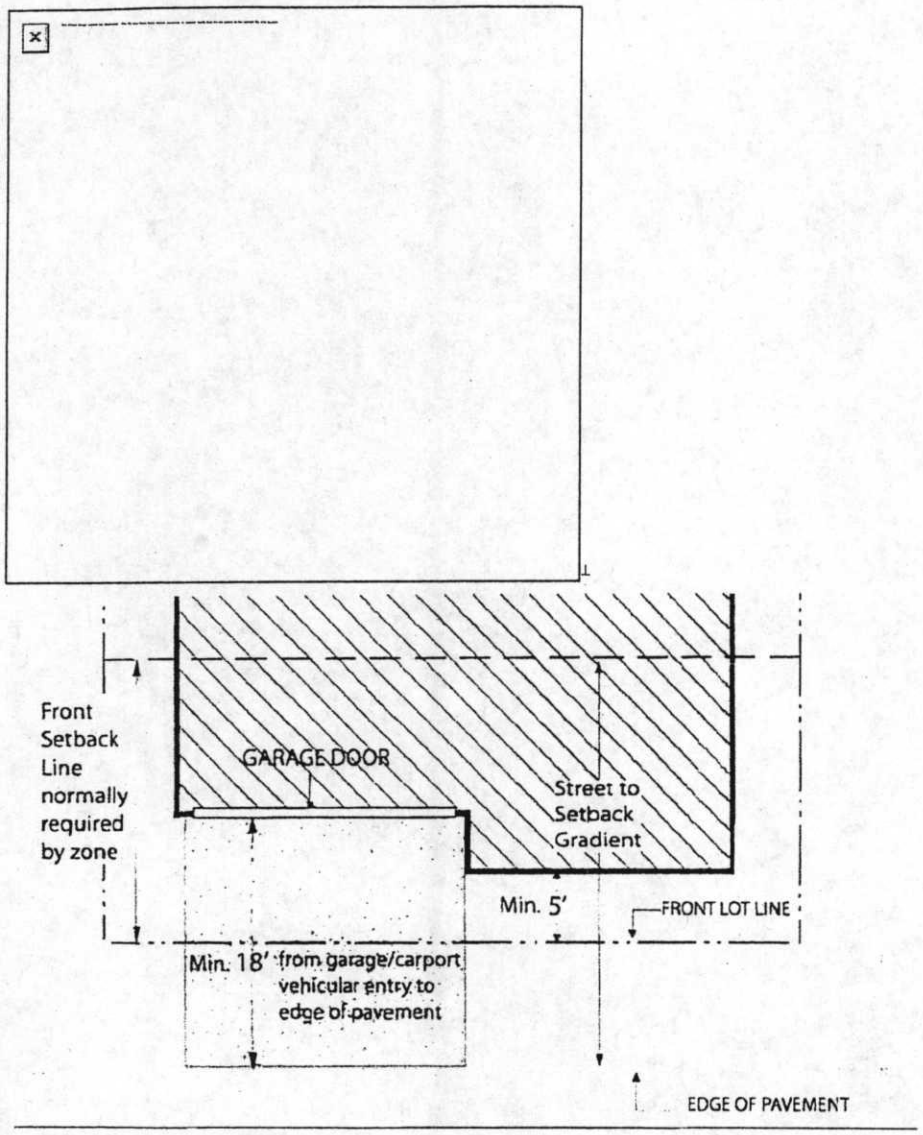
b. Sidewalk construction or widening; and

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

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

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

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



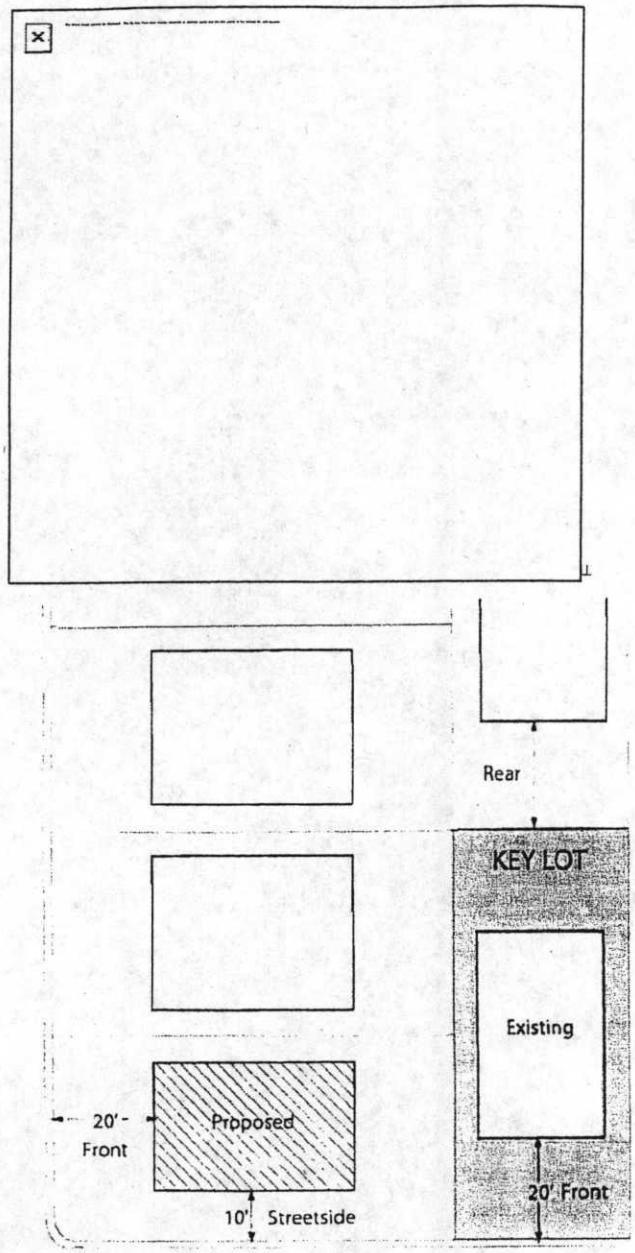
7. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in a C combining zone or commercial zone, there shall be provided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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks.

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

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

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

Additional Regulations for Table 17.17.05:

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

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

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

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

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

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

Additional Regulations for Table 17.17.06:

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

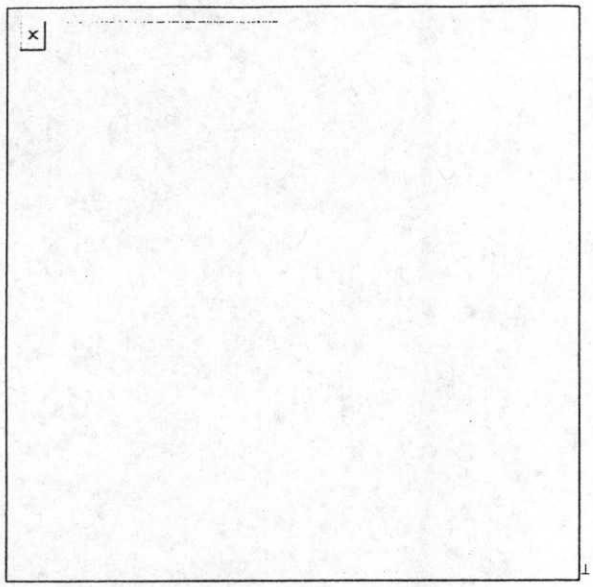
   a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and

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

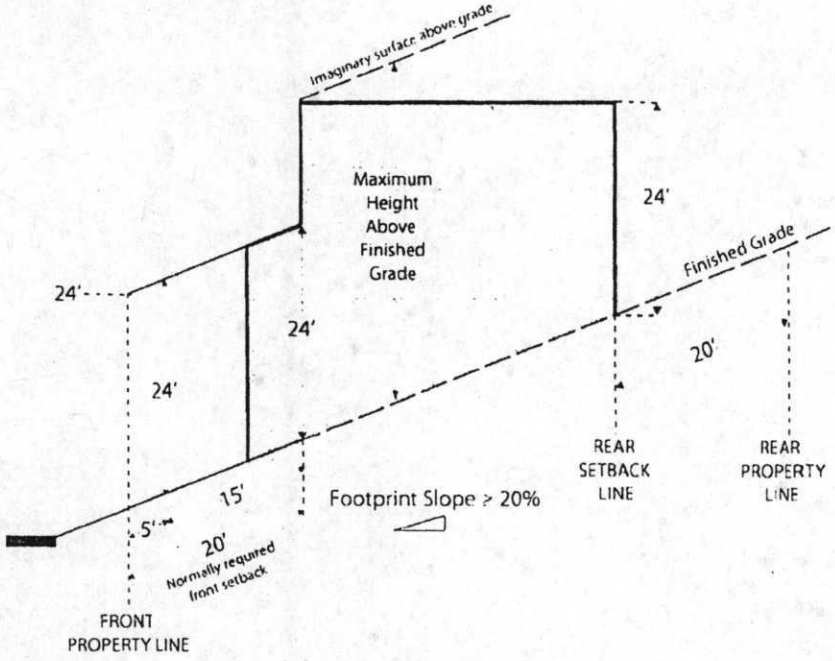
   c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06 [Additional Regulation 2], below).

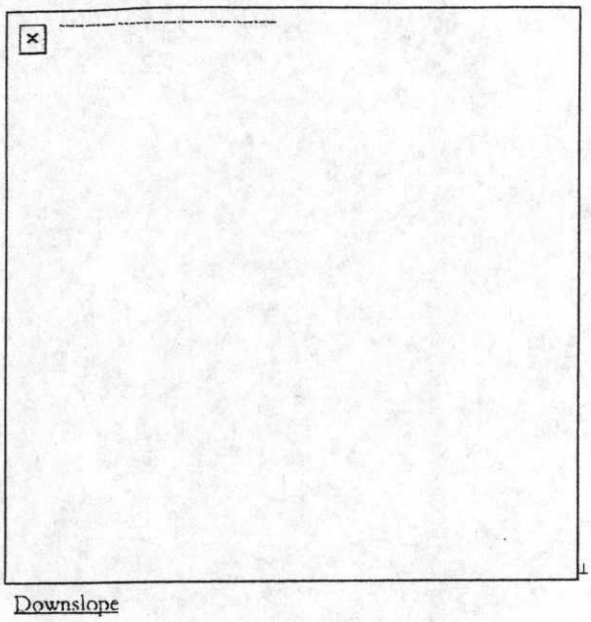
3. The building height is measured from finished or existing grade, whichever is lower.

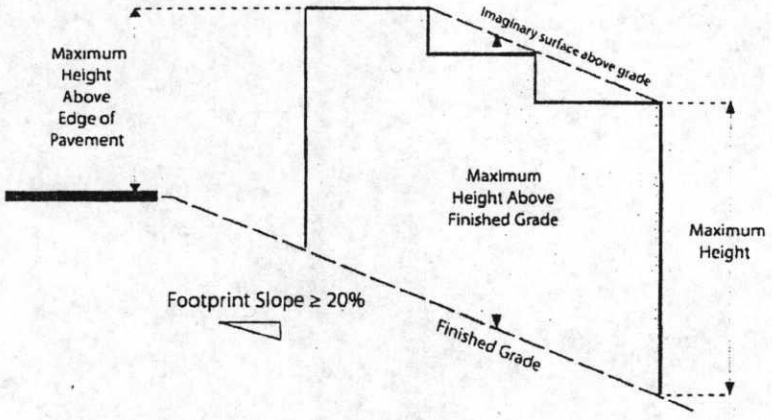
Illustrations for Table 17.17.06 [Additional Regulation 2]
*for illustration purposes only



Upslope







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

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

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

17.17.070 Other zoning provisions.

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

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

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

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

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

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

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.040 Permitted and conditionally permitted facilities.

17.19.070 Other zoning provisions.

17.19.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

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

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

Limitations on Table 17.19.02:

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

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

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

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

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

17.19.070 Other zoning provisions.

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

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

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

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

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

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

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Sections:

17.35.030 Permitted and conditionally permitted activities.

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

17.35.070 Other zoning provisions.

17.35.010 Title, intent, and description.

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

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

1. **CC-1 Community Commercial Zone - 1.** The CC-1 zone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.
2. **CC-2 Community Commercial Zone - 2.** The CC-2 zone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.
3. **CC-3 Community Commercial Zone - 3**. The CC-3 zone is intended to create, maintain, and enhance areas with heavy commercial and service activities.

17.35.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	**CC-2**	**CC-3**	
Residential Activities				

Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Emergency Shelter	C(L1)(L3)	P(L4)	P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L5)	C(L5)	C(L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	

Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L7)	C(L7)	C(L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	

General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L10)	C(L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P	

B. General Outdoor Storage	—	—	—	
C. Self-or Mini Storage	—	—	—	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	
Agriculture and Extractive Activities				
Crop and animal raising	C(L12)	C(L12)	C(L12)	
Plant nursery	C	C	C	
Mining and Quarrying	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

Limitations on Table 17.35.01:

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

L2. Except as indicated in subsection a. below, t~~T~~hese activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.35.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

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

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

Limitations on Table 17.35.02:

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

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

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

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

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

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

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

17.35.050 Property development standards.

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

Table 17.35.03: Property Development Standards

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

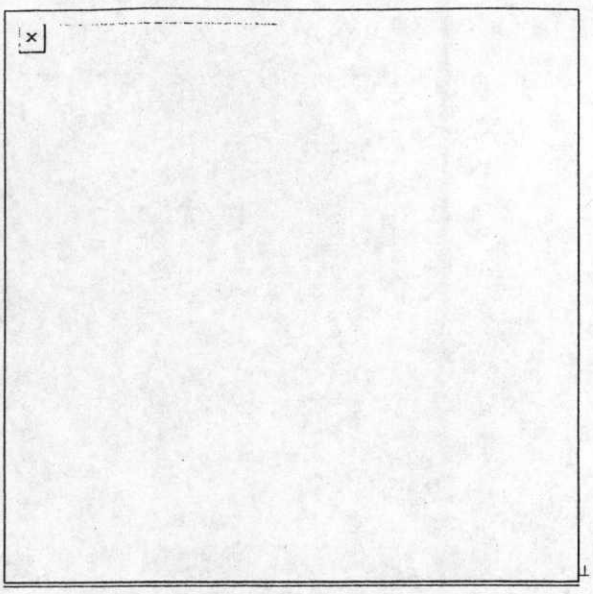
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor nonresidential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

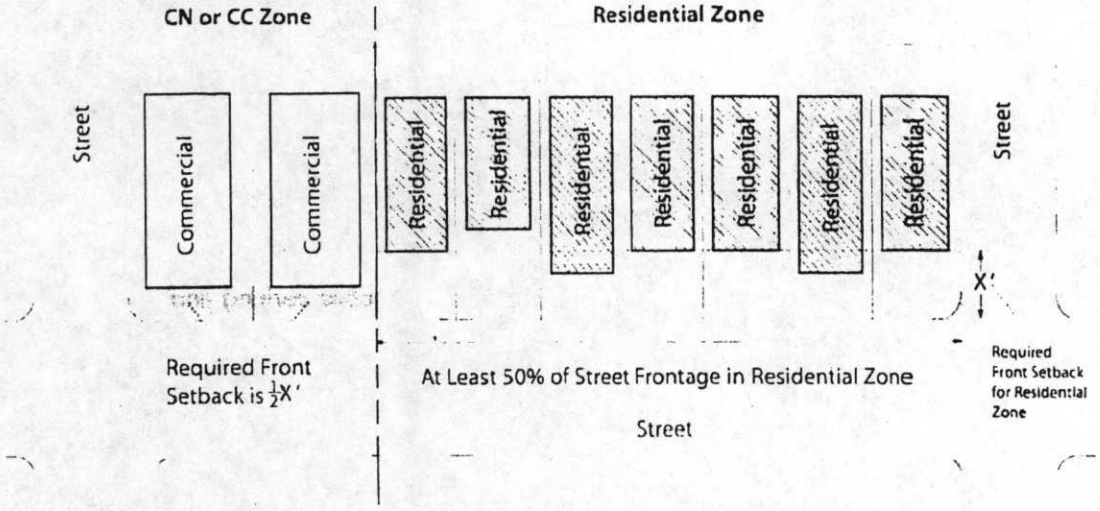
Additional Regulations for Table 17.35.03:

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

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

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





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

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

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

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

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

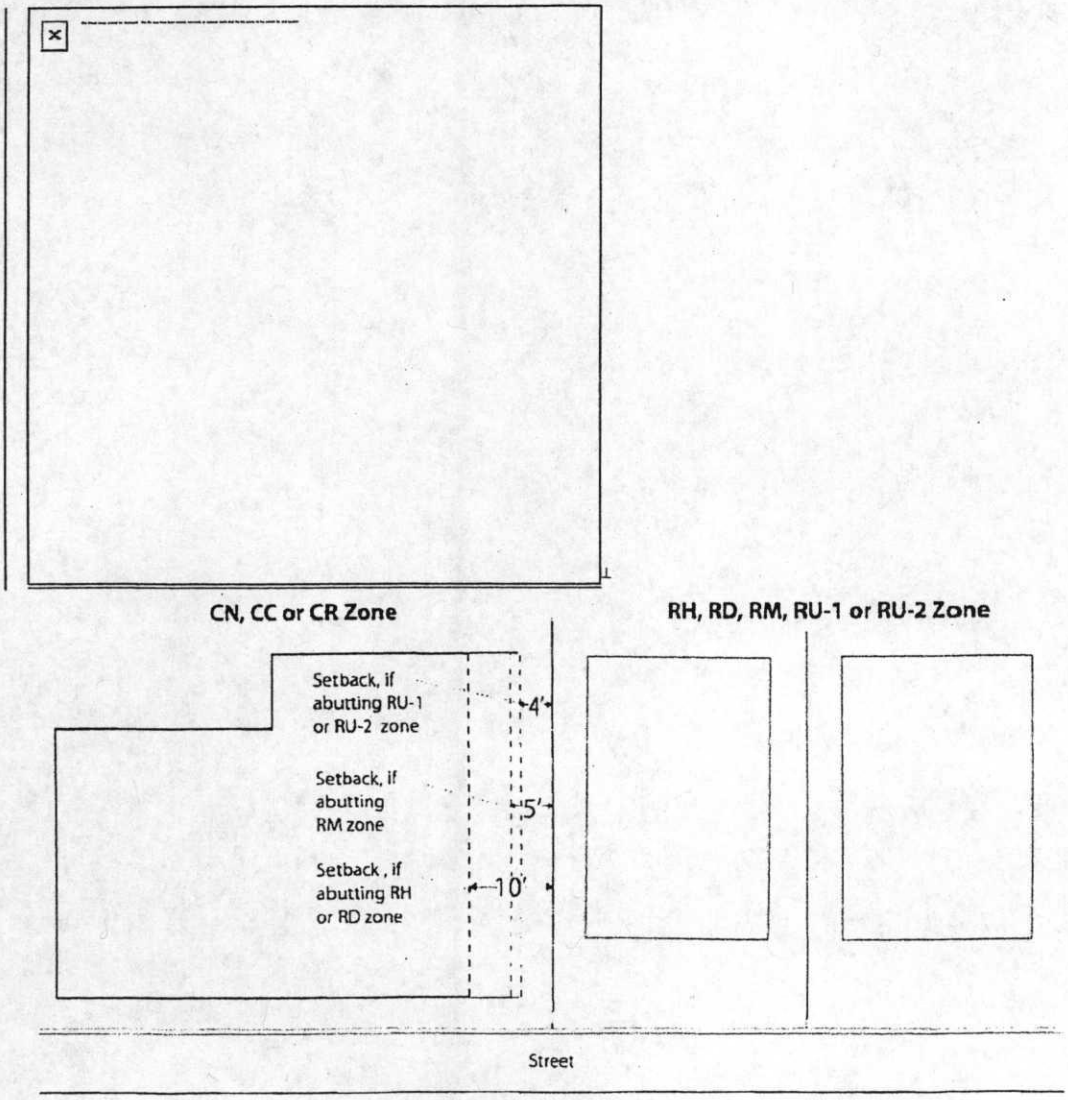
ii. The proposal will not impair a generally continuous wall of building facades;

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

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

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

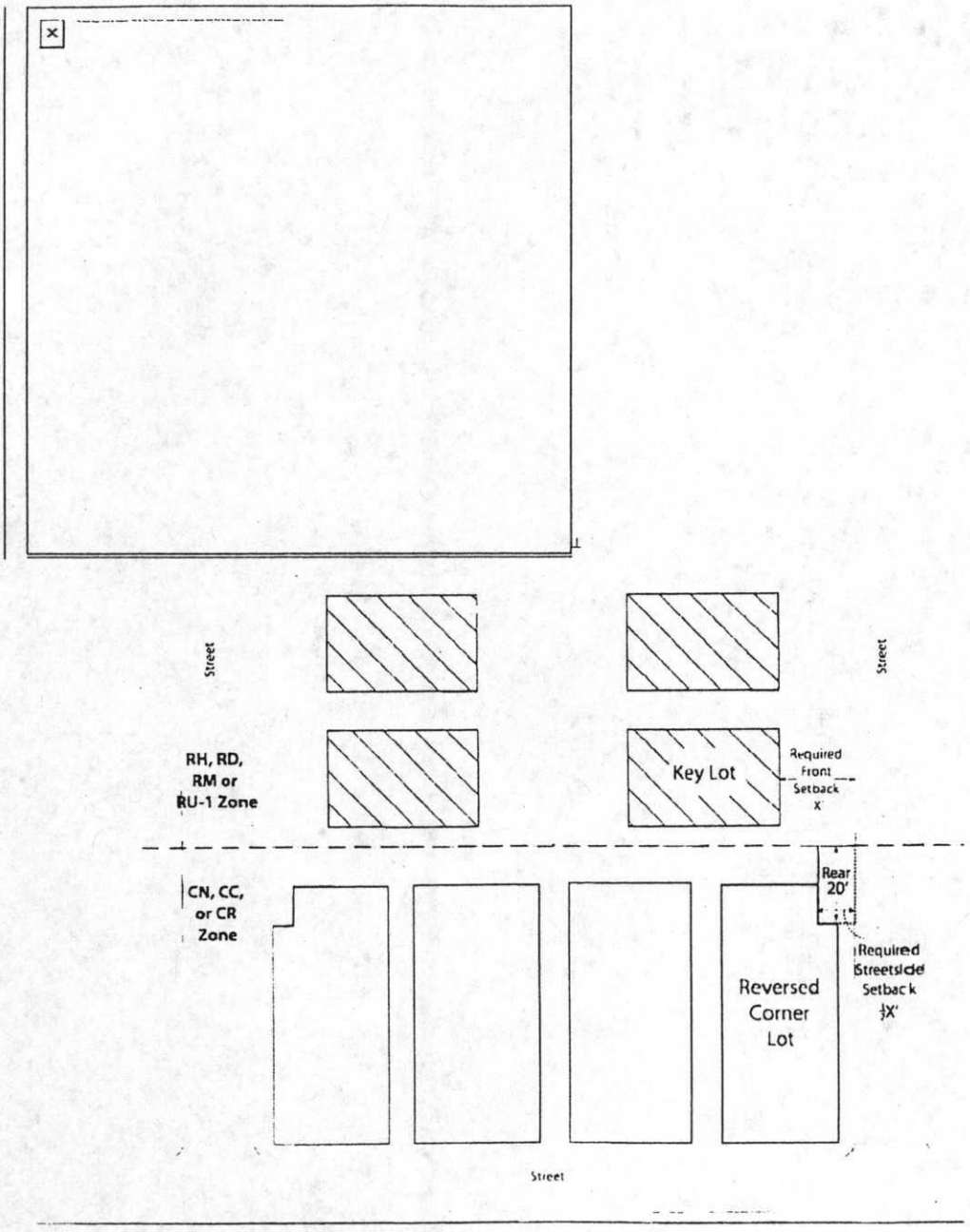
Illustration for Table 17.35.03 [Additional Regulation **4**]
*for illustration purposes only



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

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

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



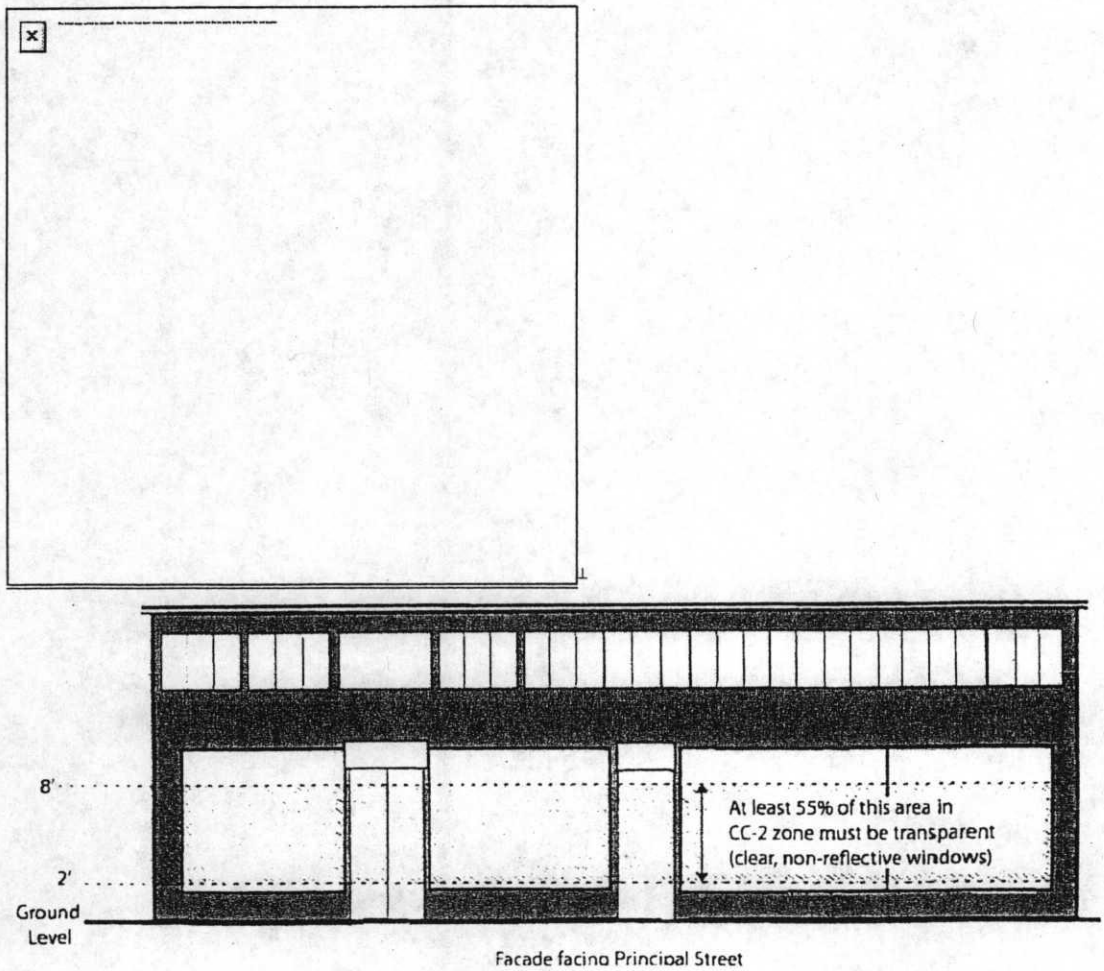
7. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum

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

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

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

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



Facade facing Principal Street

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

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

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

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

17.35.070 Other zoning provisions.

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

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

Sections:

17.37.030 Permitted and conditionally permitted activities.

17.37.070 Other zoning provisions.

17.37.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.37.01: Permitted and Conditionally Permitted Activities

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

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

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

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

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

Limitations on Table 17.37.01:

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

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

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

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

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

L65. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L76. Existing fee parking lots may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

L87. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following criteria:

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

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

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

17.37.070 Other zoning provisions.

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

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

17.65.010 Title, purpose, and applicability.

17.65.020 Required design review process.

17.65.030 Permitted, conditionally permitted, and prohibited activities.

17.65.040 Permitted and conditionally permitted facilities.

17.65.060 Minimum lot area width and frontage.

17.65.070 Maximum density.

17.65.080 Maximum floor area ratio.

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

17.65.100 Maximum height.

17.65.110 Minimum yards and courts.

17.65.120 Minimum usable open space.

17.65.130 Landscaping, paving, and buffering.

17.65.140 Outdoor storage.

17.65.150 Special regulations for HBX work/live units.

17.65.160 Special regulations for HBX live/work units.

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

17.65.180 Other zoning provisions.

17.65.010 Title, purpose, and applicability.

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

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

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

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

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

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

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

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

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

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

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

17.65.020 Required design review process.

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

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

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

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

17.65.030 Permitted, conditionally permitted, and prohibited activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Activity	Regulations	Additional

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

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

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

A. General Warehousing, Storage and Distribution	P(L3)(L9) ~~(L4)~~	P(L3)(L9) ~~(L4)~~	P(L3)(L9) ~~(L4)~~	P(L4)(L9)	
B. General Outdoor Storage	C	C	C	C	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	
Agricultural and Extractive Activities					
Plant Nursery	C	C	C	C	
Crop and Animal Raising	~~C(L13)~~ C(L13)	~~C(L14)~~ C(L13)	~~C(L13)~~ C(L13)	C(L13)	
Mining and Quarrying Extractive	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.116.175
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	17.102.110

Limitations:

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

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

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

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

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

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

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

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

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

L10. This activity shall ~~is~~ only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is twenty-five thousand (25,000) square feet or larger, or covers twenty-five thousand (25,000) square feet or more of lot area.

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

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

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

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

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

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

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

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

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

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

17.65.040 Permitted and conditionally permitted facilities.

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

A. Definitions.

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

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

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

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

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

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

Facility Types	Zones	Additional

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

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

Limitation:

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

17.65.060 Minimum lot area width and frontage.

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

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

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

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

17.65.070 Maximum density.

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

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

Notes:

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

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

17.65.080 Maximum floor area ratio.

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

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

Notes:

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

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

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

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

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

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

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

Notes:

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

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

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

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

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

2. Projects that:

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

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

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

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

17.65.100 Maximum height.

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

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

Notes:

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

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

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

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

17.65.110 Minimum yards and courts.

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

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

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

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

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

17.65.120 Minimum usable open space.

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

Zone

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

Note:

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

17.65.130 Landscaping, paving, and buffering.

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

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

17.65.140 Outdoor storage.

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

17.65.150 Special regulations for HBX work/live units.

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

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

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

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

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

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

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

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

Notes:

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

2. See Chapter 17.117 for other bicycle parking standards.

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.65.160 Special regulations for HBX live/work units.

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

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

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

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

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

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

Notes:

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

2. See Chapter 17.117 for other bicycle parking standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

   d. Wide corridors for the movement of oversized items.

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

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

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

17.65.180 Other zoning provisions.

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

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

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply ~~in the~~ in the HBX Z~~z~~ones.

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

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

Sections:

17.72.030 Permitted and conditionally permitted activities.

17.72.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.72.01: Permitted and Conditionally Permitted Activities

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

Limited Child-Care Activities	P	P	P	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	—	P	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	—	—	
Special Health Care	C(L3)	C(L3)	C(L3)	17.103.020
Utility and Vehicular	C	P(L4)	P(L4)	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L2)	P	P	
General Retail Sales	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	

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

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

E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L8)(L12)	P(L8)(L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L13)	C(L13)	C(L13)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Crop and Animal Raising	C(L14)	C(L14)	C(L14)	
Mining and Quarrying	C	C	C	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations on Table 17.72.01:

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

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

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

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

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

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

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

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

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

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

L10. Electroplating activities are prohibited.

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

L12. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in ~~the West Oakland Community Development District, defined to include~~ all areas between Interstate 980 to the east, ~~3rd Street to the south,~~ Interstate 880 to the south and west, and Interstate 580 to the north.

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

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

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

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

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

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

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

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

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

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

Sections:

17.73.010 Title, purpose, and applicability.

17.73.015 Required design review process.

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

17.73.030 Property Development Standards.

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

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

17.73.050 Parking and loading dock restrictions.

17.73.060 Referral to other applicable regulations.

17.73.070 Other zoning provisions.

17.73.010 Title, purpose, and applicability.

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

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

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

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

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

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

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

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

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

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

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

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

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

17.73.015 Required design review process.

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

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

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

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

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

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

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

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

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

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

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

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

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

Full Service Restaurant	P	P	P	P	P	P(L15) C(L2) ~~C(L2)~~	C(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L15) C(L2) ~~C(L2)~~	C(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C		See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C		
Alcoholic Beverage Sales	C	C	C	C	P(L3)	C	—	—		See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L15) —	—	P(L15) —		~~In the CIX-2 and IO Zones. Retail allowed as an accessory use only per Section 17.10.040~~
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		
Consumer Service	P	P	P	P	P	P	—	C		See Section 17.102.170 for special regulations relating to

										massage services and Section 17.102.450 for special regulations related to laundromats
Consultative and Financial Service	P	P	P	P	P	C—	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	P	C	—	—		
Group Assembly	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	PC(L9)	PC(L9)	C(L9)		
Personal Instruction and Improvement Services and Small Scale Entertainment	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	PC(L9)	PC(L9)	C(L9)		
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		

Research Service	P	P	P	P	P	P	C	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		No retail ancillary activities for this use allowed in IG, ~~or IO~~.
Transient Habitation	C	C	C	C	—	—	—	—		
Building Material Sales	P(L17)	P(L17)	P(L17)	P(L17)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	C	—	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P	P	P	—	P(L4)	~~Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).~~
Automotive and Other Light Vehicle Repair and Cleaning	P(L7)	P(L7)	P(L7)	P(L7)	P(L4)	P(L4)	P	—	P(L4)	~~Requires Regular Design Review approval if located within 150 feet of any residential zone (see~~

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

Distribution										allowed in IG, ~~or IO~~. Also, see Section 17.73.060
B. General Outdoor Storage	C	C	C	C	C	P(L4)	P	P		
C. Self or Mini Storage	—	—	—	—	C	C	—	C	C	
D. Container Storage	—	—	—	—	—	P(L4)	P	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
Regional Freight and Transportation Related:										
A. Seaport	—	—	—	—	—	—	P	C		
B. Rail Yard	—	—	—	—	—	C	P	—		
Trucking and Truck Related:										
A. Freight/Truck Terminal	—	—	—	—	P(L6)	P(L4)	P	—	P	~~The establishment of new or expanded trucking and trucking-related activities requires Regular Design Review approval if located within 150 feet of any residential zone (see~~
B. Truck Yard	—	—	—	—	P(L6)	C	P	C	P	
C. Truck Weigh Stations	—	—	—	—	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6)	P	P	—	P	

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

Extractive									17.155

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

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

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

Limitations:

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

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

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

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

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

L6. Prohibited within six hundred (600) feet of a residential zone. A conditional use permit is required elsewhere throughout the zone. ~~Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.~~

L7. A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area. ~~Also, only permitted upon the granting of a Conditional Use Permit (see for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.~~

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

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

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

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

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

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

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

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

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

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

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

L16. The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

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

17.73.030 Property Development Standards.

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

Table 17.73.030: Property Development Standards

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

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

Additional Regulations Noted in Table 17.73.030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   b. Building plans to the Fire Services Division;

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

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

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

   b. Hours of operation;

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

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

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

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

3. Appearance and Design.

   a. Landscaping.

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

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

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

   c. Lighting.

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;

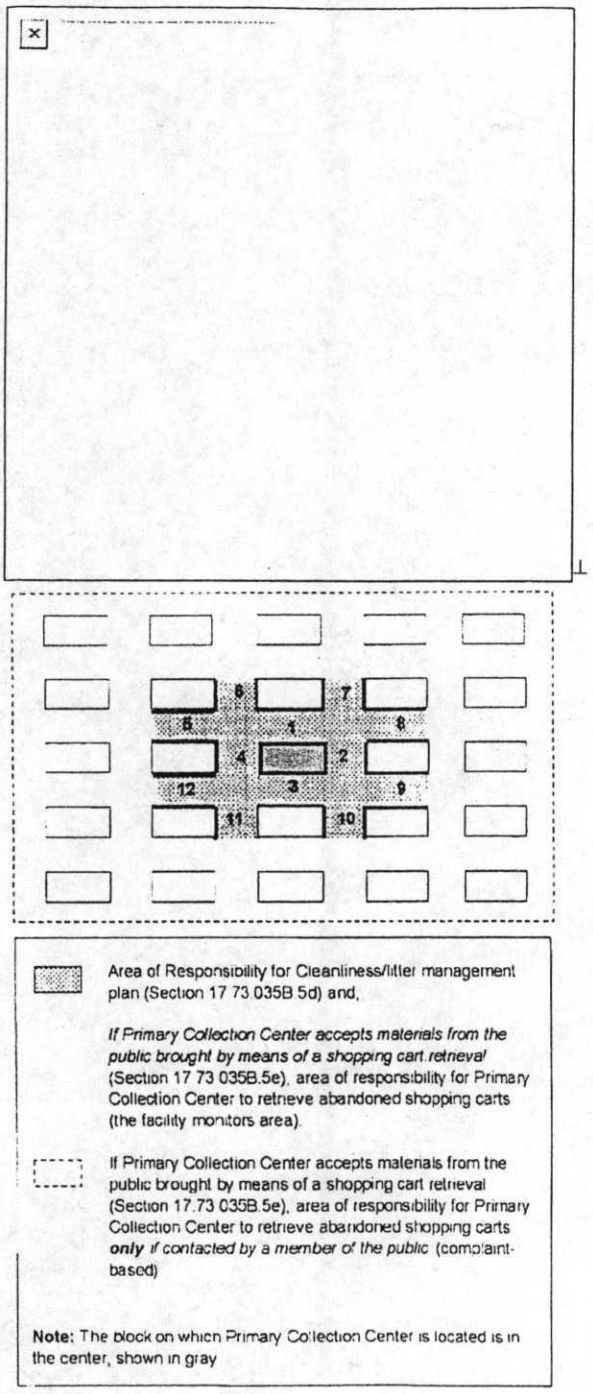
   c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

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 ~~i~~industrial Z~~z~~ones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones ~~R~~regulations 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

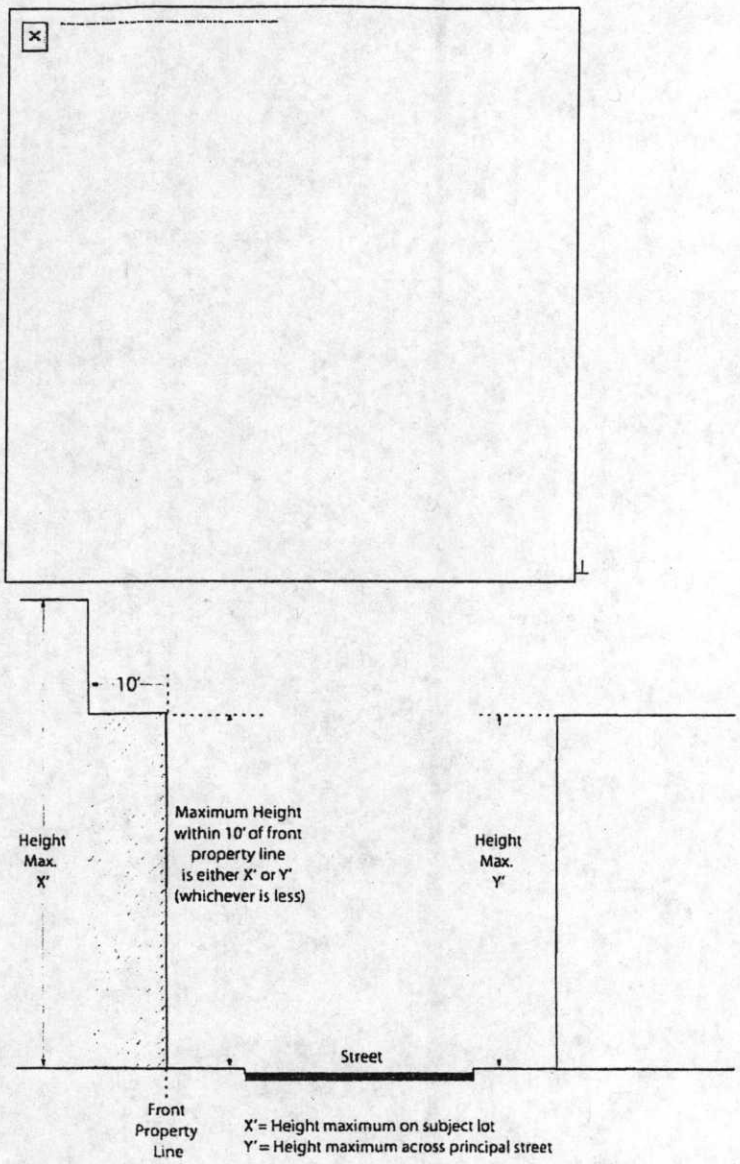
Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
Maximum Height	35 ft	45 ft	55 ft	60 ft	75 ft	90 ft	100 ft	120 ft	140 ft	160 ft	1, 2
Height Minimum											
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted 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:

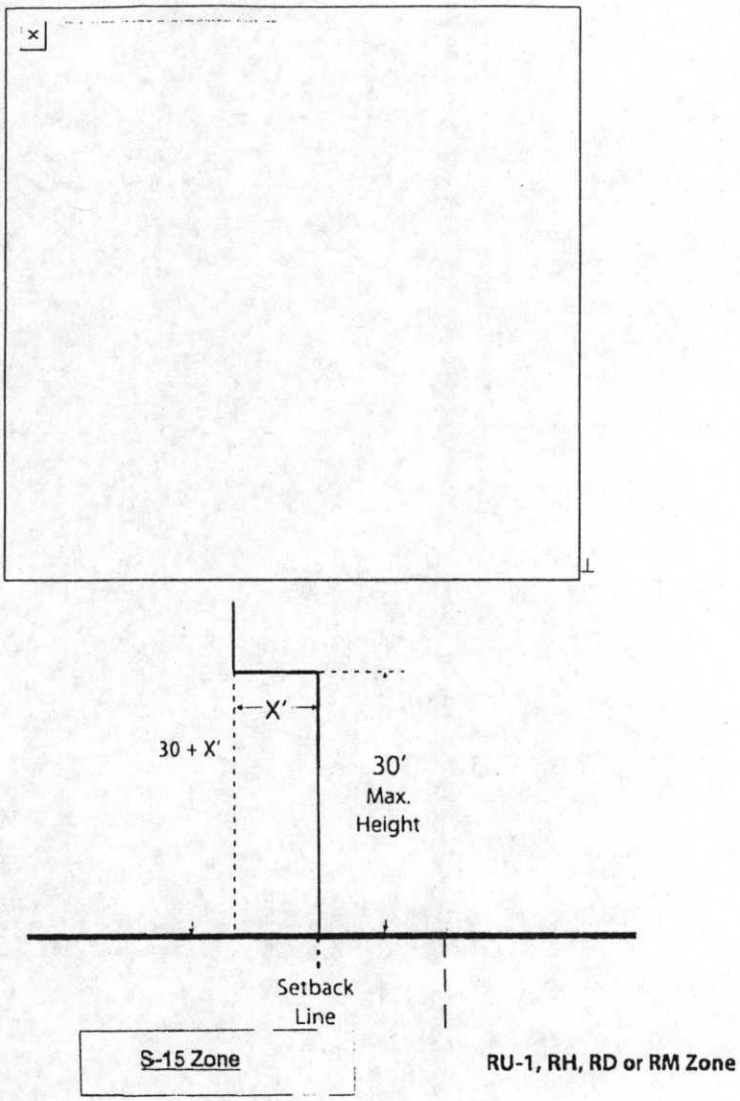
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional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