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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Heather Moore

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 13251 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, 2011 the 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 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; and

WHEREAS, at said July 15, 2014 hearing, the City Council directed amendments to the West Oakland Specific Plan and Related Documents to: (a) add language from the Broadway Valdez District Specific Plan relating to affordable housing recommendations, (b) prohibit primary recycling facilities in the 3rd Street Opportunity Area, and (c) eliminate the proposed Housing and Business Mix General Plan designation and the proposed HBX-4 Zoning designation from the area generally bounded by Ettie, Hannah, 32nd, and 34th Streets; and

WHEREAS, these amendments where appropriate have been reflected in the Exhibits associated with this Ordinance; 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, as amended at the July 15, 2014 City Council public hearing, 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 commercial and industrial zones for West Oakland and (b) make conforming changes throughout the Planning Code, 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 Landmark Preservation Advisory Board, 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, JUL 29 2014

PASSED BY THE FOLLOWING VOTE:

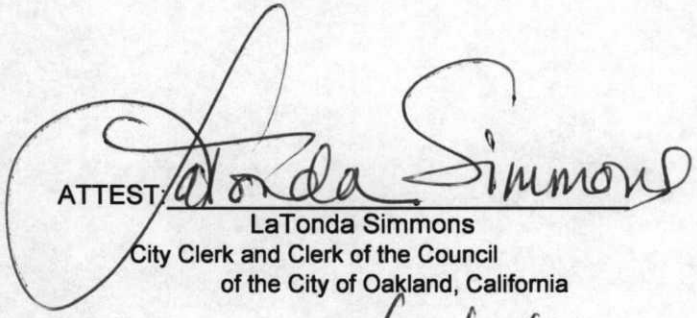
AYES- ~~Brooks~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- BROOKS - 1

ATTEST:


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

= Introduction Date
JUL 15 2014

DATE OF ATTESTATION: 8/6/14

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 the 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) (CLIP) 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	<u>25 ft</u> / 45 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1

Lot area	5,000 sf	<u>2,500 sf /</u> <u>4,000 sf /</u> 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	<u>3 ft / 4 ft / 5 ft</u>	4 ft	4 ft	<u>1, 7, 8, 9</u>
Minimum street side	5 ft	<u>3 ft / 4 ft / 5 ft</u>	4 ft	4 ft	<u>1, 4, 7, 8, 10</u>
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 for all Lots with a Footprint Slope of > 20%	40 ft	40 ft	40 ft	40 ft	15
Minimum Parking					
Minimum parking spaces required per unit	1.5	1 / 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;

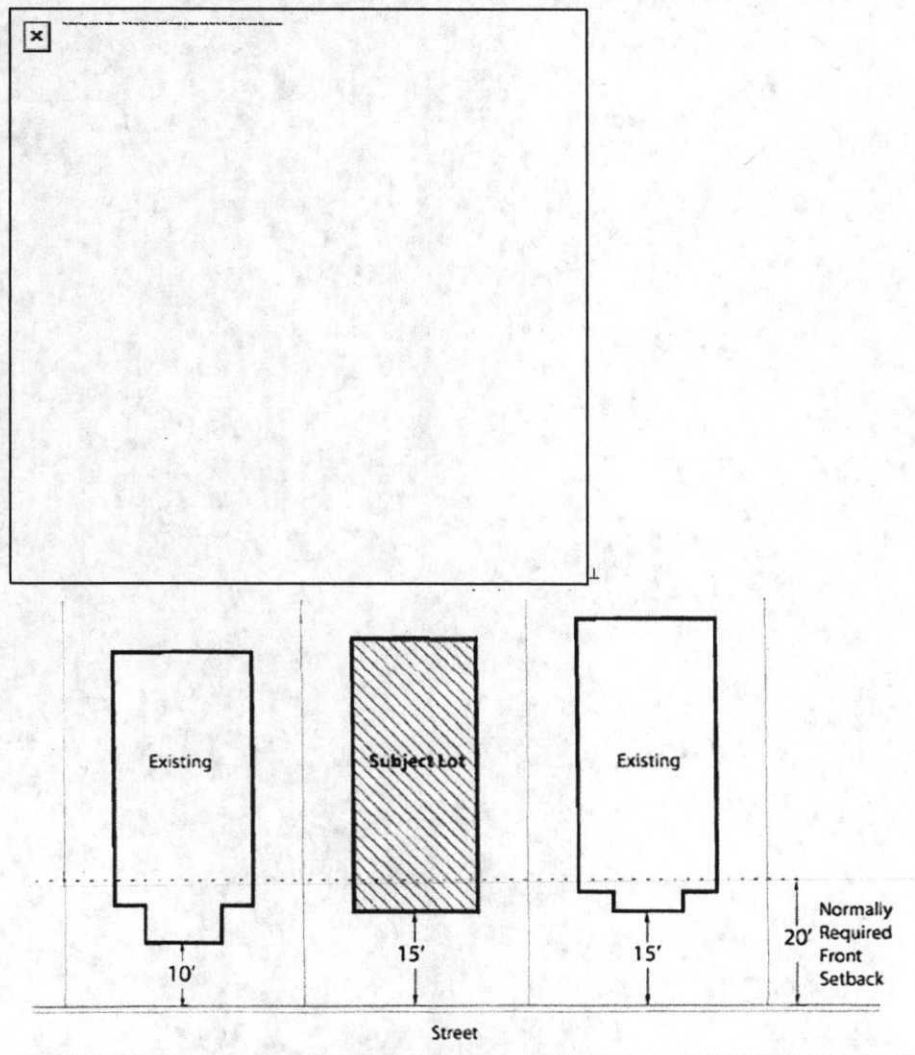
e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

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 line 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



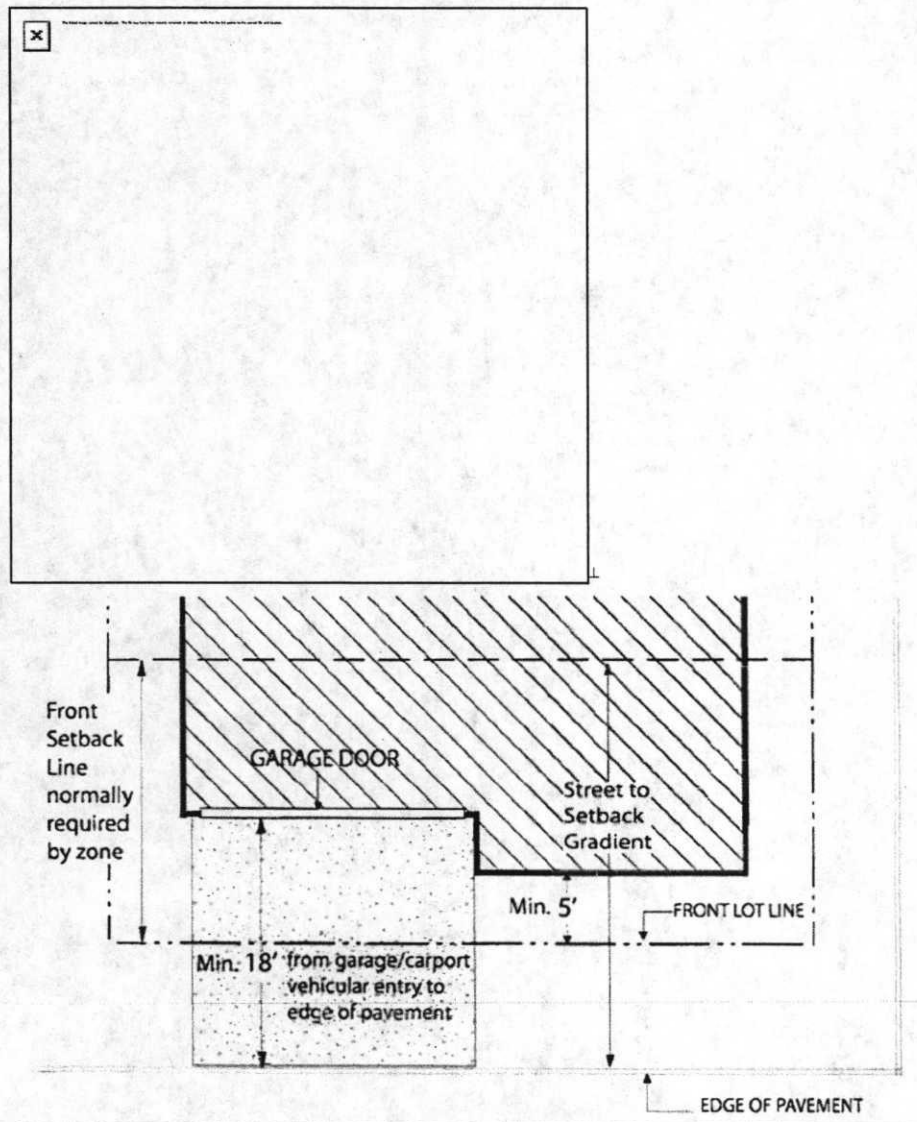
5. On lots with only residential facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces 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



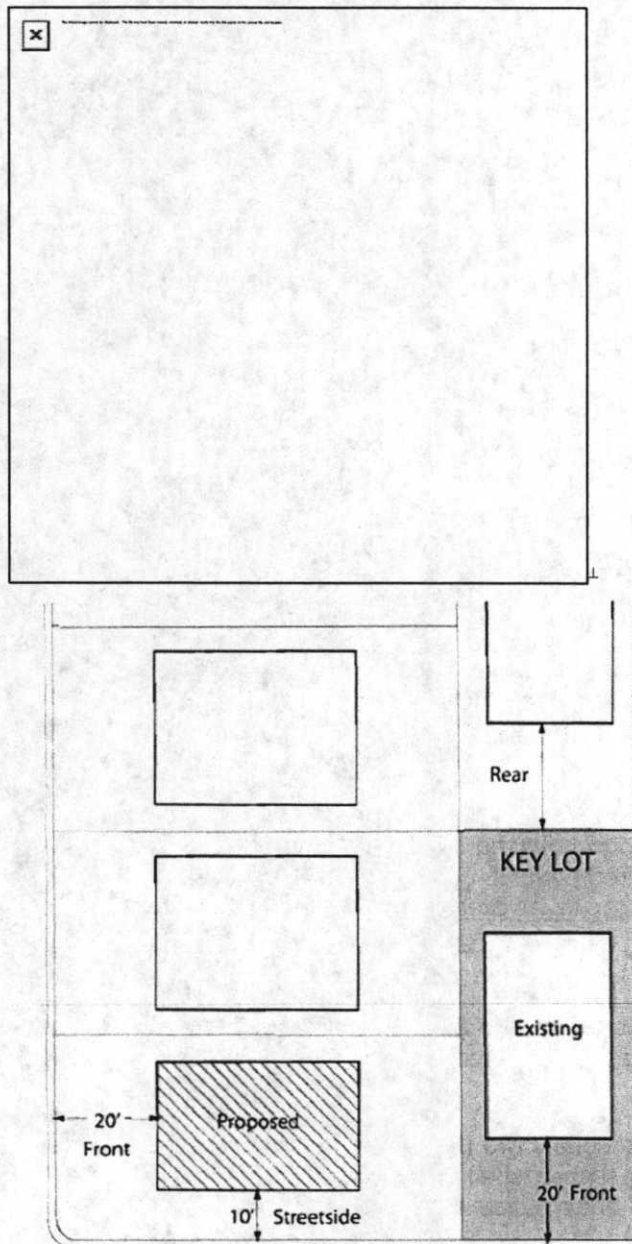
7. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in a C combining zone or commercial zone, there shall be provided 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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 Pavement	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:

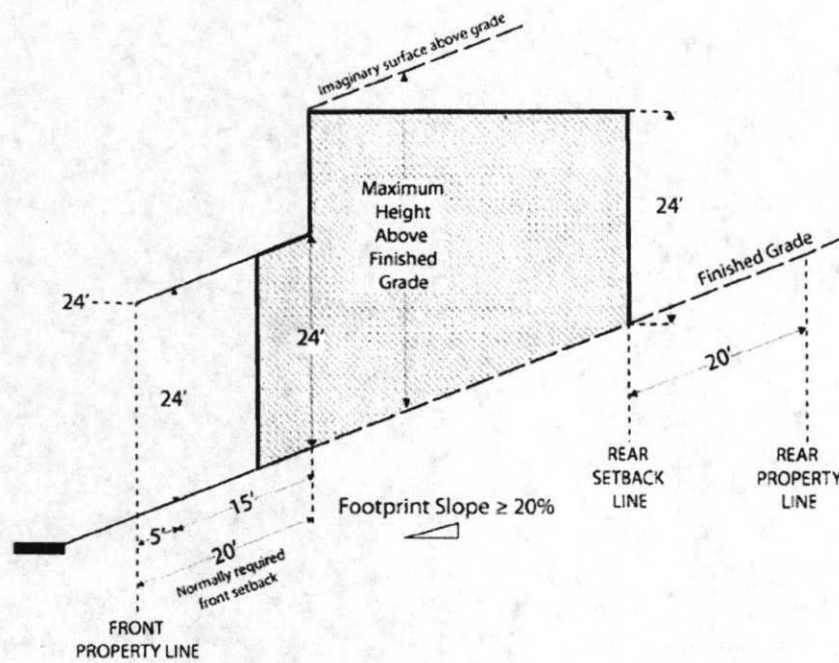
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height 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).

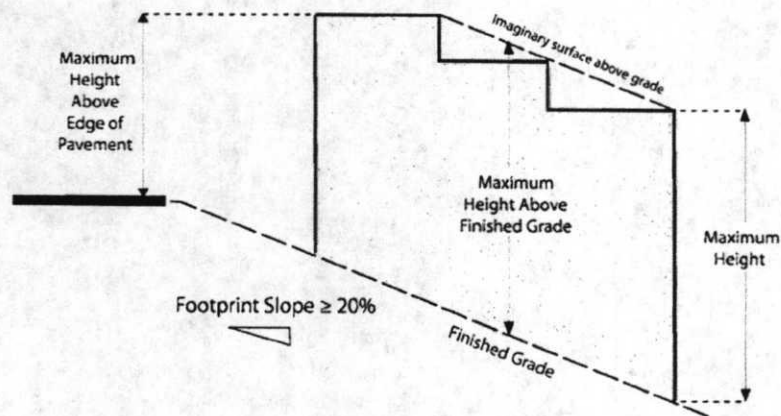
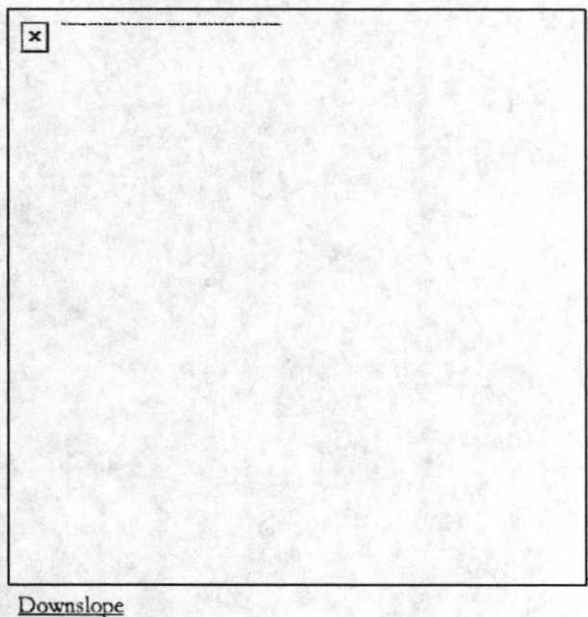
3. The building height is measured from finished or existing grade, whichever is lower.

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. 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. 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, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

- 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 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, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

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

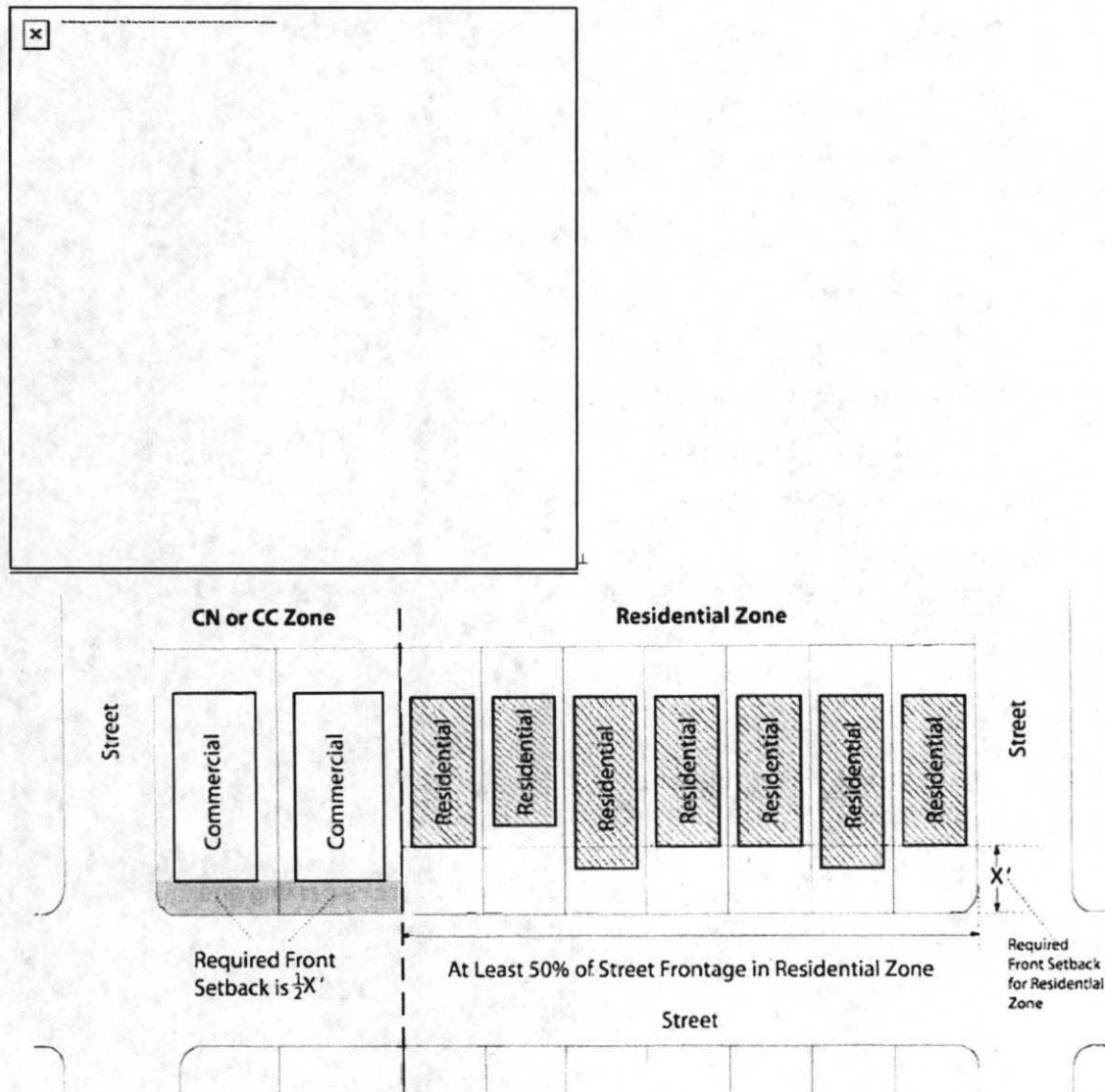
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor nonresidential 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



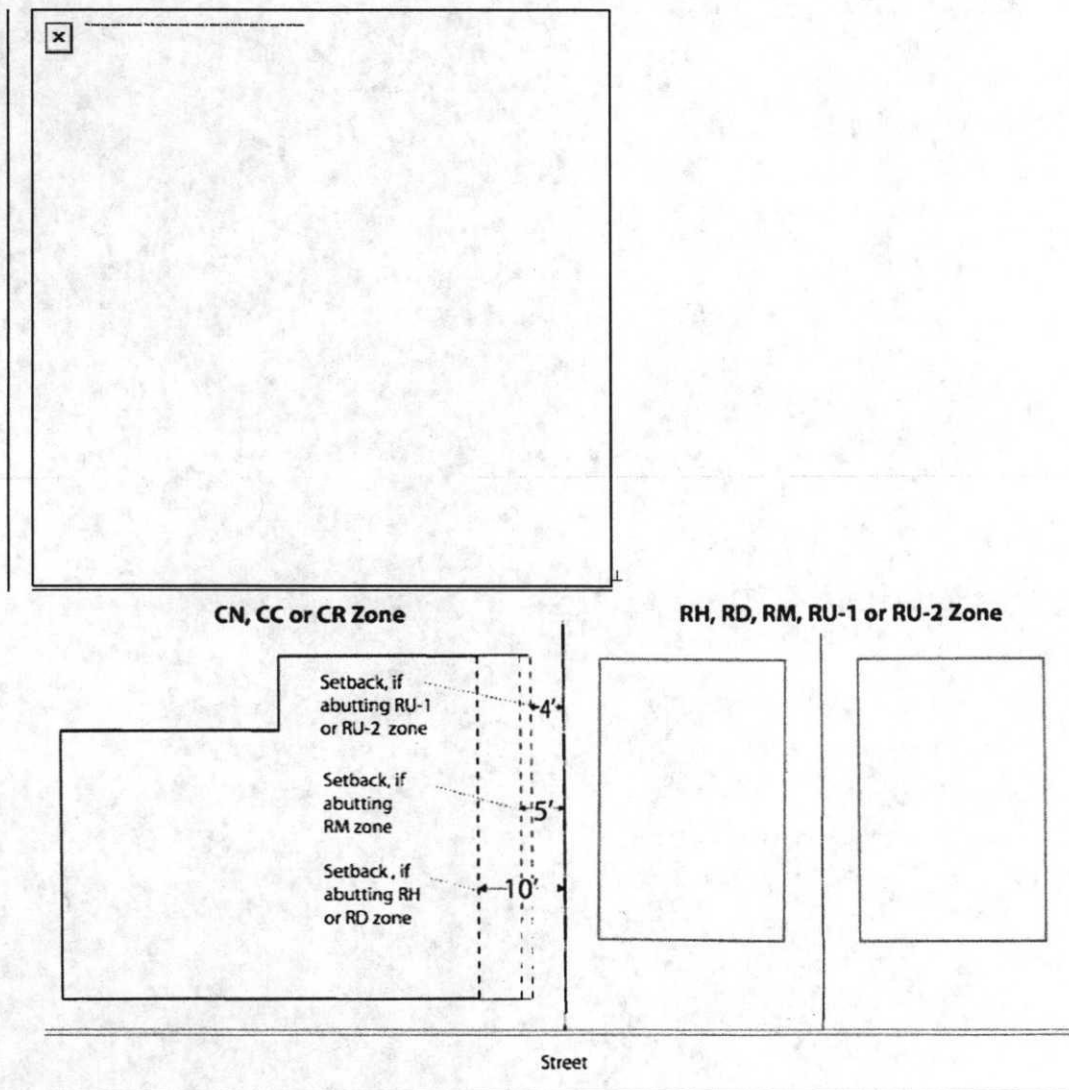
3. The following notes apply to the maximum front yard requirement:

- 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.

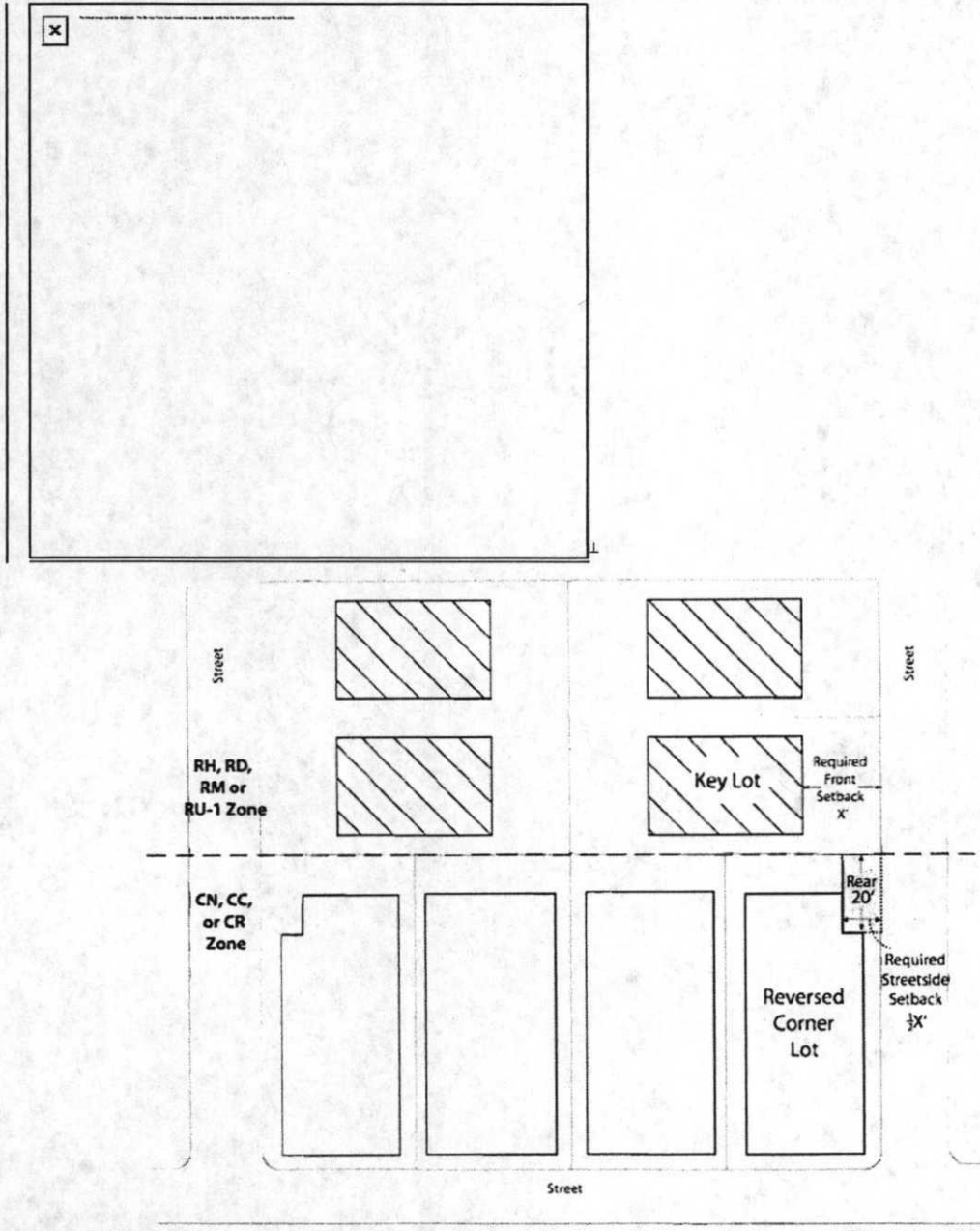
Illustration for Table 17.35.03 [Additional Regulation 4]

*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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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

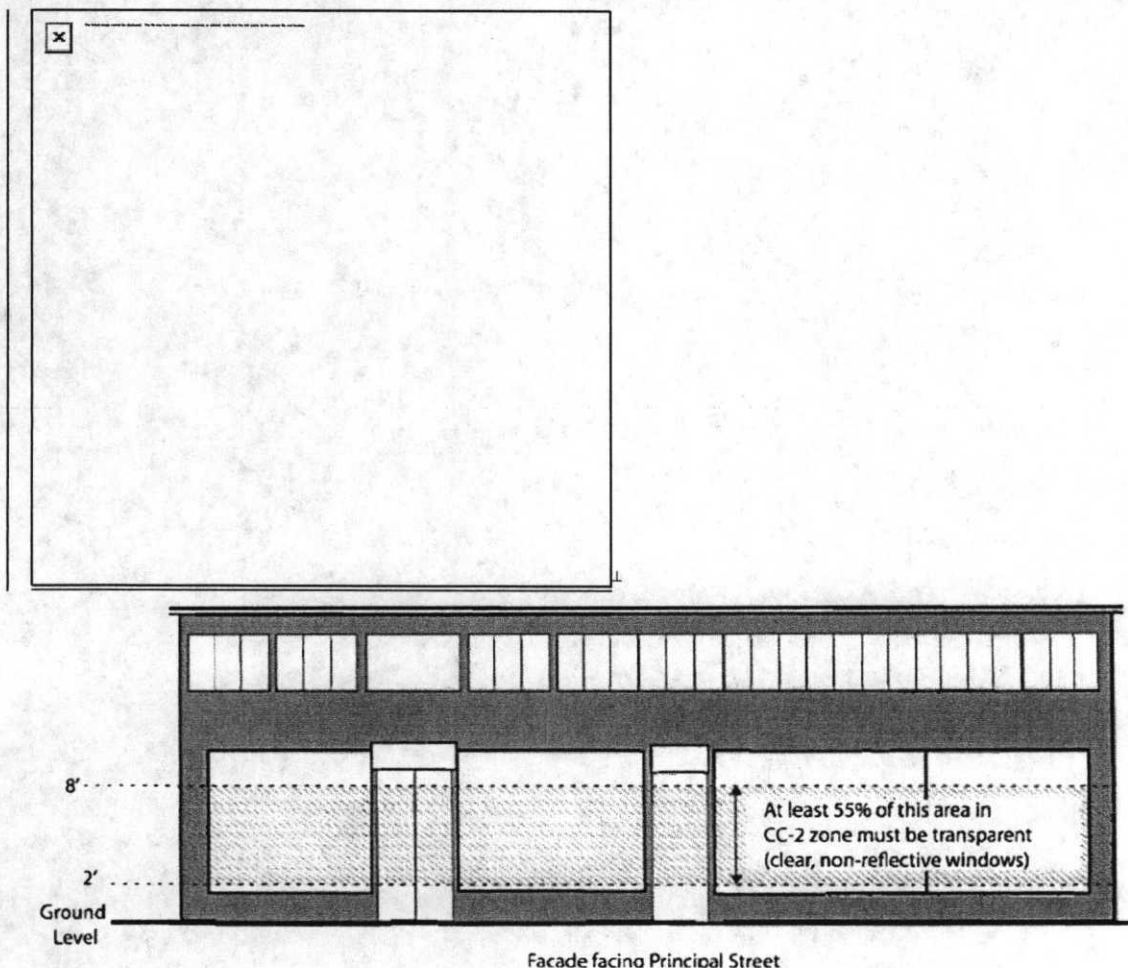
rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

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

Illustration for Table 17.35.03 [Additional Regulation 9]

*for illustration purposes only



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

11. For the ~~new~~ construction of new principal buildings in the CC-2 zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
 12. For the ~~new~~ construction of new principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of ~~the principal street frontage from the front of the principal building~~ except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces ~~utilities and trash enclosures~~ that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 11, above.
- C. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

17.35.070 Other zoning provisions.

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

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

Sections:

17.37.030 Permitted and conditionally permitted activities.

17.37.070 Other zoning provisions.

17.37.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.37.01: Permitted and Conditionally Permitted Activities

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

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

Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L3)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P(L4)	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L <u>65</u>)	
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)(L <u>5</u>)	
Automotive Fee Parking	—(L <u>76</u>)	
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)(L87)	

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

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

Research Service	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	<u>P(L4)(L9)</u>	
General Wholesale Sales	P(L4)	P(L4)	P(L4)	<u>P(L4)</u>	
Transient Habitation	—	—	—	<u>C</u>	17.103.050
Building Material Sales	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	
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	<u>P(L4)C</u>	<u>P(L4)C</u>	<u>P(L4)C</u>	<u>C</u>	
Automotive Fee Parking	—	—	—	=	
Animal Boarding	<u>C(L14)</u> —	<u>C(L14)</u> —	<u>C(14)</u> —	<u>C</u>	
Animal Care	C	C	C	<u>C</u>	
Undertaking Service	—	—	—	=	
Industrial Activities					
Custom Manufacturing	P(L4)	P(L4)	P(L4)	<u>P(L4)</u>	17.120
Light Manufacturing	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	<u>P(L4)(L9)</u>	17.120
General Manufacturing	—	—	—	<u>P(L3)(L9)</u>	
Heavy/High Impact Manufacturing	—	—	—	=	
Research and Development	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	<u>P(L4)(L9)</u>	
Construction Operations	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	<u>P(L9)(L10)</u>	
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	<u>C</u>	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	<u>C(L12)</u>	
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	<u>C</u>	
Crop and Animal Raising	—C(L13) <u>C(L13)</u>	—C(L14) <u>C(L13)</u>	—C(L13) <u>C(L13)</u>	<u>C(L13)</u>	
Mining and Quarrying Extractive	—	—	—	=	
Accessory off-street parking serving prohibited activities	C	C	C	<u>C</u>	17.116.175
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	<u>C</u>	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
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	HBX-1	HBX-2	HBX-3	<u>HBX-4</u>	Regulations
Residential Facilities					
One-Family Dwellings	P	P	P	<u>C</u>	
One-Family Dwelling with Secondary Unit	P	P	P	<u>C</u>	17.103.080
Two-Family Dwelling	P	P	P	<u>C</u>	
Multifamily Dwelling	P	P	P	<u>C</u>	
Rooming House	P	P	P	<u>C</u>	
Mobile Home	—	—	—	==	
<u>Live/Work</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.65.160</u>
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	<u>P</u>	
Open Nonresidential	C	C	C	<u>P</u>	
<u>Work/Live</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.65.150</u>
Sidewalk Cafe	P	P	P	<u>P</u>	17.103.090
Drive-In Nonresidential	P	P	P	<u>C</u>	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	<u>C(L1)</u>	17.103.100
—Shopping Center	—	—	—		
Telecommunications Facilities					
Micro Telecommunications	C	C	C	<u>C</u>	17.128
Mini Telecommunications	C	C	C	<u>C</u>	17.128
Macro Telecommunications	C	C	C	<u>C</u>	17.128
Monopole Telecommunications	C	C	C	<u>C</u>	17.128

Tower Telecommunications	—	—	—	=	17.128
Sign Facilities					
Residential Signs	P	P	P	<u>P</u>	17.104
Special Signs	P	P	P	<u>P</u>	17.104
Development Signs	P	P	P	<u>P</u>	17.104
Realty Signs	P	P	P	<u>P</u>	17.104
Civic Signs	P	P	P	<u>P</u>	17.104
Business Signs	P	P	P	<u>P</u>	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	<u>HBX-4</u>
Minimum lot area	4,000 sf	4,000 sf	4,000 sf	<u>4,000 sf</u>
Minimum lot width mean	35 ft	35 ft	35 ft	<u>35 ft</u>
Minimum lot frontage	35 ft	35 ft	35 ft	<u>35 ft</u>

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	<u>HBX-4</u>
Dwelling Unit	1,000 sf of lot area per unit	930 sf of lot area per unit	730 sf of lot area per unit	<u>800 sf of lot area per unit</u>
Rooming Unit	500 sf of lot area per unit	465 sf of lot area per unit	365 sf of lot area per unit	<u>400 sf of lot area per unit</u>

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 Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

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

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 Floor Area Ratios (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	<u>2.5</u>

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.	<u>55 ft.</u>

Notes:

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

- Minimum yards shall be consistent with the "Design Guidelines for the HBX zones" as adopted by the City Council.
- 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.
- 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	<u>HBX-4</u>
200 sf/unit	150 sf/unit	150 sf/unit	<u>100 sf/unit</u>

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 Residential Activities, 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, rRegulations in this section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this chapter relating to HBX 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	<p>1. The majority of the nonresidential floor area for the <u>ground floor</u> unit must be at a public street level and directly accessible to the street;</p> <p>2. The unit must have no residential floor area at the ground level; and</p> <p>3. The ground floor entrance must be clearly designated as a business entrance.</p>	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, See 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 ($\frac{1}{2}$) of the bathroom shall be considered residential floor area and one-half ($\frac{1}{2}$) 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 ($\frac{1}{2}$) an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing." Further, City of Oakland regulations require that each unit have a tenant that: (1) operates a business from that unit, and (2) possesses an active City of Oakland Business Tax Certificate for this business.
- K. HBX work/live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- L. Regular Design Review Criteria. Regular design review approval for HBX work/live units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:
1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
 2. That a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
 3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.

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

17.65.160 Special regulations for HBX live/work units.

- A. Definition. "HBX live/work unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX live/work unit accommodates both residential and nonresidential activities. An HBX live/work unit meets all applicable regulations contained in this section.
- B. The establishment of an HBX live/work unit is permitted in the HBX zones if it meets and is consistent with the regulations and definitions contained in this section.
- C. In the HBX-1, HBX-2, and HBX-3 Zones, rRegulations in this section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this chapter relating to HBX live/work units shall supersede the regulations contained in Section 17.102.190.
- D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX live/work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX live/work unit, and the loading and open space for each HBX live/work unit:

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

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

Notes:

1. See Chapter 17.116 for other off-street parking standards.
 2. See Chapter 17.117 for other bicycle parking standards.
 3. Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.
- E. The amount of floor area in an HBX live/work unit designated for and devoted to residential is not restricted.
- F. Any building permit plans for the construction of HBX live/work units shall: (1) clearly state that the proposal includes live/work facilities, and (2) label the units intended to be live/work units. This requirement is to assure the City applies building codes appropriate for a live/work facility.
- G. For any HBX Live/Work Facility a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an

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

- H. Each building with an HBX live/work unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains live/work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."
- I. HBX live/work units are residential facilities, shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to HBX live/work units.
- J. Regular Design Review Criteria. Regular design review approval for HBX live/work units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:
 - 1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
 - 2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

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

- A. Mini-Lot Developments. In mini-lot developments, certain regulations otherwise applying to individual lots in the ~~HBX HBX-1, HBX-2 and HBX-3 Z~~zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. Planned Unit Developments. Large integrated developments in the HBX Zones shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX Zzones, and certain of the other regulations applying in said zones may be waived or modified.

17.65.180 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply ~~in the~~ in the HBX Zzones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the HBX Zzones.

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.
- 6B. **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.
- 7C. **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.
- 8D. **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

<u>Activities Uses</u>	Zones									Additional Regulations
	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	IG	IO	<u>T</u>	
	<u>1A</u>	<u>1B</u>	<u>1C</u>	<u>1D</u>	1	2				
Residential <u>Activities Uses</u>										

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

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

Research Service	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>		
General Wholesale Sales	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		No retail ancillary activities for this use allowed in IG ₂ or IO ₂ .
Transient Habitation	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—	—	—		
Building Material Sales	<u>P(L17)</u>	<u>P(L17)</u>	<u>P(L17)</u>	<u>P(L17)</u>	<u>P(L4)</u>	<u>P(L4)</u>	—	—	<u>P(L4)</u>	
Automobile and Other Light Vehicle Sales and Rental	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	—	<u>C</u>	<u>P</u>	
Automobile and Other Light Vehicle Gas Station and Servicing	<u>C</u>	<u>C</u>	<u>C</u>	<u>P(L7)</u>	<u>P</u>	<u>P</u>	<u>P</u>	—	<u>P(L4)</u>	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	<u>P(L7)</u>	<u>P(L7)</u>	<u>P(L7)</u>	<u>P(L7)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P</u>	—	<u>P(L4)</u>	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	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					<u>P</u>	
Automotive Fee Parking	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P(L4)</u>	P	P	P		
Animal Care	<u>P(L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>C</u>	<u>P(L5)</u>	C	C	—		
Animal Boarding	<u>P(L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>C</u>	<u>P(L5)</u>	C	C	—		
Undertaking Service	<u>C</u>	<u>C</u>	<u>C</u>	=	P	C	C	—		
Industrial Activities Uses										
Custom Manufacturing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P		
Light Manufacturing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P		
General Manufacturing	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	=	<u>P(L4)</u>	<u>P(L4)</u>	P	—	<u>P(L4)</u>	
Heavy/High Impact Manufacturing	=	=	=	=	—	—	C	—		
Research and Development	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P		
Construction Operations	<u>P(L17)</u>	<u>P(L17)</u>	<u>P(L17)</u>	<u>C</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	C	<u>P(L4)</u>	
Warehousing, Storage and Distribution Related:										
A. General Warehousing, Storage and	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>C</u>	P	P	P	P	<u>P</u>	No retail component of this use

Distribution										allowed in IG ₂ or IO ₂ . Also, see Section 17.73.060
B. General Outdoor Storage	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	C	P(L4)	P	P		
C. Self or Mini Storage	=	=	=	=	C	C	—	C	<u>C</u>	
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	—	<u>P</u>	The establishe ment 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	<u>P</u>	
C. Truck Weigh Stations	=	=	=	=	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	=	=	=	=	P(L7)	P	P	P	<u>P</u>	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	=	=	=	=	P(L6)	P	P	—	<u>P</u>	

										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)	—	=	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
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* 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
	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	<u>CIX-</u>	IG	IO	
	<u>1A</u>	<u>1B</u>	<u>1C</u>	<u>1D</u>	1	2			
Residential Facilities	All residential <u>facilities</u> uses prohibited in each zone								
Nonresidential Facilities									
Enclosed Nonresidential	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Open Nonresidential	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Sidewalk Cafe	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	—	—	See Section 17.103.090
Drive-In Nonresidential	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	—	—	—	—	
Drive-Through Nonresidential	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	See Section 17.103.100
Shopping Center Facility					—	—	—	—	
Telecommunications <u>Facilities</u>									
Micro Telecommunications	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Chapter 17.128
Mini Telecommunications	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Macro Telecommunications	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	C	C	P	P
Monopole Telecommunications	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	C	C	P	P
Tower Telecommunications	=	=	=	=	—	—	P	P
<u>Signs Facilities</u>								
Residential Signs	=	=	=	=	—	—	—	—
Special Signs	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P
Development Signs	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	—	—
Realty Signs	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P
Civic Signs	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P
Business Signs	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	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
	<u>CIX-1A</u>	<u>CIX-1B</u>	<u>CIX-1C</u>	<u>CIX-1D</u>	<u>CIX-1</u>	<u>CIX-2</u>	<u>IG</u>	<u>IO</u>	
Minimum Lot Frontage	<u>25 ft</u>	<u>25 ft</u>	<u>50 ft</u>	<u>50 ft</u>	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Width	<u>25 ft</u>	<u>25 ft</u>	<u>50 ft</u>	<u>50 ft</u>	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Area (square feet)	<u>5,000 sf</u>	<u>5,000 sf</u>	<u>5,000 sf</u>	<u>5,000 sf</u>	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	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	4.0	4.0	2.0	4.0	<u>2</u>
FAR - Within 300 feet of a residential zone boundary	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	2.0	2.0	1.0	2.0	2
Maximum Height	<u>85 ft</u>	<u>85 ft</u>	<u>85 ft</u>	<u>85 ft</u>	None	55 ft	None	55 ft	3,4
Minimum Front Yard Setback	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	0 ft	0 ft	0 ft	20 ft	5
Minimum Rear Yard Setback	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	0 ft	0 ft	0 ft	0 ft	5
Minimum Interior Side Yard setback	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	0 ft	0 ft	0 ft	0 ft	5
Minimum Street Side Yard Setback	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	10 ft	10 ft	10 ft	20 ft	5

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

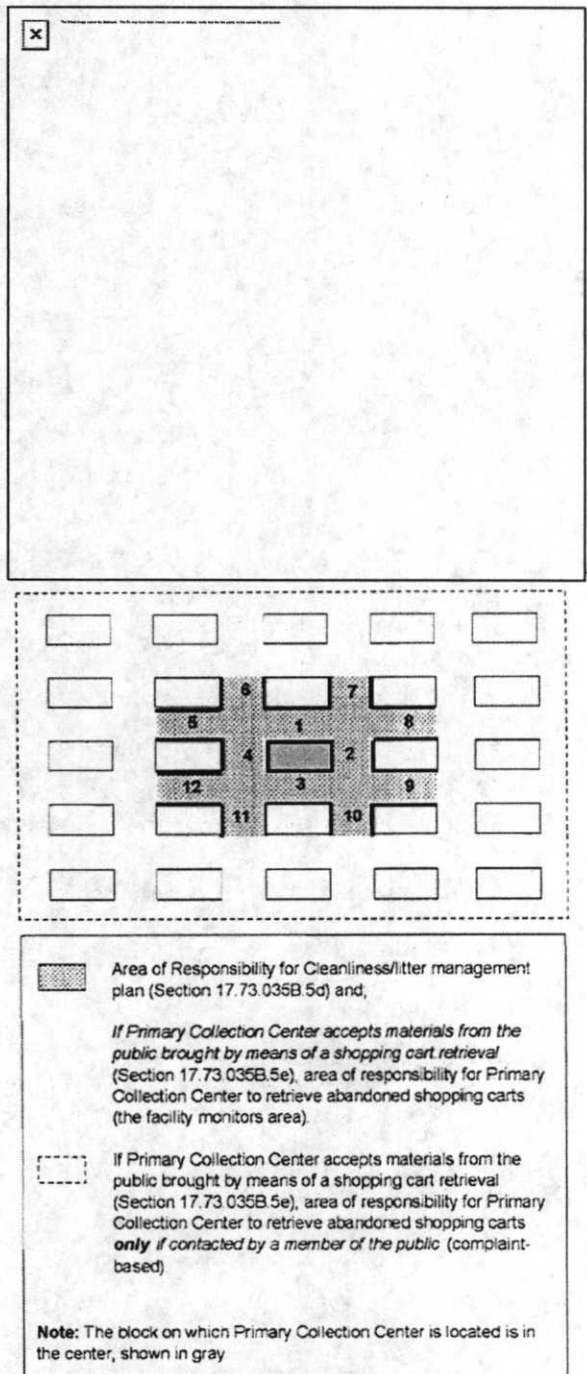
- A. Applicability. This Section applies to Recycling and Waste-Related Industrial Activities — Primary Collection Centers, that are located in the Commercial Industrial Mix (CIX), Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) or General Industrial (IG), Zone or Industrial 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 industrial Zones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones 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 <u>(1)</u> parking space per unit plus one additional unassigned visitor or employee parking space per five <u>(5)</u> 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 <u>(1)</u> berth	
	70,000—130,000 square feet	Two <u>(2)</u> 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 (1/2) 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
<u>Microwave and satellite dishes over three (3) feet in diameter located in or near residential zones and energy production facilities</u>	17.102.240
Special regulations applying to adult entertainment activities	17.102.160
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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	
<u>Residential Activities</u>			
<u>Permanent</u>	P	<u>P</u>	
<u>Residential Care</u>	C	<u>C</u>	
<u>Service-Enriched Permanent Housing</u>	C	<u>C</u>	
<u>Transitional Housing</u>	C	<u>C</u>	<u>17.103.010</u>
<u>Emergency Shelter</u>	—	=	<u>17.103.010</u>
<u>Semi-Transient</u>	—	=	
<u>Bed and Breakfast</u>	—	=	<u>17.10.125</u>
<u>Civic Activities</u>			
<u>Essential Service</u>	P	<u>P</u>	
<u>Limited Child-Care Activities</u>	P	<u>P</u>	
<u>Community Assembly</u>	P	<u>P</u>	
<u>Recreational Assembly</u>	P	<u>P</u>	
<u>Community Education</u>	P	<u>P</u>	
<u>Nonassembly Cultural</u>	P	<u>P</u>	
<u>Administrative</u>	P	<u>P</u>	

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

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

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

<u>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</u>	C	C	<u>17.102.110</u>
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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	
<u>Residential Facilities</u>			
<u>One-Family Dwelling</u>	<u>C</u>	<u>=</u>	
<u>One-Family Dwelling with Secondary Unit</u>	<u>=</u>	<u>=</u>	<u>17.103.080</u>
<u>Two-Family Dwelling</u>	<u>C</u>	<u>C</u>	
<u>Multifamily Dwelling</u>	<u>P</u>	<u>P</u>	
<u>Rooming House</u>	<u>=</u>	<u>C</u>	
<u>Mobile Home</u>	<u>=</u>	<u>=</u>	
<u>Nonresidential Facilities</u>			
<u>Enclosed Nonresidential</u>	<u>P</u>	<u>P</u>	
<u>Open Nonresidential</u>	<u>C</u>	<u>C</u>	
<u>Sidewalk Cafe</u>	<u>P</u>	<u>P</u>	<u>17.103.090</u>
<u>Drive-In Nonresidential</u>	<u>=</u>	<u>=</u>	
<u>Drive-Through Nonresidential</u>	<u>=</u>	<u>=</u>	
<u>Telecommunications Facilities</u>			
<u>Micro Telecommunications</u>	<u>P (except when a Major Conditional Use Permit is required by Section</u>	<u>C</u>	<u>17.128</u>

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

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

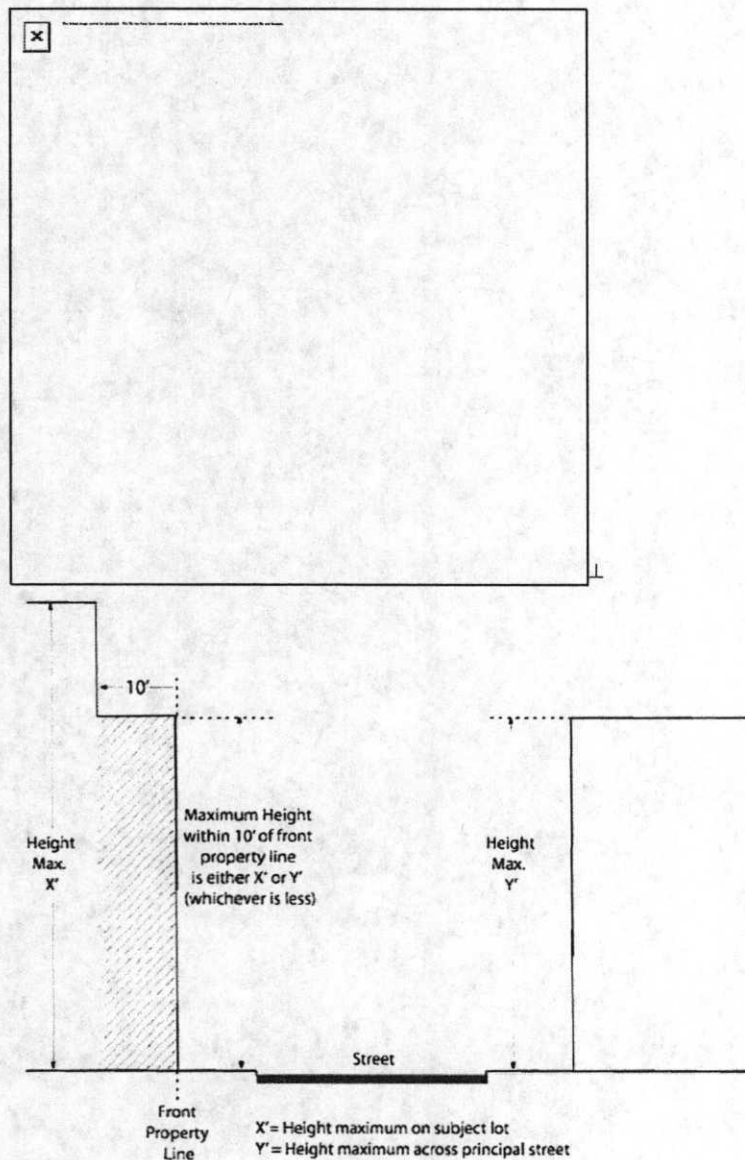
Regulation	Height Area										Additional Regulations
	35	45	<u>55</u>	60	75	90	<u>100</u>	120	<u>140</u>	160	
Maximum Height	35 ft	45 ft	<u>55 ft</u>	60 ft	75 ft	90 ft	<u>100 ft</u>	120 ft	<u>140 ft</u>	160 ft	1, 2
Height Minimum											
Permitted height minimum	0 ft	0 ft	<u>35 ft</u>	35 ft	35 ft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

Group usable open space per regular unit	150	150	<u>150</u>	150	100	100	<u>75</u>	<u>75400</u>	<u>75</u>	<u>75400</u>	6
Group usable open space per regular unit when private open space substituted	30	30	<u>30</u>	30	20	20	<u>15</u>	<u>1520</u>	<u>15</u>	<u>1520</u>	6
Group usable open space per rooming unit	75	75	<u>75</u>	75	50	50	<u>38</u>	<u>3850</u>	<u>38</u>	<u>3850</u>	6
Group usable open space per rooming unit when private open space is substituted	15	15	<u>15</u>	15	10	10	<u>8</u>	<u>840</u>	<u>8</u>	<u>840</u>	6

Additional Regulations for Table 17.97.01:

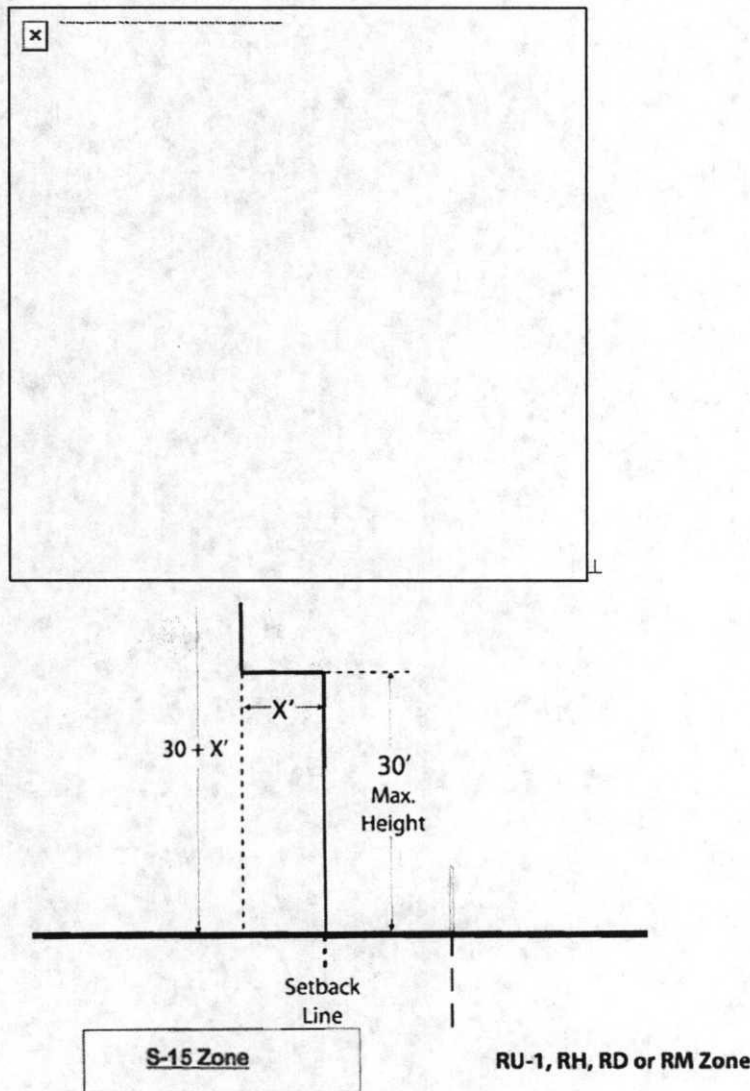
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional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

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



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM, or RU-1 Zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

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



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

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

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

6. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount

specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

17.97.160 Minimum yards and courts.

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

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.
- B. Side Yard—Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.
- C. Side Yard—Interior Lot Line.
 - 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard.
 - 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
 - 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

17.97.180 Buffering and landscaping.

- A. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
- B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein.

17.97.190 Special regulations for mini-lot developments.

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

17.97.200 Special regulations for large scale developments.

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

17.97.210 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 Zones.

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

Sections:

- 17.100A.010 Title, Purpose and Applicability.
- 17.100A.020 Definitions.
- 17.100A.030 Zones with which the S-19 may be combined.
- 17.100A.040 Prohibited land uses.
- 17.100A.050 General standards.
- 17.100A.060 Regulations required by other agencies.

17.100A.010 Title, Purpose and Applicability.

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

17.100A.020 Definitions.

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

- A. **Hazardous Material.** Hazardous material is defined as that which could exhibit one or more of the hazard characteristics defined in the California Fire Code (CFC), which generally means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment (H.S.C. §25503.5a).
- B. **Hazardous Waste.** Hazardous waste is defined as any hazardous material whose intended original purpose is no longer applicable for its use, or a waste that meets federal or state criteria for ignitability, corrosivity, reactivity or toxicity, or is specifically listed by the federal or state law or regulations (40 C.F.R., part 240 et. seq.).
- C. **Explosives.** Explosives are defined as chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure, or high temperatures; or a material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect (29 C.F.R.).

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

- A. The standards of this combining zone shall apply to the following zoning districts:
 - 1. Housing and Business Mix (HBX) Zones;
 - 2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
 - 3. CIX-1 (Commercial Industrial Mix-1) Zone;

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

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

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

1. All new nonresidential facilities or activities;
2. Any nonresidential facility which has lost its legal non-conforming status;
3. Any existing facility or activity where the usable floor area is expanded by more than twenty percent (20%) after the effective date of the adoption of this chapter;
4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

17.100A.040 Prohibited land uses.

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

- A. Electroplating;
- B. Hazardous Waste Management, Industrial/Transfer Storage; and Residuals Repositories;
- C. Activities which involve manufacturing, storing or use of explosives.

17.100A.050 General standards.

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

- A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (O.M.C. 8.42).
- B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

17.100A.060 Regulations required by other agencies.

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

1. Process Hazard Analysis;
2. Risk Management Plan;
3. Local Hazardous Materials Business Plan.

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

1. Limitations on the location for storage or use of hazardous materials;
2. Containment measures for storage or use of hazardous materials;
3. Limitations or prohibitions on the storage or use of specific hazardous materials; or specific processes that use or combine hazardous materials.

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

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

Sections:

17.101A.010 Title, purpose, and applicability.

17.101A.010 Title, purpose, and applicability.

- A. The provisions of this chapter shall be known as the D-WS Wood Street District Commercial Zone Regulations. The D-WS Zzone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, which are described in the original Ordinance 12673 C.M.S., amending Ordinance 13093 C.M.S., and all subsequent amending Ordinances adopted by City Council, shall apply to the area of the zoning maps with a D-WS designation.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

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

17.102.190 Joint Living and Work Quarters.

17.102.340 Electroplating activities in the Industrial Zones.

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

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

17.102.190 Joint Living and Work Quarters.

- A. General Provisions. Joint living and work quarters are permitted in all zones where Residential Activities are permitted or conditionally permitted. ~~In all zones where Residential Activities are not otherwise allowed by the applicable individual zone regulations, Except as may otherwise be indicated by the applicable individual zone regulations, joint living and work quarters may also be permitted in zones where Residential Activities are not otherwise allowed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~
- B. Definition. Joint living and work quarters means residential occupancy by not more than four (4) persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.
- C. Use Permit Criteria. A conditional use permit for joint living and work quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure and to both of the following use permit criteria:
 1. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
 2. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions.

17.102.340 Electroplating activities in the Industrial Zones.

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

- B. Use Permit Criteria for Electroplating Activities. A conditional use permit for an electroplating activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
1. That the proposal will not adversely affect any residences; child care centers; shopping areas; churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; hospitals, convalescent homes, rest homes, or nursing homes; or public or parochial playgrounds; all located within one thousand (1,000) feet of the activity; and
 2. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;
 3. That a Hazardous Materials Business Plan and California Accidental Release Plan has been reviewed and approved by the City prior to approval of the conditional use permit;
 4. That the facility has been designed to minimize impacts to surrounding properties, and that the site design has been approved by the City of Oakland Fire Services Agency, Office of Emergency Services prior to approval of the conditional use permit.
- C. Expansion of Existing Facilities. No existing electroplating activity shall be expanded without the approval of a conditional use permit, pursuant to Subsection B. above and any relevant provisions of the provided further that no such expansion shall be permitted in any case if the distance standards of Subsection A. above are not met. For purposes of this Section, "expansion" shall mean any alteration or extension as stipulated in the nonconforming use regulations in Chapter 17.114, any increase in the volume of hazardous chemical used or stored on the site as indicated in the Hazardous Materials Business Plan filed with the City of Oakland Fire Services Agency, Office of Emergency Services; any increase in the floor area or site area of the facility; or any increase in the volume of goods produced by the electroplating activity, as determined by the Zoning Administrator from any relevant records.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article III - Commercial Activities

Article III Commercial Activities

17.103.050 Transient Habitation Commercial Activities.

17.103.050 Transient Habitation Commercial Activities.

- A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria except in the West Oakland Specific Plan area, where criteria 3. below shall not apply:
1. That the proposal is located in downtown, along the waterfront, near the airport, ~~or along the I-880 freeway, in a specific plan area,~~ and/or in an area with a concentration of amenities for hotel patrons, including restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit;
 2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services;
 3. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, ~~or along the I-880 freeway or in a specific plan area,~~ which provide:
 - a. A minimum of one hundred (100) sleeping rooms;
 - b. A full service restaurant providing three (3) meals per day; and
 - c. On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts;
 4. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:
 - a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;
 - b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;
 - c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;
 - d. The majority of the parking located to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;

- e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;
 - f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;
 - g. Lighting standards for hotel buildings, grounds and parking lots that are not overly bright and direct the downward placement of light.
- 5. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets;
 - 6. The proposed operator of the facility shall be identified as part of the project description at the time of application.
- B. See Chapter 17.157 for Deemed Approved Hotel regulations.

Chapter 17.104 GENERAL LIMITATIONS ON SIGNS

Sections:

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

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

17.104.060 General Limitations on Advertising Signs.

17.104.070 Master Sign Programs.

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

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

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area.
 1. In the RU-4 and RU-5 Zones and all Commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below and to the small project design review procedure in Chapter 17.136.
 2. In all Industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below.
 3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
 - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.

- b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- C. Maximum Height.
 - 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
 - 2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, CIX-1, CIX-2, IG, IO, and D-CE Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial zones is ten (10) feet.
- D. Limitations on Signs within Required Minimum Yards.
 - 1. No business, realty, or development sign shall be located within a required minimum yard.
- E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a Residential zone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.
 - 1. Within twenty-five (25) feet from any boundary of a Residential zone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.
- F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.
- H. Signs Within One thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.
- I. Permitted Projection Over Sidewalk. An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but can-not extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.
- J. Temporary Business Signs.
 - 1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.
 - 2. Allowed Time Limits.

- a. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of thirty (30) days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.
- b. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of four (4) times per calendar year and a maximum of five (5) consecutive days per event.
- 3. Placement of Signs.
 - a. Signs are allowed on private property only. Signs shall not be placed in public rights-of-way or at off-site locations.
 - b. Signs must be affixed to a permanent structure.
- 4. Temporary signs shall not be illuminated.
- 5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window signs may be made of nonrigid (e.g. paper) material.
- 6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.
- K. Window Signs. Window signs shall not take up more than twenty-five percent (25%) of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Subsection 17.104.020.B. Interior signs which are located eighteen (18) inches or more from behind the window face shall be exempt from these regulations.
- L. Clear Sight Restrictions. A triangular area measuring fifteen (15) feet from ~~form~~ the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring ten (10) feet from the intersection of a driveway and a street line shall be kept free of all freestanding signs.

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

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

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 Zones. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.
 - 1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
 - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.

- b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- C. Maximum Height.
 - 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
 - 2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3 and S-15 Zones is ten (10) feet.
- D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 Zones. Signs shall be subject to the same special limitations along or near boundaries of Residential zones, except the RU-4 and RU-5 Zones, as are set forth in Subsection 17.104.020.E.
- E. Special, Development, and Realty Signs. All special, development, and realty signs shall be subject to the same limitations as are set forth in Subsections C., D. and F. of Section 17.104.010 for such signs in Residential zones, except the RU-4 and RU-5 Zones.
- F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

17.104.060 General Limitations on Advertising Signs.

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

17.104.070 Master Sign Programs.

- A. Submittal Requirements. In all Commercial and Industrial zones, as well as the RU-4, RU-5, S-1, S-2, S-3, and S-15 Zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.
- B. Use Permit Criteria. A Master Sign Program may be allowed to deviate from the normally required sign standards in this Chapter, including but not limited to, total aggregate sign area. A Master Sign Program application which would deviate from the normally required sign standards shall be processed as a conditional use permit under the provisions of Chapter 17.134. A conditional use permit for a Master Sign Program may only be granted upon determination that the proposed sign program conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:
 - 1. That the proposal will be of a quality and character appropriate to the Commercial, Industrial, mixed use building or complex;
 - 2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;
 - 3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

- C. Review of Individual Signs Upon Approval of a Master Sign Program. Once a Master Sign Program is approved for any multi-tenant building or complex, the following provisions shall apply:
1. Sign applications determined to conform to the provisions of an approved Master Sign Program shall be exempt from design review as is otherwise specified in Chapter 17.136.
 2. Sign applications determined to not conform to an approved Master Sign Program may only be granted upon approval of a revision to the original Master Sign Program conditional use permit.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.080 Minimum side yard opposite living room windows.

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

17.108.130 Exceptions to required openness of minimum yards and courts.

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

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

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

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

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

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

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

walkways and detached steps; and utility poles and lines.	
Q. Signs.	In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104.
R. Security fences (for active Code Enforcement Cases addressing blighted vacant lots and vacant buildings)	In any yard or court provided that such facilities: <ol style="list-style-type: none"> 1. Shall not exceed eight (8) feet; 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections" and 3. Shall contain a minimum seventy-five percent (75%) transparency to allow visual access into the site from the public right-of-way.
S. Living space located completely under driveway ramps	In any yard or court.
T. Retaining walls; and earthen mounds, embankment s, and other fill.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.150.

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

- A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".
- B. Residential zones and Residential Facilities. The provisions of this Section apply to all properties located in all residential zones, and to all properties located in any zone containing Residential Facilities.
 1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:
 - a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:
 - i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:
 - a) Thirty-five (35) feet from the rear lot line;
 - b) The distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or

- ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.
 - b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.
 - c. In any other minimum yard or court: eight (8) feet; and
 - d. One (1) entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet.
- 2. Materials. The following materials are restricted in constructing or rebuilding walls or fences:
 - a. Barbed wire or razor wire is not allowed to be used in fences.
 - b. Chain link fencing is not allowed to exceed forty-two (42) inches in height in the following locations:
 - i. Street-fronting yards; or
 - ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.
 - c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.
- C. Commercial zones and in the OS, S-1, S-2, S-3, and S-15 Zones. The provisions of this Subsection apply to all properties located in all commercial zones and in the OS, S-1, S-2, S-3, and S-15 Zones.
 - 1. Height.
 - a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.
 - b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.
 - 2. Restricted Materials. In any location visible from the adjacent public right-of-way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.
 - a. Exceptions. Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:
 - i. Public utility installations, including but not limited to electrical substations and gas substations.
 - ii. Rights-of-way and transit routes.
- D. Industrial Zones. The provisions of this Subsection apply to all properties in all industrial zoning districts.
 - 1. Height.
 - a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

Chapter 17.110 BUFFERING REGULATIONS

Sections:

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

17.110.030 General buffering requirements —Commercial and Industrial zones.

17.110.040 Special buffering requirements.

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

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

- A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:
 - 1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, except where a maneuvering aisle is shared with one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
 - 2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.
 - 3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.
- B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.
- C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

17.110.030 General buffering requirements —Commercial and Industrial zones.

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

- A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:
 - 1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and
 - 2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and
 - 3. Screened from any lot abutting the side or rear property lines located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.
- C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.
- D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be directed away from said facilities and lots so as to eliminate objectionable glare.

17.110.040 Special buffering requirements.

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

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

- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3 and S-15 zones. In the CN, CR-1, M-20, D-CE-3 and S-15 zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.
- C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.
- D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126.

Chapter 17.112 HOME OCCUPATION REGULATIONS

Sections:

17.112.010 Title, purpose, and applicability.

17.112.020 Definitions.

17.112.030 Exclusions.

17.112.040 Requirements.

17.112.050 Required approval.

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

17.112.010 Title, purpose, and applicability.

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

17.112.020 Definitions.

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

17.112.030 Exclusions.

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

- A. Introductory service;
- B. Teaching of organized classes totaling more than six (6) persons at a time;
- C. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;

- D. Operation of a beauty parlor with more than two (2) hairdrying machines;
- E. Maintenance of a construction contractor's storage or construction yard or garage;
- F. Care, treatment, or boarding of animals for profit.
- G. Crop growing activities that include the use of mechanized farm equipment.

17.112.040 Requirements.

- A. Applicability. The home occupation regulations described below shall apply citywide except as otherwise specified in Section 17.112.060 for the West Oakland Specific Plan Area and Chapter 17.101E for the D-CE Central Estuary District zones.
- B. Location. A home occupation shall only be performed in the following locations:
 - 1. Within a living unit by a resident thereof;
 - 2. Within a garage that is attached to, and reserved for, a living unit; and
 - 3. For crop growing activities only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment.
- CB. Employees. No person other than a resident of the living unit shall be employed in the conduct of the home occupation, except that practitioners in the medical arts may employ one assistant who does not reside in the living unit.
- DC. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
- ED. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and nonflashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
- FE. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
- GF. Traffic Generation. The home occupation shall not generate pedestrian or vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.
- HG. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

17.112.050 Required approval.

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

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

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

B. Definitions.

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

C. Requirements.

1. Location. A home occupation in the West Oakland Specific Plan Area shall only be performed in the following locations:
 - a. Within a living unit by a resident thereof;
 - b. Within an attached or detached garage or accessory structure reserved for a living unit; and
 - c. For crop growing activities only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment.
2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.
4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.

6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.
 7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
 8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
 9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
 10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.
- D. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.

Chapter 17.114 NONCONFORMING USES

Sections:

Article I - General Provisions

Article II - Nonconforming Activities

Article III - Nonconforming Facilities

Article I General Provisions

17.114.040 Right to continue nonconforming use, subject to limitations.

17.114.040 Right to continue nonconforming use, subject to limitations.

- A. Right to Continue. A nonconforming use which is in existence on the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such use nonconforming, and which existed lawfully under the previous zoning controls, or which is subsequently developed or changed pursuant to Section 17.114.030, may thereafter be continued and maintained indefinitely, and the rights to such use shall run with the land, except as otherwise specified in the nonconforming use regulations. However, no substitution, extension, or other change in activities and no alteration or other change in facilities is permitted except as otherwise provided in Section 17.114.030 and except as specifically provided hereinafter.
- B. Limitation on Right to Continue Nonconforming Auto and Truck Related Activities in All Districts. As used in regards to all such nonconforming auto and truck related activities, the word "activity" refers solely to the unique function or operation occurring on the affected property, and does not refer to any other activity within an activity type with which that activity is grouped. Any right to substitute, extend or alter an existing auto or truck related activity refers solely to the specific existing function or operation, and does not provide any right to substitute, extend or alter that activity with any other type of activity within the activity type with which the activity is grouped.

Article II Nonconforming Activities

17.114.050 Nonconforming activity—Discontinuance.

17.114.080 Nonconforming activity—Allowed alterations and extensions.

17.114.050 Nonconforming activity—Discontinuance.

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

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

- B. Whenever a ~~nonconforming~~ Alcoholic Beverage Sales Commercial Activity, or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, discontinues active operation for more than ninety (90) days or ceases to be licensed by the State Department of Alcoholic Beverage Control, it may only be resumed ~~only~~ upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.
- C. Whenever an nonconforming Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BR Zone discontinues active operation for more than six (6) months, it may only be resumed ~~only~~ upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.
- D. Whenever a nonconforming Trucking and Truck Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones discontinues active operation for more than ninety (90) days, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.
- E. Activity Nonconforming for Other Reasons. A nonconforming activity which is itself a permitted activity where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities, may be resumed regardless of the period during which it may have discontinued active operation. However, if another activity has replaced it, the former activity may thereafter be resumed only if such resumption would constitute an allowable change under Section 17.114.070B. Section 17.114.060 shall also apply.

17.114.080 Nonconforming activity—Allowed alterations and extensions.

- A. Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a nonresidential activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:
 - 1. Except as otherwise provided in subsection (A)(3) of this section, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty percent (20%) of that already existing. See Tables 17.15.01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU zones.

2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
 3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In residential zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.116.075.
 4. New Signs may be provided for such activity, but the aggregate area of display surface of all Signs serving such activity shall not be increased. All Signs shall be subject to the limitations, other than aggregate area of display surface, normally applying to Signs where they are located.
 5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this subsection, shall not exceed twenty-five percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.
 6. No facility accommodating a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity shall be altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
 7. A nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure in Chapter 17.136. This conditional use permit and design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing.
- B. Residential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:
1. The number of living units shall not be increased.
 2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required in the RU-2 zone.
 3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-2 zone.
 4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-3 zone, as well as to the requirements generally applying to uses where the activity is actually located.

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

Article III Nonconforming Facilities

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

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

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

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article I General Provisions

17.116.010 Title, purpose, and applicability.

17.116.010 Title, purpose, and applicability.

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

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

17.116.060 Off-street parking—Residential Activities.

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

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

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

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

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

17.116.070 Off-street parking—Civic Activities.

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

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

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

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

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

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

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

17.116.080 Off-street parking—Commercial Activities.

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

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

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

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

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

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

	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.
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17.116.090 Off-street parking—Industrial Activities.

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

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

Article IV Standards for Required Parking and Loading Facilities

17.116.240 Tandem spaces and berths.

17.116.280 Control on artificial illumination of parking and loading facilities.

17.116.290 Special requirements applying in some zones.

17.116.240 Tandem spaces and berths.

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

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

- B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.
- C. In the RH, RD, RM-1, and RM-2 zones, except in the West Oakland Specific Plan Area as indicated in Subsection D or when combined with the S-11 or S-12 zones, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.
- D. In the West Oakland Specific Plan Area, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.
- ED. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:
 - 1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;
 - 2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.
- EE. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

17.116.280 Control on artificial illumination of parking and loading facilities.

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

17.116.290 Special requirements applying in some zones.

- A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.
- B. In the S-15 zones:
 - 1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
 - 2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.
 - 3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the

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

4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
 5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134.
- C. In the RU-4, RU-5, CN, CC, CR, or CBD, or S-15 zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

Chapter 17.120 PERFORMANCE STANDARDS

Sections:

- 17.120.050 Noise.
- 17.120.060 Vibration.
- 17.120.070 Smoke.
- 17.120.080 Particulate matter and air contaminants.
- 17.120.090 Odor.
- 17.120.110 Humidity, heat, cold, and glare.
- 17.120.120 Electrical disturbance.

17.120.050 Noise.

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

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

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

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

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

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

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

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

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

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

- D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.
- E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.
- F. Noise Measurement Procedures. Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four (4) to five (5) feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.
- G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.
1. The daytime noise level received by any Residential, Commercial, or Industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

TABLE 17.120.04
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

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

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.
 - H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.
 - I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.
 - J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.
- (Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. 12875 § 2(part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 11895 § 7, 1996: prior planning code § 7710)

17.120.060 Vibration.

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

17.120.070 Smoke.

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

17.120.080 Particulate matter and air contaminants.

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

17.120.090 Odor.

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

Table 17.120.05: Points of Determination for Odor

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

17.120.110 Humidity, heat, cold, and glare.

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

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

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

17.120.120 Electrical disturbance.

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

Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

17.128.080 Monopoles.

17.128.080 Monopoles.

A. General Development Standards for Monopoles.

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

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

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

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
 5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
- C. Conditional Use Permit Criteria for Monopoles. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must meet the special design review criteria listed in Subsection B of this section.
 2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.
 3. The proposed project must not disrupt the overall community character.
 4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.
 - a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.
 - b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.
 - c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.
 - d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.
 - e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.
 - f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the City.

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.020 Definition of major and minor conditional use permits.

17.134.020 Definition of major and minor conditional use permits.

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

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
 - e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones and results in more than one hundred thousand (100,000) square feet of new floor area.
2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):
 - a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,
 - ix. Heavy/High Impact Industrial, Manufacturing,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,

- xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
- b. Facilities:
- i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. ~~A ny~~-project that requiring es-development of an Environmental Impact Report (EIR);
 - b. ~~A ny~~-single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, and S-2 Zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential or HBX Zone;
 - f. ~~A ny~~-project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. ~~A ny~~-electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. ~~A ny~~-Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. ~~A ny~~-Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

17.136.025 Exemptions from design review.

17.136.030 Small project design review.

17.136.035 Small project design review criteria.

17.136.038 Special project design review.

17.136.040 Regular design review.

17.136.050 Regular design review criteria.

17.136.055 Special regulations for historic properties in the Central Business District zones.

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

17.136.025 Exemptions from design review.

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

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

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

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

- d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080;
 - e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;
 - f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the West Oakland Plan Area CIX Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
 - g. For Non-residential Facilities in the West Oakland Plan Area CIX Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
 - hg. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
 - ih. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.
2. Signs.
- a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
 - b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;
 - c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.
3. Other Projects.
- a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.103.090;
 - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

17.136.030 Small project design review.

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

1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);
 2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and
 4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.
- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:
1. Additions or Alterations.
 - a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
 - b. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX-1A Zone, Sections 17.136.025, and Section 17.136.040, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
 - c. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 - d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
 - e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
 2. Fences, barriers, and similar freestanding walls.
 - a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;
 - b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.
 3. Signs.
 - a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;
 - b. New or modified awnings or other similar facilities;

- c. Color changes to Signs, awnings or other similar facilities;
 - d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.103.090.B.
- C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040.
 - 1. Track One Procedure—Small Project Design Review Proposals Not Involving a Local Register Property; or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection C.3.:
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this Section.
 - b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
 - c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
 - 2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:
 - a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX, D-CE-3, or D-CE-4 Zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Subsection 17.136.030.C.3.
 - b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
 - c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
 - 3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.

- b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
- c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).
- d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.
- e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
- f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

17.136.035 Small project design review criteria.

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

1. That for Nonresidential Facilities and the nonresidential portions of Mixed Use Development projects, the proposed design conforms with the adopted checklist criteria for nonresidential facilities, as may be amended;
2. That for Residential Facilities with one (1) or two (2) primary dwelling units and the residential portions of Mixed Use Development projects with one (1) or two (2) primary dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with 1-2 primary dwelling units, as may be amended;
3. That for Residential Facilities with three (3) or more living units and the residential portions of Mixed Use Development projects with three (3) or more dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with three (3) or more living units, as may be amended;
4. That for Local Register Properties, the proposed project will not substantially impair the visual, architectural, or historic value of the affected site or facility.

17.136.038 Special project design review.

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

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

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

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

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

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

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

- d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.
 - e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).
 - f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
2. Track Two Procedure—Special Project Design Review Proposals Involving a Local Register Property:
- a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposal involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposal determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
 - b. At the time of Special project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).
 - d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.
 - e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).
 - f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
- D. Design Review Criteria—Special Project Design Review. A Special project design review approval shall be granted for proposals that conform with the adopted checklist criteria for Non-residential Facilities in the West Oakland Specific Plan Area CIX Zones, as may be amended, based on applicable design review guidelines or criteria which have been

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

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, Projects requiring regular design review include, but are not limited to, the following types of work:
1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. New construction of one (1) or two (2) dwelling units, other than a secondary unit;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
 5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
 7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, in the CIX-1A zone or where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
 12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.
- B. Pre-Application Review—Regular Design Review. Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the City representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss

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

- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
1. Decision by the Director of City Planning. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for decision on the application by the Director. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Director or the applicant may seek the advice of outside design professionals. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. A decision by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. In the event that the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 shall be final immediately and are not ultimately appealable to the City Council.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred

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

3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- E. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

17.136.050 Regular design review criteria.

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

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape.
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

B. For Nonresidential Facilities and Signs.

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

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.
- C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:
1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
- D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,
1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
 2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- E. For Retaining Walls:
1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;
 2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;
 3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;
 4. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

17.136.055 Special regulations for historic properties in the Central Business District zones.

- A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) Zones.
- B. Findings.
1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall be required to meet any applicable criteria in Chapter 17.136 and meet findings (a) and (b), below. The determination of whether a project meets these findings requires consultation with Historic Preservation staff.
 - a. Any replacements of exterior character-defining elements are required because repair is not feasible. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance; and
 - b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of

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

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

- a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI;
 - c. The proposal does not disqualify an ASI as an ASI; and
 - d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.
- C. Required Hearings in Front of the Landmarks Preservation Advisory Board (LPAB).
- 1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and/or advice to the decision making body:
 - a. Any construction of a new principal building in an API;
 - b. An addition to an API contributor when required by Subsection 17.136.055.B.2.f.
 - c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered "visible from a street or other public area" if it is located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.
 - d. New construction or an addition to a building when required by Subsection 17.136.055.B.3.d.
 - e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

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

- A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this chapter.
- B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and the following additional criteria:
 - 1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

2. If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and
 3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.
- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone or Area or Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
1. For the demolition of Non-residential Facilities in the West Oakland Plan Area CIX-1A Zone, or contributors to an S-7 or S-20 Zone or API:
 - a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and
 - b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.
 2. For the demolition of noncontributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard, or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;
 3. For the demolition of any structure in an S-7 zone, S-20 Zone or API:
 - a. The design quality of the replacement structure is equal/superior to that of the existing structure; and
 - b. The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:
 - i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - ii. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
 - iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;
 - iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;
 - v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and

- vi. The replacement project will not cause the district to lose its current historic status.
- D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:
- 1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
 - 2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
 - 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- E. For proposals that have received Design Review approval pursuant to this section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

Article II - Mini-Lot Developments

Article III - Planned Unit Developments

Article II Mini-Lot Developments

17.142.012 Basic provisions for mini-lot developments.

17.142.012 Basic provisions for mini-lot developments.

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

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
 - a. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
 - i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

Article III Planned Unit Developments

17.142.040 Ownership and division of land.

17.142.080 Zones in which bonuses may be granted.

17.142.040 Ownership and division of land.

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

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

17.142.080 Zones in which bonuses may be granted.

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

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

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

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

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

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

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

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

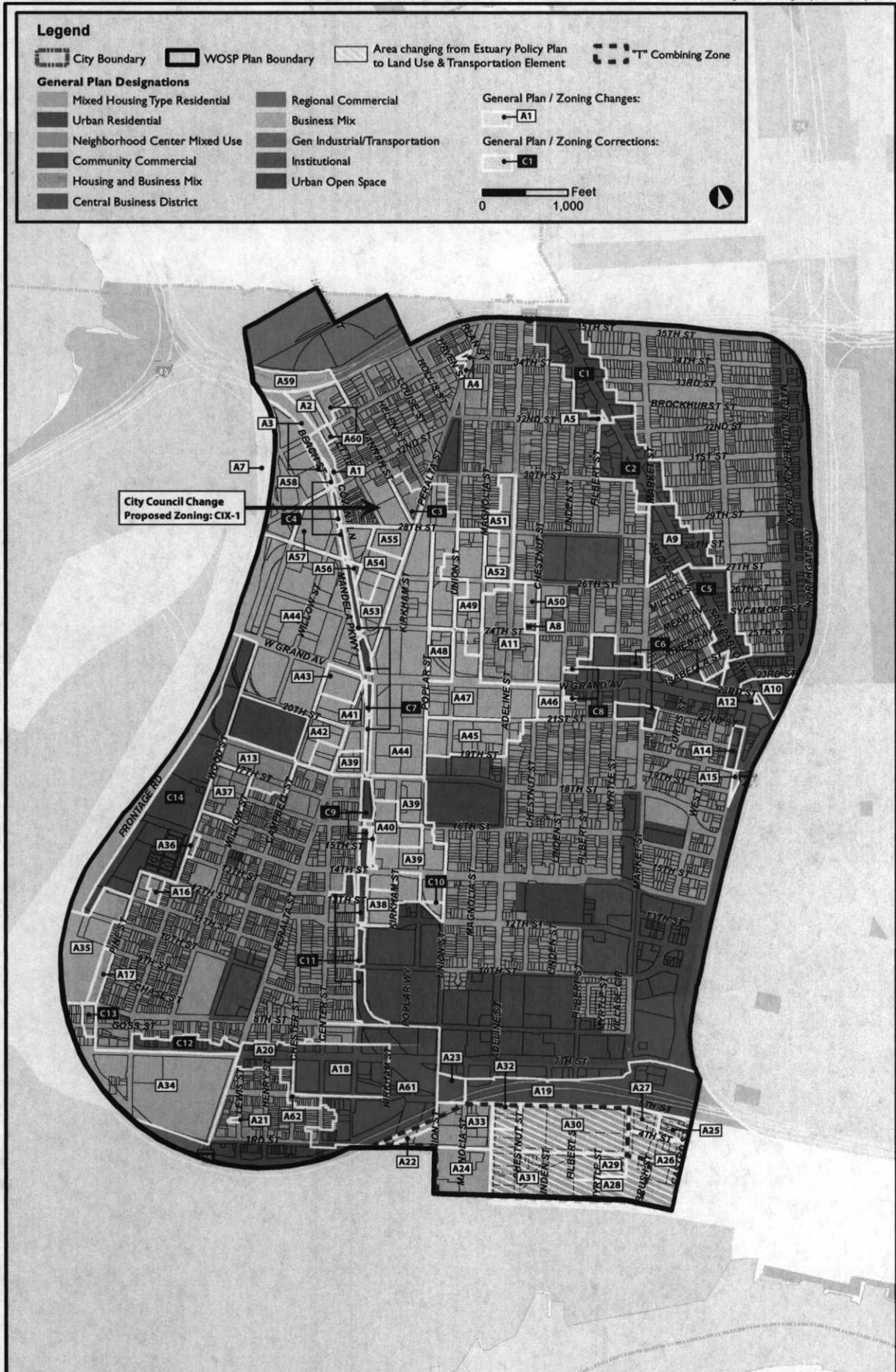


Table 4.8-2: Proposed General Plan Amendments & Re-Zonings

Location		Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
A1	Northeast Mandela	Business Mix	Housing and Business Mix	OS (LP)/S-4	HBX-4
A2	Northeast Mandela	Housing and Business Mix	Business Mix	HBX-2	CIX-1D (Retail Commercial Mix)/S-19
A3	Northeast Mandela Parkway	Business Mix	(No Change)	OS (LP)/S-4	CIX-1D (Retail Commercial Mix)/S-19
A4	Union Plaza Park and Fitzgerald Park	Housing and Business Mix	Urban Open Space	HBX-2	OS/AMP
A5	St. Andrews Plaza	Urban Residential	Urban Open Space	RU-5	OS/AMP
A7	West of I880 between 32 nd and 35 th St	General Industrial/Transportation	Business Mix	IG	CIX-1D (Retail Commercial Mix)
A8	Chestnut Street and 24 th St	Mixed Housing Type Residential	Housing and Business Mix	RM-4	HBX-2
A9	San Pablo Avenue at 28th Street Site	Community Commercial	(No Change)	CC-3	CC-2
A10	West Grand at San Pablo	Urban Residential	Community Commercial	RU-5	CC-2
A11	Chestnut/Magnolia	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-4
A12	West Grand at San Pablo Mini-Park	Community Commercial	Urban Open Space	CC-2	OS-AMP
A13	Roadway Site	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-2
A14	Brush from 20 th to 22 nd St	Mixed Housing Type Residential	Community Commercial	RM-4/C	CC-2
A15	Small Triangle Site	Community Commercial	Mixed-Housing Type Residential	CC-2	RM-4/C/S-20
A16	Prescott-Oakland Point	Business Mix	Housing and Business Mix	RM-2	HBX-2
A17	Phoenix Iron Works Site	Business Mix	Housing and Business Mix	CIX-1	HBX-4
A18	7th Street/BART parking	Neighborhood Center Mixed Use	Community Commercial	S-15	S-15W
A19	7th Street within the 3rd Street Opportunity Area	Business Mix	Community Commercial	CIX-1/S-19	CC-3
A20	7 th Street between Chester and Peralta	Neighborhood Center Mixed Use	Community Commercial	S-15	CC-2
A21	Lewis Street	Mixed Housing Type Residential	Housing and Business Mix	RM-2	HBX-2
A22	Southern edge of Interstate 880 West of Union	Community Commercial	Business Mix	S-15	CIX-1A (Business Enhancement) /T

EPP* = Estuary Policy Plan

LUTE** = Land Use & Transportation Element

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

Location	Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
A23 Beneath Freeway between 5 th St, 7 th St, Union and Magnolia	Business Mix	Community Commercial	CIX-1/S-19	S-15
A24 3 rd Street Industrial	General Industry/Transportation	Business Mix	IG	CIX-1B (Low Intensity Business)/T
A25 Block bounded by Brush, Plan Boundary, 4 th and 5 th	Light Industry 1 (EPP*)	Business Mix (LUTE**)	C-40	CIX-1B (Low Intensity Business)
A26 3 blocks bounded by Market, Brush, 4 th and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement)
A27 Block bounded by 5 th , Brush, 4 th and Market	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)
A28 3 blocks bounded by 3 rd St, Filbert, Myrtle, Market, 2 nd St and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)/T
A29 Block bounded by 3 rd St, Market, 2 nd St and Myrtle	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement) /T
A30 2 blocks bounded by 5 th St, Market, 3 rd St and Chestnut	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1C (High Intensity business)/T
A31 Several blocks bounded by Adeline, Chestnut, 3 rd St, Filbert, Myrtle and Plan Boundary	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1A (Business Enhancement) /T
A32 Portion of block bounded by 5 th St, Chestnut, 3 rd St and Adeline	Light Industry 1 (EPP*)	Business Mix (LUTE**)	M-30	CIX-1B (Low Intensity Business)/T
A33 Blocks bounded by 5 th St, Adeline, 3 rd St, Plan Boundary, A22 area and Union	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19/T
A34 Blocks bounded by 7 th St, Peralta and Plan Boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1A (Business Enhancement) /S-19
A35 Area between 11 th St, Pine, 8 th St and Plan boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1B (Low Intensity Business)/S-19
A36 Wood St between 13 th and 14 th St	Housing and Business Mix	(No Change)	CIX-1/S-19	HBX-4
A37 16 th St between Willow and Wood	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-4
A38 East of Mandela Parkway	Business Mix	(No Change)	CIX-1/S-19	CIX-1B (Low

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

Location	Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
between 14 th and 12 th St				Intensity Business)/S-19
A39 Multiple blocks from 19 th St to 14 th St mostly adjacent to Mandela Parkway	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1A (Business Enhancement) /S-19
A40 16 th St between Mandela and Poplar	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1B (Low Intensity Business)/S-19
A41 Multiple blocks west of Mandela Parkway between 18 th St and Grand	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A42 Portion of block bounded by 20 th St, Peralta, 18 th and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19
A43 Portion of block bounded by W Grand, Peralta, 20 th St and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A44 East and west of Mandela from 18 th to 28 th St	Business Mix	(No Change)	CIX-1	CIX-1C (High Intensity business)
A45 Between 19 th St, Poplar, 21 st St, Adeline, W Grand and Chestnut	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19
A46 Block bounded by 21 st St, Chestnut, W Grand and Linden	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)/S-19
A47 Multiple blocks between 21 st St, Poplar, 28 th St, Union and Adeline	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A48 Block bounded by Poplar, 24 th St, Union St and W Grand	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A49 Multiple blocks between W Grand, Union, 28 th St and Adeline	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A50 Chestnut St between 24 th and 26 th St	Business Mix	Housing and Business Mix	CIX-1/S-19	HBX-2
A51 Adeline between 26 th and 30 St	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement) /S-19
A52 Portion of block bounded by 26 th St Magnolia, 28 th St	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity

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

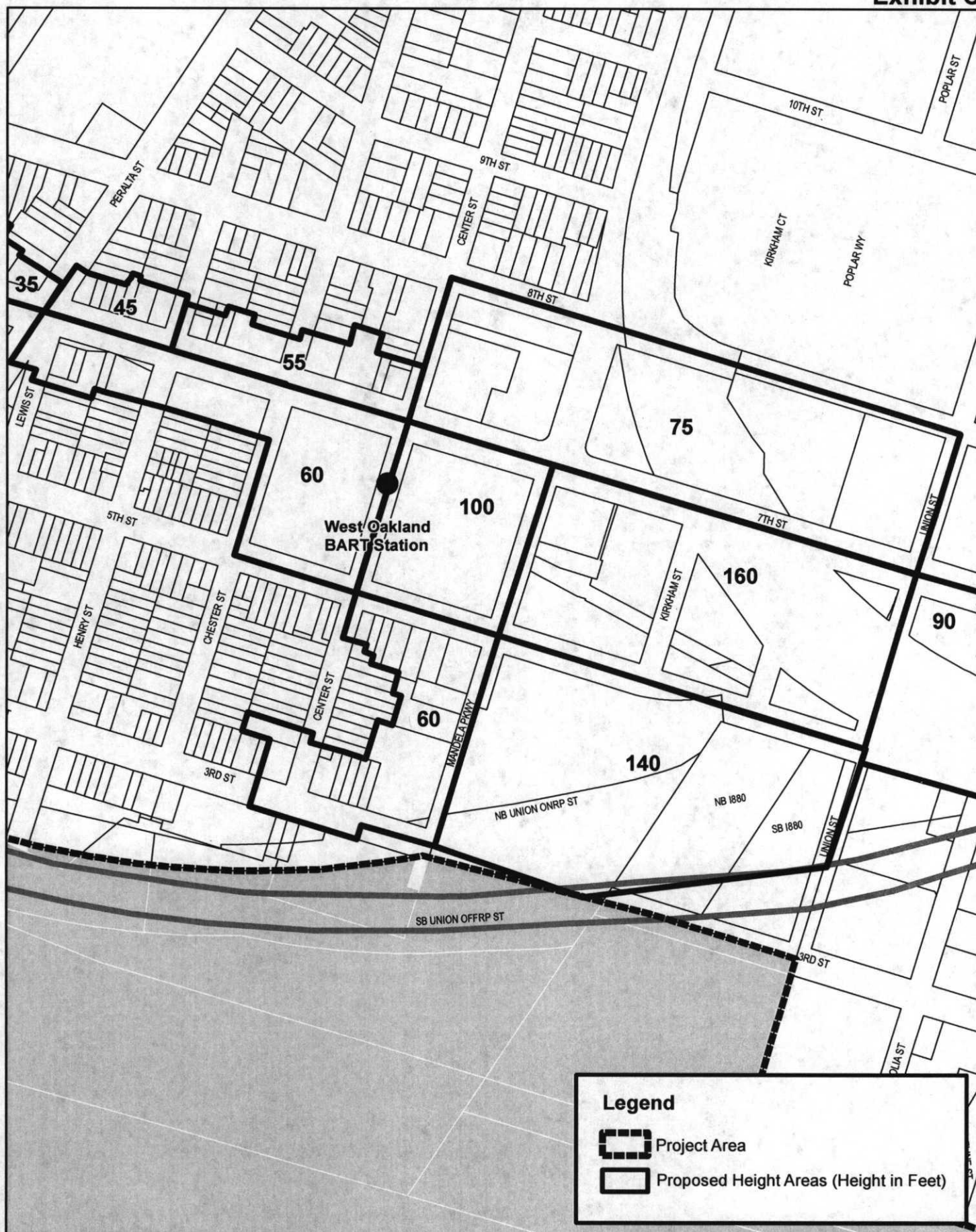
Location	Existing General Plan Designation	Proposed General Plan Designation	Existing Zoning	Proposed Zoning
				Business)/S-19
A53 Portion of triangle block bounded by Peralta, Mandela and 26 th St, and small triangle to south	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A54 Portion of triangle area bounded by Mandela, 28 th St and Peralta	Business Mix	(No Change)	CIX-1	CIX-1B (Low Intensity Business)
A55 North end of block bounded by 28 th , Peralta, 26 th St and Campbell	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A56 Small triangle block at Mandela and 26 th St	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A57 2 blocks bounded by 26 th St, Wood St, 32 nd St and Mandela Parkway	Business Mix	(No Change)	CIX-1	CIX-1A (Business Enhancement)
A58 Multiple blocks between 26 th St, Wood 32 nd St, Mandela, 1580 and Plan Boundary	Business Mix	(No Change)	CIX-1, CIX-1/S-19	CIX-1D (Retail Commercial Mix)/S-19
A59 Northeast corner of Plan area beneath 1580	Regional Commercial	Business Mix	CR-1	CIX-1D (Retail Commercial Mix)
A60 Ettie and 34 th St	Housing and Business Mix	(No Change)	HBX-2	HBX-4
A61 Multiple blocks between Union, 3 rd St, Center and 8 th St	Community Commercial	(No Change)	S-15	S-15W
A62 Chester and 5 th St fronting on BART station	Mixed Housing Type Residential	(No Change)	RM-2	RM-2/C
C1 San Pablo between 32nd and 35th	Mixed Housing Type Residential	Urban Residential		
C2 San Pablo between 27 th and 32 nd	Mixed Housing Type Residential	Community Commercial		
C3 Peralta and Hannah	Business Mix	Housing and Business Mix		
C4 Mandela Parkway	Business Mix	Urban Open Space		
C5 San Pablo between 24 th and 27 th	Mixed Housing Type Residential	Urban Residential		
C6 Market and W Grand	Mixed Housing Type Residential	Community Commercial		
C7 Mandela Parkway	Business Mix	Urban Open Space		
C8 Linden and W Grand	Community Commercial	Mixed Housing Type Residential		
C9 Mandela Parkway and 16 th St	Business Mix	Urban Open Space		
C10 Union and 12th Street	Urban Open Space	Business Mix		

EPP* = Estuary Policy Plan

LUTE** = Land Use & Transportation Element

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

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



West Oakland Specific Plan **Proposed Height Areas**