EXHIBIT A: PROPOSED AMENDMENTS TO THE PLANNING CODE

The following are the proposed Planning Code amendments. Deletions are in ~~strike out~~ and additions are underlined. This exhibit reflects the motion adopted by the City Council at their 5/26/20 meeting.

Chapter 17.09 DEFINITIONS
Sections:

17.09.040 Definitions.

"Home occupation" means 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 reserved for use ~~therefore,~~ by an occupant of the living unit and which is customarily incidental to the residential use of the living unit; or for Limited Agricultural Activities and/or bee keeping, in an outdoor area which is reserved for use by an occupant of the living unit and customarily incidental to the residential use of the living unit. A home occupation shall be subject to the provisions of Chapter 17.112.

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS Sections:

17.17.050 Property development standards.

17.17.050 Property development standards.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	**RM-2**	**RM-3**	**RM-4**	
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, 7
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7

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.

B. **Reduced 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 Reduced 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 front (≤20% street-to-setback gradient)	15 ft.	15 ft.	1
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	1
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. 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 four (4) feet for lots less than 4,000 sf. and a minimum width of three (3) feet for lots equal to or less than 3,000 sf. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, s~~S~~ee Section 17.108.130 for allowed projections into setbacks.

Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS [25]

Sections:

17.58.040 Permitted and conditionally permitted activities.

17.58.040 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD Zones. The descriptions of these activities are contained in Chapter 17.10.

"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 for the CUP procedure) in the corresponding zone.

"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 17.58.01: Permitted and Conditionally Permitted Activities

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Civic Activities					
Administrative	P(L4)(L7)	P(L5)	P	P	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	
Fast-Food Restaurant	—	C	C	C	17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L4)(L7)(L9)	P(L4)(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	

Limitations on Table 17.58.01:

L7. These activities ~~may~~ shall only be located on or below the ground floor of a building with the following two exceptions:

a) Upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process), an activity is permitted anywhere above the ground floor ~~i~~if the floor area devoted to the activity is both: 1) less than or equal to two thousand (2,000) square feet; and 2) ~~in~~ a Local Register property~~, then the activity is permitted anywhere above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).~~; and

b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to Nonresidential Activities in the building is less than the floor area devoted to Residential Activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS

Sections:

17.101C.030 - Permitted and conditionally permitted activities.

Limitations on Table 17.101C.01:

L12. Only these activities can be counted towards the minimum retail floor area that is required ~~in order~~ to develop Residential Facilities pursuant to Section<u>s</u> 17.101C.050C and ~~Section~~ 17.101C.050D. For General Food Sales Commercial Activities, no more than five thousand (5,000) square feet can be counted toward the minimum retail area; for Group Assembly Commercial Activities, only a movie <u>or other</u> theatre<u>, fitness club, exercise studio, yoga studio, martial arts space, bowling alley, or night club</u> ~~-~~that is above the ground floor can be counted toward the minimum retail area; for Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is not included). For pharmacies that fall within the General Retail Sales Commercial Activities: (a) if the retail component of the store is predominantly comparison goods, then the activity is permitted and counts toward the minimum retail floor area that is required in order to develop Residential Facilities; (b) if the retail component of the store is predominantly convenience goods, then the activity does not count toward the minimum retail floor area that is required in order to develop Residential Facilities and is only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050. As described in the Broadway Valdez District Specific Plan and as further determined by the Planning Director: comparison goods include items such as clothing, jewelry, toys, books, sporting goods, home furnishings, appliances, and electronics; and convenience goods include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS Sections:

~~17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.~~

~~17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.~~

~~A. Purpose and Applicability. The special home occupation regulations described below shall apply in the D-CE-3 Zone only. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the D-CE-3 Zone when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in the Jingletown/Elmwood neighborhood, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained. For home occupation regulations in all other zones, see Planning Code Chapter 17.112.~~

~~B. Definitions.~~

~~1. A **"home occupation"** is 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 lot as the living unit, or, for Limited Agricultural Activities and/or bee keeping, 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, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this Chapter.~~

~~2. For the purpose of this Chapter**, Limited Agricultural Activities** include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.~~

~~3. For the purpose of this Chapter only, a **"bee keeping activity"** is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.~~

~~C. Exclusions. The following activities shall not in any case qualify as home occupations:~~

~~1. Introductory service;~~

~~2. Teaching of organized classes totaling more than six (6) persons at a time;~~

3. 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;

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

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

6. Care, treatment, or boarding of animals for profit;

7. Agricultural Activities that include the use of mechanized farm equipment.

8. Bee keeping activities that include more than three (3) hives.

D. Requirements.

1. Location. A home occupation 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; however, existing parking must be maintained or replacement parking provided.

   c. For Limited Agricultural Activities and bee keeping 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 or involve the keeping of more than three (3) bee hives.

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 chapter, 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.

E. 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.

F. Required approval. No home occupation in the D-CE-3 Zone shall be permitted unless the Director of City Planning certifies that it will conform to the special home occupation regulations contained in this Section. 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

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 Working Quarters.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

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 C~~c~~onditional U~~u~~se P~~p~~ermit pursuant to the C~~c~~onditional U~~u~~se P~~p~~ermit procedure in Chapter 17.134. However, this requirement shall not apply to:

A. Nonresidential Activities within:

1. HBX, CIX, IG, IO, or D-CE Work/Live Facilities;

2. Joint Living and Working Quarters, pursuant to Section 17.102.190;

3. Residentially-Oriented Joint Living and Working Quarters, pursuant to Section 17.102.195; or~~.~~

B. An approved home occupation, pursuant to Chapter 17.112.

17.102.190 Joint Living and Working Quarters.

A. General Provisions.

3. Any building proposed to contain JLWQ(s) must have the following characteristics:

a. The building was originally designed for non-residential ~~industrial or commercial~~ occupancy;

B. Definition. Joint Living and Working Quarters (JLWQs) means residential occupancy by one or more persons maintaining a common household of one or more rooms or floors within the building envelope of an existing building originally designed for non-residential ~~industrial or commercial~~ occupancy. Each Joint Living and Working Quarter 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 persons residing therein.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more

rooms or floors in an existing building that is at least ten (10) years old and originally designed for non-residential occupancy. Each Residentially-Oriented Joint Living and Working Quarter includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S. that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

C. Conditions for Conversion.

1. In the area prescribed in Subsection A., an existing building or portion of a building that was originally designed for non-residential occupancy can be converted to Residentially-Oriented Joint Living and Working Quarters as long as each of the following standards is met:

D. Conditional Use Permit Required in Certain Instances. In the area prescribed in Subsection A., a project that involves the conversion of an existing building or portion of a building that was originally designed for non-residential occupancy to Residentially-Oriented Joint Living and Working Quarters and does not meet one or more of the requirements of Subsection C.1. above may be permitted upon the granting of a Cconditional Uuse Ppermit pursuant to the Cconditional Uuse Ppermit procedure in Chapter 17.134. A Cconditional Uuse Ppermit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Cconditional Uuse Ppermit procedure in Chapter 17.134 and to any and all applicable additional use permit criteria set forth in the particular individual zone regulations.

E. Non-Applicability of Certain Requirements Pertaining to Dwelling Units. In the area prescribed in Subsection A., the conversion to Residentially-Oriented Joint Living and Working Quarters of a building or portion of a building that was originally designed for non-residential occupancy is not subject to the requirements for off-street parking in Section 17.116.020 (New Parking to Be Provided for New Living Units in Existing Facilities) and is not subject to the open space requirements for new residential dwelling units contained in the applicable zoning district or districts, but is subject to the requirements of Subsection C.1. above for retention of existing parking and open space.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS
Sections:

17.108.130 Exceptions to required openness of minimum yards and courts.

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

17.108.130 Exceptions to required openness of minimum yards and courts.

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**
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; and 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights, or it involves an approved home occupation ~~in the West Oakland Specific Plan Area~~ as specified in Chapter 17.112; ~~Section 17.112.060 or an approved home occupation in the D-CE Central Estuary District zones as specified in Chapter 17.101E;~~ and 5. The affected side yard, if any, is not one required by Section 17.102.240. 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.			

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

A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barriers, 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:

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

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

i. Exception. Fences enclosing building construction sites may be exempted from the above limitation on barbed wire and razor wire for the duration of the permitted construction activity if the Director of City Planning determines that trespassing could present a public safety hazard. The Director of City Planning, or his or her designee, is hereby authorized to institute standards consistent with this subsection to guide implementation of this exception.

C. Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, 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, D-CO-1, and S-15 Zones.

1. Height.

a. The maximum height allowed by right of any fence, dense hedge, barrier, or similar freestanding wall located within ten (10) feet of the public right-of-way or any abutting property located in a Residential or Open Space Zone is ~~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 if installed with additional landscape screening and upon the granting of Small P~~p~~roject D~~d~~esign R~~r~~eview pursuant to the Small P~~p~~roject D~~d~~esign R~~r~~eview procedure in Chapter 17.136~~-~~.

b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot is ~~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, or electrified 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 may ~~shall~~ be exempted from the above limitation on barbed wire and razor wire if ~~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~~ Rail transit routes.

iii. Building construction sites, but only for the duration of the permitted construction activity.

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

1. Height.

   a. The maximum height allowed by right of any fence, dense hedge, barrier, or similar freestanding wall located within ten (10) feet of the public right-of-way or any abutting property located within a Residential or Open Space Zone is ~~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 if installed with additional landscape screening and upon the granting of Small P~~p~~roject D~~d~~esign R~~r~~eview pursuant to the Small P~~p~~roject D~~d~~esign R~~r~~eview procedure in Chapter 17.136.

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 Hh~~h~~ome O~~o~~ccupation R~~r~~egulations. The purpose of these regulations is to prescribe the conditions under which limited N~~n~~onresidential A~~a~~ctivities may be conducted when incidental to Residential Activities. ~~Except as otherwise specified in Section 17.101E.100 for the D-CE-3 Central Estuary District Zone,~~ T~~t~~hese regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such N~~n~~onresidential A~~a~~ctivities 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 Section 17.101E.100 for home occupation regulations specific to the D-CE-3 Central Estuary District Zone.~~

17.112.020 Definitions.

A. ~~Except as otherwise defined in .100(B) for the D-CE-3 Central Estuary District Zone and Section 17.112.060(B) for the West Oakland Specific Plan Area,~~ A~~a~~ "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and reserved for use by an occupant of the living unit; ~~therefor,~~ or, for Limited Agricultural Activities and/or bee keeping, 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, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), 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.

B. For the purpose of this Chapter, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than

four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.

17.112.030 Exclusions.

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

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

I. On-site car and/or truck repair.

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 Section 17.101E.100 for the D-CE-3 Central Estuary District Zone.~~

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

1. Within a living unit by a resident thereof;

2. Within an attached or detached garage or accessory structure that is ~~attached to, and~~ reserved for~~,~~ use by an occupant of a living unit; and

3. For Limited Agricultural Activities and bee keeping 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 or involve the keeping of more than three (3) bee hives.

C. 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.

D. 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 any sequential employee shifts with each shift staffed by a different employee, even if only one (1) nonresident employee would be 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. ~~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.~~

ED. 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.

FE. 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. The historic character-defining features of the building shall be maintained in all home occupations.

GF. 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.

HG. 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.

IH. 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.

J. 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.

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. For activities involving hazardous materials, the applicant shall submit a sufficient description of the business (including but not limited to, a site plan, floor plan, machinery used, materials, and materials storage) to allow for review by the Building Services Division and/or Fire Department.

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 Aadministrative Aappeal Pprocedure 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 Limited Agricultural Activities and/or bee keeping, 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, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), 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.~~

~~2. For the purpose of this section, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.~~

~~3. For the purpose of this section, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.~~

~~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 Limited Agricultural Activities and bee keeping 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 or involve the keeping of more than three (3) bee hives.~~

~~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 II - Nonconforming Activities

Article II Nonconforming Activities

17.114.070 Nonconforming Activity—Allowed substitutions and other changes in activity.

17.114.070 Nonconforming Activity—Allowed substitutions and other changes in activity.

A. **Activity Nonconforming Because It Is Not a Permitted Activity.** The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

3. If the nonconforming activity is located at ground level on any lot in the CN-1 or CN-2 Zone, no change shall be made in the nature of the particular activity, except when the result is itself permitted in the same location, unless a Cconditional Uuse Ppermit is granted pursuant to the Cconditional Uuse Ppermit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.

4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. ~~Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.103.030.B.2, which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.~~

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a Cconditional Uuse Ppermit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this Section.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS
Sections:

Article II Off-Street Parking Requirements

17.116.080 Off-street parking—Commercial Activities.

17.116.105 Special regulations in the Downtown Zones.

17.116.080 Off-street parking—Commercial Activities.

A. Minimum Parking for Commercial Activities.

Except as otherwise provided in Article III and elsewhere in this Title, the following table contains the amounts of off-street parking that are required in the indicated location for all Commercial Activities.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
Group Assembly – only theaters, cabarets, nightclubs with performance and/or dance space, and temporary and permanent carnivals, fairs, and circuses. Go to "All other activities," below for other Group Assembly Activities.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area.	One (1) space for each fifteen (15) fixed seats in indoor places of assembly ~~with fixed seats~~, plus one space for each one hundred (100) 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.

17.116.105 Special regulations in the Downtown Zones.

The following regulations shall apply to new Multifamily Residential Facilities of five (5) ~~ten (10)~~ or more dwelling units in the CBD and LM Zones.

Chapter 17.132 ADMINISTRATIVE APPEAL PROCEDURE
Sections:

17.132.040 Appeal to Council on transit line sign controls.

17.132.040 Appeal to Council on transit line sign controls.

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an administrative appeal involving the provisions of Sections 17.104.040 or 17.114.150, an appeal from said decision may be taken to the City Council by any interested party. In event 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. Such appeal shall be made on a form prescribed by the Planning Director ~~Commission~~ and shall be filed with the ~~City Clerk.~~ Planning and Building Department. ~~City Clerk.~~ The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of said appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall review the purpose and intent, as well as the letter, of the pertinent provisions, and shall affirm, modify, or reverse the Commission's decision. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE
Sections:

17.134.020 Definition of Major and Minor Conditional Use Permits.

17.134.070 Appeal to Council—Major Cc~~c~~onditional Uu~~u~~se Pp~~p~~ermits.

17.134.110 Conditional Uu~~u~~se Pp~~p~~ermit related to Pp~~p~~lanned Uu~~u~~nit Dd~~d~~evelopment or subdivision.

17.134.070 Appeal to Council—Major Cc~~c~~onditional Uu~~u~~se Pp~~p~~ermits.

A. With the exceptions of appeal for adult entertainment activities, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Mm~~m~~ajor Cc~~c~~onditional Uu~~u~~se Pp~~p~~ermit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event 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. Such appeal shall be made on a form prescribed by the Planning Director ~~Commission~~ and shall be filed with the Planning and Building Department, ~~City Clerk,~~ along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record. previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of said appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable

conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

B. Appeals to the City Council relating to adult entertainment activities shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Mmajor Cconditional Uuse Ppermit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event 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. Such appeal shall be made on a form prescribed by the Planning Director Commission and shall be filed with the Planning and Building Department, City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable special use permit criteria, and shall grant the permit if it determines that all the said criteria are present or require such chances in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

17.134.110 Conditional Uuse Ppermit related to Pplanned Uunit Ddevelopment or subdivision.

Whenever a Cconditional Uuse Ppermit is required for a proposal also requiring a Pplanned Uunit Ddevelopment permit, application for the use permit shall be included in the application for the Pplanned Uunit Ddevelopment permit, and shall be processed and considered as part of same. Whenever a Cconditional Uuse Ppermit is required within a proposed subdivision, the application for the use permit shall may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith.

In either case, however, the reviewing officer or body shall, in considering such a use permit, determine whether the proposal conforms to all the applicable use permit criteria.

Chapter 17.136 DESIGN REVIEW PROCEDURE
Sections:

17.136.090 Appeal to City Council—Regular design review.

17.136.120 Design review related to conditional use permit, Planned Unit Development, variance, or subdivision.

17.136.090 Appeal to City Council—Regular design review.

Within ten (10) calendar days after the date of initial decision by the City Planning Commission on an application for regular design review under the procedure specified in Subsection 17.136.040.D, an appeal from said decision may be taken to the City Council by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the event 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. No such appeal to the City Council is allowable under the procedure specified in Subsection 17.136.040.C. Such appeal shall be made on a form prescribed by the Planning Director ~~Commission~~ and shall be filed with the Planning and Building Department, ~~City Clerk,~~ along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of said appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council 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 its judgment necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

17.136.120 Design review related to Cconditional Uuse Ppermit, Pplanned Uunit Ddevelopment, variance, or subdivision.

A. Whenever design review approval is required for a proposal also requiring one or more other discretionary permits, such as a Cconditional Uuse Ppermit, Pplanned Uunit Ddevelopment permit, or variance, the application for design review shall be submitted with the application for said other permit and shall be processed and considered as part of the same proposal. The reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria. Decisions on the design review aspects of a proposal also requiring one or more other discretionary permits, such as a Mminor Cconditional Uuse Ppermit or Mminor Vvariance, shall still be appealable within ten (10) calendar days after the date of decision to the City Planning Commission or City Council to the extent such appeal would otherwise be allowed under Sections 17.136.080 and 17.136.090. In the event 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.

B. Whenever design review approval is required for a proposal also requiring subdivision approval, the application for design review approval shall ~~may~~ be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and ~~but~~ shall ~~nonetheless~~ be subject to all the separate procedure and criteria pertaining to design review.

Chapter 17.140 PLANNED UNIT DEVELOPMENT PROCEDURE
Sections:

17.140.040 Submission of final development plan.

17.140.070 Appeal to Council.

17.140.040 Submission of final development plan.

Within two (2) years ~~one (1) year~~ after the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 17.140.030, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall also be submitted. If the final plan, meeting the requirements stated in this section, is not submitted within two (2) years ~~one (1) year~~ after the date of approval or modified approval of the preliminary development plan, whether approved by operation of law or otherwise, the preliminary development plan shall be considered void.

17.140.070 Appeal to Council.

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for approval of a preliminary or final development plan, or for modification or amendment of any such plan, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In the event 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. Such appeal shall be made on a form prescribed by the Planning Director ~~Commission~~ and shall be filed with the Planning and Building Department, ~~City Clerk,~~ along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the

City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of said appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable criteria and standards, and may approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and standards. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS
Sections:

Article III - Planned Unit Developments

Article III Planned Unit Developments

17.142.100 Bonuses.

17.142.110 Development standards.

17.142.100 Bonuses.

A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio (FAR) Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a Planned Unit Development incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection E. of this Section, in addition to the activities generally permitted in the zone where the development is located:

~~1. Residential Activities:~~

~~Permanent~~

1~~2~~. Civic Activities:

Limited Child-Care

Community Education

2~~3~~. Commercial Activities, provided that such activities shall not occupy in the aggregate more than five percent (5%) ~~four percent (4%)~~ of the total floor area in such development, provided that the maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) square feet, and further provided that such activities shall not be permitted at all in any such development which has an overall density in Residential Facilities of less than forty (40) living units per net residential acre (excluding streets and other rights-of-way):

17.142.110 Development standards.

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

F. Usable Open Space. In the RH-1, RH-2 and RH-3 Zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4 and RD-1 Zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space

per dwelling unit shall be provided for Residential Facilities. In any other zone, ~~in any~~ developments incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection 17.142.100.E~~, group usable open space~~ shall ~~be~~ provide ~~d~~ usable open space for Residential Facilities in the ~~minimum~~ amount required in the individual zoning chapters and ~~of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Subsection 17.142.100.F, all required usable open space shall conform to the standards for required usable open space~~ in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapters.

Chapter 17.144 REZONING AND LAW CHANGE PROCEDURE
Sections:

17.144.070 Appeal to Council by private party.

17.144.090 Council action.

17.144.070 Appeal to Council by private party.

Within ten (10) calendar days after the date of an adverse decision by the City Planning Commission on a private party application, an appeal from said decision may be taken to the City Council by the applicant. In event 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. Such appeal shall be made on a form prescribed by the Planning Director ~~Commission~~ and shall be filed with the Planning and Building Department. ~~City Clerk.~~ The appeal shall state specifically wherein it is claimed the Commission erred in its decision. The appeal shall be considered in accordance with Section 17.144.090.

17.144.090 Council action.

Upon receipt of an appeal by a private party, or upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. After setting the hearing date, the Council, prior to hearing the appeal or recommendation, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available scheduled meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. In the case of receipt of a recommendation from the City Planning Commission, the City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof; and said Secretary shall give notice of the hearing by mail or delivery to all parties who have commented on the matter and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing.

In the case of an appeal by a private party, the City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of the appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. Upon an appeal by a private party, or upon the receipt of a recommendation from the City Planning Commission, the Council may approve, modify, or reverse the decision or may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.148 VARIANCE PROCEDURE
Sections:

17.148.070 Appeal to Council—Major Variances.

17.148.100 Variance related to Conditional Use Permit, Regular Design Review, Planned Unit Development, or subdivision.

17.134.120 Termination of a Variance related to an activity

17.148.070 Appeal to Council—Major Variances.

A. With the exceptions of appeals for Adult Entertainment Activities or for Signs, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Mmajor Vvariance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event 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. Such appeal shall be made on a form prescribed by the Planning Director City Planning Commission and shall be filed with the Planning and Building Department, City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section

17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the City Council shall be made by resolution and shall be final.

B. Appeals to the City Council relating to Adult Entertainment Activities or for Signs shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Mmajor Vvariance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event 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. Such appeal shall be made on a form prescribed by the Planning Director Commission and shall be filed with the Planning and Building Department, City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, given written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

17.148.100 Variance related to Conditional Use Permit, Regular Design Review, Planned Unit Development, or subdivision.

Whenever a variance is required for a proposal also requiring a Cconditional Uuse Ppermit, Regular Ddesign Rreview, or a Planned Unit Development permit, application for the variance shall be included in the application for said Cconditional Uuse Ppermit, Regular Ddesign Rreview, or Planned Unit Development permit, and shall be processed and considered as part of same. Whenever a variance is proposed within a proposed subdivision, the application for the variance

shall ~~may~~ be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a variance, determine whether the conditions required in Section 17.148.050 are present.

17.148.120 Termination of a Variance related to an activity

A. A Variance granted pursuant to the provisions of this Chapter that permits an otherwise prohibited activity shall not be of any force or effect if the following is true:

1. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity has ceased, or has been suspended, for a consecutive period of two (2) or more years.

B. A single, one-year extension of the period described in subsection (A) may be granted by, and at the discretion of, the Planning Director ~~of the Bureau of Planning~~, ~~or~~ his or her designee. The request for the extension shall be: 1) in writing, 2) made by the applicant or owner of the subject site, and 3) made prior to the two (2) year period described in subsection (A).

Chapter 17.156 DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS Sections:

Article IV - Deemed Approved Status Procedure

Article IV Deemed Approved Status Procedure

17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.

17.156.170 Appeal on the revocation of a Deemed Approved Status to the City Council.

Within ten (10) calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the City Council by any interested party. In the event 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. Such appeal shall be made on a form prescribed by the Planning Director ~~Planning Commission~~ and shall be filed with the Planning and Building Department, ~~City Clerk,~~ along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and an appeal fee in accordance with Section 17.156.190, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission ~~of the receipt of said appeal and~~ of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Activity; the property owner; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the time, date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the Deemed Approved Activity conforms to the applicable Deemed Approved performance standards, and may approve or disapprove the revocation or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said standards. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.157 DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS Sections:

Article IV - Deemed Approved Status Procedure

Article IV Deemed Approved Status Procedure
17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.

17.157.140 Appeal on the revocation of a Deemed Approved Status to the City Council.

Within ten (10) calendar days after the date of a decision by the City Planning Commission to revoke a Deemed Approved Status, an appeal from said decision may be taken to the City Council by any interested party. In the event the last date of appeal falls on a weekend or a holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Director ~~City Planning Commission~~ and shall be filed with the ~~City Clerk~~Planning and Building Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal and an appeal fee in accordance with Section 17.157.160, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the ~~receipt of said appeal and the~~ date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the owner of the Deemed Approved Hotel Activity; the property owner; the appellant in those cases where the appellant is not the owner; the adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as appropriate, of the date and place of the hearing on the appeal.

During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item and raised in the appeal itself, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the Deemed Approved Hotel Activity conforms to the applicable Deemed Approved performance standards and/or conditions of approval, and may approve or disapprove the revocation of the Deemed Approved Status; or require such changes to the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.158 ENVIRONMENTAL REVIEW REGULATIONS
Sections:

Part 2 - California Environmental Quality Act ("CEQA") Procedures

Article 2.1 - General Provisions

Part 2 California Environmental Quality Act ("CEQA") Procedures

Article 2.1 General Provisions

17.158.180 Ministerial actions.

17.158.190 Discretionary actions.

17.158.180 Ministerial actions.

Ministerial actions typically processed by the City include, but are not limited to:

K. Approval of d~~D~~esign review exemptions, as defined in Chapter 17.136 of the Oakland Planning Code;

17.158.190 Discretionary actions.

Discretionary actions typically processed by the City include, but are not limited to:

A. Certain approvals granted under the zoning regulations, including but not limited to:

1. Conditional U~~u~~se P~~p~~ermits;
2. Small P~~p~~roject D~~d~~esign R~~r~~eview, as defined in Chapter 17.136 of the Oakland Planning Code;
3. Special Project Design Review, as defined in Chapter 17.136 of the Oakland Planning Code;
4. Regular D~~d~~esign R~~r~~eview, as defined in Chapter 17.136 of the Oakland Planning Code;
5~~4~~. Development A~~a~~greements;
6~~5~~. Planned U~~u~~nit D~~d~~evelopments;
7~~6~~. Rezonings;
8~~7~~. Variances.