Chapter 17.60
CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

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17.60.010 Title, Intent, and Description

A. Title and Intent. The provisions of this chapter shall be known as the CE Central Estuary District Zones Regulations. The intent of the CE zones are to:

1. Preserve and enhance opportunities for business and employment development in uses that can benefit from proximity to existing commercial, industrial and mixed use facilities in the area;
2. Implement the Estuary Policy Plan in the Central Estuary District;
3. Encourage the creation of mixed-use districts that integrate various combinations of residential, industrial, commercial, public open space and civic uses;
4. Establish development standards that allow residential, industrial, commercial, public open space and civic activities to compatibly co-exist;
5. Provide convenient access to public open space and the waterfront;
6. Improve access to the waterfront and recreational opportunities along the waterfront, including boat launches and marinas;
7. Encourage quality and variety in building and landscape design as well as compatibility in use and form;
8. Encourage development that is respectful of the environmental qualities that the area has to offer;
9. Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community; and
10. Provide a set of procedures and practices to review and consider future design of new building construction.
11. Preserve and enhance distinct neighborhoods in the Central Estuary District. .

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

1. **CE-1 Central Estuary District Commercial Zone – 1** (Embarcadero Cove). The CE-1 zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of marine, office and other commercial uses.
2. **CE-2 Central Estuary District Commercial Zone – 2** (High Street Retail). The CE-2 zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial with direct street frontage and access to the freeway.
3. **CE-3 Central Estuary District Mix Zone – 3** (Jingletown/Elmwood). The CE-3 zone is intended to create, preserve, and enhance areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.
4. **CE-4 Central Estuary District Mix Zone – 4** (Mixed Use Triangle). The CE-4 zone is intended to create, maintain and enhance areas of the Central Estuary that have a mix of industrial and heavy commercial activities. Higher density residential development is also appropriate in this zone.
5. **CE-5 Central Estuary District Industrial Zone – 5** (Food Industry Cluster/Warehouse Wedge/Tidewater South). The CE-5 zone is intended to create, preserve, and enhance areas of the Central Estuary 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.
6. **CE-6 Central Estuary District Industrial Zone – 6** (Con Agra/Owens Brockway/Tidewater North). The CE-6 zone is intended to create, preserve and enhance areas of the Central Estuary 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 industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar 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.

17.60.020 Required Design Review

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. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Design Guidelines Manual for the Central Estuary is required for any proposal in the CE zones subject to the design review procedure in Chapter 17.136.

C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Design Guideline Manual for the Central Estuary, the design objectives in the Design Guidelines Manual for the Central Estuary shall prevail.

17.60.030 Permitted and Conditionally Permitted Activities

Table 17.60.01 lists the permitted, conditionally permitted, and prohibited activities in the CE 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 17.60.01: Permitted and Conditionally Permitted Activities

Activities							Additional Regulations
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Residential Activities							
Permanent	--	--	P(L1)	P(L1)	--	--	
Residential Care	--	--	P(L1)	P(L1)	--	--	17.102.212
Service-Enriched Permanent Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Transitional Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Emergency Shelter	--	--	C(L1)	C(L1)	--	--	17.102.212
Semi-Transient	--	--	C	C	--	--	17.102.212
Bed and Breakfast	--	--	C	--	--	--	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	--	--	P	--	--	--	
Community Assembly	--	--	P (L2)	--	C	--	
Recreational Assembly	P	C	P (L2)	C	C	--	
Community Education	P	P	C	C	C	--	
Nonassembly Cultural	P	P	P (L3)	P(L3)	C	--	
Administrative	P	P	P (L3)	P(L3)	C	--	
Health Care	--	--	C	C	--	--	
Special Health Care	--	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
Commercial Activities							
General Food Sales	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Full Service Restaurants	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Limited Service Restaurant and Café	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Fast-Food Restaurant	--	C	--	--	C	--	17.102.210 and 8.09
Convenience Market	C	C	C	C	--	--	17.102.210

Table 17.60.01: Permitted and Conditionally Permitted Activities							
Activities							**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Alcoholic Beverage Sales	C	C	C	C	C	--	17.102.21 & 17.102.040
Mechanical or Electronic Games	C	C	C	C	--	--	17.102.210
Medical Service	--	--	--	--	--	--	
General Retail Sales	P	P	P (L5)	P (L5)	P (L5)	--(L6)	
Large-Scale Combined Retail and Grocery Sales	--	C	--	--	--	--	
Consumer Service	P	P	P	P	P	--	
Consultative and Financial Service	P	P	P (L3)	P	C	--	
Check Cashier and Check Cashing	--	C	--	--	--	--	17.102.430
Consumer Cleaning and Repair Service	--	P	C	C	C	--	
Consumer Dry Cleaning Plant	--	C	--	--	C	C	
Group Assembly	C	C	C	C	C	C (L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C (L8)	
Administrative	P	P	P (L3)	P (L3)	P	--(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	--	P (L7)	P (L3)	P (L3)	P (L3)	P(L11)	
Transient Habitation	C	C	C	C	--	--	17.102.370
Building Material Sales	--	P	P (L12)	P (L12)	P	--	
Boat and marine related sales, rental, repair and servicing	P	C	--	--	--	C	
Automobile and Other Light Vehicle Sales and Rental	--	C	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	C	--	--	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	--	C (L13)	--	--	C	P	
Taxi and Light Fleet-Based Services	--	--	--	--	--	C	
Automotive Fee Parking	--	--	--	C	C	C	
Animal Boarding	--	C	C	C	--	--	
Animal Care	--	P	C	C	--	--	

Table 17.60.01: Permitted and Conditionally Permitted Activities							
Activities							**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Undertaking Service	--	--	--	--	C	C	
Industrial Activities							
Custom Manufacturing	C	P	P (L3)	P (L3)	P	P	17.102.040
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.102.040
General Manufacturing	--	--	--	--	P	P	
Heavy/High Impact	--	--	--	--	--	C	
Research and Development	P (L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	--	--	--	C	P (L14)	P (L14)	
Warehousing, Storage, and Distribution							
A. General Warehousing, Storage and Distribution	C	--	P (L2)	P (L3)	P	P	
B. General Outdoor Storage	--	--	--	--	P (L14)	P (L14)	
C. Self- or Mini Storage	--	--	--	C	C	--	
D. Container Storage	--	--	--	--	P (L14)	P (L14)	
E. Salvage/Junk Yards	--	--	--	--	--	C	
Regional Freight Transportation							
A. Seaport	--	--	--	--	--	C	
B. Rail Yard	--	--	--	--	C	C	
Trucking and Truck-Related							
A. Freight/Truck Terminal	--	--	--	--	P (L14)	P(14)	
B. Truck Yard	--	--	--	--	C	P(14)	
C. Truck Weigh Stations	--	--	--	--	P	P	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	--	--	--	--	P(14)	P(14)	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	--	--	--	--	P(14)	P(14)	
Recycling and Waste-Related							
A. Satellite Recycling Collection Centers	--	P (L15)	P (L15)	P (L15)	P (L15)	P (L15)	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	--	C (L16)	17.73.035
Hazardous Materials Production, Storage, and Waste Management							

Table 17.60.01: Permitted and Conditionally Permitted Activities							
Activities							**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
A. Small Scale Transfer and Storage	--	--	--	--	C	C(L14, L17)	
B. Industrial Transfer/Storage	--	--	--	--	--	C(L14, L17)	
C. Residuals Repositories	--	--	--	--	--	C(L14, L17)	
D. Oil and Gas Storage	--	--	--	--	--	C(L14, L17)	
Agriculture and Extractive Activities							
Crop and animal raising	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	
Plant nursery	--	C	C	C	P	P	
Mining and Quarrying	--	--	--	--	--	--	17.102.220
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.102.100 & 17.102.110
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.60.01:

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 17.102.212 for other regulations regarding these activities.

L2. The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. The total floor area devoted to a grocery store shall only exceed twenty thousand (20,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. These activities are only allowed on the ground floor of a building. Except in CE-4, the total floor area devoted to these activities by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. Retail is only allowed as an accessory use per Section 17.10.040.

L7. The total floor area devoted to these activities by a single establishment shall not exceed five thousand (5,000) square feet.

L8. Entertainment, educational and athletic services are not permitted.

L9. Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in CE-6.

L10. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L11. These activities are only allowed in the Tidewater South area of CE-5, not permitted in any other areas of CE-5.

L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity 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 floor area.

L13. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

L14. A Conditional Use Permit is required if located within 300 feet of the shoreline; the CE-3 zone; or any Open Space zone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond 300 feet.

L15. Permitted within a grocery store or other large associated development, but if it is a stand alone collector center than a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required. If the recycling collection is placed within the parking lot the overall parking requirements for the principal activity shall still be met.

L16. A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for this activity, but is not permitted within 300 feet of: a) the shoreline; b) the CE-1, CE-2, CE-3, or CE-4 zone; or c) any Open Space zone. All special regulations for primary collection centers in the industrial zones must be met as listed in Section 17.73.035.

1. L17. This activity is only permitted 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 all of the following additional use permit criteria: 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 that minimize adverse impacts to the surrounding community have been incorporated into the project.

L18. Crop and Animal Raising is only permitted 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 all of the following additional 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.

17.60.040 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 Table 17.60.02 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 accommodates 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 accommodates a primary nonresidential activity with an accessory residential component.

Table 17.60.02 lists the permitted, conditionally permitted, and prohibited facilities in the CE 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 17.60.02: Permitted and Conditionally Permitted Facilities							
Facilities	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Residential Facilities							
One-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
Multifamily Dwelling	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Rooming House	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Mobile Home	--	--	--	--	--	--	
Live/Work	--	--	P	P	--	--	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C	C	P	P	
Work/Live	--	--	P	P	C	--	

Table 17.60.02: Permitted and Conditionally Permitted Facilities							
Facilities	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Sidewalk Café	P	P	P	P	C	--	17.102.335
Drive-In	C	C	--	C	--	--	
Drive-Through	C	C	--	C (L3)	C	C	17.102.290
Telecommunications Facilities							
Micro Telecommunications	C	P(L4)	C	C	P(L4)	P(L4)	17.128
Mini Telecommunications	C	P(L4)	C	C	P(L4)	P(L4)	17.128
Macro Telecommunications	C	C	C	C	C	P(L4)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L4)	17.128
Tower Telecommunications	--	--	--	--	--	P(L4)	17.128
Sign Facilities							
Residential Signs	--	--	P	P	--	--	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	--	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	--	--	--	--	--	--	17.104

Limitations on Table 17.60.02:

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

L2. If a vacant lot is greater than 5,000 square feet, a new one-family dwelling unit may not be constructed without the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3. Drive through facilities are not allowed to locate between the front property line and the building.

L4. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or CE-3 and CE-4 zones.

17.60.050 Property Development Standards

Table 17.60.03 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. "N/A" designates the regulation is not applicable to that zone.

Table 17.60.03 Property Development Standards							
Development Standards	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Minimum Lot Dimensions							
Width mean	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks - See Design Guidelines Section 3.3.							
Minimum front	0 ft	0 ft	10 ft	10 ft	5 ft.	5 ft.	2
Minimum interior side	0 ft	0 ft	4 ft	0 ft	0 ft.	0 ft.	2
Minimum street side of a corner lot	0 ft	0 ft	4 ft	5 ft	5 ft	5 ft	2
Rear (residential facilities)	N/A	N/A	10 ft	10 ft	N/A	N/A	3
Rear (nonresidential facilities)	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	2
Height Regulations - See Design Guidelines Section 4.2.							
Maximum height	45	85	45/55	85	85	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines Section 3.8.						
Minimum fence height in yards adjacent to open space zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines Section 3.8.				8 ft	8 ft	8
Maximum fence height adjacent to open space zones	8	N/A	8	8	12 ft	12 ft	8
Maximum Residential Density (square feet of lot area required per dwelling unit) - See Design Guidelines Section 4.3.							
Regular Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space - See Design Guidelines Section 3.10.							
Group Usable Open Space per regular unit	N/A	N/A	150 sf	100 sf	N/A	N/A	11
Group usable open space per regular unit when private open space substituted	N/A	N/A	30	20 sf	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	75 sf	50 sf	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	15 sf	10 sf	N/A	N/A	11

Table 17.60.03 Property Development Standards							
Development Standards	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
when private open space is substituted							
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.						12
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations - See Design Guidelines Section 3.8 and 5.							
Site Landscaping (including parking lot)	See Chapters 17.110, 17.124 and 17.102.400 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				10%	10%	14
Driveway and Site Access Regulations - See Design Guidelines Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any residential or open space boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft	50 ft	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft	35 ft	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.60.04. - See Design Guidelines Section 4.1.						

Additional Regulations for Table 17.60.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. See also Section 17.108.130 for allowed projections into setbacks, and see the Design Review Manual for the Central Estuary, Sections 3.3 and 4.1.
3. In the CE-3 and CE-4 zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (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.
4. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any lot line that directly abuts a lot with a residential building. This maximum height increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height resulting from construction away from a setback line shall not result in a

5. In the CE-3 zone, the fifty-five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses. See the Design Guidelines Manual for the Central Estuary, Section 3.1.

6. In the CE-3 zone, the maximum heights may be exceeded in the following situations:
Structures that are either: 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). See also the Design Guidelines Manual for the Central Estuary, Section 3.1.

7. In the CE-3 Zone, 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 Oakland Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the Design Guidelines Manual for the Central Estuary. In the CE-5 and CE-6 zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.

8. In the CE-5 and CE-6 zones, this regulation applies to all property lines which directly abut a residential or open space zone, except those fronting a public street. Buffering requirements also apply to: a) new development; or expansion of an industrial or commercial building by more than 20 percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds 35 percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also Design Guidelines Manual for the Central Estuary, Section 3.8 and 4.1.

9. In the CE-3 and CE-4 zones, see Chapter 17.107 and Section 17.106.060 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 17.102.360. 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. New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one unit on the lot upon the granting of a conditional use permit (see 17.134) for conditional use permit process. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

10. 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 3,000 square feet.

11. In the CE-3 and CE-4 zones, usable open space is not required for Work/Live, and is only required on lots with two residential or Live/Work 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

12. In the CE-5 zone, parking for new development shall be located at the rear of the site or at the side of the building 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.

13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding secondary units of five hundred (500) square feet or less. The landscaping and buffering plan shall contain the following:

    a. Landscaping and buffering that is consistent with the "Design Guidelines Manual for the Central Estuary";

    b. An automatic system of irrigation for all landscaping shown in the plan;

    c. A minimum of one (1) fifteen-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 (6 ½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.

    d. At least one (1) fifteen (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.

    e. 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 buffer area, the width of the required landscaping shall be increased by two (2) feet unless wheel stops are installed.

14. In the CE-5 and CE-6 Zones, the following landscape requirements apply:

    a. Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet (see Section 17.124.025). A minimum of five percent (5%) of the lot area shall be landscaped. Landscaping and buffering must be consistent with guidelines in the "Design Guidelines Manual for the Central Estuary".

    b. Required parking lot landscaping: For all lots associated with new construction with more than 25,000 sf. of floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the "Design Guidelines Manual for the Central Estuary".

15. For all non-residential projects over 1,000 square feet street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-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

16. In the CE-5 and CE-6 Zones, the site and driveway access requirement applies to new development; or expansion of industrial or commercial buildings by more than 20 percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 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. Also applicable are the provisions of Section 17.116.
17. In the CE-5 and CE-6 Zones, a 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. Also applicable are the provisions of Section 17.116.
18. In the CE-5 and CE-6 Zones, 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. See the Design Guidelines Manual for the Central Estuary, Section 3.4 and 3.7.

17.60.060 Permitted Frontage Types

A. Applicability.

The frontage types described below are only applicable to the Central Estuary zones.

B. Definitions. (See the Design Guidelines Manual for the Central Estuary, Section 4.1)

The following definitions apply to this chapter only:

1. **Public Frontage** - The Public Frontage type accommodates very public uses, where interaction with the street and open spaces is desirable and welcomed, requiring little or no transition between the two. The Public Frontage is fully open to the street with large amounts of glazing. Windows may go from ground floor to ceiling and may be operable to promote a close indoor/outdoor relationship. Entries and windows are frequent, creating an inviting visual and physical connection with activity along the street. This frontage type is often associated with shopfronts and dining establishments. Live/Work facilities where retail shopfronts are a component may also be associated with this frontage type.
2. **Semi-Public Frontage** - The Semi-Public Frontage is defined by a moderate amount of permeability. This frontage type requires some transition from the public realm, which may be in the form of a landscaped setback, vertical separation or less transparency. This frontage type maintains a fair amount of glazing, though in a configuration that offers more privacy to interior uses that require some separation from the street, such as higher window sills, than the Public Frontage type. Building access may be less frequent than the Public Frontage or defined by a singular entry lobby and though generally still open and welcoming, may be somewhat more restricted than the Public Frontage. Entries may be characterized by porches, stoops, terraces, or lobbies. It is most often associated with employment uses, though it is flexible enough to accommodate Work/Live, warehousing, distribution and manufacturing, as it allows ample amounts of natural light balanced with a greater sense of privacy and buffer from street activity.
3. **Private Frontage** – This frontage requires the most privacy and buffering between interior uses and adjacent streets, the waterfront, public plazas, and open spaces. A transition zone is

4. **Service Frontage** - Service Frontages are defined by large expanses of blank walls with few doors and windows, mostly broken by garage doors and truck bays. Building entries are minimal with few pedestrian amenities and are not elaborately detailed. This frontage is associated with warehousing, distribution, and sometimes manufacturing businesses. This frontage is also utilized by large-format, warehouse style retailers such as Costco and Home Depot. This frontage is commonly found in the Central Estuary area, but should be avoided or used sparingly along public spaces.

C. Table 17.60.04 below prescribes development standards specific to frontage types allowed. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. Intent, guidance and application of building Frontage Types can be found in the CE Design Guidelines Manual.

Table 17.60.04: Frontage Type Standards See Design Guidelines 4.1.

	Blank Wall (maximum length in feet)		**Transparency min. glazed area (percent of building façade)**	**Access (spacing in feet or per unit)**	**Additional Regulations**
	Primary lot frontage	**Secondary lot frontage**			
Public Frontage	10 ft.	15 ft.	50%	50 ft. max.	1, 2
Semi-Public Frontage	20 ft.	20 ft.	40%	75 ft. max.	1, 2
Private Frontage	25 ft.	25 ft.	N/A	Min. 1 per unit or lobby	1, 2
Service Frontage	35 ft.	35 ft.	N/A	Min. 1 per primary lot frontage	1, 2, 3

Additional Regulations for Table 17.60.04:

1. Minimum glazed area is measured between 2' - 0" and 9' – 0" above adjacent interior finished floor elevation.
2. Glazed garage doors and entry doors, transom windows and display windows may be counted toward minimum glazed area.
3. Not required to be interrupted by windows and doors, but shall incorporate other blank wall elements as described in the Façade Articulation (Section 4.7) and Building Frontage Types (Section 4.1) in the CE Design Guidelines Manual for the Central Estuary.

17.60.070 Special Regulations for Work/Live Units.

A. Applicability.

1. 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 Commercially/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

2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. CE-3 and CE-4 Zones. A Work/Live unit in the CE-3 and CE-4 zones must meet all applicable regulations contained in this section. The CE-3 and CE-4 zones regulations 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.
4. CE-5 Zone. A Work/Live unit in the CE-5 zone must meet all applicable regulations contained in this section. The CE-5 zones regulations 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.
5. CE-1, CE-2, and CE-6 Zones. Work/Live units are not allowed in the CE-1, CE-2, or CE-6 zones.

B. Definition.

The following definitions apply to this chapter only:

1. For purposes of Work/Live conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.
2. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
3. "Nonresidential floor area" shall include floor areas designated for working.

C. 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 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,
   d. Wide corridors for the movement of oversized items; and
   e. 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.

D. Table 17.60.05 below prescribes special regulations for Work/Live units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"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).

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

"N/A" designates the regulation is not applicable to that zone.

Table 17.60.05 Special Regulations for Work/Live Units							
Development Standards	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
Activities Allowed							
Work/Live - new construction	--	--	P	P	--	--	
Work/Live - conversion of existing building	--	--	P	P	C	--	1
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.60.030	Same permitted and conditionally permitted activities as described in Section 17.60.030	Same permitted and conditionally permitted activities as described in Section 17.60.030	N/A	
Minimum Size of Work/Live Unit	N/A	N/A	800 sf	800 sf	800 sf	N/A	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
Work/Live Unit Type Permitted See Table 17.60.06 for definitions of the different types of Work/Live units.							
Type 1	--	--	P	P	C	--	
Type 2	--	--	P	P	--	--	
Minimum Usable Open Space - See Design Guidelines Section 3.10.							
Group Usable Open Space per Work/Live unit	N/A	N/A	75 sf	75 sf	N/A	N/A	3
Parking and Loading Requirements - See Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live unit	N/A	N/A	1	1	N/A	N/A	4
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	4
Required Bicycle Parking with Private Garage							
Short-term space per 20 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Minimum short-term spaces	N/A	N/A	2	2	N/A	N/A	5
Required Bicycle Parking without Private Garage							
Short-term space per 20 Work/ Live units and long-term space per 4 units	N/A	N/A	1	1	N/A	N/A	5
Minimum short-term	N/A	N/A	2	2	N/A	N/A	5

Table 17.60.05 Special Regulations for Work/Live Units							
Development Standards	**Zones**						**Additional Regulations**
	CE-1	**CE-2**	**CE-3**	**CE-4**	**CE-5**	**CE-6**	
spaces and minimum long-term spaces							
Required Loading - See Design Guidelines Section 3.6							
< 25,000 sf	N/A	N/A	No berth	No berth	N/A	N/A	6
25,000 – 69,999 sf	N/A	N/A	1 berth	1 berth	N/A	N/A	6
70,000 – 130,000 sf	N/A	N/A	2 berths	2 berths	N/A	N/A	6
Each additional 200,000 sf	N/A	N/A	1 more berth	1 more berth	N/A	N/A	6
Public Entrance to Nonresidential Floor Area	N/A	N/A	Yes	Yes	Yes	N/A	7

Additional Regulations for Table 17.60.05:

1. Use Permit Criteria. A conditional use permit for a work/live unit 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 both of the following additional use permit criteria:
   a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
   b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions (Ord. 12872 § 4 (part), 12289 § 4 (part), 2000; prior planning code § 7020).
2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. See Table 17.60.06 for definitions of the different types of Work/Live units.
4. Open space standards apply to new construction only. For conversion of existing buildings, maintaining existing open space is required to at least these minimum standards. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non ground-level areas. Further, each square foot of private useable open space equals two square feet towards the total usable open space requirement.
5. Parking standards apply to new construction only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.
6. See Chapter 17.117 for other bicycle parking requirements.
7. See Chapter 17.116 for other loading standards.
8. Each CE-3 and CE-4 Work/Live unit shall have at least one 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.

E. Table 17.60.06 below describes the different types of Work/Live units. Each new Work/Live unit shall qualify as at least one of the following Unit Types:

Table 17.60.06 Definitions of the Different Types of Work/Live Units				
Unit Type	**Maximum residential floor area**	**Special requirements**	**Separation between residential and nonresidential floor area**	**Additional Regulations**
Type 1	One-third	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 2, below, for an exception for kitchens)	1, 2
Type 2	50 percent	1. At least 75%of the ground floor must be dedicated to nonresidential floor area; and 2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall. (see Note 2, below, for an exception for kitchens).	1, 2, 3

Additional Regulations for Table 17.60.06:

1. All required plans for the creation of 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. See 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.
2. For Work/Live in CE-3 and CE-4 zones, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these kitchens not separated by an interior wall, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed.
3. Each CE-3 and CE-4 Work/Live unit shall contain no more than one fully equipped kitchen. A CE-3 and CE-4 Work/Live unit may contain a second sink and counter to serve the nonresidential floor area.

F. Additional Regulations for all Work/Live units

1. Each Work/Live unit shall contain at least one 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.
2. 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:
    a. The Work/Live 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.
    b. Each Work/Live unit shall contain at least one 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.

3. 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 by eleven inches and lettering at least one-half 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."

4. The development of Work/Live units in the 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.

17.60.080 Special Regulations for Live/Work Units in the CE-3 and CE-4 Zones.

A. Applicability.

1. Live/Work units are residential facilities and 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 Live/Work units.

2. CE-3 and CE-4. A Live/Work unit in the CE-3 and CE-4 zones must meet all applicable regulations contained in this section. Regulations 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.

3. CE-1, CE-2, CE-5, and CE-6. Live/work units are not allowed in the CE-1, CE-2, CE-5, or CE-6 zones.

B. Definition.

The following definitions apply to this chapter only: For purposes of Live/Work conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.

1. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.

2. "Nonresidential floor area" shall include floor areas designated for working.

C. New Floor Area. (applies only to Live/Work conversions of existing buildings). New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Live/Work area, except to allow dormers not exceeding the existing roof height and occupying no more than ten (10) percent of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens or other facilities listed in Section 17.108.130.

D. Regular Design Review Required. Regular design review approval for CE-3 and CE-4 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.

E. Table 17.60.07 below prescribes special regulations for Live/Work units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"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).

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

"N/A" designates the regulation is not applicable to that zone.

Table 17.60.07 Special Regulations for Live/Work Units in CE-3 and CE-4 Zones			
	Zones		
Development Standards	**CE-3**	**CE-4**	**Additional Regulations**
Activities Allowed			
Live/Work new construction and conversion of existing building	P	P	
Commercial Activities			
Personal Instruction and Improvement Services	C	C	
Business, Communication and Media Service	P	P	
Consumer Service	P	P	
Consultative and Financial Service	P(L1)	P(L1)	
Administrative	P(L1)	P(L1)	
Industrial Activities			
Custom	C(L1)(L2)(L3)	C(L1)(L2)(L3)	
Light	C(L1)(L2)(L3)	C(L1)(L2)(L3)	
Maximum Residential Density	Same as Table 17.60.03	Same as Table 17.60.03	1
Minimum Usable Open Space See Design Guidelines Section 3.10.	Same as Table 17.60.03	Same as Table 17.60.03	
Parking and Loading Requirements See Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.			
Minimum parking spaces required per work/live unit	1	1	2
Required Bicycle Parking with Private Garage			
Short-term space per 20 Live/Work units	1	1	3
Minimum short-term spaces	2	2	3

Table 17.60.07 Special Regulations for Live/Work Units in CE-3 and CE-4 Zones			
	Zones		
Development Standards	**CE-3**	**CE-4**	**Additional Regulations**
Required Bicycle Parking without Private Garage			
Short-term space per 20 Live/Work units and long-term space per 4 units	1	1	3
Minimum short-term spaces and minimum long-term spaces	2	2	3
Required Loading See Design Guidelines Section 3.6			
< 50,000 sf	No berth	No berth	4
50,000 – 149,999 sf	1 berth	1 berth	4
1500,000 – 299,000 sf	2 berths	2 berths	4
Each additional 300,000 sf	1 more berth	1 more berth	4

Limitations on Table 17.60.07:

L1. The total floor area devoted to these activities by a single establishment shall only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L3. Activities must be limited in scale and intensity; construction of units to accommodate these activities must meet stringent Building Code regulations. (See Building Code Chapter 3B Section 3B.2.4.)

Additional Regulations for Table 17.60.07:

2. Live/Work units are residential facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.
3. See Chapter 17.116 for other off-street parking and loading standards.
4. See Chapter 17.117 for other bicycle parking requirements.
5. See Chapter 17.116 for other 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.

F. Additional Regulations for Live/Work units

1. The amount of floor area in a CE-3 and CE-4 Live/Work unit designated as residential floor area is not restricted.
2. Any building permit plans for the construction of CE-3 and CE-4 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.

3. For any Live/Work unit in a CE-3 and CE-4 zone, 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.
4. Each building with a Live/Work unit in the CE-3 and CE-4 zone 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 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."

17.60.090 Special Regulations for Mini-lot and Planned Unit Developments.

A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the CE-3 and CE-4 zones may be waived or modified when and as prescribed in Section 17.102.320.

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 CE-3 and CE-4 zones, and certain of the other regulations applying in said zone may be waived or modified.

17.60.010 Other Zoning Provisions

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

A. 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 CE zones.

B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.112.

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

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

E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CE 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.

G. Noise, odor, smoke. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the CE zones.

H. Microwave dishes and energy production facilities regulations in Chapter 17.102.140 shall apply in the CE zones.

I. Electroplating activities. Special regulations applying to electroplating activities in Chapter 17.102.340, shall apply in the CE zones.

J. S-19 Health and Safety Overlay Zone regarding proper location, handling and storage of hazardous materials, particularly in close proximity to residents living adjacent to industrial areas.