ATTACHMENT B
AMENDMENTS TO THE PLANNING AND MUNICIPAL CODES
4-7-10 Planning Commission Meeting

Additions are underlined; deletions are in ~~strikeout~~. Only those sections of a chapter affected by the changes are shown.

OAKLAND PLANNING CODE

Chapter 17.136

DESIGN REVIEW PROCEDURE

17.136.025 Exemptions from Design Review.

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

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

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

1. Additions or Alterations.

a. Projects not requiring a building permit, except if otherwise specified below;

b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the building;

c. After notice to the Director of City Planning, demolition or removal of structures i) declared to be unsafe by the Building Official or the City Council; or ii) declared be a public nuisance by the Building Official or City Council which are not Designated Historic Properties or Potentially Designated Historic Properties. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition to protect the public health and safety

~~Demolition or removal of structures on a site where neither the demolition or replacement project requires any discretionary zoning approvals, pursuant to Title 17 of the Oakland Planning Code; or demolition or removal of structures declared to be unsafe or a public nuisance by a City Department, their respective appeals boardsor the City Council;~~

d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.102.360;

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

f. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;

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

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

2. Signs.

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

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

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

3. Other Projects.

a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.102.335.

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

17.136.030 Small Project Design Review.

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

1. The proposal is limited to one or more of the types of work listed as a “Small Project” in Section 17.136.030(B);

2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning code;

3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and

4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

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

1. Additions or Alterations.

a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;

b. Except as otherwise specified in Sections 17.136.025, and 17.136.040, demolition or removal of structures not involving a ~~Local Register Property~~Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;

c. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.102.360;

e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.

2. Fences, barriers, and similar freestanding walls.

a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;

b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.

3. Signs.

a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;

b. New or modified awnings or other similar facilities;

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

d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.102.335B;

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

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

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

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

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

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

a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX-1, HBX-2, and HBX-3 zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Section 17.136.030(C)(3).

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

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

3. **Track Three Procedure** - Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX-1, HBX-2, and HBX-3 zones, not including allowed projections above the height limits listed in 17.108.030:

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

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

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

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

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

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

17.136.040 Regular Design Review.

A. Applicability. “Regular design review” shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Projects requiring regular design review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;

2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;

3. New construction of one or two dwelling units, other than a secondary unit;

4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;

5. New construction of principal facilities in the HBX zone;

6. The creation of any new HBX 'work/live' unit or HBX 'live/work' unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;

7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;

9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030; ;

10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B).

11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;

12. Demolition or removal of any ~~Local Register Property,~~ Designated Historic Property (DHP)~~,~~ or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.~~, subject to the following additional provisions:~~

~~a. For the Central Business District (CBD), see Section 17.136.055;~~

~~b. For landmarks outside of the CBD, see Sections 17.136.060 and 17.136.070;~~

~~c. For the S-7 zone, see Sections 17.84.040, 17.84.050, 17.84.060, and 17.136.060;~~

~~d. For "contributors" or "potential contributors" to the S-20 Historic Preservation District, as determined by the City's Cultural Heritage Survey, see Sections 17.100.050, 17.100.060, 17.100.070, and 17.136.060.~~

B. **Pre-Application Review --Regular Design Review.** Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the city representative will provide information about

applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

C. **Procedure for Consideration of Regular Design Review Proposals which Involve or Result in a One- or Two-Unit Residential Facility**--Decisions Not Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet or more of new floor area and is located in any zone other than the R-80, R-90, C-51, C-55, CBD-R, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

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

3. The Director or the applicant may seek the advice of outside design professionals. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. In the event that the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision.

D. **Procedure for Consideration of Regular Design Review Proposals which do not Involve or Result in a One- or Two-Unit Residential Facility**--Decisions Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.080. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet of new floor area and is located in any zone other than the R-80, R-90, C-51, C-55, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

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

3. The Director or the Commission may seek the advice of outside design professionals. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten days after the date of initial decision unless appealed to the City Planning Commission in accordance with Section 17.136.080. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. In the event that the last day of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

E. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.
(Ord. 12376 § 3 (part), 2001: Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995: prior planning code § 9305

17.136.070 Special regulations for designated landmarks.

A. **Designation.** In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or

value of any of the types referred to in 17.07.030P. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the rezoning and law change procedure in Chapter 17.144.

B. **Design Review for Construction or Alteration.** Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, , Telecommunications Facility, Sign, or other associated structure on any designated landmark site shall be constructed or established, or altered in such a manner as to affect exterior appearance unless plans for the proposal have been approved pursuant to the design review procedure in this chapter and the applicable provisions of this section. Furthermore, for a publicly owned landmark, the designating ordinance may require such approval of proposed changes to major interior architectural features.

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

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

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

~~C. **Design Review for Demolition or Removal.** Within any designated landmark site, no Building Facility, portion thereof, or other landmark shall be demolished or removed, unless plans for the proposal have been approved pursuant to the regular design review procedure in Section 17.136.040 and the applicable provisions of this section. However, in any case, after notice to the Director of City Planning, demolition or removal shall be permitted without such approval upon a determination by the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in subsection E of this section.~~

~~D~~C. **Regular Design Review Criteria.** Proposals involving designated landmarks that require regular design review approval may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in Section 17.136.050 and to the additional criteria set forth in subdivisions 1, 2 and 3, or to one or both of the criteria set forth in subdivision 4:

1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features;

2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;

3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties;

4. If the proposal does not conform to the criteria set forth in subdivisions 1, 2 and 3:

i. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or

ii. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.

~~E. **Postponement of Demolition or Removal.** If an application for approval of demolition or removal of a facility, pursuant to subsections C and D of this section, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected facility may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said period for not more than additional one hundred twenty (120) days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days, nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, 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. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the facility. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application.~~

~~F~~D. **Duty to Keep in Good Repair.** Except as otherwise authorized under subsections B and C of this section, the owner, lessee, or other person in actual charge of each designated landmark shall keep in good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion. (Ord. 12513 Attach. A (part), 2003; Ord. 12237 § 4 (part), 2000; prior planning code § 7002)

17.136.075 ~~Postponement of demolition~~Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties.

A. Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall be reviewed in conjunction with the Regular Design Review of a replacement project at the subject site.

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

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

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

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

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

1. For the demolition of contributors to an S-7 or S-20 zone or API:

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

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

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

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

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

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

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

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

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

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

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

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

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

2. It is economically, architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

3. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure.

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

E. ~~Except for postponement periods as otherwise specified for structures in the S-7 zone (Chapter 17.84), for structures in the S-20 zone (Chapter 17.101), and for Designated Landmarks (Section 17.136.070), t~~The issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure

or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7005)

Chapter 17.84 - S-7 PRESERVATION COMBINING ZONE REGULATIONS

17.84.010 - Title, purpose, and applicability.
17.84.020 - Zones with which the S-7 zone may be combined.
17.84.030 - Required design review process.
17.84.040 - Design review criteria for construction or alteration.
17.84.050 - Design review criteria for demolition or removal.
~~17.84.060 - Postponement of demolition or removal.~~
17.84.070 - Duty to keep in good repair.

17.84.030 - Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall he 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 additional provisions in Sections 17.84.040, 17.84.050, and 17.84.060; the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. Section 17.136.040 contains design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

~~However, as an exception to subsection A above and after notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without such approval upon a determination by the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.84.060. Whenever it is proposed that demolition or removal be followed within a reasonable period of time by new construction, review of the new construction shall take place in conjunction with review of the demolition or removal.~~

~~17.84.050 - Design review criteria for demolition or removal.~~

~~In the S-7 zone, no demolition or removal of a structure or portion thereof may be granted unless the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to the following additional design review~~

~~criteria set forth in subsections A and B of this section, or to one or both of the criteria set forth in subsection C of this section:~~

~~A. That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community;~~

~~B. That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities;~~

~~C. If the proposal does not conform to the criteria set forth in subsections A and B of this section:~~

~~1. That the structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or~~

~~2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.~~

~~17.84.060 - Postponement of demolition or removal.~~

~~If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.84.030 and 17.84.050, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the structure or portion thereof has also been postponed pursuant to Section 17.136.075, the initial period of postponement under this section shall be reduced by the length of the period imposed pursuant to Section 17.136.075. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected structure or portion thereof may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said period for not more than one hundred twenty (120) additional days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting an enlarged notice on premises of the subject property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, 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. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application.~~

Chapter 17.100B - S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS

17.100B.010 - Title, purpose, and applicability.
17.100B.020 - Zones with which the S-20 zone may be combined.
17.100B.030 - Required design review process.
17.100B.050 - Design review criteria.
~~17.100B.060 - Criteria for demolition or removal.~~
~~17.100B.070 - Postponement of demolition or removal.~~
17.100B.080 - Duty to keep in good repair.

17.100B.030 - Required design review process.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, (see code section 17.09.040 for definition), 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 additional provisions in Sections 17.100B.050, 17.100B.060, and 17.100B.070, the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. Section 17.136.075 contains design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

~~Except as specified in subsection C, no demolition or removal of any structure or portion thereof that is a "contributor" or "potential contributor" to the S-20 Historic Preservation District, as determined by the City's Historical and Architectural Inventory (Cultural Heritage Survey) shall be permitted unless plans for the proposal have been approved pursuant to the regular design review procedure in Chapter 17.136 and the additional provisions in Sections 17.100B.050. 17.100B.060, and 17.100B.070.~~

~~C. Exceptions—Demolition. After notice to the Director City Planning, demolition or removal of a structure or portion thereof shall be permitted without design review approval upon a determination by the Building Official or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.100B.070.~~

~~D~~C. Landmarks Referral. If an application is for regular design review in the S-20 zone, and the Director of City Planning determines that a proposed addition or alteration will have a significant effect on the property's character-defining elements that are visible from a street or other public area, the Director may, at his or her discretion, refer the project to the Landmarks Preservation Advisory Board for its recommendations. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. An addition or alteration is normally considered "visible from a street or other public area" if it affects a street face or public face of the facility or is otherwise located within the "critical design area,"

defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area. (Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12513 Attach. A (part), 2003)

~~17.100B.070 - Postponement of demolition or removal.~~

~~A. Initial One Hundred Twenty (120) Day Postponement. If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.100B.030 and 17.100B.060, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, beginning upon the initial denial by the reviewing officer or body. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which the affected structure or portion thereof may be preserved or restored, with the agreement of the owner or through eminent domain.~~

~~B. Possible One Hundred Twenty (120) Day Extension. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend the initial postponement for not more than one hundred twenty (120) additional days. Notice of the hearing shall be given by the posting an enlarged notice on the premises of the subject property involved and by mail or delivery to the applicant, to all parties who have commented on the initial application, 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. The decision to extend the postponement can only be made between the 30th and 90th days, inclusive, of the initial one hundred twenty (120) day period. Extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. If the applicant has not exhausted all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend the postponement is appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application.~~

R-1 ONE ACRE ESTATE RESIDENTIAL ZONE REGULATIONS

17.11A.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 12272 § 3 (part), 2000)

R-10 ESTATE RESIDENTIAL ZONE REGULATIONS

17.12.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic

Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3252)

R-20 LOW DENSITY RESIDENTIAL ZONE REGULATIONS

17.14.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3352)

R-30 ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

17.16.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3452)

R-35 SPECIAL ONE-FAMILY RESIDENTIAL ZONE REGULATIONS

17.18.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3552)

R-36 SMALL LOT RESIDENTIAL ZONE REGULATIONS

17.20.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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 additional provisions in Section 17.20.070, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
(Ord. 12501 § 25, 2003: Ord. 11904 § 5.61, 1996: prior planning code § 3576)

R-40 GARDEN APARTMENT RESIDENTIAL ZONE REGULATIONS

17.22.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3602.1)

R-50 MEDIUM DENSITY RESIDENTIAL ZONE REGULATIONS

17.24.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3652.1)

R-60 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

17.26.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3752.1)

R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS

17.28.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3802.1)

R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

17.30.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3852.1)

R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS

17.32.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 3902.1)

C-5 NEIGHBORHOOD COMMERCIAL ZONE REGULATIONS

17.34.020 Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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. (Ord. 12606 Att. A (part), 2004: Ord. 12501 § 50, 2003: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4202)

C-10 LOCAL RETAIL COMMERCIAL ZONE REGULATIONS

17.36.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4252)

C-20 SHOPPING CENTER COMMERCIAL ZONE REGULATIONS

17.38.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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.

(Ord. 12606 Att. A (part), 2004: Ord. 12501 § 55, 2003: Ord. 11904 § 5.63 (part), 1996: prior planning code § 4302)

C-25 OFFICE COMMERCIAL ZONE REGULATIONS

17.40.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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.

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4352)

C-27 VILLAGE COMMERCIAL ZONE REGULATIONS

17.42.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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.

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4402)

C-28 COMMERCIAL SHOPPING DISTRICT ZONE REGULATIONS

17.44.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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.

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4427)

C-30 DISTRICT THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.46.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4452.1)

C-31 SPECIAL RETAIL COMMERCIAL ZONE REGULATIONS

17.48.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Mixed Use Development, 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.

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: prior planning code § 4477)

C-35 DISTRICT SHOPPING COMMERCIAL ZONE REGULATIONS

17.50.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4502.1)

C-36 GATEWAY BOULEVARD SERVICE COMMERCIAL ZONE REGULATIONS

17.52.040 Required design review process.

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

(Ord. 12606 Att. A (part), 2004: Ord. 12076 § 3 (part), 1998: Ord. 11904 § 5.60 (part), 1996: prior planning code § 4527.1)

C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.54.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Facility accommodating an Automotive Servicing or an Automotive Repair and Cleaning Commercial Activity, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4552.1)

C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

17.56.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4602.1)

CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

17.58.020 Required Design Review Process

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

C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS

17.60.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4827.1)

C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS

17.62.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4877.1)

C-60 CITY SERVICE COMMERCIAL ZONE REGULATIONS

17.64.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Facility accommodating an Automobile and Other Light Vehicle Gas Station and Servicing or an Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity, Mixed Use Development, 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.

(Ord. 11904 § 5.60 (part), 1996: prior planning code § 4902)

HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONE REGULATIONS

17.65.020 Required design review process.

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

B. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX-1, HBX-2**,** HBX-3 zones.

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

M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS

17.66.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.

(Ord. 11904 § 5.73 (part), 1996: prior planning code § 5402)

M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

17.68.020 Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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.
(Ord. 11904 § 5.73 (part), 1996: prior planning code § 5602)

M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

17.70.020 Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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.

M-40 HEAVY INDUSTRIAL ZONE REGULATIONS

17.72.020 Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within one hundred fifty (150) feet of any residential zone boundary 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.

S-1 MEDICAL CENTER ZONE REGULATIONS

17.74.020 Required design review process.

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

(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.63 (part), 1996: prior planning code § 6102)

S-2 CIVIC CENTER ZONE REGULATIONS

17.76.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, 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.
(Ord. 11904 § 5.60 (part), 1996: prior planning code § 6152.1)

S-3 RESEARCH CENTER ZONE REGULATIONS

17.78.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
(Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.63 (part), 1996: prior planning code § 6202)

S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS

17.80.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure in the S-4 combining zone 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.
(Ord. 12501 § 58, 2003: prior planning code § 6252)

S-5 BROADWAY RETAIL FRONTAGE INTERIM COMBINING ZONE REGULATIONS

17.81.050 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign or other associated structure in the S-5 combining zone 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 17.125, or the Sign regulations in Chapter 17.104. (Ord. 12850 § 2 Exh. A (part), 2008)

S-8 URBAN STREET COMBINING ZONE REGULATIONS

17.86.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility (see code section 17.09.040 for definition), 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 additional provisions in Section 17.86.110, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS17.90.030

Required Design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS

17.92.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
(Ord. 12501 § 64, 2003: prior planning code § 6602)

S-13 MIXED-USE DEVELOPMENT COMBINING ZONE REGULATIONS

17.96.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.96.080, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Prior planning code § 6702)

S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

17.97.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall

be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 12606 Att. A (part), 2004: Ord. 11904 § 5.62 (part), 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6851)

S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS

17.98.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. (Ord. 12289 § 3 (part), 2000)

D-BR BROADWAY RETAIL FRONTAGE INTERIM COMBINING DISTRICT ZONE REGULATIONS

17.101C.050 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, ~~no Local Register Property,~~no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign or other associated structure in the D-BR combining zone 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 17.125, or the Sign regulations in Chapter 17.104.

OAKLAND MUNICIPAL CODE CHAPTER 15.36 - DEMOLITION PERMITS

15.36.010 - Definitions.

For purposes of this chapter, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that a different meaning is intended.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure or building covered by this chapter. As used herein, the word "demolition" shall include any partial demolition and any interior demolition affecting more than ten percent of the replacement value of the structure as determined by the Building Official.

"Discretionary demolition permit" means a demolition permit for a building or structure where either the demolition project or the replacement project requires one or more discretionary zoning acts by the City.

"Facility" means structure or any part thereof.

"Ministerial demolition permit" means a demolition permit issued for unsafe structures, structures on a site where the demolition project or replacement project does not require any discretionary zoning permits, or where the owner intends to create a vacant lot pursuant to Section 15.36.080.

"Redevelopment Agency-sponsored project" means projects approved by the Agency for sites within redevelopment project areas.

"Redevelopment project areas" shall have the same definition herein as it is given by the Community Redevelopment Law.

"Residential structures" means and includes apartment buildings, single-family dwellings, cooperatives, condominiums, and hotels and motels which contain dwelling units, as said latter term is defined by the zoning regulations. This term shall not be applied to structures where no more than one dwelling unit exits in a building primarily devoted to a nonresidential use.

"Structure" means and includes anything that would require a building permit to construct, excluding, however, structures built or that could be built pursuant to a temporary building permit.

"Unsafe structures" means structures found by the ~~Inspectional Services Department of the Office of Public Works or the Housing Conservation Division of the Housing Department of the Office of Community Development, their respective appeals boards~~Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety.

15.36.080 - Exceptions.

A demolition permit may be obtained without first obtaining a building permit where:

~~A. The owner intends to, and does, create a surface parking lot, for which no building permit is required, or a vacant lot.~~

~~B~~A. The structure to be demolished is declared an unsafe structure ~~or a public nuisance~~ by the ~~Inspectional Services Department of the Office of Public Works or the Housing Conservation Division of the Housing Department of the Office of Community Development, their respective appeals boards~~Building Official or the City Council. This exception shall not apply to any case where there is sufficient evidence that the owner or the owner's agent intentionally caused such structure to become an unsafe structure ~~or public nuisance~~.

B. The subject building is both: 1) not considered a Designated Historic Property or Potentially Designated Historic Property by the Oakland Cultural Heritage Survey; and 2) declared to be a public nuisance by the Building Official or City Council. This exception shall not apply to any case where there is sufficient evidence that the owner or the owner's agent intentionally caused such structure to become a public nuisance.

C. The structure to be demolished is a:

1. Nonresidential, one-story building of Type V construction with an area not exceeding six hundred (600) square feet; or

2. Group M, Division 1, Occupancies of Type V construction; or

3. Small and unimportant structure.

C. The structure to be demolished is either:

1. Part of a Redevelopment Agency-sponsored project; or

2. Part of a project with a valid conditional use permit or planned unit development approval, where demolition has been expressly considered as part of the project approval process.