ATTACHMENT J

This attachment contains the proposed amendments to the Planning Code (Title 17 of the Oakland Municipal Code).

Deletions to the code are in ~~strikeout~~; additions are <u>underlined</u>.

Title 17

PLANNING

Chapters:

17.01 General Provisions of Planning Code and General Plan Conformity
17.03 City Planning Commission
17.05 Landmarks Preservation Advisory Board
17.07 Title, Purpose and Scope of the Zoning Regulations
17.09 Definitions
17.10 Use Classifications
17.11 OS Open Space Zoning Regulations
17.13 RH Hillside Residential Zones Regulations
17.15 RD Detached Unit Residential Zones Regulations
17.17 RM Mixed Housing Type Residential Zones Regulations
17.19 RU Urban Residential Zones Regulations
~~**17.11A R-1 One Acre Estate Residential Zone Regulations**~~
~~**17.12 R-10 Estate Residential Zone Regulations**~~
~~**17.14 R-20 Low Density Residential Zone Regulations**~~
~~**17.16 R-30 One-Family Residential Zone Regulations**~~
~~**17.18 R-35 Special One-Family Residential Zone Regulations**~~
~~**17.20 R-36 Small Lot Residential Zone Regulations**~~
~~**17.22 R-40 Garden Apartment Residential Zone Regulations**~~
~~**17.24 R-50 Medium Density Residential Zone Regulations**~~
~~**17.26 R-60 Medium High Density Residential Zone Regulations**~~
~~**17.28 R-70 High Density Residential Zone Regulations**~~
17.30 R-80 High-Rise Apartment Residential Zone Regulations
~~**17.32 R-90 Downtown Apartment Residential Zone**~~
~~**17.34 C-5 Neighborhood Commercial Zone Regulations**~~
~~**17.36 C-10 Local Retail Commercial Zone Regulations**~~
~~**17.38 C-20 Shopping Center**~~
~~**17.40 C-25 Office Commercial Zone Regulations**~~
~~**17.42 C-27 Village Commercial Zone Regulations**~~
~~**17.44 C-28 Commercial Shopping District Zone Regulations**~~
~~**17.46 C-30 District Thoroughfare Commercial Zone Regulations**~~
~~**17.48 C-31 Special Retail Commercial Zone Regulations**~~
~~**17.50 C-35 District Shopping Commercial Zone Regulations**~~
~~**17.52 C-36 Gateway Boulevard Service Commercial Zone Regulations**~~
17.32 CN Neighborhood Center Commercial Zones Regulations
17.34 CC Community Commercial Zones Regulations
17.36 CR Regional Commercial Zone Regulations
17.54 C-40 Community Thoroughfare Commercial Zone Regulations
17.56 C-45 Community Shopping Commercial Zone Regulations
17.58 CBD Central Business District Zones Regulations
~~**17.60 C-51 Central Business Service Commercial Zone**~~
~~**17.62 C-55 Central Core Commercial Zone**~~
~~**17.64 C-60 City Service Commercial Zone Regulations**~~
17.65 HBX Housing and Business Mix Commercial Zones Regulations
~~**17.66 M-10 Special Industrial Zone Regulations**~~
17.68 M-20 Light Industrial Zone Regulations

17.70 M-30 General Industrial Zone Regulations
17.72 M-40 Heavy Industrial Zone Regulations
17.73 CIX-1, CIX-2, IG and IO Industrial Zones Regulations
17.74 S-1 Medical Center Zone Regulations
17.76 S-2 Civic Center Zone Regulations
17.78 S-3 Research Center Zone Regulations
17.80 S-4 Design Review Combining Zone Regulations
17.82 S-6 Mobile Home Combining Zone Regulations
17.84 S-7 Preservation Combining Zone Regulations
~~**17.86 S-8 Urban Street Combining Zone Regulations**~~
~~**17.88 S-9 Retail Frontage Combining Zone Regulations**~~
17.90 S-10 Scenic Route Combining Zone Regulations
17.92 S-11 Site Development and Design Review Combining Zone Regulations
17.94 S-12 Residential Parking Combining Zone Regulations
~~**17.96 S-13 Mixed-Use Development Combining Zone Regulations**~~
17.97 S-15 Transit Oriented Development Zone Regulations
~~**17.98 S-16 Industrial-Residential Transition Combining Zone Regulations**~~
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~~**Illustrations for Title 17**~~

Chapter 17.01

GENERAL PROVISIONS OF PLANNING CODE AND GENERAL PLAN CONFORMITY

17.01.080 Appeal of Director's determination.

A. Within ten calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of such determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the city master fee schedule, and shall be processed in accordance with the administrative appeal procedure in Chapter 17.132.

B. Within ten (10) calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.120 C. an appeal of such determination may be taken to the City Council by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the city master fee schedule. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Director and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After the hearing date is set, the Planning Director shall refer the matter to the Planning Commission for its review and advice. The Planning Commission shall consider the matter at its next available meeting. Such referral shall be only for the purpose of issue clarification and advice to the City Council. The City Clerk shall not less than seventeen (17) days prior to the Council hearing, give to the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, written notice of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the provisions of Section 17.01.120.C., and may approve or disapprove the proposed determination. The decision of the City Council shall be made by resolution and shall be final.
(Ord. 12514 § 2 (part), 2003: Ord. 12054 § 2 (part), 1998)

17.01.100 Proposals clearly in conformance with General Plan.

A. If Permitted or Conditionally Permitted by Zoning and/or Subdivision Regulations (No "Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations shall be processed in accordance with such code and/or regulations.

B. If Not Permitted by Zoning and/or Subdivision Regulations ("Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is not permitted by the Zoning and/or Subdivision Regulations may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Such use permit shall be processed as a minor conditional use permit or a major conditional use permit in conformance with the provisions of Chapter 17.134. A conditional use permit for such proposal may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to the following additional use permit criteria:

1. That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area;

2. That the proposal is clearly consistent with the intent and desired character of the relevant land use classification or classifications of the General Plan and any associated policies;

3. That the proposal will clearly promote implementation of the General Plan. Any such proposal shall be subject to the provisions of the "best fit zone" corresponding to the land use classification in which the proposal is located, as determined in accordance with the guidelines adopted pursuant to Section 17.01.060. If there is more than one "best fit zone," the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.

C. Optional Rezoning in Lieu of Conditional Use Permit ("Express Conflict"). At his or her option, in lieu of the conditional use permit provided for by subsection B of this section, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the "best fit zone" or other possible zone corresponding to the land use classification in which the proposal is located, as determined in accordance with the guidelines adopted pursuant to Section 17.01.060. If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to any required conditional use permit.
(Ord. 12054 § 2 (part), 1998)

Chapter 17.03

CITY PLANNING COMMISSION

A. City Planning Commission And Landmarks Preservation Advisory Board. The membership and organization of the City Planning Commission and Landmarks Preservation Advisory Board, shall be as prescribed in this code and Ordinance Nos. 192 and 8883 C.M.S., as amended respectively, including, but not limited to the amendments made by Ordinance No. 6485 C.M.S., and their powers shall be as prescribed in said ordinances and in this code. Unless expressly stated therein, neither the adoption of this code nor any amendments thereto, nor the repeal of any ordinance, shall in any manner affect the organization of the City Planning Commission or Landmarks Preservation Advisory Board as existing on the effective date hereof. Unless expressly stated otherwise, all persons holding office on said Commission or Board under any provision repealed by the ordinance codified in this title shall continue to hold such office according to the former tenure thereof.

B. Abolition of Board of Adjustments. The Board of Adjustments is abolished; provided, however, that all matters pending before the Board of Adjustments on the effective date of this section shall be heard and determined by the Board, or by the City Council in cases of appeal, in the same manner in effect prior to the effective date.

C. Affirmative Action. To the extent practicable, Commission and Board appointments shall be made in accordance with the city's affirmative action policies.

D. Geographic Diversity. To the extent practicable, Commission and Board appointments shall reflect the geographical diversity of the city.

E. Councilmember Recommendations. In making Commission and Board appointments, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least thirty (30) days prior to expiration of an existing Commission or Board member's term.

F. Staggered Terms. Commencing with the effective date of the ordinance codified in this section, Commission and Board members shall be appointed to staggered terms, such terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be only for the unexpired portion of the term.

G. Length of Terms. Except for the initial appointments made immediately following passage of the ordinance codified in this section, which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection F of this section, all appointments shall be for a period of three (3) years.

H. 1. Limit on Consecutive Terms. Commencing with the effective date of the ordinance codified in this section, no person shall serve more than two consecutive terms as a member of the Commission or Board. Members of the Commission or Board sitting on the effective date of the ordinance codified in this section shall not be appointed to serve more than one additional consecutive term as a member of the Commission or Board.

2. In the event an appointment to fill a vacancy has not occurred by the conclusion of a Commission or Board member's term, that member may continue to serve as a member of the Commission or Board during the following term in a holdover capacity for a period not to exceed one year, to allow for the appointment of a Commission or Board member to serve the remainder of such following term.

I. Removal. To assure participation of Commission and Board members, attendance by the members of the Commission and Board at all regularly scheduled and special meetings of the Commission and Board shall be recorded, and such record shall be provided semiannually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Cause for removal shall include, among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, absence from three consecutive regular meetings, or, for members of the

Commission's Residential Appeals Committee, absence from three consecutive regular meetings of the Committee, except, in the case of absences, on account of illness or when absent from the city by permission of the Commission or Board. (Ord. 12376 § 3 (part), 2001; Ord. 12054 § 1(d), 1998; Ord. 11776 §§ 1--3, 1995; prior planning code § 2)

Chapter 17.07

TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS

17.07.030 Purposes of zoning regulations.

The general purposes of the zoning regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:

A. To promote the achievement of the proposals of the Oakland General ~~Comprehensive~~ Plan;

B. To advance Oakland's position as a regional center of commerce, industry, recreation, and culture;

C. To protect residential, commercial, industrial, and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services;

D. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space;

E. To ensure preservation of adequate space for commercial, industrial, and other activities necessary for a healthy economy;

F. To promote safe, fast, and efficient movement of people and goods, and the provision of adequate off-street parking and loading;

G. To achieve excellence and originality of design in all future developments and to preserve the natural beauty of Oakland's setting;

H. To promote the growth of productivity of the Oakland economy;

I. To stabilize expectations regarding future development of Oakland, thereby providing a basis for wise decisions with respect to such development;

J. To secure equity among individuals in the utilization of their property;

K. To promote an attractive urban environment which will enhance the city's economic potential and encourage decisions to make investments, do business, shop, and live within Oakland;

L. To especially protect and improve the appearance and orderliness of major trafficways and transit lines and views therefrom, thereby increasing the enjoyment of travel, reducing traffic hazards, and enhancing the image of Oakland derived by residents, businesspeople, commuters, visitors, and potential investors;

M. To protect the very substantial public investment in, and the character and dignity of, public buildings, open spaces, thoroughfares, and rapid transit lines;

N. To encourage a maximum of planting and other amenities, and a minimum of excessively intrusive signs, overhead utility lines, and other environmental clutter;

O. To encourage Signs which are in scale and harmony with surrounding uses, which are visually subordinate to the on-site and nearby buildings, which are themselves well designed, and which have good spacing and design relationships to other Signs;

P. To prevent the unnecessary destruction or impairment of structures, other physical features, sites, and areas of special character or special historical, cultural, educational, architectural, aesthetic, or environmental interest or value and to achieve the following purposes:

1. The protection, enhancement, perpetuation, and use of structures and other physical features, sites, and areas that are reminders of past eras, events, and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived,

2. The development and maintenance of appropriate settings and environment for such structures, and other physical features, on such sites, and in such areas,

3. The enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic and financial benefits to the city and its inhabitants, and the promotion of tourist trade and interest,

4. The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its cultural, social, economic, political, and architectural history,

5. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the past. (Ord. 12054 § 1(a), 1998; prior planning code § 2002)

Chapter 17.09

DEFINITIONS

17.09.040 Definitions.

"Access facility width" means the width of the paved roadway surface curb-to-curb or edge-to-edge, exclusive of shoulders.

"Accessory activity" means an activity which is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in Section 17.10.040.

"Accessory facility" means a facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable conditions set forth in Section 17.10.070.

"Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code.

"Activity" means the performance of a function or operation.

"Activity type" means a type of activity which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

"Adult entertainment activity" means any commercial activity, whether conducted intermittently or full-time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by emphasis on male or female genitals, buttocks, or female breasts.

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Alcoholic beverage license overconcentrated areas" means a police beat with crime rates that exceed the city median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median.

"Alley" means a dedicated public way intended primarily to provide secondary vehicular access to abutting properties.

"Alteration" means any enlargement; addition; demolition; removal; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for Signs, and ordinary maintenance for which no building permit is required.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

"'A' weighted sound level" means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the 'A' weighted network (scale) at slow response. The unit of measurement shall be defined as dBA or dB(a).

"Area Damaged by the 1991 Firestorm" means all of that area situated: beginning at the intersection of Claremont Avenue and the westerly line of the University of California, Berkeley campus, thence southerly along said westerly property line of the University of California campus to Grizzly Peak Boulevard; thence southeasterly on Grizzly Peak Boulevard to the most westerly line of the Robert Sibley Volcanic Regional Preserve; thence due south to Skyline Boulevard; thence westerly on Skyline Boulevard to Broadway Terrace; thence southwest on Broadway Terrace to Farallon Way; thence southwest on Farallon Way and the extension of Farallon Way to Pinehaven Road; thence westerly on Pinehaven Road to Broadway Terrace; thence southerly on Broadway Terrace to Uranus Avenue; thence east on Uranus Avenue to Sherwood Drive; thence south on Sherwood Drive to Taurus Avenue; thence west on Taurus Avenue approximately six hundred fifty (650) feet to a path connecting Taurus Avenue and Capricorn Avenue; thence south along said path to Capricorn Avenue; thence south on Capricorn Avenue to Florence Terrace; thence north and west on Florence Terrace and an extension of Florence Terrace across Highway 13 to Estates Drive; thence west on Estates Drive to Masonic Avenue; thence south on Masonic Avenue to Amy Drive; thence southwest on Amy Drive to Harbord Drive; thence southeast on Harbord Drive to Maxwelton Road; thence southwest on Maxwelton Road to the Oakland-Piedmont border; thence northwest along said Oakland-Piedmont border to Clarewood Drive; thence northwest on Clarewood Drive to Broadway Terrace; thence west on Broadway Terrace to Margarido Drive; thence north and east on Margarido Drive to Rockridge Boulevard South; thence west on Rockridge Boulevard South to Rockridge Boulevard; thence west on Rockridge Boulevard to Broadway; thence north on Broadway to Golden Gate Avenue; thence north on Golden Gate Avenue to Chabot Road; thence along the extension of Golden Gate Avenue to the Oakland-Berkeley border; thence along said Oakland-Berkeley border to the intersection of said Oakland-Berkeley border with Claremont Avenue; thence northeast on Claremont Avenue to the point of beginning.

"Area of Primary Importance" or "API" means an area as defined by the Historic Preservation Element of the General Plan.

"Area of Secondary Importance" or "ASI" means an area as defined by the Historic Preservation Element of the General Plan.

"Attic" means a space between the roof framing and the floor of such space and which is excluded from the definition of "story."

"Base of a building" or "building base" means that portion of a building immediately above finished grade to the maximum total base height as described in an individual zoning designation.

"Basement" means the area below the lowest level of a building and which is excluded from the definition of "story."

"Bedroom" means any habitable room, regardless of its designation on building plans, which meets both of the following criteria:

1. The room may legally function as a bedroom in that it complies with, or is required by the Building Official to comply with, all applicable laws and regulations pertaining to sleeping rooms, including, but not limited to, the requirements of the Oakland Building Code for light and ventilation in habitable rooms and emergency egress from sleeping rooms; and the Oakland Housing Code definition of "sleeping room."

2. The room may logically function as a bedroom, with consideration given to its function and physical relationship to the remainder of the living unit.

"Berth" means an area, exclusive of docks, designated to accommodate a motor vehicle during loading or unloading of goods.

"Buildable area" means the portions of a lot on which a building can be located as defined by the minimum setbacks, if any, and ~~as per~~ all other applicable ~~the~~ provisions of this code.

"Buildable envelope" means the volume of space for buildings and other structures as defined by the minimum setbacks and the maximum allowable height.

"Building" means a structure having a roof supported by columns or walls.

"Building Envelope" means the exterior surface of a building, consisting of such elements as the foundation, walls, windows, roof, doors, floors, and other attached features. An increase in the building envelope shall be defined as an increase in the exterior size, footprint, or height of a building; or the enclosure or conversion into living area of any open balcony, deck, porch, or unenclosed understory.

"Building Facility" means any structure, open area, or object which accommodates or is intended to accommodate Residential, Civic, Commercial, Industrial and/or Mixed Use Activities. Building Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential, Civic, Commercial, Industrial and/or Mixed Use Activities.

"**Building Front"** see front of building.

~~**"Buildable envelope"** means the volume of space for buildings and other structures as defined by the minimum setbacks, and the maximum allowable height.~~

"Building length" means a plan dimension parallel to an exterior wall or walls. This measurement is equal to the horizontal dimension of the corresponding elevation of the building or structure at a given level.

"Character-defining elements" means 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.

"Collective household" means a group of at least two, but not more than five, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

"**Commercial zone**" means any zone with a name that ~~ends~~ contains ~~with~~ the words "Commercial Zone ~~Regulations~~."

"Common driveway" means a driveway having a width of no less than twelve (12) feet and providing a shared access alternative to, and across existing legal lots which have street frontage, regardless of lot ownership. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the common driveway may be located within the public right-of-way. In calculating aggregate residential density, the area of the common driveway shall be excluded from the total area of the lots crossed by the common driveway.

"Corner lot" (see illustration I-1) means a lot bounded on two or more adjacent sides by streets, by private ways described in Section 17.106.020, or by portions of such streets or ways, having an angle of intersection of one hundred thirty-five (135) degrees or less.

"Court" means an area between two walls on the same lot, measured for a specified distance, in a horizontal plane, perpendicularly from either of such walls; located on the same lot as said walls; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

"Day" means calendar day.

"Decibel (dB)" means a unit for measuring the amplitude of sounds, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Dependent parking space" means a parking space which can only be accessed by driving across another parking space. (See also "Independent parking space" and "Tandem parking" in this section.)

"Designated Historic Properties" means landmarks, contributors or potential contributors to Preservation Districts, or Heritage Properties.

"Designated landmark" means a facility, portion thereof, or group of facilities which has a special character, interest, or value and which has been established as a landmark pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

"Designated landmark site" means a lot or other site which contains a designated landmark and which has been established pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

"Development control map" means a map or set of maps, with supporting text, regulating the precise location, height, bulk, design, or nature of activities or facilities.

"Display surface (area of)" means the area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display. With respect to multifaced Signs, the area of all such faces shall be included except where the context refers to only one face.

"Diagonal length" means a horizontal plan dimension between the two most separated points on the exterior walls at a given level of a building or structure.

"Dormer" means a roofed structure projecting from a sloping roof and containing a window or ventilating louver.

"Driveway" means the way or means of vehicular access from that portion of a street used for vehicular travel to the parking, loading, or other vehicular activity on the adjacent property, including the portion of the sidewalk lying within said way or means of access. (Note that this differs from the definition of "Driveway" at Section 12.04.240 of the Oakland Municipal Code, which only includes that portion lying within the street right-of-way.)

"Dwelling unit" means a room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one of the persons or groups specified in Section 17.102.260.

"Earthen berm" means a mound or embankment of earth, together with necessary retaining structures.

"Edge of the pavement" means the edge of that part of a street, alley, or private access easement described in Section 17.106.020, having an improved surface used for vehicle travel and parking, including gutters, but not including a raised curb or sidewalk.

"Efficiency dwelling unit" means a dwelling unit containing only a single habitable room other than a kitchen, or containing a total of less than five hundred (500) square feet of floor area.

"Electroplating activity" means the electrochemical process of depositing a thin metallic coating of one metal on top of a different metal by passing an electrical current into a piece of metal immersed in chemical solutions comprised of caustics, acids, cyanides or other bonding chemicals, and

causing a metallic coating to bond with the object to be plated. Such activities are classified as General Manufacturing Industrial Activities and are subject to the provisions of Section 17.102.340.

"Enclosed retaining wall" means a retaining wall located on a lot such that it is visually shielded by other permanent structures and cannot be seen from public streets and adjacent lots.

"Existing grade" means the natural grade or the revised grade due to prior development of a lot.

"Facility" means a structure, open area, or other physical contrivance or object.

"Facility type" means a type of facility which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

"Family" means one person, or a group of people living together as a single housekeeping unit, together with any incidental domestic servants and temporary nonpaying guests.

"Family foster care home" means a residential activity providing twenty-four (24) hour care for six (6) or fewer foster children in a residential facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

"Finished grade" means:

1. Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by subsection 2 of this definition;

2. A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a city grading permit, subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.

"Flashing illumination (of a Sign)" means illumination of a Sign wherein such illumination is not maintained constant in intensity, color, and pattern during all times the Sign is activated.

"Floor Area"

1. **"Floor area,"** for all projects except those with one or two dwelling units on a lot, means the total of the gross horizontal areas of all floors, including usable basements, below the roof and within the outer surfaces of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portion thereof without walls, but excluding the following:

a. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto;

b. Areas which qualify as usable open space under the standards for required usable open space in Chapter 17.126;

c. In the case of Nonresidential Facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

2. **"Floor area,"** for all projects with one or two dwelling units on a lot, means the total square footage of all levels of all buildings on the lot. Levels shall be measured horizontally from the outside surface of exterior walls and supporting columns. The amount of floor area in each building shall be determined by the following criteria:

a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and

b. Floor area shall not include:

i. Unenclosed living areas such as balconies, decks and porches;

ii. Carports that are unenclosed on two or more sides;

iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three or more sides;

iv. Nonhabitable accessory structures of less than one hundred twenty (120) square feet;

v. A~~Unfinished understories, a~~ttics and basements, as defined ~~as~~ in the Oakland Planning Code, and not qualifying as a story; and

vi. Finished and unfinished understories and basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point.

"Floorplate" means the total area of a single floor of a building.

"Floor Area of a marina" means the space dedicated to the docking or mooring of marine vessels.

"Floor-area ratio" ~~(see illustration I-3)~~ means the number resulting from division of the floor area on a lot by the lot area.

"Footprint" means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;

2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;

3. Eaves and roof overhangs; and

4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

"Footprint slope" means the deviation of the ground surface from the horizontal, expressed as a percentage, measured at the steepest point between opposite sides of the building footprint. For additions, the ground surface slope is measured at the steepest point between opposite sides of the existing building footprint, plus the footprint of the addition.

"Frequency" means the number of oscillations per second, or pitch, of a sound, with a greater frequency corresponding to a higher pitch.

"Frontage" means a front lot line; also the length thereof.

"Front of building" or "building front" means that part of the façade oriented towards and visually prominent to the principal street.

"Front lot line" ~~(see illustration I-2)~~ means:

1. On an interior lot: any abutting street line, except where an interior lot has more than one abutting street line, the Director of City Planning shall select one of the street lines as the front lot line; such selection shall conform with any neighborhood patterns.

2. On a corner lot: the shorter of any adjacent two abutting street lines, or portions thereof, which intersect at an angle of not less than forty-five (45) degrees but not more than one hundred thirty-five (135) degrees; except that the Director of City Planning may select either as the front lot line to conform with any neighborhood patterns. If adjacent street lines, or portions thereof, of a corner lot

intersect at an angle of less than forty-five (45) degrees, both such street lines or portions thereof shall be deemed front lot lines.

"Front yard" ~~(see illustration I-2)~~ means a yard measured into a lot from its front lot line or lines equal to the depth of the required front yard. Except where a front yard is prescribed only for certain kinds of facilities, a required front yard shall extend the full width of the lot between its side lot lines.

"Front setback" or "Front yard setback" means the setback from the front lot line.

"Full-service restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

"Gable end" ~~(see illustration I-0)~~ means the end of a gable, gambrel, gablet, jerkinhead, shed, or similar roof consisting of a generally triangular shaped wall or vertical plane at the end of the roof and inscribed by the edges of the roof planes and a line connecting the bases of the roof planes.

"Gradient" means the difference in elevation between defined reference points divided by the horizontal distance between these points.

"Habitable room" means a space in a living unit intended for living, sleeping, eating, or cooking, including, but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, finished recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are bathrooms, water closets, hallways, foyers, storage closets, pantries, laundries, utility rooms, unfinished attics and basements, balconies, open porches, garages, and other unfinished spaces used for storage. See Section 17.102.280 for rules for determining the number of habitable rooms in a Residential Facility.

"Height" ~~(see illustration I-2a)~~ means the vertical distance of any structure, building, fence, Sign, retaining wall, or other facility measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade on the outside perimeter of the facility.

1. The height of any portion of a facility within six (6) feet of a retaining wall shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower, subject to the following exceptions:

a. The height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall shall be measured from finished grade at the perimeter of the fence.

b. The height of any facility abutting a light well, depressed landing, or similar facility that extends entirely below surrounding finished grade and no more five (5) feet from the perimeter of the abutting facility shall be measured from the surrounding finished grade at the perimeter of the facility, not including the light well, depressed landing, or similar facility.

~~**"High density zones"** means the R-60 through and including the R-80 zones and the CBD-R zone.~~

"Home occupation" means an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefore, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

"Hotel" means a facility, other than a motel, designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common interior hallways.

"Illegal use" means an activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in the zoning regulations. A minor illegal use is an illegal use that can be legalized by any means other than by major variance.

"Improvement~~.~~" means, for ~~For~~ the purposes of implementation of the recycling space allocation requirements, ~~an "improvement" shall be defined as~~ work ~~one~~ which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. "Improvements" should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

"Independent parking space" means a parking space which can be accessed without driving across another parking space. (See also "Dependent parking space" and "Tandem parking" in this section.)

"Indirect illumination (of a Sign)" means illumination of a Sign by means only of light cast upon it from a concealed source outside the Sign itself.

"**Industrial zone**" means any zone with a name that ~~ends with~~contains the words "Industrial Zone ~~Regulations~~."

"Interior lot" ~~(see illustration I-1)~~ means any lot other than a corner lot.

"Interior side lot line" means any side lot line which is not a street line.

"Interior side setback" or "Interior side yard setback" means the setback from the interior side lot line.

"Introductory service" means an activity the primary purpose of which is, for compensation, promoting friendships between or introducing for social purposes persons of the opposite sex.

"Key lot" ~~(see illustration I-1)~~ means the first interior lot to the rear of a reversed corner lot, with its front lot line being substantially a continuation of a side lot line of the reversed corner lot.

"Kitchen" means any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

"Legally required window" means a window or portion thereof which serves to meet the requirements of the Oakland ~~Housing~~ Building Code with respect to area, number, or location of windows.

"Living room" means the principal room designed for general living purposes in living unit. Every living unit shall be deemed to have a living room.

"Living unit" means a dwelling unit or a rooming unit.

"Local Register Property" means any building, object, property or district listed in the City of Oakland's Local Register of Historical Resources, which includes all Landmarks, Designated Historic Properties, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties; and those Potential Designated Historic Properties (PDHPs) that are determined by the City's Cultural Heritage Survey to have an existing rating of "A" or "B", or to contribute or potentially contribute to an Area of Primary Importance (API).

"Landmark" means a property that has been designated as a Landmark by the City Council pursuant to Section 17.136.070.

"Lot" means a parcel of contiguous land which is or may be developed or utilized, under one ownership, as a unit site for a use or group of uses.

"Lot area" means the area of a lot measured horizontally between bounding lot lines.

"Lot coverage" means the total land area covered by all of the structures on a lot measured from outside of all exterior walls and supporting columns, including all projections, except that the following shall not be considered in determining lot coverage:

1. The portions of any uncovered and unenclosed decks, porches, landings or patios,~~;~~ not including railings, which are less than thirty (30) inches above finished grade;

2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;

3. Eaves and roof overhangs up to four (4) feet from a wall;

4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition; and

5. Nonhabitable accessory structures of less than one hundred twenty (120) square feet.

"Lot depth" ~~(see illustration I-4)~~ means the horizontal distance between the rear lot line, or some other lot line in cases where there is no rear lot line, and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines; also the line so described.

"Lot line" means any boundary of a lot.

"Lot width" is the horizontal distances between the side lot lines measured at right angles to the side lot lines at all points between the front lot line and the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

"Lot width mean" ~~(see illustration I-4)~~ is the mean of the horizontal distances between the side lot lines measured at right angles to the lot depth at points distant thereon twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

"Major conditional use permit" means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

"Major variance" means a variance which involves any of the provisions listed in Section 17.148.020A.

~~**"Medium density zones"** means the R-40 through and including the R-50 zones.~~

"Mini-lot development" means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

"Minor conditional use permit" means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

"Minor variance" means a variance which does not involve any of the provisions listed in Section 17.148.020A.

"Mixed use development" means an integrated development containing residential, commercial and/or industrial activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

"Motel" means a facility designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common exterior corridors or where off-street parking is in sufficiently close proximity to the units as to facilitate direct baggage handling by guests.

"Moving (of a Sign)" means rotation or any other movement of any portion of a Sign, except for normal movement of hands on a clock.

"Natural grade" means the surface of the ground prior to grading for development.

"Nonconforming activity" means an activity which, under the zoning regulations, is not itself a permitted activity where it is located or does not conform to the off-street parking or loading requirements, performance standards, or other requirements applying to activities. However, an activity of the character described above shall not be deemed a nonconforming activity to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

"Nonconforming facility" means a facility which, under the zoning regulations, is not itself a permitted facility where it is located or does not conform to the density, floor-area ratio, height, yard, court, landscaping or screening, or usable open space requirements; limitations on Signs; or other requirements applying to facilities. However, a facility of the character described above shall not be deemed a nonconforming facility to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

"Nonconforming use" means a nonconforming activity or a nonconforming facility.

"Non-taxable merchandise" means products, commodities, or items not subject to California state sales tax.

"Oakland Hills Fire" means the fire of October 20, 1991 in the hill area of the city of Oakland, which is the subject of local, state and federal emergency declarations and disaster proclamations. Said term includes the words "the fire."

"Path" means a dedicated public way intended for pedestrian movement.

"Paved surface" means an ~~nonpermeable,~~ all-weather surface covered by concrete, asphalt, masonry, or a similar material and includes surfaces used for driveways, walkways, patios, and structures.

"Pawnbroking activity" means a commercial activity which features both the making of loans and the holding of jewelry, clothing, or other articles as security and which is conducted by a pawnbroker as defined in the Oakland Municipal Code.

"Performance standards" means regulations prescribed in the performance standards in Chapter 17.120 with respect to the emission by activities of noise, vibration, smoke, and other dangerous or objectionable matter or phenomena.

"Pitched roof" means any roof with one or more non-horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than three to twelve (3:12).

"Plan Dimension" means the linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls.

"Planned unit development" means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way.

"Planning official" means the Planning Official, or his or her designee.

"Poolroom activity" means the commercial operation of a public pool- or billiard room which has more than one pool table or billiard table.

"Potential Designated Historic Property" means any building or property that is determined by the City's Cultural Heritage Survey to have an existing or contingency rating of "A", "B", or "C", or to

contribute or potentially contribute to an Area of Primary Importance (API) or an Area of Secondary Importance (ASI).

"Preservation District" means an area that has been included in the City's S-7 Preservation Combining Zone or the S-20 Historic Preservation District Combining Zone.

"Primary activity" means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

"Primary dwelling unit" means a main building, room, or suite of rooms, including only one kitchen except as otherwise provided in Section 17.102.270, which is designed or occupied as the principal dwelling unit on a lot.

"Primary facility" means a main building or other facility which is designed for or occupied by a primary activity.

"Principal activity" means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

"Principal building" means a main building that is occupied a principal activity.

"Principal facility" means a main building or other facility which is designed for or occupied by a principal activity.

"Principal street" means on interior lots, the street that abuts a lot. On corner lots, the principal street is the street that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element of the General Plan. Where streets have the same street hierarchy, the principal street shall be determined by the Zoning Administrator based on the street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and control of intersections.

"Private access easement" means a privately owned and maintained right-of-way which provides vehicular access to each of not more than four lots. A private access easement allows the creation of no more than four lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easements shall not be named. Addresses for the living units served by the easement shall conform to the address range of the street upon which the easement abuts.

"Public facility" means and includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency, as defined by the California State Government Code.

"Rapid transit" means a system of high-speed mass transit operating on exclusive rights-of-way, including but not limited to the Bay Area Rapid Transit system.

"Rear lot line" ~~(see illustration I-2)~~ means the lot line which is opposite and most distant from the front lot line, and which is parallel to the front lot line or, if extended, would intersect with it at an angle of less than forty-five (45) degrees.

"Rear setback" or "Rear yard setback" means the setback from the rear lot line.

"Rear yard" ~~(see illustration I-2)~~ means a yard measured into a lot from its rear lot line, provided that in cases where there is no rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth, parallel to said lot depth. Except where a rear yard is prescribed only for certain kinds of facilities or along only a portion of a lot line, a required rear yard shall extend the full width of the lot between its side lot lines.

"Recyclable materials" means residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products.

"Recycling area" means space allocated for collecting and loading recyclable materials. Such areas shall have the ability to accommodate receptacles for recycling materials.

"Recycling receptacles" means bins or containers that allow storage of recyclable materials.

"Regular dwelling unit" means any dwelling unit other than an efficiency dwelling unit.

"Residential facility" means any structure, open area, or object which accommodates or is intended to accommodate Residential Activities. Residential Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential Activities.

"**Residential zone**" means any zone with a name that ~~ends~~ contains~~with~~ the words "Residential Zone." ~~Regulations."~~

"Reversed corner lot" ~~(see illustration I-1)~~ means a corner lot a side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

"Ringelmann number" means a number on the Ringelmann Chart, as standardized by the United States Bureau of Mines, used to measure the light-obscuring capacity of smoke, with a higher Ringelmann number corresponding to darker smoke.

"Rooming unit" means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

"Safety rail" means a guard rail, safety barrier, protective railing, or combination thereof.

"Sales Floor Area" means interior building space devoted to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single business establishment, the aggregate square footage of all adjacent stores that share common check stands, management, a controlling ownership interest, warehouses, or distribution facilities shall be considered a single business establishment.

"Secondary unit" means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.102.360.

"Secondhand merchandise activity" means any commercial activity which consists primarily of retail sale or rental from the premises of secondhand goods, other than secondhand jewelry, art objects, coins, stamps, motor vehicles, aircraft parts, or scrap.

"Setback" means the horizontal distance between a facility and the lot lines of the lot on which it is located.

"Setback line" ~~(see illustration I-2)~~ means a line located inside the boundaries of a lot and parallel to a front, side, or rear lot line and set back from the front, side, or rear lot line a distance equal to the depth of the required front, side, or rear yard.

"Shared access facility" means a common driveway as defined in this section or a private access easement as defined in this section.

"Side lot line" ~~(see illustration I-2)~~ means any lot line which is not a front lot line or a rear lot line.

"Side yard" ~~(see illustration I-2)~~ means a yard measured into a lot from one or more of its side lot lines. Except where a side yard is prescribed only for certain kinds of facilities or along only a portion of a side lot line, a required side yard shall extend between the required front yard and rear yard, or the front or rear lot lines in cases where no front yard or rear yard is required.

"Single housekeeping unit" means one or more people living together as a relatively permanent household and bearing the character of a generic family such as sharing household activities, expenses, experiences, and responsibilities.

"Slope" means the deviation of a surface from the horizontal, expressed as a percentage.

"Slope, Down" (Downslope) means a downhill angle or slant of a surface in relation to the elevation of the edge of pavement of the abutting street or equivalent access facility. ~~line.~~

"Slope, Up" (Upslope) means an uphill angle or slant of a surface in relation to the elevation of the edge of pavement of the abutting street or equivalent access facility.~~line.~~

"Sound pressure level" means the level of intensity of a sound.

"Special zone" means any zone the name of which begins with the letter "S~~.~~" or "D".

"Story" means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

1. A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point;

2. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

"Street" means a dedicated public way, other than an alley or path, having a right-of-way not less than forty (40) feet in width, which is intended to afford the principal means of vehicular access to abutting properties, provided that any such way which was of record on October 6, 1953 shall be deemed a street regardless of width.

"Street line" means a lot line dividing a lot from an abutting street, or private way described in Section 17.106.020.

"Street side (of a corner lot)" means the side of a corner lot along any side lot line thereof which is a street line.

"Street side setback" or "Street side yard setback" means the setback from the street side lot line.

"Street to setback gradient" means the difference in topographic elevation along a perpendicular line that connects from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement, to the normally required front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes. ~~as provided in Section 17.108.050.~~ The measurement shall be taken at the midpoint of the front lot line, or the closest point to the midpoint excluding any driveways, stairs and other built structures.

"Structure" means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

"Substitution (of activities)" means the replacement of an existing activity by a new activity, or a change in the nature of an existing activity, but not including a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

"Tandem parking" means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space which can only be accessed by driving across another space is called a dependent parking space. A space which can be accessed without driving across another space is called an independent parking space. (See also "Dependent parking space" and "Independent parking space" in this section.)

"Through lot" means a lot that is bounded on two opposite sides by generally parallel streets. Any lot that meets the definition of both a through lot and a corner lot shall be deemed to be a corner lot.

"Tobacco oriented activities" are defined as activities devoting any floor area or display area to or deriving any gross sales receipts from, the sale or exchange of tobacco-related products with the exception of (a) stores with over ten thousand (10,000) square feet of total sales area, provided the floor area devoted to tobacco sales does not exceed twenty (20) percent of the overall store area or display area or seventy-five (75) percent of gross sales receipts from, the sale or exchange of tobacco-related products, or (b) activities selling tobacco-related products in conjunction with Automotive Servicing Commercial Activities defined in Section 17.10.470 (Gasoline Stations), provided the floor area devoted to tobacco sales does not exceed twenty (20) percent of the overall store area or display area or seventy-five (75) percent of gross sales receipts from the sale or exchange of tobacco-related products.

"Tobacco-related products" are defined as any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

"Tower" means any building area constructed over the building base.

"Unfinished understories, attics and basements" means the portions of a building that have not been converted or improved into "Habitable Space", as defined in the Oakland Building Code, and are located above and below the highest and lowest habitable story or stories.

"Upper story" means either:

1. Any story located above the bottommost story of a building; or
2. Any story with finished floor located at least twelve (12) feet above finished grade at any point along the building perimeter.

"Use" means an activity or a facility.

"Working day" means a day when city offices are open for conducting of city business.

"Yard" means an area between a facility and some lot line, measured for a specified distance, in a horizontal plane, perpendicularly between such facility and lot line; located on the same lot as said facility; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

(Ord. 12675 § 3 (part), 2005; Ord. 12547 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 3 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 12138 § 4 (part), 1999; Ord. 12054 § 1(c), 1998; Ord. 11895 §§ 3--5, 1996; Ord. 11831 § 2, 1995; Ord. 11807 § 2, 1995; prior planning code §§ 2110--2130)

17.09.050 Special definitions for projects in the open space (OS) zone.

A. **"Change in use"** means any activity which is not already established in the particular park or open space, or the significant expansion of any existing use. Changes in the ongoing, regularly-scheduled recreational programs offered by the city of Oakland, regional park district, and similar agencies shall not be considered "changes in use" unless they involve permanent structural changes to

parks or park facilities. Conditionally permitted changes in use are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

B. **"Improvement"** means any project which, if proposed by a private applicant, would require issuance of a building, grading, or demolition permit by the city of Oakland. Parking lots shall also be included. Routine building and grounds maintenance where there is no change in the size, height, or external appearance of structures or grounds; and routine landscaping and/or landscape improvements, including irrigation systems, are not included. Conditionally permitted improvements are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

C. **"Impervious surface"** means any surface through which water does not easily pass. Impervious surface specifically includes all structures; paving materials such as brick, concrete, asphalt, or stone; swimming pools; and patios and terraces. Impervious surface does not include landscaping or furniture, play equipment, kiosks, or other individual articles used in conjunction with landscaping which individually do not cover more than ten (10) square feet and cumulatively do not cover more than one hundred (100) square feet.

D. **"Open space of comparable value"** means land acquired or improved by the city that is approximately equal in its potential for recreational use to land elsewhere in the city proposed for coverage by a structure or impervious surface. For the purposes of this definition, comparable value shall be based on slope, total area, dimensions, vegetation, and proximity to water features.

E. **"Caretaker's quarters"** means a single living unit occupied on a weekly or longer basis on public parkland where the primary occupant of the residence is employed to maintain the grounds and facilities of the associated park.

F. **"Street furniture"** means furnishings used to enhance the aesthetic and functional value of a park or open space, including benches, tables, planter boxes, flagpoles, water fountains, decorative trash bins, ornamental fixtures, and similar features. Map boards and kiosks are excluded. For zoning purposes, street furniture is classified into projects whose individual components sum to more than one hundred (100) square feet and those whose components sum to less than one hundred (100) square feet.

G. **"No net loss"** means a state in which the square footage of useable parkland added to the city's park inventory since July 28, 1998, is equal to or greater than the square footage of urban parkland covered by structures since that date. Lands within the jurisdiction of the Port of Oakland and lands classified as "Resource Conservation Areas" are excluded from this calculation. Structures smaller than one hundred (100) square feet shall also be exempt from this calculation.

H. **"Urban parkland"** means any parkland in the city of Oakland that is not designated a "Resource Conservation Area," excluding those lands within the jurisdiction of the Port of Oakland. (Ord. 12078 § 7, 1998)

Chapter 17.10

USE CLASSIFICATIONS

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Article I
General Classification Rules

17.10.030 Listing of activity classifications.

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

A. Residential Activities:
- Permanent
- Residential Care
- Service-Enriched Permanent Housing
- Transitional Housing
- Emergency Shelter
- Semi-Transient
- Bed and Breakfast

B. Civic Activities:
- Essential Service
- Limited Child-Care
- Community Assembly
- Recreational Assembly
- Community Education
- Nonassembly Cultural
- Administrative
- Health Care
- Special Health Care
- Utility and Vehicular
- Extensive Impact

C. Commercial Activities:
- General Food Sales

Full Service Restaurant
Limited Service Restaurant and Café
Fast-Food Restaurant
Convenience Market
~~Fast-Food Restaurant~~
Alcoholic Beverage Sales
Mechanical or Electronic Games
Medical Service
General Retail Sales
Large-Scale Combined Retail and Grocery Sales
Consumer Service
Consultative and Financial Service
Check Cashier and Check Cashing
Consumer Cleaning and Repair Service
Consumer Dry Cleaning Plant
Group Assembly
Personal Instruction and Improvement and Small Scale Entertainment
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales
Transient Habitation
Building Material Sales
Automobile and Other Light Vehicle Sales and Rental
Automobile and Other Light Vehicle Gas Station and Servicing
Automotive and Other Light Vehicle Repair and Cleaning
Taxi and Light Fleet-Based Service
Automotive Fee Parking
Transport and Warehousing
Animal Boarding
Animal Care
Undertaking Service
(Ord. 12138 § 4 (part), 1999; Ord. 12072 § 4, 1998; Ord. 11904 § 5.02, 1996; prior planning code § 2210)

17.10.110 Permanent Residential Activities.

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed residential care facilities for six (6) or fewer residents including family foster care homes. However, such residential care facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.102.212B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12138 § 4 (part), 1999: prior planning code § 2260)

17.10.112 Residential Care Residential Activities.

Residential Care Residential Activities include all residential care facilities that require a state license or are state licensed for seven or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections, are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.102.212(B). (Ord. 12138 § 4 (part), 1999)

17.10.140 Essential Service Civic Activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;

B. Community ~~and botanical~~ gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by more than one person for personal consumption and/or donation. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;~~;~~

C. Botanical Gardens;

~~C~~D. Private streets;

~~D~~E. Public polling places;

~~E~~F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;

~~F~~G. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the city;

~~F~~H. Police and Fire stations;

~~G~~I. Post offices, but excluding major mail processing centers;

~~H~~J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. (Ord. 11904 § 5.05, 1996; prior planning code § 2323)

~~I~~K. All activities not classified elsewhere in the use regulations that are conducted on city and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council. (Ord. 12078 § 5 (part), 1998; prior planning code § 2310)

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

17.10.160 Community Assembly Civic Activities.

Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:

- churches, temples, synagogues, and other similar places of worship;
- public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
- community, cultural, and performing arts center;~~.~~
- public and nonprofit gymnasiums and indoor swimming pools.

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

17.10.170 Recreational Assembly Civic Activities.

Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:

~~1.~~• food service and other concessions located within public parks;
~~17~~• public and parochial playgrounds and playing fields;
~~18~~• temporary nonprofit festivals;
~~19~~• basketball courts, tennis courts, handball courts, lawn bowling, and similar outdoor park and recreational facilities;
~~20~~• community outdoor swimming and wading pools, and other water play features;
~~21~~• picnic areas.

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

17.10.190 Nonassembly Cultural Civic Activities.

Activities that are primarily engaged in the display or preservation of objects of interest in the arts or sciences, for public, or private non-profit purposes. Examples of activities in this classification include but are not limited to the following:

- publicly owned and nonprofit art galleries;
- plant conservatories;
- libraries;
- museums;
- observatories.

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

17.10.270 General Food Sales Commercial Activities.

General Food Sales Commercial Activities includes the retail sales of food or beverages for off-site preparation and consumption. This classification includes~~,~~ but is not limited to~~,~~ the following:

A. Supermarkets or grocery stores that that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, grocery stores are a minimum five thousand (5,000) square feet and have a minimum twenty 20 percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables/and or fresh meats, whichever is greater.

B. Stores specializing in particular or distinctive food items, including, but not limited to retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include but are not limited to the following:

- gourmet food stores;
- bakeries;
- butchers;
- specialty food stores;
- fish and poultry shops;
- produce markets;
- delicatessens (may include sandwich shops in conjunction with the sale of other delicatessen products);
- health food stores.

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

17.10.272 Full Service Restaurant Commercial Activities.

Restaurants providing food or beverage services to patrons who order and are served while seated (table service), and pay after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods. Also, see 17.102.180 210 and 17.156.070 for definitions of a full-service restaurant in relation to Alcoholic Beverage Sales. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.274 Limited Service Restaurant and Cafe.

Restaurants that generally provide food or beverage services to patrons that order and pay before eating. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may not be provided. Examples of these activities include, but are not limited to, cafés and restaurants that do not fall under 17.10.270 272 Full Service Restaurant or 17.10.290 17.10.280 Fast-food Restaurant Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.280 Fast-Food Restaurant Commercial Activities.

A. Fast-Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: (A) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040

B. The sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:

- Food is ordered and served from a take-out counter that is integral to the catering truck;
- Food is paid for prior to consumption;
- Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;
- Food and beverages are served in disposable wrappers, plates or containers; and
- Food and beverages are prepared and sold for off-site consumption.

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

17.10.2~~8~~90 Convenience Market Commercial Activities.

Convenience Market Commercial Activities include the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building; but exclude delicatessens and other specialty food shops, establishments that have a sizeable amount of highly perishable items such as fresh fruits and vegetables, fresh-cut meat. In general, "late hours of operation" means businesses that stay open until or after 10:00 PM or at or before 7:00 AM; "relatively small building" means a building that is less than five thousand (5,000) square feet; and "a sizeable amount of highly perishable items" means at least twenty ~~20~~ percent (20%) of net retail floor area devoted to fresh fruits and vegetables and/or fresh meats, whichever is greater, devoted to these products. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2361)

~~**17.10.290 Fast-Food Restaurant Commercial Activities.**~~

~~A. Fast-Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: (A) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040~~

~~B. The sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:~~

- ~~Food is ordered and served from a take-out counter that is integral to the catering truck;~~
- ~~Food is paid for prior to consumption;~~
- ~~Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;~~
- ~~Food and beverages are served in disposable wrappers, plates or containers; and~~
- ~~Food and beverages are prepared and sold for off-site consumption.~~

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

17.10.320 Mechanical or Electronic Games Commercial Activities.

Mechanical or Electronic Games Commercial Activities include the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, where the games can be played or operated by the public or by customers; but exclude the provision of such games in a pool- or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the M~~m~~unicipal C~~c~~ode and from which persons under eighteen (18) years of age are barred at all times by the owner or operator, or in premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2365)

17.10.340 General Retail Sales Commercial Activities.

General Retail Sales Commercial Activities include the sales of items generally for personal or household use, but excludes activities more specifically described in other classifications. This activity does not include establishment where more than five percent of net retail floor area is devoted to food products. Examples of activities in this classification include but are not limited to the following:

- book and magazine, music, and video stores;
- pharmacy that sells prescription and non-prescription drugs along with miscellaneous retail items;
- florists;
- news stand;
- new and used clothing and shoes stores;
- department stores;
- electronics and appliance stores;
- furniture and home furnishing stores;
- gift shops;
- hardware and paint stores;
- hobby supply stores;
- auto parts stores, excluding service or installation;
- jewelry stores;
- luggage and leather goods stores;
- office supply and stationary stores;
- sporting goods stores.

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

17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.

Large-Scale Combined Retail and Grocery Sales Commercial Activities include the retail sale from the premises of goods and merchandise, primarily for personal or household use, from stores whose total sales floor area exceeds one hundred thousand (100,000) square feet, and which devote more than ten percent (10%) of sales floor area to the sale of non-taxable merchandise, but exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee. This classification excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware. This classification

also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12547 § 3 (part), 2003)

17.10.350 Consumer Service Commercial Activities.
Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include but are not limited to the following:

- ~~α.~~ barber shops;
- ~~β.~~ beauty salons;
- ~~γ.~~ ~~laundromats~~laundromats;
- ~~δ.~~ nail salons;
- ~~ε.~~ full service laundry service and dry cleaners (not including dry cleaning plants);
- ~~ζ.~~ shoe shine stands;
- ~~η.~~ tailors;
- ~~η.~~ tanning salons;
- ~~ι.~~ tattoo parlors;
- ~~6.~~ a pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical related products.

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

17.10.365 Check Cashier and Check Cashing Activity.

Check cashier and check cashing activity includes:

A. A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A "check cashier" also includes the business of deferred deposits whereby the check cashier refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code S~~s~~ection 1789.33, as amended.

B. "Check cashier" or "check cashing activity" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashier" or "check cashing activity" also does not include a retail seller engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cashes checks or issues money orders for a minimum flat fee, not exceeding two (2) dollars, as a service to its customers that is incidental to its main purpose or business. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Ord. 12626 § 3, 2004)

17.10.380 Group Assembly Commercial Activities.
Group Assembly Commercial Activities include the provision of instructional, amusement, or similar services of a nature to group assemblages of people. This classification does not include any activity classified in- 17.10.~~180~~ 160 Community Assembly Civic Activities, 17.10.170 Recreational Assembly Civic Activities, or 17.10.180 Community Education Civic Activities. Examples of activities in this classification include but are not limited to the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with two thousand (2,000) square feet or more of classroom or instructional space;
- drive-in theaters;
- theaters or venues with three thousand (3,000) square feet or more of floor area;

- temporary carnivals, fairs, and circuses;
- cabarets, night clubs, dance halls, and pool halls;
- banquet halls;
- fitness clubs with two thousand (2,000) square feet or more of floor area.

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

17.10.385 Personal Instruction and Improvement and Small Scale Entertainment Commercial Activities.
The provision of informational, instructional, personal improvement and similar services of a nature. This classification also includes theaters where less than three hundred (300) people are viewing an individual stage or screen. This classification does not include any activity classified as 17.10.180 Community Education Civic Activities or 17.10.380 Group Assembly Civic Activities. Examples of activities in this classification include but are not limited to the following:

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

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

17.10.390 Administrative Commercial Activities.
Administrative Commercial Activities include the professional, executive, management, administrative, and clerical activities of private firms, other than public utility firms. This classification includes, but is not limited to, administrative corporate headquarter offices, business offices, and the offices of investment firms. Examples of activities in this classification include but are not limited to the following:

- cultural and advocacy offices;
- law firms;
- accounting;
- advertising;
- architectural and engineering consulting firms;
- management consulting firms;
- computer consulting;
- software design;
- data management and billing services offices;
- administrative offices of non-profit organizations.

17.10.440 Transient Habitation Commercial Activities.
Transient Habitation Commercial Activities include the provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2379)

17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Activities.

Automobile and Light Truck Sales, Rental, and Delivery Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of small passenger vehicles and light trucks that have a gross vehicle weight less than fourteen thousand (14,000) pounds such as cars, sports utility vehicles, motorcycles, pickup trucks, vans, light trucks, boats and RVs. This classification also includes the retail or wholesale sale or rental, from the premises, of any type of goods where orders are placed predominantly by telephone or mail order with delivery being provided by motor vehicle. Delivery activities that include use of more than two on-site tow trucks are excluded from this classification and included in the *Warehousing, Distribution and Storage* or *Outdoor Storage* classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.

Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities include the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of minor repairs. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities.

Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities include the major repair or painting of motor vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.485 Taxi and Light Fleet-Based Service Commercial Activities.

Passenger transportation services, local delivery services, and other businesses that rely on fleets of three or more vehicles with a rated capacity of less than twelve thousand five hundred (12,500) pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, airport shuttles, medical transport, local messenger and document delivery services, janitorial services, and similar businesses. This classification does not include towing operations except for tow truck services where vehicles are taken to off-site locations. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Part 4
~~Manufacturing~~ Industrial Activity Types

17.10.550 Custom Manufacturing Industrial Activities.

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom

Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production of:

Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with less then ten thousand (10,000) square feet of floor area;
Cameras and photographic equipment;
Custom sign-making;
Custom clothing;
Custom furniture building and refinishing;
Professional, scientific, measuring, and controlling instruments;
Musical instruments;
Medical, dental, optical and orthopedic instruments and appliances, and similar items;
Handicraft, art objects, and jewelry.

17.10.560 Light Manufacturing Industrial Activities.

Light Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes but is not limited to the production or assembly of:

Production apparel manufacturing;
Computer and electronic products;
Pharmaceutical production;
Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or more of floor area;
Electrical equipment, appliances, and components;
Furniture and related products;
Pharmaceutical production;
Sporting and athletic goods.

17.10.570 General Manufacturing Industrial Activities.

General Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted, raw, recycled or secondary materials; they may have some or all activities conducted outdoors. This classification excludes all activities under Intermediate Recycling Processing Facilities. The Zoning Administrator or his/her designee may place an activity that otherwise fits this description, but does not produce noise, vibration, air pollution, fire hazard, or noxious emission that will violate standard in Chapter 17.120, or an other federal, State or local standards into the Light Manufacturing Industrial Activities classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include but are not limited to the following:

Chemical manufacturing (except for the chemical products listed under Heavy/High/Impact Manufacturing);
Glass manufacturing;
Metal foundries;
Wood product manufacturing;
Heavy equipment and manufacturing;
Paper finishing;

Pipe production facilities;
Textile mills;
Tire retreading and recapping;
Wood product manufacturing.

17.10.580 Heavy/High Impact Manufacturing Industrial Activities.

Heavy/High Impact Manufacturing Industrial Activities include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include but are not limited to the following:

Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4");
Battery manufacturing and storage;
Lime and gypsum products manufacturing;
Non-ferrous metals production, processing, smelting and refining;
Painting, coating and adhesive manufacturing;
Synthetic dye and pigment manufacturing;
Urethane and other open-cell foam product manufacturing;
Petroleum and coal products manufacturing and refining;
Primary metal smelting;
Vinegar, yeast and other pungent, odor-causing items production;
Leather tanning;
Cement and asphalt manufacturing;
Explosives manufacturing;
Fertilizer and other agricultural chemical manufacturing.

17.10.583 Warehousing, Storage, and Distribution Industrial Activities.

This classification includes five (5) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

A. General Warehousing, Storage and Distribution. The warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

B. General Outdoor Storage. Outdoor Storage Activities includes principal outdoor storage of items for more than 24 hours where such storage activities occupy more than thirty percent (30%) of the site area. The principal storage of goods and materials, equipment or vehicles; as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification excludes outdoor storage uses that are more specifically described in this chapter, including, but not limited to container storage, salvage and junk yards and oil and gas storage. This classification includes but is not limited to construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site.

C. Self- or Mini Storage. Self-or mini storage consist of storage in small individual spaces, on average of 400 square feet or less that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public.

D. Container Storage. Container Storage includes the storage, repair, and "pre-tripping" of shipping containers, including refrigerated shipping containers, on open lots. Includes minor repair and cleaning of containers, and may include the rehabilitation of containers for other uses.

E. Automotive Salvage/Junk Yards. Storage and dismantling of vehicles and equipment for sale of parts.

17.10.584 Regional Freight Transportation Industrial Activities.

Regional Freight Transportation Activities include the provision of freight handling and shipping services by water and rail. They include the inter- and intra-regional transportation of goods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Seaport. The accommodation of freight service and operations by ship. This classification includes piers, wharves & docks, marine terminals, container and break-bulk storage areas (where container storage is an accessory, rather than principal activity), related inter-modal facilities, and support services such as port and harbor operations and navigational services.

B. Rail yard. Accommodation of freight service and operations by rail.

17.10.585 Trucking and Truck-Related Industrial Activities.

Trucking and Truck-Related Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Freight/Truck Terminal. The accommodation of local or worldwide freight by truck. This classification includes facilities used primarily for transfer, breaking-down, and/or consolidation of freight, as well as parking and dispatch of trucks.

B. Truck Yard. Parking, dispatch, refueling, and incidental repair of trucks, buses, or other fleets of heavy vehicles, where there is no on-site freight storage or transfer. This classification includes corporation yards operated by public and private towing operations. This classification does not include local courier and delivery services; towing operations as an accessory activity to Automotive and Other Light Vehicle Repair and Cleaning (Section 17.10.480)

C. Truck Weigh Stations. The weighing of commercial trucks in truck weighing facilities.

D. Truck and Other Heavy Vehicle Sales, Rental, and Leasing. Sales, rental, and leasing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, commercial boats, heavy equipment, and other commercial vehicles that have gross vehicle weight ratings greater than fourteen thousand (14,000) pounds, including the sale, installation, accessory repair and servicing of related equipment and parts. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping (See Salvage/Junk Yards, Section 17.10.~~620~~583).

E. Truck and Other Heavy Vehicle Service, Repair, and Refueling. Repair, fueling, and other servicing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, boats, heavy equipment, and similar vehicles that generally have gross vehicle weights greater than fourteen thousand (14,000) pounds, including the sale, installation, and servicing of related equipment and parts. This classification includes fueling stations, repair shops, body and fender shops, wheel and brake shops, engine repair and rebuilding, welding, major painting service, tire sales and installation, and upholstery shops for trucks and other heavy vehicles. This classification does not include vehicle dismantling or salvage (See Salvage/Junk Yards, Section 17.10.~~610E~~583E).

17.10.670 Two-Family Dwelling Residential Facilities.

Two-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains two (2) dwelling units; but exclude the facilities described in Section 17.10.650. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2561)

17.10.680 Multifamily Dwelling Residential Facilities.

Multifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains three (3) or more dwelling units. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2562)

17.10.710 General description of Nonresidential Facilities.

Nonresidential Facilities include principal facilities, or portions thereof, which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agricultural or Extractive Activities. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2600)

17.10.720 Enclosed Nonresidential Facilities.

Enclosed Nonresidential Facilities include principal buildings, or portions thereof, other than those described in Section 17.10.740, which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing~~Industrial, or Agricultural or Extractive Activities and which are separated from adjacent areas on all sides by walls pierced only by windows, vents, or customary entrances and exits. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2610)

17.10.740 Drive-In Nonresidential Facilities.

Drive-In Nonresidential Facilities include principal buildings, open areas, and other facilities which accommodate or are intended to accommodate Civic, Commercial, ~~Manufacturing,~~ Industrial, or Agricultural or Extractive Activities and which are so designed or operated as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle. They also include certain facilities accessory to the above, as specified in Section 17.10.070. (Prior planning code § 2612)

17.10.770 Drive-Through Nonresidential Facilities.

A Drive-Through Nonresidential Facility is a vehicular access system designed to enable persons to receive a service or purchase goods by driving through the property and conducting the transaction while remaining within the vehicle. The system consists of a vehicular stacking/queuing lane(s) and. one or more service locations/windows. Drive-Through Facilities are intended to accommodate Civic, Commercial, ~~Manufacturing,~~ Industrial~~tsrial~~, or Agriculture or Extractive Activities. They also include certain other facilities accessory to the above as specified in Section 17.10.070. (Prior planning code § 2615)

17.10.840 Business Signs.

Business Signs are any of the following:

A. A Sign directing attention to, or otherwise pertaining to, a commodity, service, business, or profession which is sold, produced, conducted, or offered as one of the major functions of a Commercial, Industrial~~Manufacturing~~, or Agricultural or Extractive Activity on the same lot;

B. A Sign, or portion thereof, directing attention to or otherwise pertaining to a commodity or service which is sold, produced, or offered by a Commercial, Industrial~~Manufacturing~~, or Agricultural or Extractive Activity on the same lot but which does not constitute a major function thereof, whenever:

1. Such Sign is located behind a display window, or

2. Such Sign has a display surface not greater than twelve (12) square feet on any one face, or

3. Such advertising is incidental to a Sign pertaining to a major function and does not occupy more than one-half of the area of display surface thereof;

C. A Sign giving notice of the address or conditions of use of a parking area or other facility serving a Commercial, Industrial~~Manufacturing~~, or Agricultural or Extractive Activity. (Prior planning code § 2667)

17.10.850 Advertising Signs.

Advertising Signs are any of the following:

A. A Sign directing attention to, or otherwise pertaining to, a commodity, service, business, or profession which is not sold, produced, conducted, or offered by any activity on the same lot;

B. A Sign directing attention to, or otherwise pertaining to, a commodity or service which is sold, produced, conducted, or offered by a Commercial, Industrial~~Manufacturing~~, or Agricultural or Extractive Activity on the same lot but which does not constitute a major function thereof, whenever such Sign is not classified as a Business Sign under Section 17.10.840B. (Prior planning code § 2668)

17.10.870 Micro.

A Micro Facility is an attached wireless communication facility consisting of no more than three (3) antennas whose height is no more than four (4) feet and whose width is no more than one (1) foot and the antennas are concealed from view. If the antennas are visible, they may be no more than two (2) feet tall and the width and depth of the antennas may be no more than four (4) inches. The associated equipment cabinets are not to exceed four (4) feet high by three (3) feet wide by two (2) feet deep if they are visible. If the equipment cabinets are concealed in an existing building, there is no limit on size of equipment. (Ord. 11904 § 5.06 (part), 1996: prior planning code § 2710)

17.10.880 Mini.

A Mini Facility is an attached wireless communication facility consisting of no more than twelve (12) antennas projecting no more than fifteen (15) feet above the roof line. The associated equipment cabinets are either concealed in an existing building, or no more than six (6) feet in height and occupy an area of no more than thirty (30) square feet. Construction of a separate structure to enclose the equipment serving the antennas is not allowed under the Mini Facility definition. (Ord. 11904 § 5.06 (part), 1996: prior planning code § 2711)

Chapter 17.11

OS OPEN SPACE ZONING REGULATIONS

17.11.020 Designation and mapping of parks by category.

A. All parks and public open space lands in the city of Oakland shall be classified using the categories listed below:

RCA	Resource Conservation Area
RSP	Region-Serving Park
CP	Community Park
NP	Neighborhood Park
AMP	Active Mini-Park
PMP	Passive Mini-Park
LP	Linear Park
SU	Special Use Park
AF	Athletic Field Park

B. Designation of each park on the zoning maps ~~at Chapter 17.154~~ shall be followed by the two or three letter abbreviation corresponding to each park type in parentheses.

C. If a new park is developed or acquired or if an existing park is to be changed to a new category, the Parks and Recreation Advisory Commission shall make a recommendation on the designation to the City Council, consistent with the park type definitions contained in the Open Space Conservation and Recreation (OSCAR) E~~e~~lement of the Oakland General Plan. The City Council shall hold a noticed public hearing prior to making a decision on the recommendation. (Ord. 12078 § 3 (part), 1998)

17.11.030 Activities and facilities deemed approved or legal nonconforming.

All activities and facilities that are existing or have been legally approved on the effective date of the ordinance codified in this chapter shall be deemed approved, provided that they appear in the list of conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090. These activities and facilities shall not be subject to the provisions of Chapter 17.114 on nonconforming uses. Those existing activities and facilities that are not listed as conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090 shall be deemed legal nonconforming uses and shall be subject to the provisions of Chapter 17.114. (Ord. 12078 § 3 (part), 1998)

17.11.050 Conditionally permitted activities.

The following activities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in 17.11.060, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service
Limited Child Care
Community Assembly

Recreational Assembly
Community Education
Nonassembly Cultural
Administrative
Extensive Impact

C. Commercial Activities:
Animal Care
Animal Boarding
General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Alcoholic Beverage Sales (in restaurants only)

D. Agricultural and Extractive Activities:
Plant Nursery
Crop and Animal ~~Agricultural~~ Raising

~~E. Accessory Activities~~

(Ord. 12078 § 3 (part), 1998)

USE/ PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
ACTIVITY TYPES									
PERMANENT RESIDENTIAL ACTIVITIES									
Caretaker's Quarters	✪	✪	✪			✪	✪		✪
ESSENTIAL SERVICE CIVIC ACTIVITIES									
Botanical Gardens	☆	☆	☆	☆	☆	☆	☆		☆
Trails and Paths	☆	☆	☆	☆	☆	☆	☆	☆	☆
Electric, gas, and telephone distribution lines and poles	☆	☆	☆	☆	☆	☆	☆	☆	☆
Water, storm drainage, and sewer lines	☆	☆	☆	☆	☆	☆	☆	☆	☆
Park, recreational, and civic uses, consistent with a Master Plan adopted by the City Council (pursuant to Section 17.135.050), whether or not they are listed in this table.	☆	☆	☆	☆	☆	☆	☆	☆	☆
Park, recreational, and civic uses on land owned by the East Bay Rregional Park District (EBRPD), consistent with a Master Plan adopted by the EBRPD Board (pursuant to Section 17.135.050), whether or not they are listed in this table.	P					P	P	P	

Legend: ✪ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required; P = Permitted; RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

USE/ PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
LIMITED CHILD CARE ACTIVITIES									
Child Care Centers for 12 or fewer children	✪	✪	✪				✪		
COMMUNITY ASSEMBLY CIVIC ACTIVITIES									
Athletic Fields	☆	☆	☆				☆		☆
Basketball Courts	☆	☆	☆	☆		☆	☆		☆
Boathouses	✪					✪	✪		
Bocce Ball	☆	☆	☆				☆		
Carousels and Similar Amusement Rides	✪						✪		
Clubhouse, lodge, meeting hall	✪	✪	✪				✪		
Dog Play Area (fenced)	☆	☆	☆			☆	☆		
Fishing Ponds	☆	☆	☆				☆		
Food Service and Other Concessions	☆	☆	☆				☆		☆
Gymnasium	✪	✪	✪				✪		
Handball Courts	✪	✪	✪				✪		
Horseback Riding	✪						✪	✪	
Horseshoe Pit	☆	☆	☆	☆			☆		
Lawn Bowling	☆	☆	☆				☆		
Miniature Golf	✪	✪					✪		
Picnic Areas	☆	☆	☆	☆	☆	☆	☆	✪	☆
Playgrounds/ Tot Lots/ Children's Play Equipment (more than 1,000 square feet)	☆	☆	☆	✪		☆	☆		☆
Playgrounds/ Tot Lots/ Children's Play Equipment (less than 1,000 square feet)	☆	☆	☆	☆	☆	☆	☆	☆	☆
Recreation Center	✪	✪	✪				✪		

Legend: ✪ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

USE/ PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
COMMUNITY ASSEMBLY CIVIC ACTIVITIES (Continued)									
Skateboard Play Area	☆	☆	☆				☆		☆
Swim Centers (pools)	✪	✪	✪				✪		
Temporary Uses (i.e., fairs and carnivals)	☆	☆	☆	☆	☆	☆	☆		☆
Tennis Courts	☆	☆	☆				☆		☆
Wading Pools	☆	☆	☆	☆			☆		
Water Play Feature (water park)	✪	✪					✪		
COMMUNITY EDUCATION CIVIC ACTIVITIES									
Child Care Centers (for 13 or more children)	✪	✪	✪				✪		
NON-ASSEMBLY CULTURAL CIVIC ACTIVITIES									
Conservatory	✪	✪					✪		
Historic Residence Converted for Museum/ Recreational Purposes	✪	✪	✪				✪		
Museum	✪	✪					✪		
Planetarium/ Observatory	✪						✪		
ADMINISTRATIVE CIVIC ACTIVITIES									
Park Offices	✪	✪	✪				✪		✪
EXTENSIVE IMPACT CIVIC ACTIVITIES									
Auditoriums	✪	✪					✪		
Bandstand	✪	✪					✪		
Campsites (improved)	✪						✪		
Campsites (unimproved)	✪						✪	✪	
Docks/ Wharves/ Piers	✪					✪	✪	✪	

Legend: ✪ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

USE/ PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
EXTENSIVE IMPACT CIVIC ACTIVITIES (continued)									
Driving Range	✪						✪		
Electric Transmission Lines	✪						✪	✪	
Equestrian Arena	✪						✪		
Golf Course							✪		
Outdoor Performance Area/ Stage/ Amphitheater	✪	✪	✪				✪		
Stadium or Sports Arena	✪						✪		
Stormwater Detention/ Water Quality Facilities	✪	✪				✪	✪		
Reservoirs and Water Supply Tanks	✪	✪	✪			✪	✪	✪	✪
Wildlife Preserve	✪	✪					✪	✪	
Zoological Gardens (Zoos)	✪						✪		
ANIMAL CARE COMMERCIAL ACTIVITIES									
Horse Stables	✪						✪		
GENERAL FOOD SALES COMMERCIAL ACTIVITIES									
Full-service restaurant, within a publicly-owned building	✪						✪		
ALCOHOLIC BEVERAGE SALES									
Only in General Food Sales Commercial Activities that do not qualify as Full-Service Restaurants	✪						✪		
PLANT NURSERY AGRICULTURAL ACTIVITIES									
Nurseries (Botanical)	✪						☆		

Legend: ✪ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required
RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

USE/ PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
CROP AND AGRICULTURAL RAISING ACTIVITIES									
Community Gardens	☆	☆	☆	☆	☆	☆	☆	☆	☆
ACCESSORY ACTIVITIES									
Accessory Buildings	☆	☆	☆	☆		☆	☆		☆
Benches and street furniture, the sum of which is more than 100 square feet	☆	☆	☆	☆	☆	☆	☆	☆	☆
Benches and street furniture, the sum of which is less than 100 square feet	P	P	P	P	P	P	P	☆	P
Fences, walls, or gates	☆	☆	☆	☆	☆	☆	☆	☆	☆
Irrigation Systems	P	P	P	P	P	P	P	☆	P
Kiosks/ Map Boards	☆	☆	☆	☆	☆	☆	☆	☆	☆
Landscaping, including hedges	P	P	P	P	P	P	P	☆	P
Lighting (Athletic Field)	✪	✪					✪		✪
Lighting (General)	☆	☆	☆	☆	☆	☆	☆		☆
Maintenance Sheds	☆	☆	☆			☆	☆	✪	☆
Parking for use within park	☆	☆	☆			☆	☆	☆	☆
Public Art	☆	☆	☆	☆	☆	☆	☆	✪	☆
Pullouts and Scenic Overlooks	P	P				P	P	P	
Rest Room Building	☆	☆	☆			☆	☆	✪	☆

Legend: ✪ = Major Conditional Use Permit Required ☆ = Minor Conditional Use Permit Required; P= Permitted

RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)

(Ord. 12078 § 3 (part), 1998)

17.11.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.090, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS zone at Chapter 17.135, subject to the special definitions for projects in the open space zone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

A. Residential Facilities:
One-Family Dwelling

B. Nonresidential Facilities:
Enclosed
Open

C. Telecommunications Facilities:
Mini
Micro
Macro
Monopole

~~D. Accessory Facilities~~

(Ord. 12350 § 3 (part), 2001: Ord. 12078 § 3 (part), 1998)

17.11.090 Special provisions for permitted and conditionally permitted facilities and facilities allowed by variance in the OS zone.

A. Business and Advertising Signs. Business and Advertising Signs are allowed only when a city agency enters into an agreement with a private enterprise to enhance public park facilities and/or programs, and the private enterprise is a principal provider of cash and or in-kind contribution toward the enhancements. Such signs will refer either to the name of the donor company and/or products for sale on site. The size and content of such signs is further limited to the following:

1. No signage may advertise alcohol, tobacco, drugs, pharmaceuticals or firearms.

2. Signage may only advertise products sold on-site or show the name of a private enterprise acting as a principal provider as a part of an agreement with a city agency.

3. Signs shall generally be consistent with the limitations established for Business and Advertising Signs in ~~Sections 17.10.840 and~~Chapter 17.104~~.010~~, but some departure from these requirements may be considered on a case-by-case basis.

B. The following table shall apply to certain classes of facilities that are permitted and conditionally permitted within the OS zone. The specified facilities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a minor conditional use permit are indicated with a star. Uses requiring a major conditional use permit are indicated with a solid circle and star. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
FACILITY TYPES									
ONE-FAMILY RESIDENCE									
Caretaker's Quarters	✪	✪	✪			✪	✪		✪
TELECOMMUNICATIONS FACILITIES									
Mini	★	★	★	★	★	★	★	★	★
Micro	★	★	★	★	★	★	★	★	★
Macro	✪	✪	✪	✪	✪	✪	✪	✪	✪
Monopole	✪	✪	✪	✪	✪	✪	✪	✪	✪
Lattice Tower									
SIGNS									
Residential	★	★	★	★	★	★	★	★	★
Special	★	★	★	★	★	★	★	★	★
Civic	★	★	★	★	★	★	★	★	★
Business*	★	★	★	★	★	★	★		★
Advertising*	★	★	★	★	★	★	★		★

* Limited to the circumstances outlined in 17.11.090A.
Legend: ✪ = Requires Major Conditional Use Permit; ★ = Requires Minor Conditional Use Permit
RSP (Region-Seeking Park); CP (Community Park); NP (Neighborhood Park); AMP (Active Mini-Park); PMP (Passive Mini-Park); LP (Linear Park); SU (Special Use Park); RA (Resource Conservation Area); AF (Athletic Field)

(Ord. 12350 § 3 (part), 2001: Ord. 12078 § 3 (part), 1998)

17.11.120 Limitation on signs.

All signs shall be subject to the applicable limitations set forth in ~~Section 17.104.030. (Ord. 12078 § 3 (part), 1998)~~Chapter 17.104.

17.11.130 Maximum height.

A. General. Except as otherwise provided in Sections 17.108.020 and 17.108.030, the maximum height of buildings and other facilities shall be thirty-five (35) feet in parks classified as RCA, NP, AMP, PMP, or LP, and forty-five (45) feet in parks classified as RSP, CP, or AF. No general maximum height limit is prescribed for Special Use Parks.

B. Height Restrictions Along More Restrictive Zone Boundary. Where the OS zone abuts a zone with a more restrictive height limit, the maximum height of buildings and other facilities shall not exceed the maximum height of the abutting zone unless each portion above that height is set back from the minimum yard required by Section 17.11.140 a minimum horizontal distance equal to two (2) feet for each one (1) foot by which it extends above such maximum height. This requirement shall apply at the property line in the event that no minimum yard is required in the abutting district. (Ord. 12078 § 3 (part), 1998)

17.11.150 Maximum impervious surface.

The following table sets forth the maximum permitted impervious surface standards, as defined in Section 17.09.050. Exceedances of the Impervious Surface limits shall require a Minor Variance, as specified in Section 17.148.020(B).

Park Acreage	**Maximum % Impervious Surface**
Plazas and Active Mini-Parks	No limit
Passive Mini-Parks	10%
Resource Conservation Areas	One percent (1%) of total park area or 2500 square feet, whichever is smaller, excluding parking areas which meet requirements in Section 17.116.260 for "durable, dustless, all-weather surface parking"
All other park classes	
Less than 1.0 acre	35%
1.0--5.0 acres	25%
5.0--10.0 acres	15%
Greater than 10.0 acres	10%

(Ord. 12078 § 3 (part), 1998)

17.11.170 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements at Chapter 17.116, except that reduced parking requirements may be allowed by the Director of City Planning through the conditional use permit procedure required by Sections 17.11.050, 17.11.060 and 17.11.090 for activities and facilities in either of the following instances:

1. The project's primary service area is one-quarter mile or less; or,
2. A portion of the project's parking demand is to be met through reciprocal agreements for shared parking on the same site or an adjacent site or sites.

In both cases, the extent of the reduction shall be determined by the Director of City Planning pursuant to Section 17.116.040.

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

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

D. General Provisions. Unless otherwise indicated, the general exceptions and other regulations set forth in Chapter 17.102 shall apply in the OS zone.

(Ord. 12078 § 3 (part), 1998)

~~Chapter 17.11A~~

~~R-1 ONE ACRE ESTATE RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.11A.010 Title, purpose, and applicability.**~~
~~**17.11A.030 Required design review process.**~~
~~**17.11A.040 Permitted activities.**~~
~~**17.11A.050 Conditionally permitted activities.**~~
~~**17.11A.060 Permitted facilities.**~~
~~**17.11A.070 Conditionally permitted facilities.**~~
~~**17.11A.080 Limitations on Signs.**~~
~~**17.11A.090 Minimum lot area, width, and frontage.**~~
~~**17.11A.100 Maximum residential density.**~~
~~**17.11A.110 Maximum height.**~~
~~**17.11A.120 Minimum yards.**~~
~~**17.11A.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.11A.140 Building length along side lot lines.**~~
~~**17.11A.150 Buffering.**~~
~~**17.11A.160 Special regulations for large developments.**~~
~~**17.11A.170 Other zoning provisions.**~~

~~**17.11A.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-1 one acre estate residential zone regulations. The R-1 zone is intended to create, preserve, and enhance areas for single-family estate living at very low densities on lots of one acre, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-1 zone.~~
~~(Ord. 12272 § 3 (part), 2000)~~

~~**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 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)~~

~~**17.11A.040 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Activities:~~
~~Permanent~~
~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Telecommunications~~
~~(Ord. 12272 § 3 (part), 2000)~~

~~17.11A.050 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10. may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Civic Activities:~~

~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Residential Care~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~B. Agricultural and Extractive Activities:~~

~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~

~~C. Off-street parking serving activities other than those listed above or in Section 17.12.040, subject to the conditions set forth in Section 17.102.100.~~

~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

~~(Ord. 12272 § 3 (part), 2000)~~

~~17.11A.060 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10. are permitted:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~
~~Open~~

~~C. Signs:~~

~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 6, 2003: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~

~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 12501 § 7, 2003: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Ord. 12272 § 3 (part), 2000)~~

~~17.11A.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of one acre (forty-three thousand five hundred sixty (43,560) square feet) and a minimum lot width of one hundred (100) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Ord. 12272 § 3 (part), 2000)~~

~~17.11A.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~
~~(Ord. 12501 § 8, 2003: Ord. 12376 § 3 (part), 2001; Ord. 12272 § 3 (part), 2000)~~

~~17.11A.110 Maximum height.~~

~~A. General. Except as otherwise provided in Sections 17.108.020, where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, and in Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~
~~(Ord. 12376 § 3 (part), 2001: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.120 Minimum yards.~~

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.11A.110.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty-five (25) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.~~

~~B. Side Yard - Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard - Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be the greater of:~~

~~1. Six feet; or~~

~~2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see Illustration I-4c).~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be thirty-five (35) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed fifteen (15) percent or two thousand (2,000) square feet, whichever is greater. (Ord. 12376 § 3 (part), 2001)~~

~~17.11A.140 Building length along side lot lines.~~

~~Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:~~

~~A. Ten feet of the side lot line; or~~

~~B. The distance from the side lot line equal to twenty (20) percent of the lot width. (See illustration I-4d). (Ord. 12376 § 3 (part), 2001)~~

~~17.11A.150 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination, and other matters specified therein. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.160 Special regulations for large developments.~~

~~Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, in the R-1 zone certain of the regulations applying in said zone may be waived or modified. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 3 (part), 2000)~~

~~17.11A.170 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-1 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the R-1 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-1 zone. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 3 (part), 2000)~~

~~Chapter 17.12~~

~~R-10 ESTATE RESIDENTIAL ZONE REGULATIONS~~

~~Sections:~~

~~17.12.010 Title, purpose, and applicability.~~
~~17.12.030 Required design review process.~~
~~17.12.040 Permitted activities.~~
~~17.12.050 Conditionally permitted activities.~~
~~17.12.060 Permitted facilities.~~
~~17.12.070 Conditionally permitted facilities.~~
~~17.12.080 Limitations on Signs.~~
~~17.12.090 Minimum lot area, width, and frontage.~~
~~17.12.100 Maximum residential density.~~
~~17.12.110 Maximum height.~~
~~17.12.120 Minimum yards.~~
~~17.12.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~
~~17.12.140 Building length along side lot lines.~~
~~17.12.150 Buffering.~~
~~17.12.160 Special regulations for large developments.~~
~~17.12.170 Other zoning provisions.~~

~~17.12.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-10 estate residential zone regulations. The R-10 zone is intended to create, preserve, and enhance areas for single-family estate living at very low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-10 zone.~~
~~(Prior planning code § 3250)~~

~~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 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)~~

~~17.12.040 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~

~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~

~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3253)~~

~~17.12.050 Conditionally permitted activities.~~
~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Utility and Vehicular~~
~~Extensive Impact~~
~~B. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~
~~C. Off-street parking serving activities other than those listed above or in Section 17.12.040, subject to the conditions set forth in Section 17.102.100.~~
~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~
~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3254)~~

~~17.12.060 Permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 10, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3255)~~

~~17.12.070 Conditionally permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~Telecommunications Facilities:~~
~~Micro~~
~~Mini~~
~~Macro~~

~~Monopole~~

~~(Ord. 12501 § 11, 2003: Ord. 12199 § 4A, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3256)~~

~~17.12.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3263)~~

~~17.12.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of twenty-five thousand (25,000) square feet and a minimum lot width of one hundred (100) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3264)~~

~~17.12.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~
~~(Ord. 12501 § 12, 2003: Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3265)~~

~~17.12.110 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, and in Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~
~~(Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.12, 1996: prior planning code § 3269)~~

~~17.12.120 Minimum yards.~~

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.12.110.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty-five (25) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be the greater of:~~

~~1. Six feet; or~~

~~2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see illustration I-4c).~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be thirty-five (35) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3270)~~

~~17.12.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed twenty (20) percent or two thousand (2,000) square feet, whichever is greater.~~
~~(Ord. 12376 § 3 (part), 2001)~~

~~17.12.140 Building length along side lot lines.~~

~~Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:~~

~~A. Ten feet of the side lot line; or~~

~~B. The distance from the side lot line equal to twenty (20) percent of the lot width.~~

~~(See illustration I-4d).~~
~~(Ord. 12376 § 3 (part), 2001)~~

~~17.12.150 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination, and other matters specified therein.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3272)~~

~~17.12.160 Special regulations for large developments.~~

~~Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, in the R-10 zone certain of the regulations applying in said zone may be waived or modified.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3273)~~

~~17.12.170 Other zoning provisions.~~
~~A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~
~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-10 zone.~~
~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the R-10 zone.~~
~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-10 zone.~~
~~(Ord. 12376 § 3 (part), 2001: Ord. 11807 § 3 (part), 1995; prior planning code § 3274)~~

~~Chapter 17.14~~

~~R-20 LOW DENSITY RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.14.010 Title, purpose, and applicability.**~~
~~**17.14.030 Required design review process.**~~
~~**17.14.040 Permitted activities.**~~
~~**17.14.050 Conditionally permitted activities.**~~
~~**17.14.060 Permitted facilities.**~~
~~**17.14.070 Conditionally permitted facilities.**~~
~~**17.14.080 Limitations on Signs.**~~
~~**17.14.090 Minimum lot area, width, and frontage.**~~
~~**17.14.100 Maximum residential density.**~~
~~**17.14.110 Maximum height.**~~
~~**17.14.120 Minimum yards.**~~
~~**17.14.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.14.140 Building length along side lot lines.**~~
~~**17.14.150 Buffering.**~~
~~**17.14.160 Special regulations for large developments.**~~
~~**17.14.170 Other zoning provisions.**~~

~~17.14.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-20 low density residential zone regulations. The R-20 zone is intended to create, preserve, and enhance areas for single-family dwellings at low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area. These regulations shall apply in the R-20 zone.~~
~~(Prior planning code § 3350)~~

~~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 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)~~

~~17.14.040 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3353)~~

~~17.14.050 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Civic Activities:~~

~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~B. Agricultural and Extractive Activities:~~

~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~

~~C. Off-street parking serving activities other than those listed above or in Section 17.14.040, subject to the conditions set forth in Section 17.102.100.~~

~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3354)~~

~~17.14.060 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~
~~Open~~

~~C. Signs:~~

~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 14, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3355)~~

~~17.14.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~

~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 12501 § 15, 2003: Ord. 12199 § 4B, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3356)~~

~~17.14.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3363)~~

~~17.14.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of twelve thousand (12,000) square feet and a minimum lot width of ninety (90) feet, except as a lesser area or width is allowed by Section 17.106.010 and except as provided hereafter in this section. Whenever land is divided in such a way that the real estate subdivision regulations apply, the minimum average lot area of all lots intended for improvement within the subdivision shall be twelve thousand (12,000) square feet; the minimum average lot width of all such lots shall be ninety (90) feet; the minimum lot area of any individual lot within the subdivision shall be ten thousand (10,000) square feet; and the minimum lot width of any individual lot within the subdivision shall be seventy-five (75) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3364)~~

~~17.14.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~
~~(Ord. 12501 § 16, 2003: Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3365)~~

~~17.14.110 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001: prior planning code § 11904 § 5.13, 1996: prior planning code § 3369)~~

~~17.14.120 Minimum yards.~~

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.14.110.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes.~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be the greater of:~~

~~1. Six feet; or~~

~~2. Fifteen (15) percent of the lot width at any point between the front and back of any structure on the lot (see illustration 1-4c).~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be twenty-five (25) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half (0.5) foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet. (Ord. 12376 § 3 (part), 2001: prior planning code § 3370)~~

~~17.14.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed twenty-five (25) percent or two thousand (2,000) square feet, whichever is greater. (Ord. 12376 § 3 (part), 2001)~~

~~17.14.140 Building length along side lot lines.~~

~~Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:~~

~~A. Ten feet of the side lot line; or~~

~~B. The distance from the side lot line equal to twenty (20) percent of the lot width.~~

~~(See illustration I-4d). (Ord. 12376 § 3 (part), 2001)~~

~~17.14.150 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001: prior planning code § 3372)~~

~~17.14.160 Special regulations for large developments.~~

~~Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant~~

~~to said regulations, in the R-20 zone certain of the other regulations applying in said zone may be waived or modified. (Ord. 12376 § 3 (part), 2001: prior planning code § 3373)~~

~~**17.14.170 Other zoning provisions.**~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-20 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-20 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-20 zone. (Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3374)~~

~~Chapter 17.16~~

~~R-30 ONE-FAMILY RESIDENTIAL ZONE REGULATIONS~~

~~Sections:~~

~~17.16.010 Title, purpose, and applicability.~~
~~17.16.030 Required design review process.~~
~~17.16.040 Permitted activities.~~
~~17.16.050 Conditionally permitted activities.~~
~~17.16.060 Permitted facilities.~~
~~17.16.070 Conditionally permitted facilities.~~
~~17.16.080 Limitations on Signs.~~
~~17.16.090 Minimum lot area, width, and frontage.~~
~~17.16.100 Maximum residential density.~~
~~17.16.110 Maximum height.~~
~~17.16.120 Minimum yards.~~
~~17.16.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~
~~17.16.140 Building length along side lot lines.~~
~~17.16.150 Buffering.~~
~~17.16.160 Special regulations for large developments.~~
~~17.16.170 Other zoning provisions.~~

~~17.16.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the R-30 one-family residential zone regulations. The R-30 zone is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city. These regulations shall apply in the R-30 zone.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3450)~~

~~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 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)~~

~~17.16.040 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3453)~~

~~17.16.050 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Civic Activities:~~

~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~B. Agricultural and Extractive Activities:~~

~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~

~~C. Off-street parking serving activities other than those listed above or in Section 17.16.040, subject to the conditions set forth in Section 17.102.100.~~

~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3454)~~

~~17.16.060 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~
~~Open~~

~~C. Signs:~~

~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 18, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3455)~~

~~17.16.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~

~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 12501 § 19, 2003: Ord. 12199 § 4C, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3456)~~

~~17.16.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3463)~~

~~17.16.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3464)~~

~~17.16.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~
~~(Ord. 12501 § 20, 2003: Ord. 12199 § 5A (part), 2000; Ord. 12116 § 2 (part), 1999; prior planning code § 3465)~~

~~17.16.110 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~
~~(Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.14, 1996: prior planning code § 3469)~~

~~17.16.120 Minimum yards.~~

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.16.110.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See Illustration I-4e).~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be five feet except that for lots where the site area to be covered by the structure has a gradient over twenty (20) percent based on the existing grade, the minimum side yard width shall be the greater of:~~

~~1. Five feet; or~~

~~2. Ten (10) percent of the lot width at any point between the front and back of any structure on the lot (see illustration I-4c).~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.110. For lots which abut an adjoining rear yard, the minimum rear yard depth shall be increased by an additional one-half (0.5) foot of rear yard depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear yard depth of eighty (80) feet.~~

~~(Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001: prior planning code § 3470)~~

~~17.16.130 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater.~~

~~(Ord. 12376 § 3 (part), 2001)~~

~~17.16.140 Building length along side lot lines.~~

~~Where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the building length facing a side lot line shall be limited to thirty-five (35) feet if within the greater of:~~

~~A. Ten (10) feet of the side lot line; or~~

~~B. The distance from the side lot line equal to twenty (20) percent of the lot width.~~

~~(See illustration I-4d).~~

~~(Ord. 12376 § 3 (part), 2001)~~

~~17.16.150 Buffering.~~

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

~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3472)~~

~~17.16.160 Special regulations for large developments.~~

~~Large, integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-30 zone, and certain of the other regulations applying in said zone may be waived or modified.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3473)~~

~~17.16.170 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-30 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-30 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-30 zone.~~
~~(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3474)~~

~~Chapter 17.18~~

~~R-35 SPECIAL ONE-FAMILY RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.18.010 Title, purpose, and applicability.**~~
~~**17.18.030 Required design review process.**~~
~~**17.18.040 Permitted activities.**~~
~~**17.18.050 Conditionally permitted activities.**~~
~~**17.18.060 Permitted facilities.**~~
~~**17.18.070 Conditionally permitted facilities.**~~
~~**17.18.080 Limitations on Signs.**~~
~~**17.18.090 Minimum lot area, width, and frontage.**~~
~~**17.18.100 Maximum residential density.**~~
~~**17.18.110 Use permit criteria for second dwelling unit.**~~
~~**17.18.120 Maximum height.**~~
~~**17.18.130 Minimum yards and courts.**~~
~~**17.18.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.18.150 Minimum usable open space.**~~
~~**17.18.160 Buffering.**~~
~~**17.18.170 Special regulations for mini-lot and planned unit developments.**~~
~~**17.18.180 Other zoning provisions.**~~

~~**17.18.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-35 special one-family residential zone regulations. The R-35 zone is intended to create, preserve, and enhance areas containing a mixture of single- and two-family dwellings in desirable settings for urban living, and is typically appropriate to areas of existing lower or lower-medium density residential development. These regulations shall apply in the R-35 zone.~~
~~(Prior planning code § 3550)~~

~~**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 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)~~

~~**17.18.040 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~

~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~

~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3553)~~

~~17.18.050 Conditionally permitted activities.~~
~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~
~~B. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Utility and Vehicular~~
~~Extensive Impact~~
~~C. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~
~~D. Off-street parking serving activities other than those listed above or in Section 17.18.040, subject to the conditions set forth in Section 17.102.100.~~
~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~
~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3554)~~

~~17.18.060 Permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 22, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3555)~~

~~17.18.070 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~Two-Family Dwelling~~

~~B. Telecommunications Facilities:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole~~

~~(Ord. 12501 § 23, 2003: Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3556)~~

~~17.18.080 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3563)~~

~~17.18.090 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3564)~~

~~17.18.100 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One primary dwelling unit is permitted on each lot. A Secondary Unit may also be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.~~

~~B. Conditionally Permitted Density. A total of two dwelling units may be permitted on any lot which has five thousand (5,000) square feet or more of lot area, or on any lot which has four thousand (4,000) to four thousand nine hundred ninety-nine (4,999) square feet of lot area and qualifies under Section 17.106.010 as an existing buildable parcel, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~
~~(Ord. 12501 § 24, 2003: Ord. 12199 § 5-D (part), 2000; prior planning code § 3565)~~

~~17.18.110 Use permit criteria for second dwelling unit.~~

~~A conditional use permit for a Two-Family Dwelling Residential Facility or for two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following use permit criteria:~~

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

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

~~C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~

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

~~E. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences. (Prior planning code § 3566)~~

~~17.18.120 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.15, 1996; prior planning code 3569)~~

~~17.18.130 Minimum yards and courts.~~

~~The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.18.130.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (see illustration I-4e.)~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line.~~

~~1. The minimum side yard width along each interior side lot line of every lot shall be five feet.~~

~~2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two dwelling units.~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~E. Courts. On each lot containing Residential Facilities with a total of two dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001: prior planning code § 3570)~~

~~17.18.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two living dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34. (Ord. 12376 § 3 (part), 2001)~~

~~17.18.150 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two dwelling units, group usable open space shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001: prior planning code § 3571)~~

~~17.18.160 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001: prior planning code § 3572)~~

~~17.18.170 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-35 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-35 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3573)~~

~~**17.18.180 Other zoning provisions.**~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-35 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-35 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-35 zone.~~

~~(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3574)~~

~~Chapter 17.20~~

~~R-36 SMALL LOT RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.20.010 Title, purpose, and applicability.**~~
~~**17.20.020 Required design review process.**~~
~~**17.20.030 Permitted activities.**~~
~~**17.20.040 Conditionally permitted activities.**~~
~~**17.20.050 Permitted facilities.**~~
~~**17.20.060 Conditionally permitted facilities.**~~
~~**17.20.070 Design review criteria.**~~
~~**17.20.080 Limitations on Signs.**~~
~~**17.20.090 Minimum lot area, width, and frontage.**~~
~~**17.20.100 Maximum residential density.**~~
~~**17.20.110 Use permit criteria for more than two dwelling units.**~~
~~**17.20.120 Maximum height.**~~
~~**17.20.130 Minimum yards and courts.**~~
~~**17.20.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.20.150 Minimum usable open space.**~~
~~**17.20.160 Buffering.**~~
~~**17.20.170 Special regulations for mini-lot and planned unit developments.**~~
~~**17.20.180 Other zoning provisions.**~~

~~**17.20.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-36 small lot residential zone regulations. The R-36 zone is intended to foster the development of small lots that are less than four thousand (4,000) square feet in size and/or less than forty-five (45) feet in width in desirable settings for urban living, and is typically appropriate to areas of existing lower density residential development. These regulations shall apply in the R-36 zone.~~
~~(Prior planning code § 3575)~~

~~**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 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)~~

~~**17.20.030 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~B. Civic Activities:~~

~~Essential Service~~
~~Limited Child-Care~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3578)~~

~~17.20.040 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~

~~B. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Health Care~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~C. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~

~~D. Off-street parking serving activities other than those listed above or in Section 17.20.030, subject to the conditions set forth in Section 17.102.100.~~

~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof subject to the conditions set forth in Section 17.102.110.~~
~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3579)~~

~~17.20.050 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~

~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~

~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 27, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3580)~~

~~**17.20.060 Conditionally permitted facilities.**~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~Multi-family Dwelling~~

~~B. Telecommunications Facilities:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole~~

~~(Ord. 12501 § 28, 2003: Ord. 12199 § 4D, 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3581)~~

~~**17.20.070 Design review criteria.**~~

~~In the R-36 zone, proposals requiring regular design review approval pursuant to Section 17.20.020 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

~~A. Site Design.~~

~~1. That the siting of the building is such that it is compatible with adjacent properties and respects the configuration and natural amenities of the lot;~~

~~2. That the building is oriented in such a way that it maintains direct sunlight to adjacent properties wherever possible;~~

~~3. That, where desirable, entry paths are distinct and separate elements from parking pads and driveways; and that stairways, accessways, and corridors are designed to ensure the privacy and security of residents without adversely affecting the residential amenity of adjacent properties;~~

~~4. That the design and site planning of the building, open areas, parking, and other facilities are convenient and functional;~~

~~5. That the siting and orientation of the proposal maintains views to adjacent properties wherever possible.~~

~~B. Parking.~~

~~1. That parking spaces are incorporated into the design such that they are complementary elements of the overall design;~~

~~2. That, where physically feasible, unenclosed parking spaces are situated on the site in such a manner that they maintain or improve the character and integrity of the neighborhood, and are visually screened from the street and other significant vantage points to minimize their visual impact.~~

~~C. Building Design.~~

~~1. That the building has a scale, height, bulk, and massing compatible with, but not necessarily identical to, surrounding buildings;~~

~~2. That parking entrances are integrated into the overall project design;~~

~~3. That the primary entrance is identifiable and is treated such that it is consistent with the rest of the building;~~

~~4. That the design of the building is specific to its location and responds to topographic, physical, or climatic characteristics of the site.~~

~~D. Landscaping.~~

~~1. That the proposed landscaping complements the design of the building and the use of open spaces and yards;~~
~~2. That water conservation has been considered in the selection of plant material and irrigation systems.~~
~~E. General.~~
~~1. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.~~
~~(Prior planning code § 3587)~~

~~17.20.080 Limitations on Signs.~~
~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3588)~~

~~17.20.090 Minimum lot area, width, and frontage.~~
~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3589)~~

~~17.20.100 Maximum residential density.~~
~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~
~~A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on the lots of the specified sizes:~~

~~Total Lot Area~~	**~~Permitted Total Number of Dwelling Units~~**
~~Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.~~	~~One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.~~
~~4,000--4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel.~~	~~Two dwelling units.~~
~~5,000 or more square feet.~~	~~Two dwelling units.~~

~~B. Conditionally Permitted Density. A total of three or more Residential Facilities may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, if the total area is not less than two thousand five hundred (2,500) square feet for each dwelling unit. In such developments, no more than two dwelling units may be contained in a single residential facility in situations where One-Family and Two-Family Dwellings predominate within the block containing the subject site. No limitations on the number of units which may be contained in a Multifamily Facility is prescribed in situations where similar Multifamily Dwellings predominate within the block containing the subject site. The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~
~~(Ord. 12501 § 29, 2003: Ord. 12199 § 3 (part), 2000; prior planning code § 3590)~~

~~17.20.110 Use permit criteria for more than two dwelling units.~~

~~A conditional use permit for any Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

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

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

~~C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~

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

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

~~(Prior planning code § 3591)~~

~~17.20.120 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, 17.103.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be thirty (30) feet; however, a greater height up to five feet may be permitted for pitched roofs upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. As used in this section, a "pitched roof" is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope.~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.~~

~~(Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.16, 1996: prior planning code § 3594)~~

~~17.20.130 Minimum yards and courts.~~

~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yards requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.20.120.~~

~~A. Lots Less Than Four Thousand (4,000) Square Feet in Size and/or Less Than Forty-Five (45) Feet in Width.~~

~~1. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet (see illustration I-4e.).~~

~~2. Side Yard--Street Side of Corner lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~3. Side Yard--Interior Lot Line. The minimum side yard width along each interior side lot line of every lot shall be three feet, except as a zero side-yard is allowed for proposals involving a One-Family Dwelling, or One-Family Dwelling with a Secondary Unit on each of two contiguous properties under common ownership.~~

~~4. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~B. Lots Exceeding Four Thousand (4,000) Square Feet in Size.~~

~~1. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots and except that if adjacent lots abutting the side lot lines of the subject lot contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line connecting the most forward projections of the principal Residential Facilities on the adjacent lots, provided such projections on the adjacent lots are enclosed, have a wall height of at least eight feet, and have a width of at least five feet. (See illustration I-4d.)~~

~~2. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~3. Side Yard--Interior Lot Line.~~

~~a. The minimum side yard width along each interior side lot line of every lot shall be five feet.~~

~~b. A side yard with a width greater than that required by subsection (B)(3)(a) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces, an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.~~

~~4. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~5. Courts. On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001: Ord. 12199 § 3 (part), 2000; prior planning code § 3595)~~

~~17.20.140 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two dwelling units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34. (Ord. 12376 § 3 (part), 2001)~~

~~17.20.150 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more dwelling units, except in the case of a One-Family Dwelling with a Secondary Unit, group usable open shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001: Ord. 12199 § 3 (part), 2000: prior planning code § 3596)~~

~~17.20.160 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001: prior planning code § 3597)~~

~~17.20.170 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-36 zone, may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-36 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 3598)~~

~~17.20.180 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-36 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-36 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-36 zone. (Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3599)~~

~~Chapter 17.22~~

~~R-40 GARDEN APARTMENT RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.22.010 Title, purpose, and applicability.**~~
~~**17.22.040 Required design review process.**~~
~~**17.22.050 Permitted activities.**~~
~~**17.22.060 Conditionally permitted activities.**~~
~~**17.22.070 Permitted facilities.**~~
~~**17.22.080 Conditionally permitted facilities.**~~
~~**17.22.090 Limitations on Signs.**~~
~~**17.22.100 Minimum lot area, width, and frontage.**~~
~~**17.22.110 Maximum residential density.**~~
~~**17.22.120 Use permit criteria for more than two dwelling units.**~~
~~**17.22.130 Maximum height.**~~
~~**17.22.140 Minimum yards and courts.**~~
~~**17.22.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.22.160 Minimum usable open space.**~~
~~**17.22.170 Buffering.**~~
~~**17.22.180 Special regulations for mini-lot and planned unit developments.**~~
~~**17.22.190 Other zoning provisions.**~~

~~**17.22.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-40 garden apartment residential zone regulations. The R-40 zone is intended to create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium density residential development. These regulations shall apply in the R-40 zone.~~
~~(Prior planning code § 3600)~~

~~**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 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)~~

~~**17.22.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~B. Civic Activities:~~
~~Essential Service~~

~~Limited Child Care~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3603)~~

~~17.22.060 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~

~~B. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Health Care~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~C. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~

~~D. Off-street parking serving activities other than those listed above or in Section 17.22.050, subject to the conditions set forth in Section 17.102.100.~~

~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3604)~~

~~17.22.070 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~

~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~

~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 31, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3605)~~

~~17.22.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~Multi-Family Dwelling~~

~~B. Telecommunications Facilities:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole~~

~~(Ord. 12501 § 32, 2003: Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3606)~~

~~17.22.090 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3613)~~

~~17.22.100 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of five thousand (5,000) square feet and a minimum lot width of forty-five (45) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3614)~~

~~17.22.110 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on lots of the specified sizes:~~

~~Total Lot Area~~	~~Permitted Total Number of Dwelling Units~~
~~Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.~~	~~One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.~~
~~4,000--4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel.~~	~~Two dwelling units.~~
~~5,000 or more square feet.~~	~~Two dwelling units.~~

~~B. Conditionally Permitted Density. A total of three or more dwelling units may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit~~

~~procedure in Chapter 17.134, if the total lot area is not less than two thousand five hundred (2,500) square feet for each dwelling unit. The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12501 § 33, 2003: Ord. 12199 § 5D (part), 2000; prior planning code § 3615)~~

~~17.22.120 Use permit criteria for more than two dwelling units.~~

~~A conditional use permit for a Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

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

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

~~C. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~

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

~~E. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences. (Prior planning code § 3616)~~

~~17.22.130 Maximum height.~~

~~A. General. Except as otherwise provided in Section 17.108.020, where the site area to be covered by the structure exceeds a gradient of twenty (20) percent, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be twenty-five (25) feet, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to thirty (30) feet if all portions of the roof above twenty-five (25) feet are:~~

~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~2. If located within ten feet of an interior side lot line, pitched upward from such lot line for a distance of at least ten feet from the lot line (see illustration I-4a).~~

~~An exception is that if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any City Planning signoff of a building permit application.~~

~~B. Accessory Structures. Except as otherwise provided in Section 17.108.030 or Section 17.108.130, no accessory structure shall exceed fifteen (15) feet in height.~~

~~C. Other Provisions. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards. (Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.17, 1996: prior planning code § 3619)~~

~~17.22.140 Minimum yards and courts.~~

~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.22.140.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See illustration I-4e.)~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.05.060.~~

~~C. Side Yard--Interior Lot Line.~~

~~1. The minimum side yard width along each interior side lot line of every lot shall be five feet.~~

~~2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~E. Courts. On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120. (Ord. 12376 § 3 (part), 2001: prior planning code § 3620)~~

~~17.22.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed forty (40) percent or two thousand (2,000) square feet, whichever is greater, provided, however, that on lots containing two dwelling units, the lot coverage may be increased up to fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34. (Ord. 12376 § 3 (part), 2001)~~

~~17.22.160 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more dwelling units, group usable open space shall be provided in the minimum amount of three hundred (300) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. On each such lot, some private usable open space shall be provided with each individual dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Ord. 12376 § 3 (part), 2001: prior planning code § 3621)~~

~~17.22.170 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial~~

~~illumination; and other matters specified therein. (Ord. 12376 § 3 (part), 2001: prior planning code § 3622)~~

~~17.22.180 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-40 zone, may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-40 zone, and certain of the other regulations applying in said zone may be waived or modified. (Ord. 12376 § 3 (part), 2001: prior planning code § 3623)~~

~~17.22.190 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the R-40 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-40 zone.~~

~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-40 zone.~~

~~(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3624)~~

~~Chapter 17.24~~

~~R-50 MEDIUM DENSITY RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.24.010 Title, purpose, and applicability.**~~
~~**17.24.040 Required design review process.**~~
~~**17.24.050 Permitted activities.**~~
~~**17.24.060 Conditionally permitted activities.**~~
~~**17.24.070 Permitted facilities.**~~
~~**17.24.080 Conditionally permitted facilities.**~~
~~**17.24.090 Limitations on Signs.**~~
~~**17.24.100 Minimum lot area, width, and frontage.**~~
~~**17.24.110 Maximum residential density.**~~
~~**17.24.120 Use permit criteria for more than two dwelling units.**~~
~~**17.24.130 Maximum height.**~~
~~**17.24.140 Minimum yards and courts.**~~
~~**17.24.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.**~~
~~**17.24.160 Minimum usable open space.**~~
~~**17.24.170 Buffering.**~~
~~**17.24.180 Special regulations for mini-lot and planned unit developments.**~~
~~**17.24.190 Other zoning provisions.**~~

~~**17.24.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-50 medium density residential zone regulations. The R-50 zone is intended to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and is typically appropriate to areas of existing medium density residential development. These regulations shall apply in the R-50 zone.~~
~~(Prior planning code § 3650)~~

~~**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 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)~~

~~**17.24.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~

~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Telecommunications~~

~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.07 (part), 1996; prior planning code § 3653)~~

~~17.24.060 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~

~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

~~B. Civic Activities:~~

~~Community Assembly~~

~~Recreational Assembly~~

~~Community Education~~

~~Nonassembly Cultural~~

~~Administrative~~

~~Health Care~~

~~Utility and Vehicular~~

~~Extensive Impact~~

~~C. Agricultural and Extractive Activities:~~

~~Plant Nursery~~

~~Crop and Animal Raising~~

~~Mining and Quarrying~~

~~D. Off-street parking serving activities other than those listed above or in Section 17.24.050, subject to the conditions set forth in Section 17.102.100.~~

~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3654)~~

~~17.24.070 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~Two-Family Dwelling~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~

~~Open~~

~~C. Signs:~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~(Ord. 12501 § 35, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3655)~~

~~17.24.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~Multifamily Dwelling~~

~~B. Telecommunications Facilities:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole~~

~~(Ord. 12501 § 36, 2003: Ord. 12199 § 4F (part), 2000; Ord. 11904 § 5.10 (part), 1996; prior planning code § 3656)~~

~~17.24.090 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3663)~~

~~17.24.100 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3664)~~

~~17.24.110 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on lots of the specified sizes:~~

~~**Total Lot Area**~~	~~**Permitted Total Number of Dwelling Units**~~
~~Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel.~~	~~One primary dwelling unit, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.~~
~~4,000 or more square feet.~~	~~Two dwelling units, or one primary dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.~~

~~B. Conditionally Permitted Density. On lots of the following sizes, the number of dwelling units allowed by subsection A of this section may be increased to not to exceed that indicated in the following table upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~**Total Lot Area**~~	~~**Permitted Total Number of Dwelling Units**~~

~~**Total Lot Area**~~	~~**Permitted Total Number of Dwelling Units**~~
~~4,500--4,999 square feet.~~	~~Three dwelling units.~~
~~5,000--6,999 square feet.~~	~~Four dwelling units.~~
~~7,000--8,499 square feet.~~	~~Five dwelling units.~~
~~8,500--9,999 square feet.~~	~~Six dwelling units.~~
~~10,000 or more square feet.~~	~~One dwelling unit for each 1,500 square feet of total lot area, provided that an extra dwelling unit may be permitted if a remainder of 1,000 square feet or more is obtained after division of the total lot area by 1,500 square feet.~~

~~The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~
~~(Ord. 12501 § 37, 2003: Ord. 12199 § 5D (part), 2000; prior planning code § 3665)~~

~~**17.24.120 Use permit criteria for more than two dwelling units.**~~
~~A conditional use permit for a Multifamily Dwelling Residential Facility or for more than two dwelling units on a lot may be granted only upon determination that the proposed development conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~
~~A. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of neighborhood facilities and play space; to the effect of the development upon neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;~~
~~B. That the design and site planning of the buildings, open spaces, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are so designed and located as to ensure privacy;~~
~~C. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.~~
~~(Prior planning code § 3666)~~

~~**17.24.130 Maximum height.**~~
~~Except as otherwise provided in Section 17.108.020, Section 17.108.030, and Chapter 17.128, the maximum height of buildings and other facilities shall be thirty (30) feet.~~
~~Except as otherwise provided in Section 17.108.030, no accessory building shall exceed fifteen (15) feet in height unless a conditional use permit for a greater height is granted pursuant to the conditional use permit procedure in Chapter 17.134. See Section 17.12.080 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.~~
~~(Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001: Ord. 11904 § 5.18, 1996: prior planning code § 3669)~~

~~**17.24.140 Minimum yards and courts.**~~
~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.24.130.~~

~~A. Front Yard. The minimum front yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.050 on steep slopes and except that if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front yards with a depth of less than twenty (20) feet, buildings and other structures on the subject lot may be located up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front yard depth, provided such projection is enclosed, has a wall height of at least eight feet, and has a width of at least five feet. (See illustration I-4e.)~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be as prescribed in Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line.~~

~~1. The minimum side yard width along each interior side lot line of every lot shall be four feet.~~

~~2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more dwelling units.~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~E. Courts. On each lot containing Residential Facilities with a total of two or more dwelling units, courts shall be provided when and as required by Section 17.108.120.~~
~~(Prior planning code § 3670)~~

~~17.24.150 Maximum lot coverage for Residential Facilities with up to two dwelling units on a lot.~~

~~Except where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent, the lot coverage for lots containing only Residential Facilities with up to two dwelling units shall not exceed fifty (50) percent or two thousand (2,000) square feet, whichever is greater.~~
~~(Ord. 12376 § 3 (part), 2001)~~

~~17.24.160 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more dwelling units, group usable open space shall be provided for such facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of seventy-five (75) square feet per dwelling unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3671)~~

~~17.24.170 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3672)~~

~~17.24.180 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-50 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-50 zone, and certain of the other regulations applying in said zone may be waived or modified.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 3673)~~

~~**17.24.190 Other zoning provisions.**~~
~~A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~
~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102, 17.104, 17.106, and 17.108 shall apply in the R-50 zone.~~
~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-50 zone.~~
~~G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the R-50 zone.~~
~~(Ord. 12376 § 3 (part), 2001: amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3674)~~

~~Chapter 17.26~~

~~R-60 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.26.010 Title, purpose, and applicability.**~~
~~**17.26.040 Required design review process.**~~
~~**17.26.050 Permitted activities.**~~
~~**17.26.060 Conditionally permitted activities.**~~
~~**17.26.070 Permitted facilities.**~~
~~**17.26.080 Conditionally permitted facilities.**~~
~~**17.26.090 Limitations on Signs.**~~
~~**17.26.100 Minimum lot area, width, and frontage.**~~
~~**17.26.110 Maximum residential density.**~~
~~**17.26.120 Maximum nonresidential floor-area ratio.**~~
~~**17.26.130 Maximum height.**~~
~~**17.26.140 Minimum yards and courts.**~~
~~**17.26.150 Minimum usable open space.**~~
~~**17.26.160 Buffering.**~~
~~**17.26.170 Special regulations for mini-lot and planned unit developments.**~~
~~**17.26.180 Other zoning provisions.**~~

~~**17.26.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-60 medium-high density residential zone regulations. The R-60 zone is intended to create, preserve, and enhance areas for apartment living at relatively high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and shopping and community centers. These regulations shall apply in the R-60 zone.~~
~~(Prior planning code § 3750)~~

~~**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 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)~~

~~**17.26.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~

~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Community Assembly~~
~~Recreational Assembly~~

~~Community Education~~
~~Nonassembly Cultural~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3753)~~

~~17.26.060 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~
~~Emergency Shelter~~
~~B. Civic Activities:~~
~~Administrative~~
~~Health Care~~
~~Utility and Vehicular~~
~~Extensive Impact~~
~~C. Agricultural and Extractive Activities:~~
~~Crop and Animal Raising~~
~~D. Off-street parking serving activities other than those listed above or in Section 17.26.050, subject to the conditions set forth in Section 17.102.100.~~
~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~
~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3754)~~

~~17.26.070 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~
~~Multifamily Dwelling~~
~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~
~~(Ord. 12501 § 39, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3755)~~

~~17.26.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~
~~Rooming House~~
~~B. Telecommunications Facilities:~~
~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 11904 § 5.10 (part), 1996; prior planning code § 3756)~~

~~17.26.090 Limitations on Signs.~~
~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3763)~~

~~17.26.100 Minimum lot area, width, and frontage.~~
~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3764)~~

~~17.26.110 Maximum residential density.~~
~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~
~~A. Basic Density. One regular dwelling unit is permitted for each eight hundred (800) square feet of lot area, provided that one extra such unit is permitted if a remainder of five hundred fifty (550) square feet or more is obtained after division of the lot area by eight hundred (800) square feet. One efficiency dwelling unit is permitted for each five hundred fifty (550) square feet of lot area, provided that one extra such unit is permitted if a remainder of four hundred (400) square feet or more is obtained after division of the lot area by five hundred fifty (550) square feet. The maximum number of rooming units shall be one for each four hundred (400) square feet of lot area, plus one extra such unit if a remainder of two hundred seventy-five (275) square feet or more is obtained after division of the lot area by four hundred (400) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~
~~B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~
~~(Ord. 12501 § 40, 2003: prior planning code § 3765)~~

~~17.26.120 Maximum nonresidential floor-area ratio.~~

~~The maximum floor-area ratio of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 1.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~

~~(Prior planning code § 3767)~~

~~17.26.130 Maximum height.~~

~~The maximum height of buildings and other facilities shall be forty (40) feet, except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, and except that a greater height may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, the height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone. See Section 17.26.090 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.~~

~~(Ord. 11904 § 5.19, 1996: prior planning code § 3769)~~

~~17.26.140 Minimum yards and courts.~~

~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~

~~B. Side Yard - Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be five feet, except as a greater width is required by Section 17.108.060.~~

~~C. Side Yard - Interior Lot Line.~~

~~1. The minimum side yard width along each interior side lot line of every lot shall be four feet.~~

~~2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be fifteen (15) feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.~~

~~(Prior planning code § 3770)~~

~~17.26.150 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of two hundred (200) square feet per regular dwelling unit plus one hundred thirty (130) square feet per efficiency dwelling unit plus one hundred (100) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit plus twenty (20) square feet per efficiency dwelling unit plus fifteen (15) square feet per rooming unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~(Prior planning code § 3771)~~

~~17.26.160 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~
~~(Prior planning code § 3772)~~

~~17.26.170 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-60 zone, may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-60 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 3773)~~

~~17.26.180 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-60 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-60 zone.~~
~~(Amended during 1997 codification; Ord. 11807 § 3 (part), 1996; prior planning code § 3774)~~

~~Chapter 17.28~~

~~R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.28.010 Title, purpose, and applicability.**~~
~~**17.28.040 Required design review process.**~~
~~**17.28.050 Permitted activities.**~~
~~**17.28.060 Conditionally permitted activities.**~~
~~**17.28.070 Permitted facilities.**~~
~~**17.28.080 Conditionally permitted facilities.**~~
~~**17.28.090 Use permit criteria for Commercial Activities.**~~
~~**17.28.100 Limitations on Signs.**~~
~~**17.28.110 Minimum lot area, width, and frontage.**~~
~~**17.28.120 Maximum residential density.**~~
~~**17.28.130 Maximum nonresidential floor-area ratio.**~~
~~**17.28.140 Maximum height.**~~
~~**17.28.150 Minimum yards and courts.**~~
~~**17.28.160 Minimum usable open space.**~~
~~**17.28.170 Buffering.**~~
~~**17.28.180 Special regulations for mini-lot and planned unit developments.**~~
~~**17.28.190 Other zoning provisions.**~~

~~**17.28.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-70 high density residential zone regulations. The R-70 zone is intended to create, preserve, and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers. These regulations shall apply in the R-70 zone.~~
~~(Prior planning code § 3800)~~

~~**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 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)~~

~~**17.28.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~

~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Community Assembly~~

~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3803)~~

~~17.28.070 Permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~
~~Multifamily Dwelling~~
~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 42, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3805)~~

~~17.28.080 Conditionally permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Residential Facilities:~~
~~Rooming House~~
~~B. Telecommunications Facilities:~~
~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 11904 § 5.10 (part), 1996; prior planning code § 3806)~~

~~17.28.090 Use permit criteria for Commercial Activities.~~
~~A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~
~~A. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~
~~B. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.~~
~~(Prior planning code § 3811)~~

~~17.28.100 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~
~~(Prior planning code § 3813)~~

~~17.28.110 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 3814)~~

~~17.28.120 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Basic Density. One regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. One efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:~~

~~1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;~~

~~2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

~~The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~
~~(Ord. 12501 § 43, 2003: prior planning code § 3815)~~

~~17.28.130 Maximum nonresidential floor-area ratio.~~

~~The maximum floor-area ratio of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 2.25, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. (Prior planning code § 3817)~~

~~17.28.140 Maximum height.~~

~~A. General Provisions. (See illustration I-5.) Except as otherwise provided in Section 17.108.030 and Chapter 17.128, no building or other facility shall exceed forty (40) feet in height unless each portion above that height is:~~

~~1. Set back from the inner line of each of the minimum side yard, if any, required by Section 17.28.150(C)(1) a minimum horizontal distance equal to one foot for each four feet by which it extends above the height of forty (40) feet; and~~

~~2. Set back from the inner line of the minimum rear yard required by Section 17.28.150D a minimum horizontal distance equal to one foot for each two feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet.~~

~~The height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R-10, R-20, R-30, R-35, R-36, R-40, or R-50 zone.~~

~~B. Other Provisions. See Section 17.28.100 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.20, 1996; prior planning code § 3819)~~

~~17.28.150 Minimum yards and courts.~~

~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~

~~B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be five feet, except as a greater width is required by Section 17.108.060.~~

~~C. Side Yard--Interior Lot Line. (See illustration I-6a.) No side yard is generally required along an interior side lot line except as follows:~~

~~1. A side yard with a minimum width of five feet shall be provided opposite any legally required window of any habitable room in a Residential Facility, which window faces an interior side lot line. Such side yard shall be provided opposite such window and along the wall containing the window for not less than ten feet in each direction from the centerline thereof, and at and above the level of the story containing the window.~~

~~2. A side yard with a width greater than that required by subsection (C)(1) of this section shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~

~~3. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~D. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.~~

~~E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 3820)~~

~~17.28.160 Minimum usable open space.~~

~~On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square~~

~~feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit plus twenty (20) square feet per efficiency dwelling unit plus fifteen (15) square feet per rooming unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Prior planning code § 3821)~~

~~17.28.170 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Prior planning code § 3822)~~

~~17.28.180 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-70 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-70 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 3823)~~

~~17.28.190 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-70 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-70 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3824)~~

Chapter 17.13

RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.13.010 Title, Intent, and Description
17.13.020 Required Design Review Process
17.13.030 Permitted and Conditionally Permitted Activities
17.13.040 Permitted and Conditionally Permitted Facilities
17.13.050 Property Development Standards
17.13.060 Special Regulations for Mini-lot and Planned Unit Developments
17.13.070 Other Zoning Provisions

17.13.010 Title, Intent, and Description

A. Title and Intent. The provisions of this Chapter shall be known as the Hillside Residential (RH) regulations. The intent of the RH regulations is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.

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

1. **RH-1 Hillside Residential Zone - 1.** The intent of the RH-1 zone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
2. **RH-2 Hillside Residential Zone - 2.** The intent of the RH-2 zone is to create, maintain, and enhance areas for single-family living on lots of at least 25,000 square feet, and is appropriate in portions of the Oakland Hills.
3. **RH-3 Hillside Residential Zone - 3.** The intent of the RH-3 zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least 12,000 square feet and is appropriate in portions of the Oakland Hills.
4. **RH-4 Hillside Residential Zone - 4.** The intent of the RH-4 zone is to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet and is typically appropriate in already developed areas of the Oakland Hills.

17.13.020 Required Design Review Process

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

17.13.030 Permitted and Conditionally Permitted Activities

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.13.01: Permitted and Conditionally Permitted Activities					
Activities	**Zones**				**Additional Regulations**
	RH-1	**RH-2**	**RH-3**	**RH-4**	
Residential Activities					
Permanent	P(L1)	P(L1)	P(L1)	P (L1)	17.102.212
Residential Care	--	--	--	--	
Service-Enriched Permanent Housing	--	--	--	--	
Transitional Housing	--	--	--	--	
Emergency Shelter	--	--	--	--	
Semi-Transient	--	--	--	--	
Bed and Breakfast	--	--	--	--	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	--	--	--	--	
Special Health Care	--	--	--	--	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities (all)	--	--	--	--	17.112
Industrial Activities (all)	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	C(L2)	C(L2)	C(L2)	C(L2)	
Plant nursery	C	C	C	C	

Table 17.13.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations on Table 17.13.01:

L1. No state licensed residential care facility shall be located closer than three hundred (300) feet from any other state licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.102.212 for other regulations regarding these activities.

L2. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.13.040 Permitted and Conditionally Permitted Facilities

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary	P	P	P	P	17.102.360

Table 17.13.02: Permitted and Conditionally Permitted Facilities					
Facilities	**Zones**				**Additional Regulations**
	RH-1	**RH-2**	**RH-3**	**RH-4**	
Unit					
Two-Family Dwelling	--	--	--	--	
Multifamily Dwelling	--	--	--	--	
Rooming House	--	--	--	--	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Café	--	--	--	--	
Drive-In Nonresidential	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	--	--	--	--	17.104
Advertising Signs	--	--	--	--	17.104

17.13.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards					
Development Standards	**Zones**				**Additional Regulations**
	RH-1	**RH-2**	**RH-3**	**RH-4**	
Minimum Lot Dimensions					
Width mean	100 ft	100 ft	90 ft	45 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	43,560 sf	25,000 sf	12,000 sf	6,500 sf or 8,000 sf	1, 2, 3
Maximum Density	1 primary unit per lot				4
Minimum Setbacks					
Minimum front (<20% street-to-setback gradient)	25 ft	25 ft	20 ft	20 ft	5
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	5, 6
Minimum interior side <20% footprint slope	6 ft/15%	6 ft/15%	6 ft/10%	5 ft	7, 8
Minimum interior side >20% footprint slope	6 ft/15%	6 ft/15%	6 ft/10%	5 ft/10%	7, 8
Minimum street side	6 ft	6 ft	6 ft	5 ft	9
Rear	35 ft	35 ft	25 ft	20 ft	7, 10, 11
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft	25 ft	25 ft	25 ft	12, 13
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	30 ft	12, 13
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	12, 13
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	14
Minimum Parking					
Minimum parking spaces required per unit	2	2	2	2	15
Additional parking spaces required for secondary unit	1	1	1	1	15, 16

Additional Regulations for Table 17.13.03:

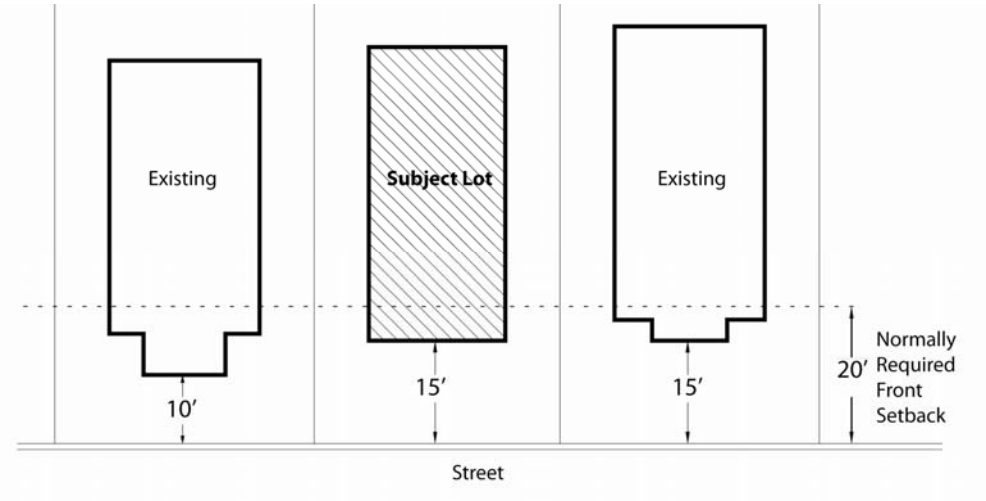
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. In the RH-3 zone, the minimum average lot width of all lots within a subdivision shall be

ninety (90) feet, and the minimum lot width of any individual lot within such subdivision shall be seventy-five (75) feet.

2. In the RH-4 Zone, for Subdivision Maps of 4 or fewer lots where each lot created has a buildable area slope of less than or equal to 20%, the minimum lot size is 6,500 square feet. For Subdivision Maps where any one lot buildable area slope is greater than 20% or for Subdivision Maps of 5 or more lots, the minimum lot size is increased to 8,000 square feet.
   a. In order to determine buildable area slope of a subdivision, each lot shown on the Subdivision Map shall indicate the buildable area in dashed lines. The buildable area slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
3. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot size. In the RH-3 zone, the minimum average lot area of all lots within a subdivision shall be 12,000 square feet, and the minimum lot area of any individual lot within such subdivision shall be 10,000 square feet.
4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 5]

*for illustration purposes only

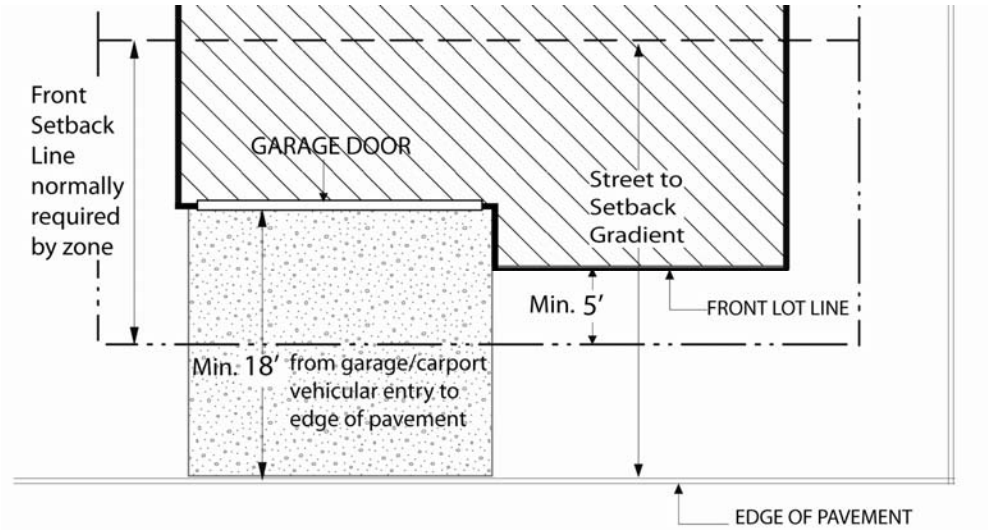


6. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more

vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 6]

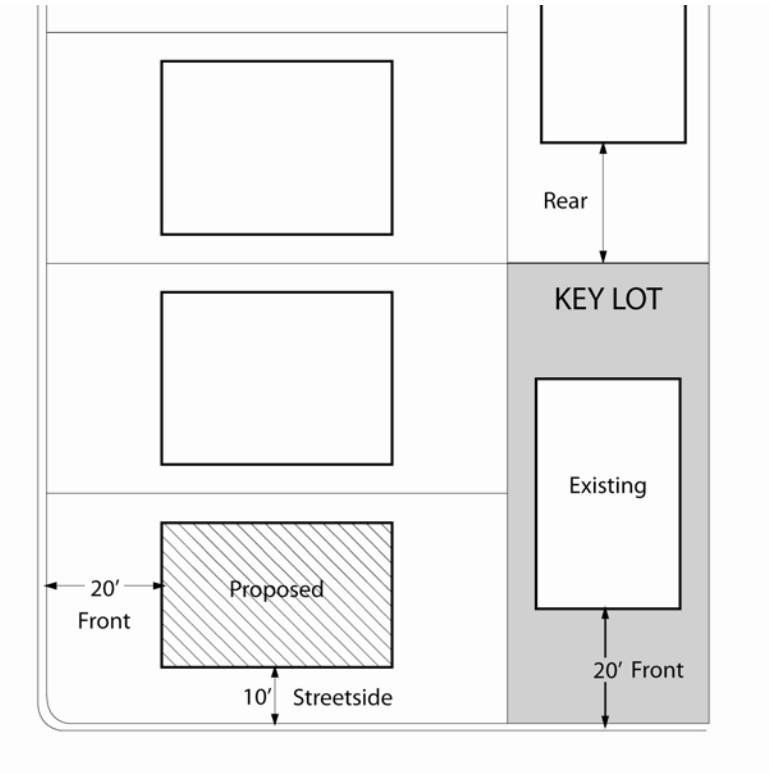
*for illustration purposes only



7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
8. The minimum interior side setback is the greater of the two listed setbacks. Also, see Section 17.108.130 for allowed projections into setbacks.
9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03, [Additional Regulation 9], below). See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03[Additional Regulation 9]

*for illustration purposes only



10. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
13. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Additional parking standards apply within the S-11 Zone, as prescribed in Section 17.92.

16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.

B. Floor Area Ratio (FAR) and Lot Coverage. Table 17.13.04 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.04 Floor Area Ratio (FAR) and Lot Coverage

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

Additional Regulations for Table 17.13.04:

1. Lots with less than 5,000 square feet in area may have a dwelling with at least 2,000 square feet, regardless of FAR listed.
2. Lots with less than 5,000 square feet in area may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

C. Height. Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	
	> 20% and < 40%	> 40% and < 60%	> 60%	> 20%	Additional Regulations
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	18 ft	18 ft	18 ft	N/A	1

Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%					
Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	
	> 20% and < 40%	> 40% and < 60%	> 60%	> 20%	Additional Regulations
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft	1
Maximum Height from Finished or Existing Grade (whichever is greater) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

Additional Regulations for Table 17.13.05:

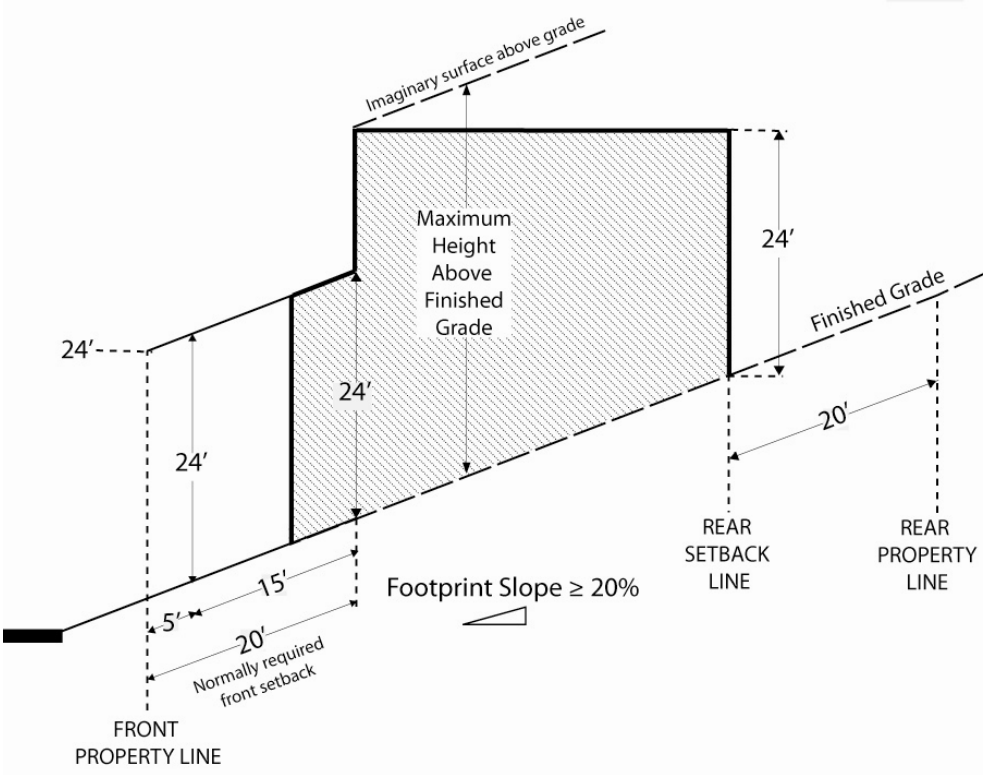
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
   a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
   b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
   c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

   See Illustration for Table 17.13.05[Additional Regulation 2], below.
3. The building height is measured from finished or existing grade, whichever is lower.

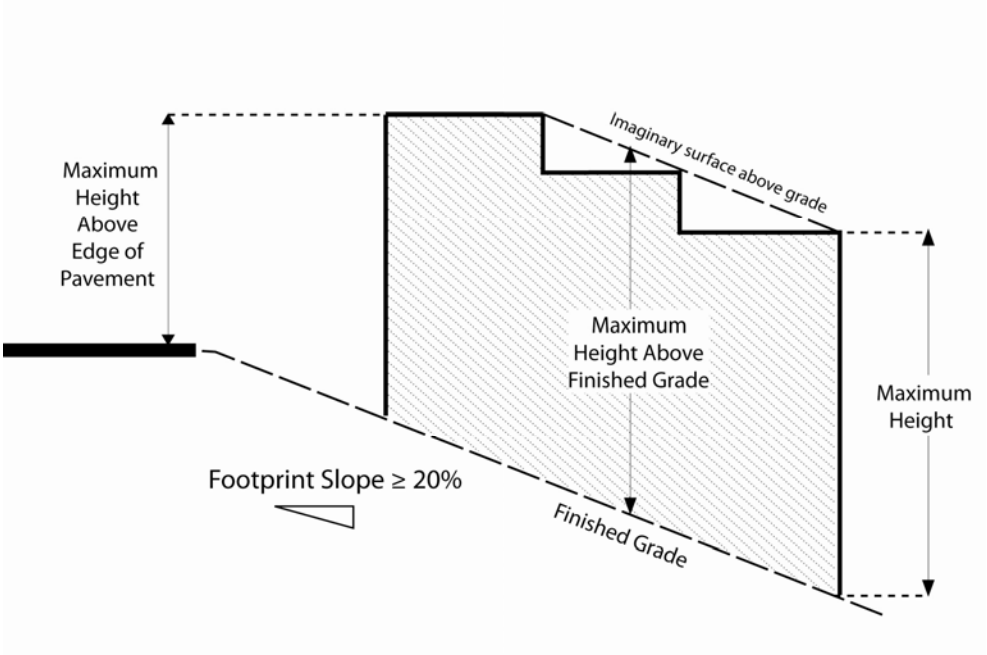
See Illustration for Table 17.13.05[Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



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

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

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

17.13.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.15

RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.15.010 Title, Intent, and Description
17.15.020 Required Design Review Process
17.15.030 Permitted and Conditionally Permitted Activities
17.15.040 Permitted and Conditionally Permitted Facilities
17.15.050 Property Development Standards
17.15.060 Special Regulations for Mini-lot and Planned Unit Developments
17.15.070 Other Zoning Provisions

17.15.010 Title, Intent, and Description

A. Title and Intent. The provisions of this Chapter shall be known as the Detached Unit Residential (RD) regulations. The intent of the RD regulations is to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures.

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

1. **RD-1 Detached Unit Residential Zone - 1.** The intent of the RD-1 zone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.

2. **RD-2 Detached Unit Residential Zone - 2.** The intent of the RD-2 zone is to create, maintain, and enhance areas with detached, single unit structures, with allowances for two-family structures on lots larger than 6,000 square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.

17.15.020 Required Design Review Process

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

17.15.030 Permitted and Conditionally Permitted Activities

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.15.01: Permitted and Conditionally Permitted Activities			
Activities	**Zones**		**Additional Regulations**
	RD-1	**RD-2**	
Residential Activities			
Permanent	P(L1)	P(L1)	17.102.212
Residential Care	--	C(L1)	17.102.212
Service-Enriched Permanent Housing	--	C(L1)	17.102.212
Transitional Housing	--	C(L1)	17.102.212
Emergency Shelter	--	--	
Semi-Transient	--	--	
Bed and Breakfast	C	C	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	--	--	
Special Health Care	--	--	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	C (L2)(L3)	C (L2)(L3)	
Full Service Restaurants	C (L2)(L3)	C (L2)(L3)	
Limited Service Restaurant and Café	C (L2)(L3)	C (L2)(L3)	
Fast-Food Restaurant	--	--	
Convenience Market	--	--	
Alcoholic Beverage Sales	--(L4)	--(L4)	
Mechanical or Electronic Games	--	--	
Medical Service	--	--	
General Retail Sales	C (L2)(L3)	C (L2)(L3)	
Large-Scale Combined Retail and Grocery Sales	--	--	
Consumer Service	--	--	
Consultative and Financial Service	--	--	
Check Cashier and Check Cashing	--	--	
Consumer Cleaning and Repair Service	--	--	
Consumer Dry Cleaning Plant	--	--	
Group Assembly	--	--	
Personal Instruction and Improvement Services	--	--	

Table 17.15.01: Permitted and Conditionally Permitted Activities			
Activities	**Zones**		**Additional Regulations**
	RD-1	**RD-2**	
Administrative	P(L3)(L5)	P(L3) (L5)	
Business, Communication, and Media Services	--	--	
Broadcasting and Recording Services Commercial Activities	--	--	
Research Service	--	--	
General Wholesale Sales	--	--	
Transient Habitation	--	--	
Wholesale and Professional Building Material Sales	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	
Taxi and Light Fleet-Based Services	--	--	
Automotive Fee Parking	--	--	
Animal Boarding	--	--	
Animal Care	--	--	
Undertaking Service	--	--	
Industrial Activities (all)	--		
Agriculture and Extractive Activities			
Crop and animal raising	C(L5)	C(L6)	
Plant nursery	C	C	
Mining and Quarrying	--	--	
Accessory off-street parking serving prohibited activities	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	17.102.110

Limitations on Table 17.15.01:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (place date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (place date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L4. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.

L5. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (place date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

L6. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.15.040 Permitted and Conditionally Permitted Facilities

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Facilities			
One-Family Dwelling	P	P	
One-Family Dwelling with Secondary Unit	P	P	17.102.360
Two-Family Dwelling	--	C (L1)	
Multifamily Dwelling	--	--	
Rooming House	--	--	
Mobile Home	--	--	
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	

Table 17.15.02: Permitted and Conditionally Permitted Facilities			
Facilities	**Zones**		**Additional Regulations**
	RD-1	**RD-2**	
Sidewalk Café	P (L2)	P (L2)	17.102.335
Drive-In Nonresidential	--	--	
Drive-Through Nonresidential	--	--	
Telecommunications Facilities			
Micro Telecommunications	C	C	17.128
Mini Telecommunications	C	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	C	17.128
Tower Telecommunications	--	--	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P (L3)	P (L3)	17.104
Advertising Signs	--	--	17.104

Limitations on Table 17.15.02:

L1. See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.

L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in Section 17.102.335.

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

17.15.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.15.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.15.03: Property Development Standards			
Development Standards	**Zones**		**Additional Regulations**
	RD-1	**RD-2**	
Minimum Lot Dimensions			
Width mean	45 ft	45 ft	1
Frontage	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	1, 2
Maximum Density			
Permitted density	1 primary unit per lot	1 primary unit per lot	3, 4
Conditionally permitted density	--	2 units on lots 6,000 sf or greater	3, 5
Minimum Setbacks			
Minimum front (<20% street-to-setback gradient)	20 ft	20 ft	6
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	6, 7
Minimum interior side <20% footprint slope	5 ft	5 ft	8, 9
Minimum interior side >20% footprint slope	5 ft/10%	5 ft	8, 9, 10
Minimum street side	5 ft	5 ft	8, 11
Rear	20 ft	15 ft	8, 12, 13
Side and Rear Setbacks for Smaller Lots	See Table 17.15.04 for setbacks for smaller lots		
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of <20%			
Maximum wall height primary building	25 ft	25 ft	14, 15
Maximum pitched roof height primary building	30 ft	30 ft	14, 15
Maximum height for accessory structures	15 ft	15 ft	14, 15

Table 17.15.03: Property Development Standards			
Development Standards	**Zones**		**Additional Regulations**
	RD-1	**RD-2**	
Height Regulations for all Lots With a Footprint Slope of >20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		
Maximum Wall Length Before Articulation Required	40 ft	40 ft	16
Minimum Parking			
Minimum parking spaces required per unit	2	1.5	17
Additional parking spaces required for secondary unit	1	1	17, 18
Minimum Open Space			
Group open space per unit	N/A	300 sf	19
Group open space per unit when private open space substituted	N/A	100 sf	19

Additional Regulations for Table 17.15.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot area.
3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
4. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360.
5. A minimum lot size of 6,000 square feet is required in order to apply for a conditional use permit for a second primary dwelling in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria:
   a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
   b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
   c. That the shape and siting of the facilities, and especially of any portions thereof which exceed one story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;

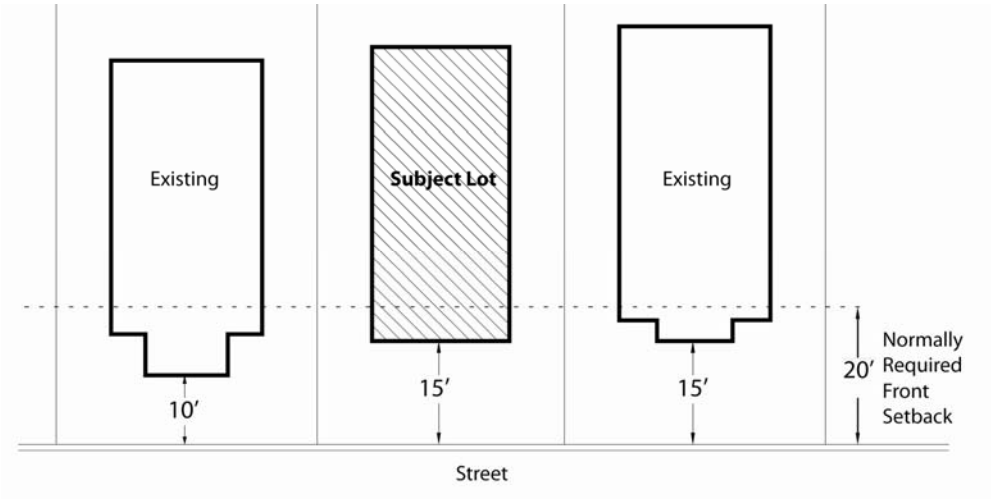
d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to ensure privacy;

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

6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.15.03[Additional Regulation 6], below).

Illustration for Table 17.15.03[Additional Regulation 6]

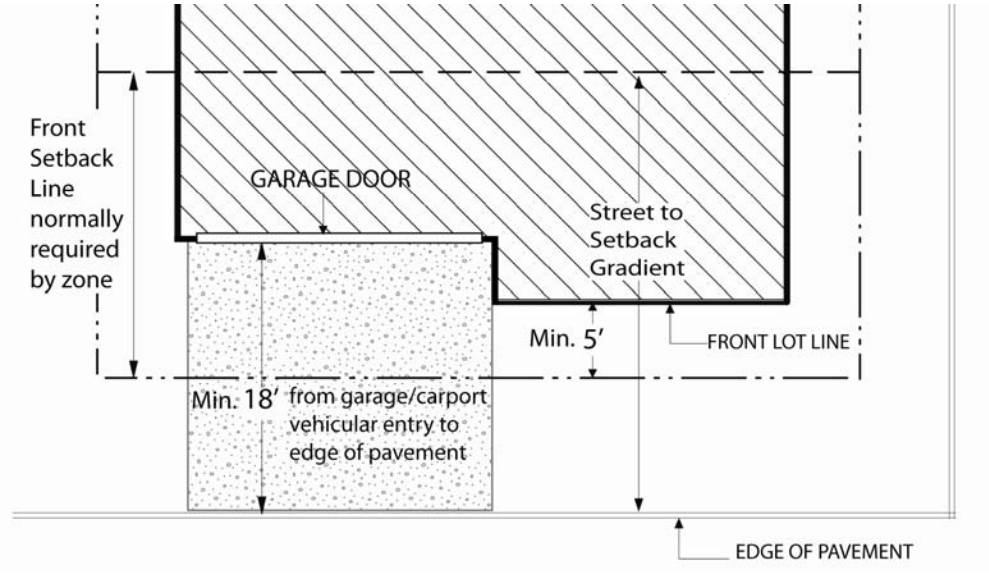
*for illustration purposes only



7. In all Detached Residential zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.15.03[Additional Regulation 7], below. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.15.03[Additional Regulation 7]

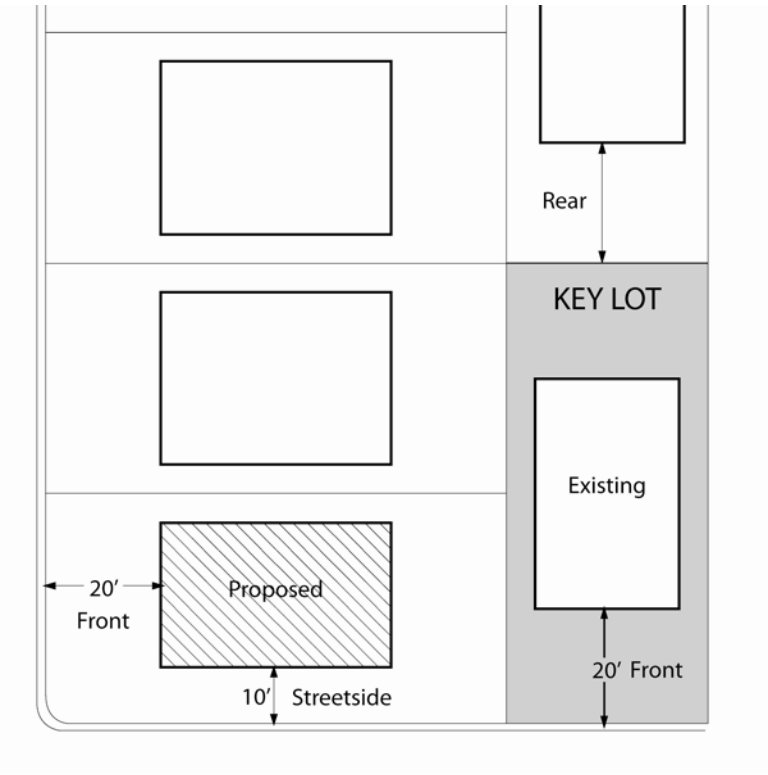
*for illustration purposes only



8. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
9. See Section 17.108.080 for the required interior side and rear setback on a lot containing two or more living units and opposite a legally-required living room window.
10. For RD-1, the minimum interior side setback is the greater of the two listed setbacks, either five (5) feet or ten (10) percent of the lot width, whichever is greater.
11. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03[Additional Regulation 11], below). See also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.15.03[Additional Regulation 11]

*for illustration purposes only



12. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be so reduced to less than ten feet. Also, see Section 17.108.130 for allowed projections into setbacks.
13. In the RD-1 zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
14. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
15. If at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
16. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
17. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.

18. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.102.360.
19. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. **Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots less than 4,000 square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04 Setbacks for Smaller Lots			
Regulation	**Lot Size**		
	< 4,000 sf or < 40 feet wide	**< 3,000 sf or < 35 feet wide**	**Additional Regulations**
Minimum Setbacks			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

C. Floor Area Ratio (FAR) and Lot Coverage. Table 17.15.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.05 Floor Area Ratio (FAR) and Lot Coverage						
Regulation	**Lot Size in Square Feet**					
	< 5,000	> 5,000 and <12,000	> 12,000 and <25,000	> 25,000 and < 43,560	> 43,560	Additional Regulations
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

1. FAR only applies to lots that have a footprint slope of greater than 20%. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
2. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

D. Height. Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.15.06 Height Regulations for all Lots with a Footprint Slope of >20%

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

Additional Regulations on Table 17.15.06:

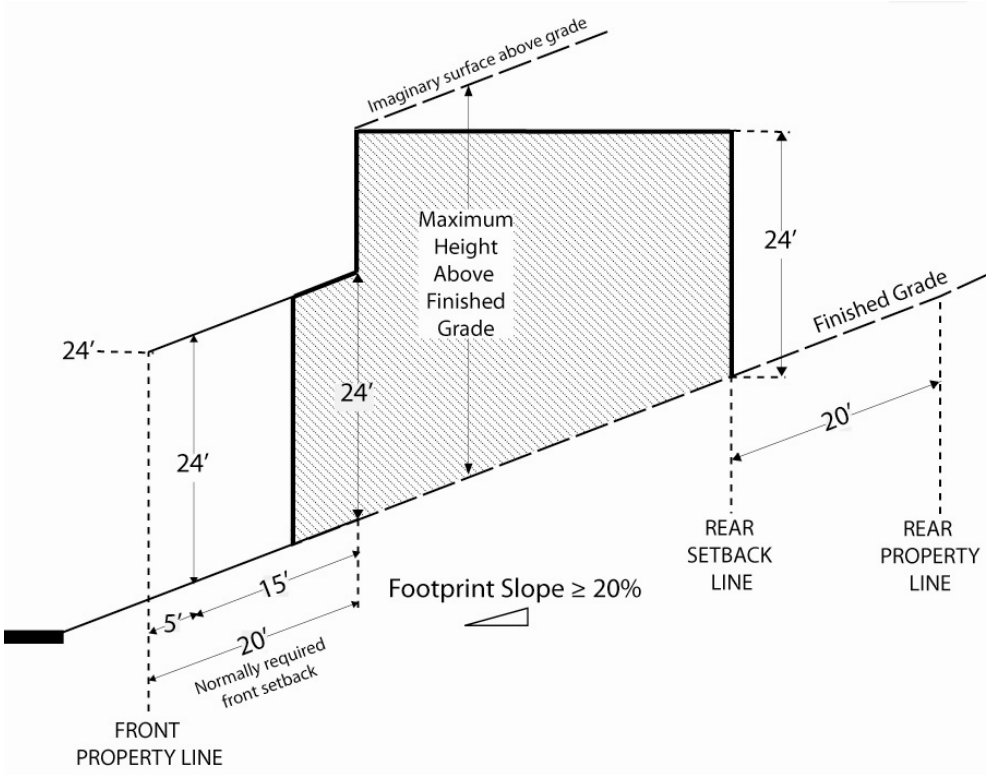
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
   a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
   b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
   c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06[Additional Regulation 2], below).

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

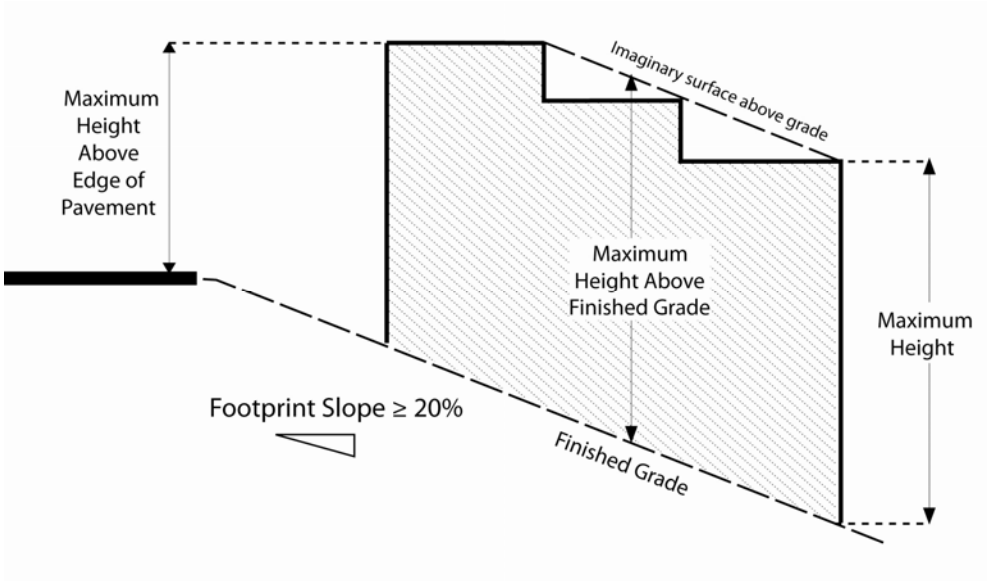
Illustration for Table 17.15.06 [Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



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

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

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

17.15.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.17

RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.17.010 Title, Intent, and Description
17.17.020 Required Design Review Process
17.17.030 Permitted and Conditionally Permitted Activities
17.17.040 Permitted and Conditionally Permitted Facilities
17.17.050 Property Development Standards
17.17.060 Special Regulations for Mini-lot and Planned Unit Developments
17.17.070 Other Zoning Provisions

17.17.010 Title, Intent, and Description

A. **Title and Intent.** The provisions of this Chapter shall be known as the Mixed Housing Type Residential (RM) regulations. The intent of the RM regulations is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.

B. **Description of Primary Zones.** This Chapter establishes land use regulations for the following four primary zones:

1. **RM-1 Mixed Housing Type Residential Zone - 1.** The intent of the RM-1 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate.

2. **RM-2 Mixed Housing Type Residential Zone - 2.** The intent of the RM-2 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.

3. **RM-3 Mixed Housing Type Residential Zone - 3.** The intent of the RM-3 zone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.

4. **RM-4 Mixed Housing Type Residential Zone - 4.** The intent of the RM-4 zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate.

C. **Description of Combining Zone.** This Chapter establishes land use regulations for the following combining zone:

1. **C Residential Commercial Combining Zone.** The intent of the C combining zone is to allow for expanded commercial uses, as well as new commercial uses within certain areas of the Mixed Housing Type Residential (RM) zones. When an above primary zone is combined with the C combining zone, the C Residential Commercial Combining Zone permitted activities supersede those of the primary zone.

17.17.020 Required Design Review Process

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

17.17.030 Permitted and Conditionally Permitted Activities

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Emergency Shelter	--	--	--	--	--	
Semi-Transient	--	--	--	--	--	
Bed and Breakfast	C	C	C	C	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly Cultural	C	C	C	C	C	
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						

Table 17.17.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
General Food Sales	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Limited Service Restaurant and Café	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Fast-Food Restaurant	--	--	--	--	--	
Convenience Market	--	--	--	--	--	
Alcoholic Beverage Sales	--(L5)	--(L5)	--(L5)	--(L5)	--(L5)	
Mechanical or Electronic Games	--	--	--	--	--	
Medical Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L6)	
General Retail Sales	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	
Consumer Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L6)	
Consultative and Financial Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Check Cashier and Check Cashing	--	--	--	--	--	
Consumer Cleaning and Repair Service	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Consumer Dry Cleaning Plant	--	--	--	--	--	
Group Assembly	--	--	--	--	C(L6)	
Personal Instruction and Improvement Services	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	C(L2)(L3)	P(L4)	
Administrative	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L2)(L3)(L7)	P(L4)	
Business, Communication, and Media Services	--	--	C(L2)(L3)	C(L2)(L3)	P(L4)	
Broadcasting and Recording Services Commercial Activities	--	--	--	--	--	
Research Service	--	--	--	--	--	
General Wholesale Sales	--	--	--	--	--	
Transient Habitation	--	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	--	
Automotive Fee Parking	--	--	--	--	--	
Animal Boarding	--	--	--	--	--	

Table 17.17.01: Permitted and Conditionally Permitted Activities						
Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
Animal Care	--	--	--	--	--	
Undertaking Service	--	--	--	--	--	
Industrial Activities (all)	--.	--	--	--	--	
Agriculture and Extractive Activities						
Crop and animal raising	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	--	--	--	--	--	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110

Limitations on Table 17.17.01:

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

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. These activities may only be located on the ground floor of an existing Nonresidential Facility that was both built prior the effective date of this chapter (effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm.

L3. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (effective date here) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L4. These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).

L5. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.

L6. These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00am and 10:00pm.

L7. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00am and 10:00pm; a Conditional Use Permit (CUP)

is required if the ground floor nonresidential facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

L8. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.17.040 Permitted and Conditionally Permitted Facilities

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

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
Residential Facilities						
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.102.360
Two-Family Dwelling	C (L1)	P	P	P	N/A	
Multifamily Dwelling	--	C (L1)	C (L1)	C (L1)	N/A	
Rooming House	--	--	--	--	--	
Mobile Home	--	--	--	--	--	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C	
Sidewalk Café	P (L2)	P (L2)	P (L2)	P (L2)	P (L2)	17.102.335
Drive-In Nonresidential	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	

Table 17.17.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	--	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	--	--	--	--	--	17.104

Limitations on Table 17.17.02:

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

L2. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.

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

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

feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in 17.104.

17.17.050 Property Development Standards

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

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Lot Dimensions					
Width mean	45 ft	45 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	5,000 sf	5,000 sf	4,000 sf	4,000 sf	1
Maximum Density					
Permitted density	1 primary unit per lot	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; 2 units on lots 4,000 sf or greater	1 unit on lots less than 4,000 sf; For 1 – 4 units, 1 unit per 1,100 sf of lot area; only on lots 4,000 sf or greater	2
Conditionally permitted density (only for lots 4,000 sf or greater)	2 units	For 3 or more units, 1 unit per 2,500 sf of lot area	For 3 or more units, 1 unit per 1,500 sf of lot area	For 5 or more units, 1 unit per 1,100 sf of lot area;	2, 3
Minimum Setbacks					
Minimum front (<20% street-to-setback gradient)	20 ft	20 ft	15 ft	15 ft	4
Minimum front (>20% street-to-setback gradient)	5 ft	5 ft	5 ft	5 ft	4, 5
Minimum interior side	5 ft	5 ft	4 ft	4 ft	6, 7, 8
Minimum street side	5 ft	5 ft	4 ft	4 ft	6, 7, 9
Rear	15 ft	15 ft	15 ft	15 ft	10
Side and Rear Setbacks for Smaller Lots	See Table 17.17.04 for setbacks for smaller lots				

Table 17.17.03: Property Development Standards					
Development Standards	**Zones**				**Additional Regulations**
	RM-1	**RM-2**	**RM-3**	**RM-4**	
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft	25 ft	30 ft	35 ft	11, 12, 13
Maximum pitched roof height primary building	30 ft	30 ft	30 ft	35 ft	11, 12, 13
Maximum height for accessory structures	15 ft	15 ft	15 ft	15 ft	11
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	14
Minimum Parking					
Minimum parking spaces required per unit	1.5	1.5	1	1	15, 16
Additional parking spaces required for secondary unit	1	1	1	1	15, 17
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Minimum Open Space					
Group open space per unit	300 sf	300 sf	200 sf	175 sf	18
Group open space per unit when private open space substituted	100 sf	100 sf	85 sf	70 sf	18
Courtyard Regulations	See Section 17.108.120				

Additional Regulations for Table 17.17.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
3. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the

proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms additional criteria a, d, and e.

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

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

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

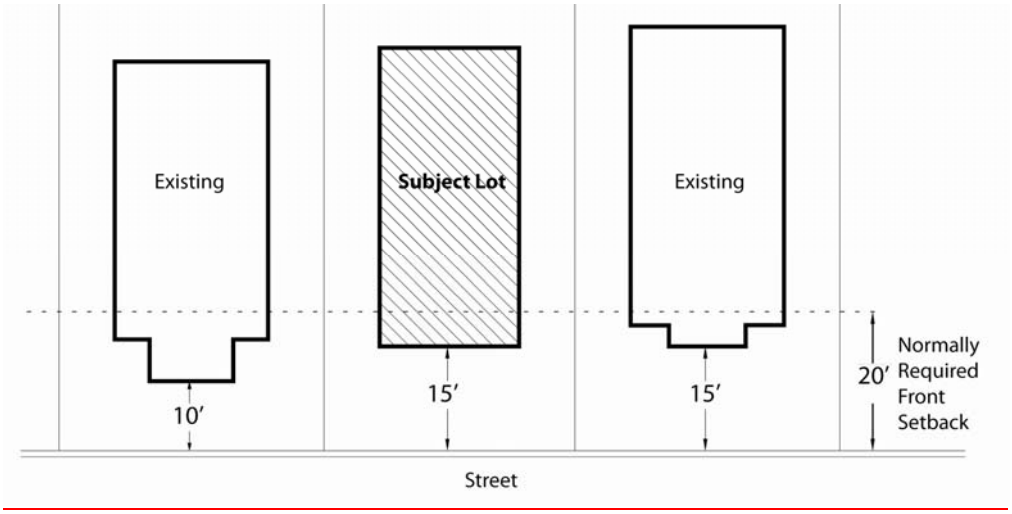
d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;

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

4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03[Additional Regulation 4]

*for illustration purposes only

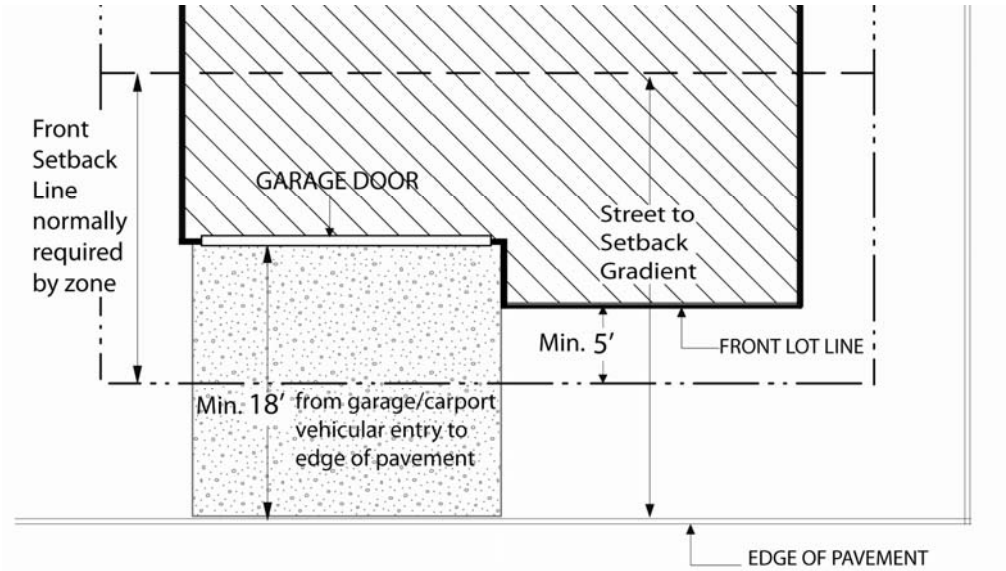


5. In all residential zones the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the

pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03[Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03[Additional Regulation 5]

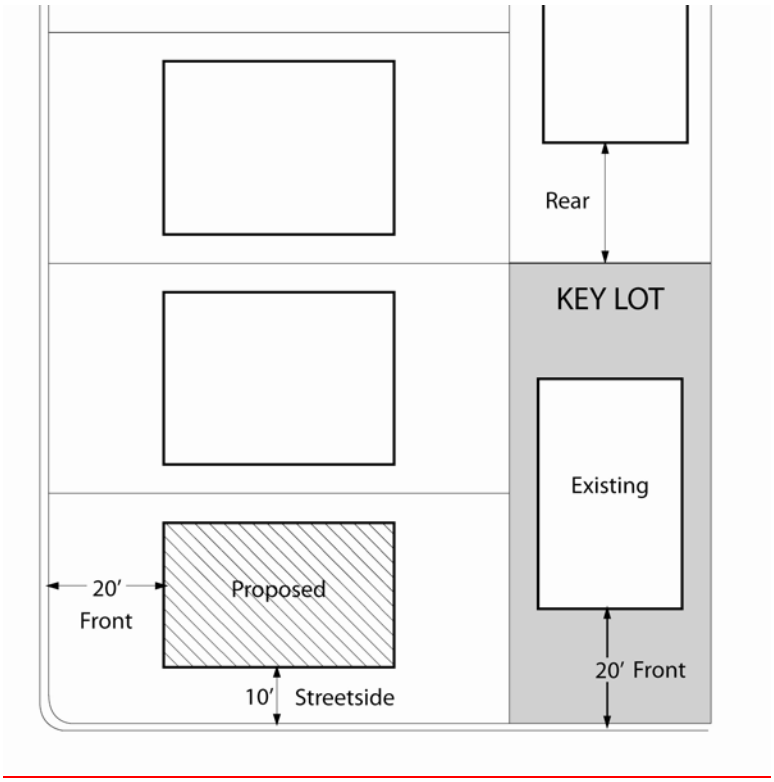
*for illustration purposes only



6. No front or side setbacks are required for commercial facilities in the C combining zone except wherever an interior side lot line of any lot located in the C combining zone abuts an interior side lot line of any lot that is not located in an C combining zone or commercial zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.
7. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.
8. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
9. In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C combining zone (see Illustration for Table 17.17.03[Additional Regulation 9], below). See also Section 17.110.040(C) for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03[Additional Regulation 9]

*for illustration purposes only



10. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
12. In the RM-1 and RM-2 Zones if at least sixty (60) percent of the buildings in the immediate context are no more than one story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
13. In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:
    a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and

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

14. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one section of additional setback. See design guidelines for more specific bulk regulations and context standards.
15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Section 17.92 and Section 17.94.
16. In the RM-2 Zone when the lot is less than 4,000 square feet in size or forty-five (45) feet in width only one (1) parking space is required per unit.
17. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

Table 17.17.04 Setbacks for Smaller Lots

Regulation	Lot Size		
	< 4,000 sf or < 40 feet wide	< 3,000 sf or < 35 feet wide	Additional Regulations
Minimum Setbacks			
Minimum interior side	4 ft	3 ft	1
Minimum street side	4 ft	3 ft	1
Rear	15 ft	15 ft	1

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks

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

Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One and Two-Family Dwelling Units Only						
Regulation	Lot Size in Square Feet					
	≤ 5,000	> 5,000 and ≤12,000	> 12,000 and ≤25,000	> 25,000 and ≤ 43,560	> 43,560	Additional Regulations
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.17.05:

1. Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty (20) percent. Lots less than 5,000 square feet may have a dwelling with a minimum of 2,000 square feet of floor area, regardless of FAR listed.
2. Regulation does not apply in the C Combining zone.
3. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

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

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%					
Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%	> 20%	Additional Regulations
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	18 ft	18 ft	18 ft	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft	1

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%					
Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	
	> 20% and < 40%	> 40% and < 60%	> 60%	> 20%	Additional Regulations
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft	1, 3

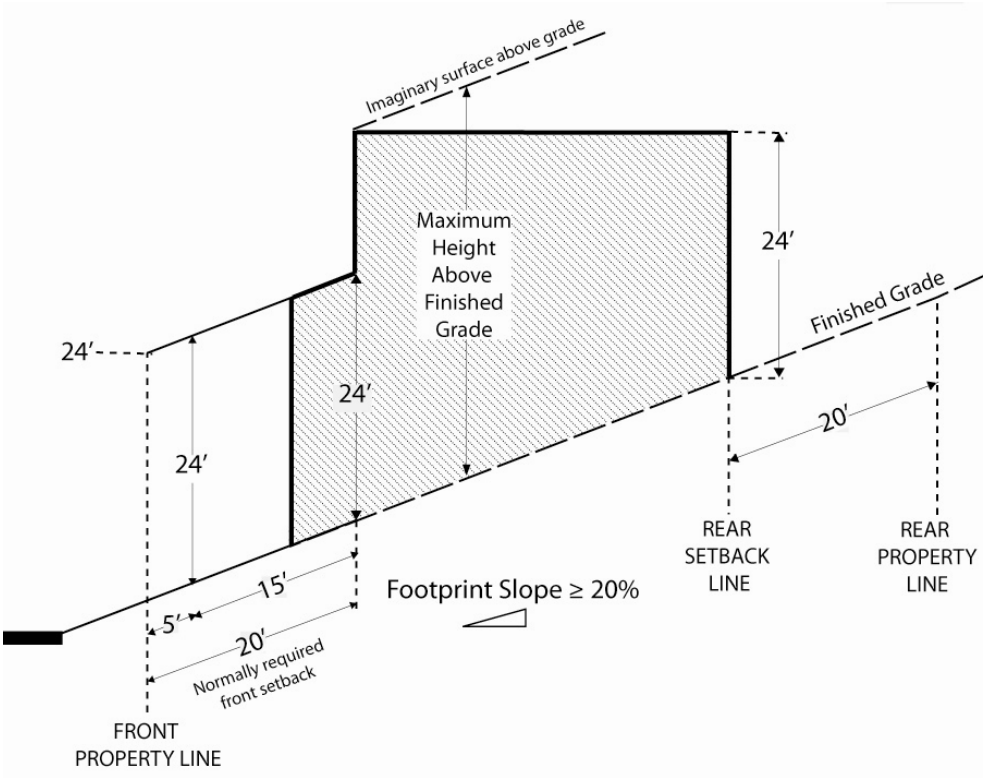
Additional Regulations for Table 17.17.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty (40) percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
   a. maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
   b. garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
   c. maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06[Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

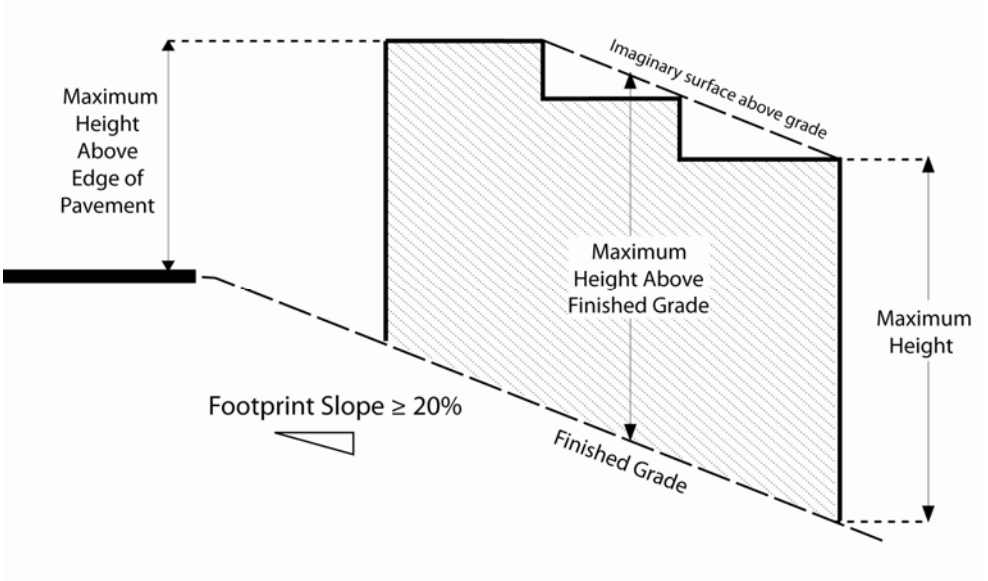
Illustrations for Table 17.17.06[Additional Regulation 2]

*for illustration purposes only

Upslope



Downslope



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

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

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

17.17.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.19

RU URBAN RESIDENTIAL ZONES REGULATIONS

SECTIONS:

17.19.010 Title, Intent, and Description
17.19.020 Required Design Review Process
17.19.030 Permitted and Conditionally Permitted Activities
17.19.040 Permitted and Conditionally Permitted Facilities
17.19.050 Property Development Standards
17.19.060 Special Regulations for Mini-lot and Planned Unit Developments
17.19.070 Other Zoning Provisions

17.58.010 Title, Intent, and Description

A. Title and Intent. The provisions of this Chapter shall be known as the Urban Residential (RU) regulations. The intent of the RU regulations is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.

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

1. **RU-1 Urban Residential Zone - 1.** The intent of the RU-1 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.

2. **RU-2 Urban Residential Zone - 2.** The intent of the RU-2 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.

3. **RU-3 Urban Residential Zone - 3.** The intent of the RU-3 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services.

4. **RU-4 Urban Residential Zone - 4.** The intent of the RU-4 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures on the City's major corridors.

5. **RU-5 Urban Residential Zone - 5.** The intent of the RU-5 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors.

17.19.020 Required Design Review Process

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

17.19.030 Permitted and Conditionally Permitted Activities

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.102.212
Residential Care	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Emergency Shelter	--	C(L1)	C(L1)	C(L1)	C(L1)	17.102.212
Semi-Transient	--	--	--	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L2)	P(L2)	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	
Administrative	C	C	C	P(L2)(L3)	P(L2)(L4)	
Health Care	C	C	C	P(L2)(L3)	P(L2)(L4)	
Special Health Care	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						

Table 17.19.01: Permitted and Conditionally Permitted Activities						
Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
General Food Sales	C(L5)(L6)	C(L5)(L6)	C(L5)(L6)	P(L2)(L3)	P(L2)(L4)	
Full Service Restaurants	C(L5)(L6)	C(L5)(L6)	C(L5)(L6)	P(L2)(L3)	P(L2)(L4)	
Limited Service Restaurant and Café	C(L5)(L6)	C(L5)(L6)	C(L5)(L6)	P(L2)(L3)	P(L2)(L4)	
Fast-Food Restaurant	--	--	--	--	C(L4)	17.102.210
Convenience Market	--	--	--	--	C(L4)	17.102.210
Alcoholic Beverage Sales	--(L7)	--(L7)	--(L7)	C(L3)	C(L4)	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	--	--	--	C(L4)	17.102.210
Medical Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
General Retail Sales	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	
Consumer Service	C(L5)(L6)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Consultative and Financial Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Check Cashier and Check Cashing	--	--	--	--	--	
Consumer Cleaning and Repair Service	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Consumer Dry Cleaning Plant	--	--	--	C(L3)	C(L4)	
Group Assembly	--	--	C(L5)(L6)	C(L3)	C(L4)	
Personal Instruction and Improvement Services	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Administrative	P(L6)(L9)	P(L6)(L9)	P(L6)(L9)	P(L2)(L3)	P(L2)(L4)	
Business, Communication, and Media Services	P(L6)(L8)	P(L6)(L8)	P(L6)(L8)	P(L2)(L3)	P(L2)(L4)	
Broadcasting and Recording Services Commercial Activities	--	--	--	P(L2)(L3)	P(L2)(L4)	
Research Service	--	--	--	P(L2)(L3)	P(L2)(L4)	
General Wholesale Sales	--	--	--	--	--	
Transient Habitation	--	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	--	
Automotive Fee Parking	--	--	--	--	--	

Table 17.19.01: Permitted and Conditionally Permitted Activities						
Activities	**Zones**					**Additional Regulations**
	RU-1	**RU-2**	**RU-3**	**RU-4**	**RU-5**	
Animal Boarding	--	--	--	--	--	
Animal Care	--	--	--	--	--	
Undertaking Service	--	--	--	--	--	
Industrial Activities (all)	--	--	--	--	--	
Agriculture and Extractive Activities						
Crop and animal raising	C	C	C	C	C	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	17.102.110

Limitations on Table 17.19.01:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2 The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3 In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L4 In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (effective date here) or in an existing nonresidential facility that was built prior to the effective date of this chapter (effective date here). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L5. In the RU-1, RU-2, and RU-3 zones, these activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (effect date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 am and 10:00 pm.

L6. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (effective date here) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L7. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

L8. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (effective date here) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit (CUP) is required if the facility exceeds 3,000 square feet (see Chapter 17.134 for the CUP procedure).

L9. These activities may only be located on the ground floor of an existing nonresidential facility that was both built prior to the effective date of this chapter (effective date here) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 am and 10:00 pm; a Conditional Use Permit is required if the facility exceeds 1,500 square feet (see Chapter 17.134 for the CUP procedure).

L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.19.040 Permitted and Conditionally Permitted Facilities

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

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Facilities						
One-Family Dwelling	P	P	P	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	

Table 17.19.02: Permitted and Conditionally Permitted Facilities						
Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Rooming House	--	C	C	P	P	
Mobile Home	--	--	--	--	--	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	
Open Nonresidential	P	P	P	P	P	
Sidewalk Café	P (L4)	P (L4)	P (L4)	P	P	17.102.335
Drive-In Nonresidential	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	P(L5)	P(L5)	17.128
Mini Telecommunications	C	C	C	P(L5)	P(L5)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	--	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L6)	P(L6)	P(L6)	P	P	17.104
Advertising Signs	--	--	--	--	--	17.104

Limitations on Table 17.19.02:

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

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

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

L4. Sidewalk cafés are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Café. The sidewalk café may only operate within the hours of 7:00 am to 10:00 pm. No more than three (3) tables and no more than ten (10) chairs or seats are allowed.

If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See 17.102.335 for other regulations regarding Sidewalk Cafes; however, the regulations in this section supersede any contradicting regulations in 17.102.335.

L5. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of an RH, RD, or RM residential zone, except upon the granting of a major Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134.

L6. Business Signs are only allowed on existing nonresidential facilities built prior to the effective date of this chapter (effective date here); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this section supersede any contradicting regulations in Chapter 17.104.

17.19.050 Property Development Standards

A. Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
Width mean	25 ft	25 ft	25 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	25 ft	1
Lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf	4,000 sf	1
Maximum Density						
Permitted density for regular dwelling units	1 unit per 1,100 sf	1 unit per 800 sf	1 unit per 450 sf	See Table 17.19.04	See Table 17.19.04	2
Permitted density for rooming units	N/A	1 unit per 800 sf	1 unit per 450 sf	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks						
Minimum front (<20% street-to-setback gradient) for residential facilities	15 ft	10 ft	10 ft	5 ft	0 ft	3, 4, 5

Table 17.19.03: Property Development Standards						
Development Standards	**Zones**					**Additional Regulations**
	RU-1	**RU-2**	**RU-3**	**RU-4**	**RU-5**	
Minimum front (>20% street-to-setback gradient) for residential facilities	5 ft	5 ft	5 ft	5 ft	5 ft	3, 4, 5
Minimum front for commercial facilities	15 ft	10 ft	10 ft	0 ft	0 ft	3
Minimum interior side	4 ft	4 ft	0 ft	0 ft	0 ft	3, 6, 7
Minimum street side	4 ft	4 ft	4 ft	0 ft	0 ft	3, 6, 8
Rear (Residential Facilities)	15 ft	15 ft	15 ft	10/15 ft	10/15 ft	3, 6, 9, 10
Rear (Nonresidential Facilities)	15 ft	15 ft	15 ft	0/10/15 ft	0/10/15 ft	3, 9, 10
Setbacks for Smaller Lots < 3,000 sf or < 35 ft wide						
Minimum interior side	3 ft	3 ft	0 ft	NA	NA	3, 7
Minimum street side	3 ft	3 ft	3 ft	NA	NA	3, 7
Height Regulations						
Minimum height of ground floor nonresidential facilities	0 ft	0 ft	0 ft	15 ft	15 ft	11
Minimum separation between the grade and ground floor living space	0 ft	0 ft	0 ft	2.5 ft	2.5 ft	12
Maximum height primary building	40 ft	50 ft	60 ft	See Table 17.19.04	See Table 17.19.04	13, 14
Maximum height for accessory structures	15 ft	15 ft	15 ft	See Table 17.19.04	See Table 17.19.04	
Parking Requirements						
Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	15
Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	15, 16
Parking and driveway location requirements	No	No	No	Yes	Yes	17
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					
Minimum Usable Open Space						

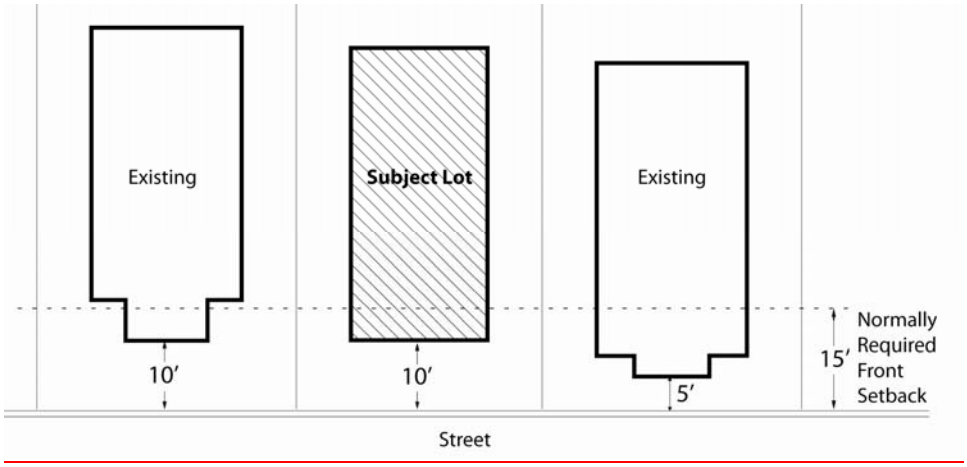
Table 17.19.03: Property Development Standards						
Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Group usable open space per regular unit	175 sf	175 sf	150 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per regular unit when private open space is substituted	50 sf	30 sf	30 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per rooming unit	85 sf	85 sf	75 sf	See Table 17.19.04	See Table 17.19.04	18
Group usable open space per rooming unit when private open space substituted	15 sf	15 sf	15 sf	See Table 17.19.04	See Table 17.19.04	18
Courtyard Regulations	See Section 17.108.120					

Additional Regulations for Table 17.19.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
3. See Section 17.108.130 for allowed projections into setbacks.
4. In the RU-1 zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 4]

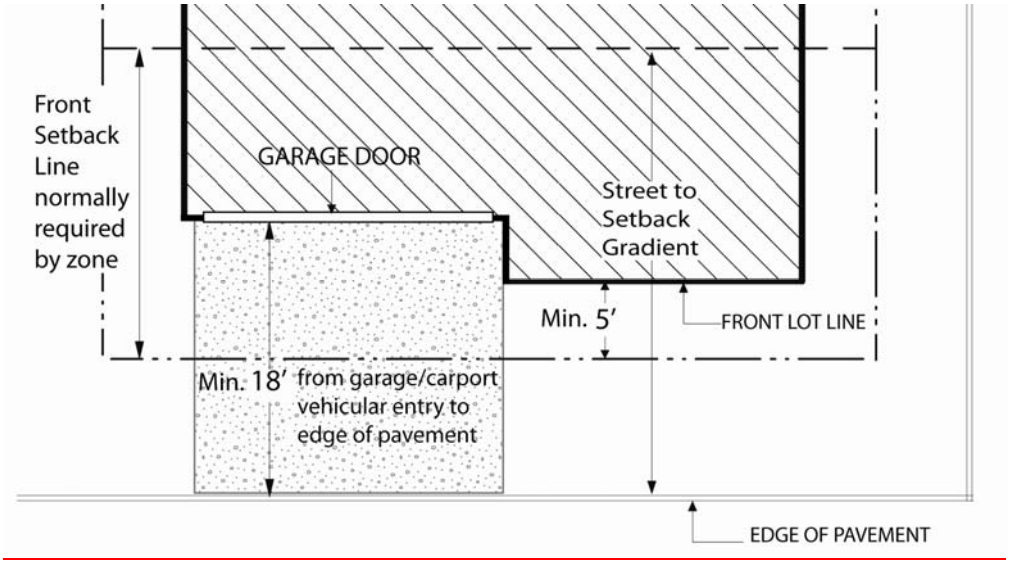
*for illustration purposes only



5. In all residential zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03[Additional Regulation 5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 5]

*for illustration purposes only

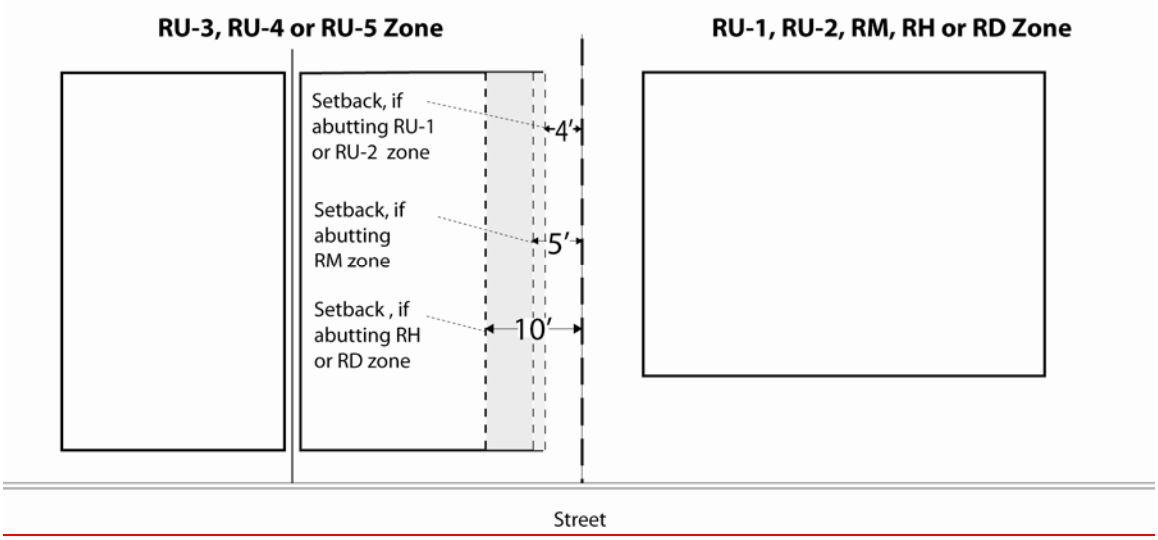


6. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.

7. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 zone abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03[Additional Regulation 7], below).

Illustration for Table 17.19.03 [Additional Regulation 7]

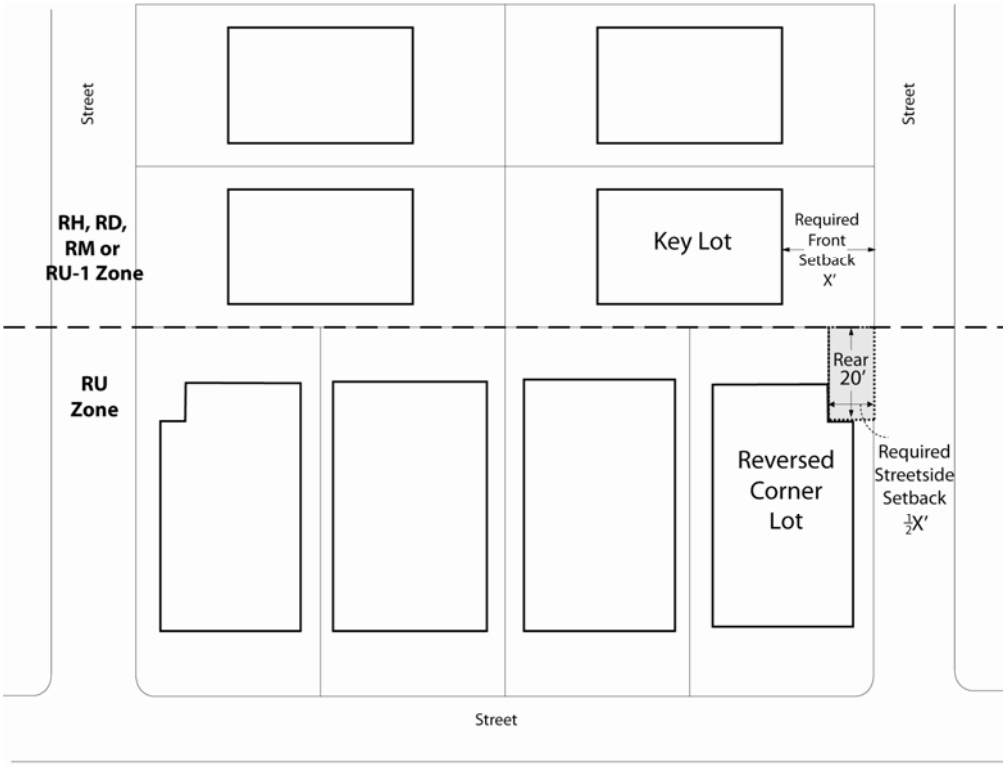
*for illustration purposes only



8. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.19.03[Additional Regulation 8], below)

Illustrations for Table 17.19.03 [Additional Regulation 8]

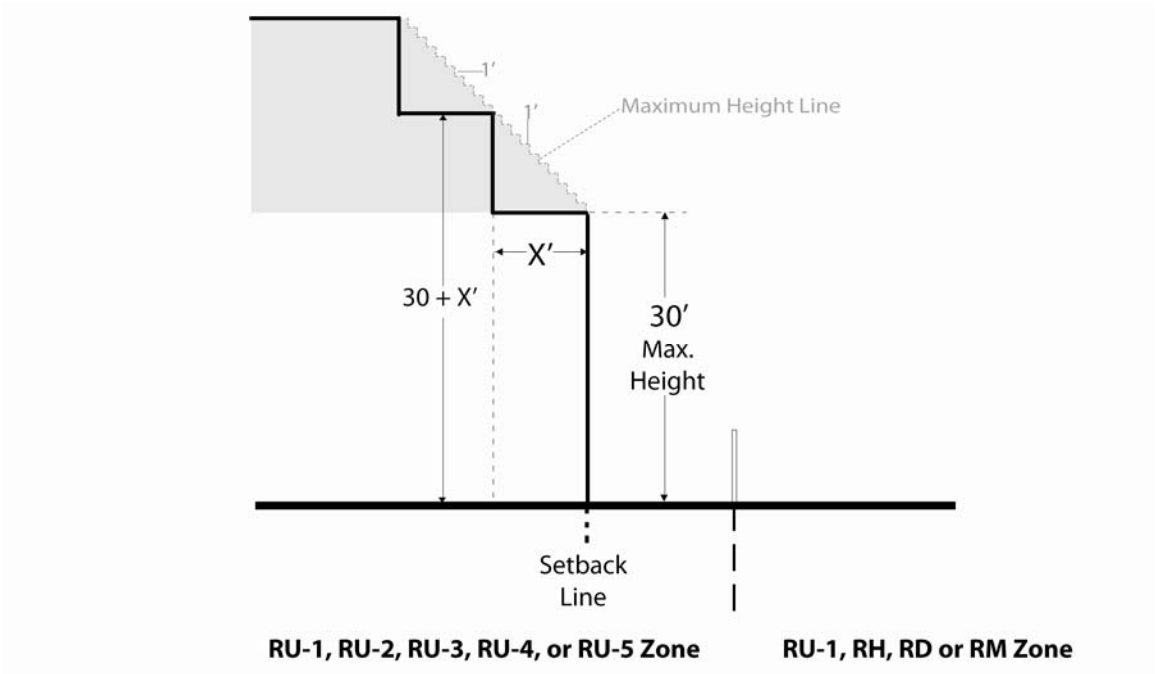
*for illustration purposes only



9. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
10. When a rear lot line in the RU-4 or RU-5 zone is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
11. This height is only required for new principal buildings and is measured from the sidewalk grade to the second story floor.
12. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.
13. Buildings in the RU-1, RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RU-1 zone or an RH, RD, or RM zone; this maximum height may increase one foot for every foot of distance from this setback line (see Illustration for Table 17.19.13[Additional Regulation 11], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustrations for Table 17.19.03 [Additional Regulation 13]

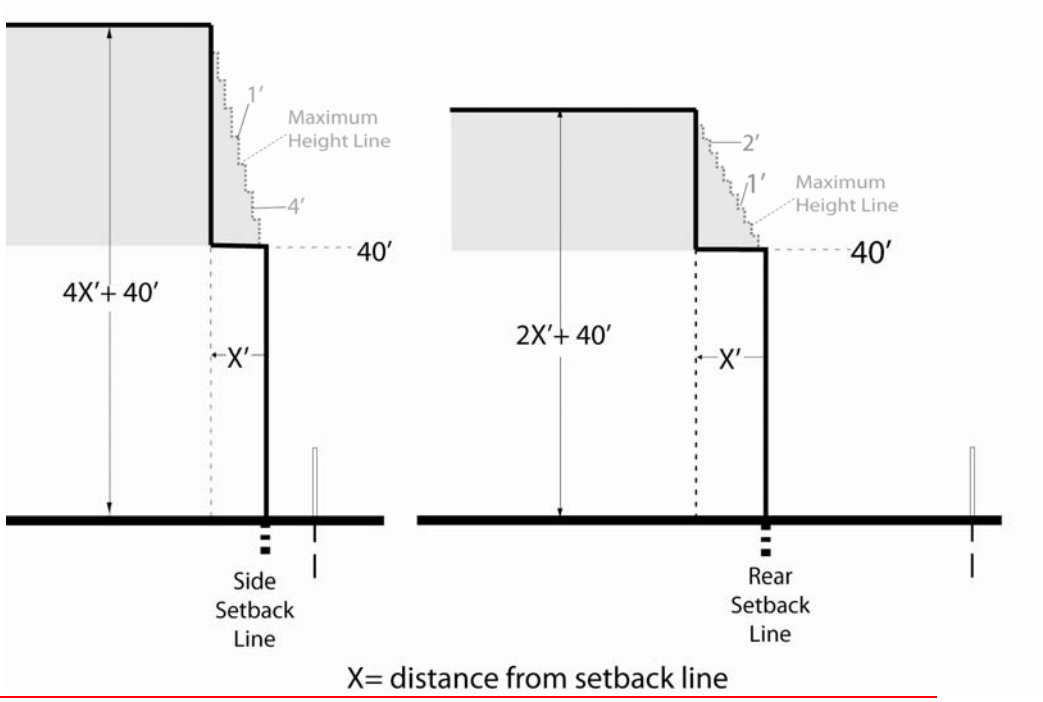
*for illustration purposes only



14. In the RU-2 and RU-3 zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Section 17.28.150(C)(1) a minimum horizontal distance equal to one foot for each four feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Section 17.28.150D a minimum horizontal distance equal to one foot for each two feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03[Additional Regulation 14], below).

Illustrations for Table 17.19.03 [Additional Regulation 14]

*for illustration purposes only



15. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 zones, as prescribed in Section 17.92 and Section 17.94.
16. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.
17. For the new construction of principal buildings in the RU-4 and RU-5 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
18. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only. Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only

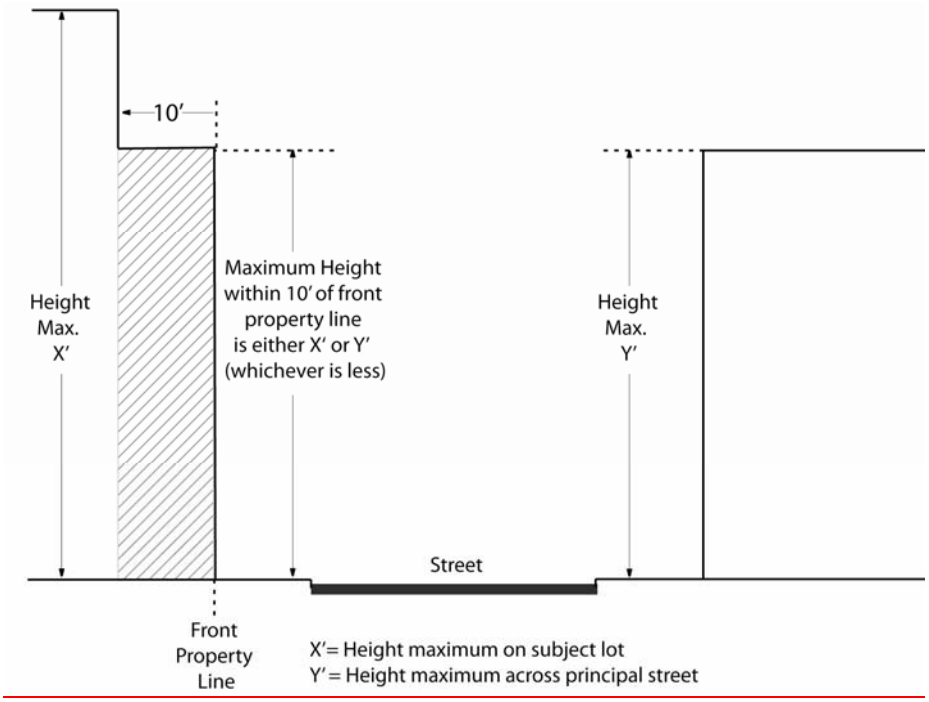
Regulation	Height Area					
	35	45	60	75	90	Additional Regulations
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	1, 2
Height Minimum						
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf	450 sf	375 sf	275 sf	225 sf	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4, 5
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	
Minimum Usable Open Space						
Group usable open space per regular unit	150 sf	150 sf	150 sf	150 sf	100 sf	6
Group usable open space per regular unit when private open space substituted	30 sf	30 sf	30 sf	30 sf	20 sf	6
Group usable open space per rooming unit	75 sf	75 sf	75 sf	75 sf	50 sf	6
Group usable open space per rooming unit when private open space is substituted	15 sf	15 sf	15 sf	15 sf	10 sf	6

Additional Regulations for Table 17.19.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.19.04[Additional Regulation 1], below).

Illustration for Table 17.19.04 [Additional Regulation 1]

*for illustration purposes only



2. Buildings in the RU-2, RU-3, RU-4, and RU-5 zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, RM, or RU-1 zone; this maximum height may increase one foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. Each square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

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

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

17.19.070 Other Zoning Provisions.

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

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

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

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

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

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

~~Chapter 17.30~~

~~R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.30.010 Title, purpose, and applicability.**~~
~~**17.30.040 Required design review process.**~~
~~**17.30.050 Permitted activities.**~~
~~**17.30.060 Conditionally permitted activities.**~~
~~**17.30.070 Permitted facilities.**~~
~~**17.30.080 Conditionally permitted facilities.**~~
~~**17.30.090 Special regulations applying to certain Commercial Activities.**~~
~~**17.30.100 Performance standards for Commercial Activities.**~~
~~**17.30.110 Use permit criteria for Commercial Activities.**~~
~~**17.30.120 Limitations on Signs.**~~
~~**17.30.130 Minimum lot area, width, and frontage.**~~
~~**17.30.140 Maximum residential density.**~~
~~**17.30.150 Maximum floor-area ratio.**~~
~~**17.30.160 Maximum height.**~~
~~**17.30.170 Minimum yards and courts.**~~
~~**17.30.180 Minimum usable open space.**~~
~~**17.30.190 Buffering.**~~
~~**17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.**~~
~~**17.30.210 Other zoning provisions.**~~

~~**17.30.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the R-80 high-rise apartment residential zone regulations. The R-80 zone is intended to create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations. These regulations shall apply in the R-80 zone.~~
~~(Prior planning code § 3850)~~

~~**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 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)~~

~~**17.30.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~Semi-Transient~~

~~B. Civic Activities:~~

~~Essential Service~~
~~Limited Child-Care~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Telecommunications~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3853)~~

~~17.30.060 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~
~~Emergency Shelter~~

~~B. Civic Activities:~~
~~Administrative~~
~~Health Care~~
~~Utility and Vehicular~~
~~Extensive Impact~~

~~C. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurant~~
~~Limited Service Restaurant and Café~~
~~Convenience Market~~
~~Alcoholic Beverage Sales~~
~~Medical Service~~
~~Consumer Service~~
~~Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~

~~D. Agricultural and Extractive Activities:~~
~~Crop and Animal Raising~~

~~E. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.102.100.~~

~~F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~
~~(Ord. 12138 § 5 (part), 1999; prior planning code § 3854)~~

~~17.30.070 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~
~~Multifamily Dwelling~~
~~Rooming House~~

~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Open~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~

~~(Ord. 12501 § 45, 2003: Ord. 11904 § 5.09 (part), 1996; prior planning code § 3855)~~

~~17.30.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~
~~Micro~~
~~Mini~~
~~Macro~~
~~Monopole~~

~~(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3856)~~

~~17.30.090 Special regulations applying to certain Commercial Activities.~~

~~All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. No Business Signs or display windows shall be provided for such activities. See also Section 17.102.210.~~
~~(Prior planning code § 3858)~~

~~17.30.100 Performance standards for Commercial Activities.~~

~~All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.~~
~~(Prior planning code § 3860)~~

~~17.30.110 Use permit criteria for Commercial Activities.~~

~~A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.102.210.~~

~~B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal~~

~~conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

~~1. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~2. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.~~

~~(Prior planning code § 3861)~~

~~17.30.120 Limitations on Signs.~~

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010. See also Section 17.30.090.~~

~~(Prior planning code § 3863)~~

~~17.30.130 Minimum lot area, width, and frontage.~~

~~Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3864)~~

~~17.30.140 Maximum residential density.~~

~~The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:~~

~~1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;~~

~~2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~

~~The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~
~~(Ord. 12501 § 46, 2003: prior planning code § 3865)~~

~~17.30.150 Maximum floor-area ratio.~~
~~The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:~~
~~A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.~~
~~B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:~~
~~1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;~~
~~2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.~~
~~(Prior planning code § 3867)~~

~~17.30.160 Maximum height.~~
~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.~~
~~(Ord. 11904 § 5.21, 1996: prior planning code § 3869)~~

~~17.30.170 Minimum yards and courts.~~
~~The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~
~~A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.~~
~~B. Side Yard--Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.~~
~~C. Side Yard--Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:~~
~~1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two or more living units.~~
~~2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~
~~D. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.~~
~~E. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.~~
~~(Prior planning code § 3870)~~

~~17.30.180 Minimum usable open space.~~
~~On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square~~

~~feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~
~~(Prior planning code § 3871)~~

~~17.30.190 Buffering.~~
~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.~~
~~(Prior planning code § 3872)~~

~~17.30.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~
~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the R-80 zone may be waived or modified when and as prescribed in Section 17.102.320.~~
~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 zone, and certain of the other regulations applying in said zone may be waived or modified.~~
~~C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.~~
~~(Prior planning code § 3873)~~

~~17.30.210 Other zoning provisions.~~
~~A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~
~~B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~
~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~
~~D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~
~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 zone.~~
~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-80 zone.~~
~~(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3874)~~

Chapter 17.32

CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

SECTIONS:

17.33.010 Title, Intent, and Description
17.33.020 Required Design Review Process
17.33.030 Permitted and Conditionally Permitted Activities
17.33.040 Permitted and Conditionally Permitted Facilities
17.33.050 Property Development Standards
17.33.060 Special regulations for Mini-lot and Planned Unit Developments
17.33.070 Other Zoning Provisions

17.33.010 Title, Intent, and Description

A. **Title and Intent.** The provisions of this Chapter shall be known as the Neighborhood Center Commercial (CN) Zones Regulations. The intent of the CN zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN zones.

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

1. **CN-1 Neighborhood Commercial Zone - 1.** The intent of the CN-1 zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
2. **CN-2 Neighborhood Commercial Zone - 2.** The intent of the CN-2 zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
3. **CN-3 Neighborhood Commercial Zone - 3.** The intent of the CN-3 zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
4. **CN-4 Neighborhood Commercial Zone - 4.** The intent of the CN-4 zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

17.33.020 Required Design Review Process

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

17.33.030 Permitted and Conditionally Permitted Activities

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.102.212
Service-Enriched Permanent Housing	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)	17.102.212
Transitional Housing	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)	17.102.212
Emergency Shelter	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	C(L1)(L3)	17.102.212
Semi-Transient	--	--	--	--	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	17.10.125
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L2)	P(L2)	P(L5)	P(L5)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L5)	P(L5)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L5)	P(L5)	P(L5)	P(L5)	
Administrative	P(L2)	P(L2)	P(L5)	P(L5)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)	C(L4)	C(L4)	C	17.102.410
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
Commercial Activities					
General Food Sales	P(L5)	P(L5)	P(L7)	P(L7)	

Table 17.33.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Full Service Restaurants	C(L4)	P(L5)	P(L5)	P(L5)	
Limited Service Restaurant and Café	C(L4)	P(L5)	P(L5)	P(L5)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.102.210 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.102.210
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	17.102.210
Medical Service	P(L2)	P(L6)	P(L6)	P(L5)	
General Retail Sales	P(L5)	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P(L5)	P(L5)	P(L5)	P(L5)	
Consultative and Financial Service	P(L2)	P(L8)	P(L5)	P(L5)	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Cleaning and Repair Service	P(L5)	P(L5)	P(L5)	P(L5)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)	C(L4)	C(L4)	C	
Personal Instruction and Improvement Services	P(L2)	P(L5)	P(L5)	P(L5)	
Administrative	P(L2)	P(L2)	P(L5)	P(L5)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L5)	P(L5)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L5)	P(L5)	
Research Service	C(L4)	C(L4)	P(L5)	P(L5)	
General Wholesale Sales	--	--	--	--	
Transient Habitation	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	C	

Table 17.33.01: Permitted and Conditionally Permitted Activities					
Activities	**Zones**				**Additional Regulations**
	CN-1	**CN-2**	**CN-3**	**CN-4**	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	--	--	--	--	
Animal Care	C(L4)	C(L4)	P(L5)	P(L5)	
Undertaking Service	--	--	--	--	
Industrial Activities					
Custom Manufacturing	C(L4)(L9)	C(L4)(L9)	C(L4)	C	17.102.040
Light Manufacturing	--	--	--	--	
General Manufacturing	--	--	--	--	
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	--	--	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	--	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	--	--	
B. Primary Recycling Collection Centers	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	C (L10)	C (L10)	C (L10)	C(L10)	
Plant nursery	C(L4)	C(L4)	C(L4)	C	

Table 17.33.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

L1 No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.

L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:

1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;
3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L6. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L7. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen-thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section

17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L8. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.

L9. Not permitted on the Ground Floor except when associated with a full service restaurant or retail store.

L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.33.040 Permitted and Conditionally Permitted Facilities

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	--(L1)	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	--	--	--	--	

Table 17.33.02: Permitted and Conditionally Permitted Facilities					
Facilities	**Zones**				**Additional Regulations**
	CN-1	**CN-2**	**CN-3**	**CN-4**	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In	--	--	--	C	
Drive-Through	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	P	P	P	P	17.128
Mini Telecommunications	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	--	--	--	--	17.104

Limitations on Table 17.33.02:

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

L2. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor residential facilities is not permitted on a corner lot.

L4. No conditional use permit is required for seasonal sales and special event activities.

17.33.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "--" indicates that a standard is not required in the specified zone.

Table 17.33.03: Property Development Standards					
Development Standards	**Zones**				**Additional Regulations**
	CN-1	**CN-2**	**CN-3**	**CN-4**	
Minimum Lot Dimensions					
Width Mean	25 ft	25 ft	25 ft	25 ft	1
Frontage	25 ft	25 ft	25 ft	25 ft	1
Lot area	4,000 sf	4,000 sf	4,000 sf	4,000 sf	1
Minimum/Maximum Setbacks					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front	10 ft	10 ft	10 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations					
Minimum ground floor nonresidential façade transparency	70%	70%	70%	50%	9
Minimum height of ground floor nonresidential facilities	15 ft	15 ft	15 ft	15 ft	10
Minimum separation between the grade and ground floor living space	--	--	2.5 ft	2.5 ft	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.33.04				
Minimum required parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Courtyard regulations	See Section 17.108.120				

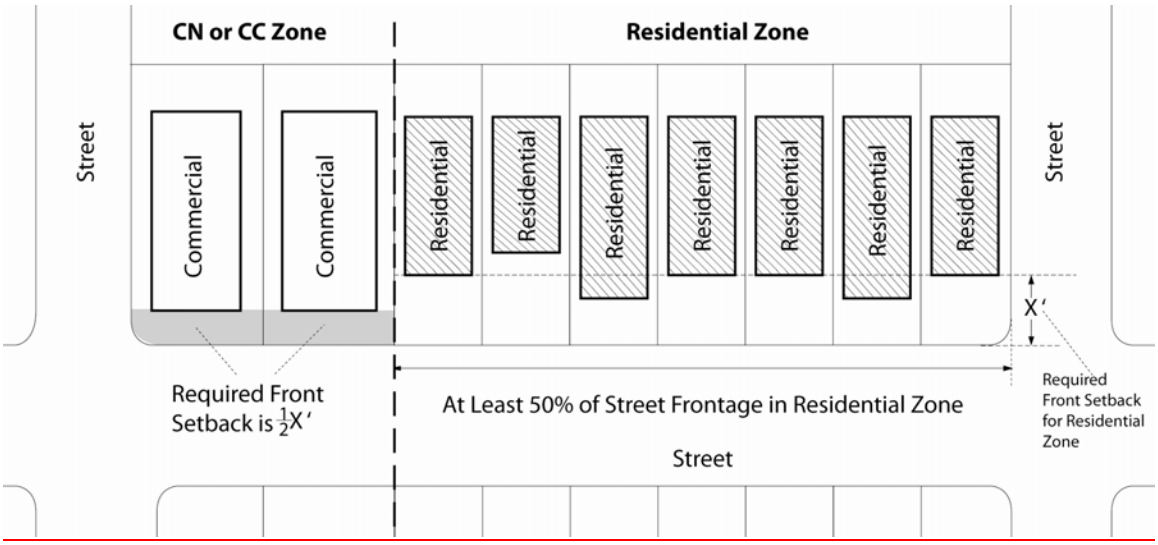
Additional Regulations for Table 17.33.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-

half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.33.03[Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 2]

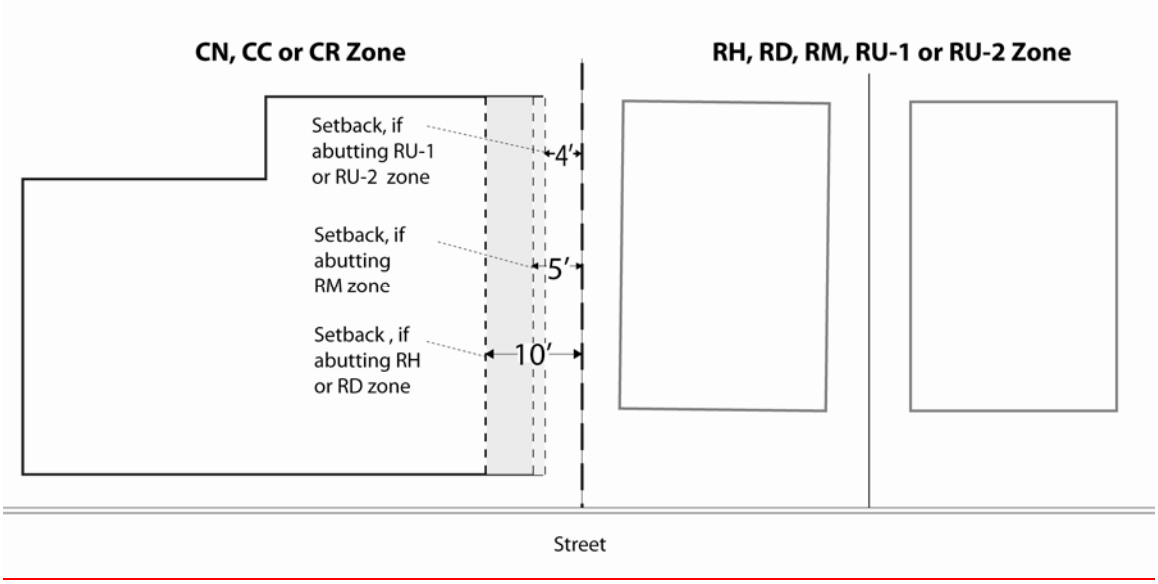
*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:
   a. The requirements only apply to the construction of new principal buildings.
   b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
   c. Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in Section 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
      i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
      ii. The proposal will not impair a generally continuous wall of building facades;
      iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
      iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.33.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 4]

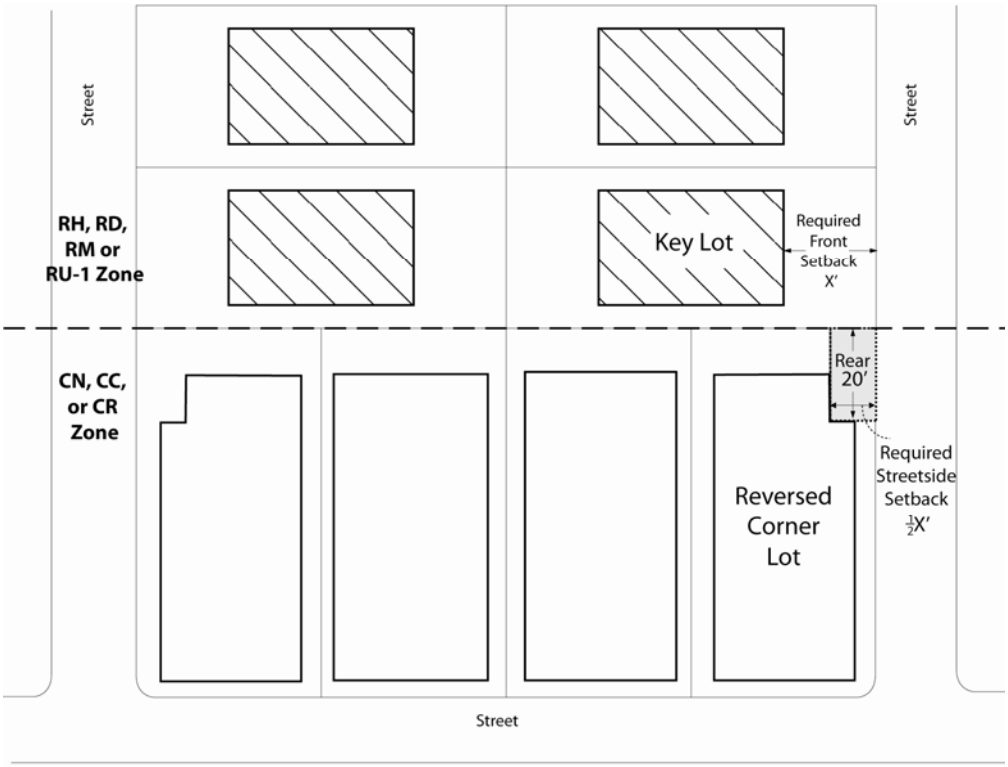
*for illustration purposes only



5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.33.03[Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03[Additional Regulation 6]

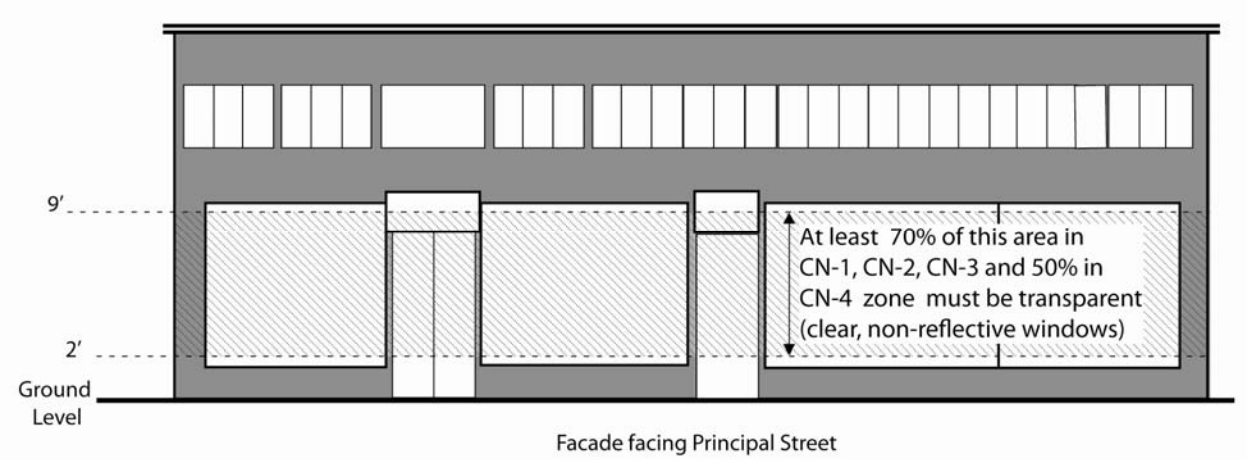
*for illustration purposes only



7. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.33.03[Additional Regulation 9], below). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.33.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the second story floor.
11. This regulation only applies to new residential facilities and ground floor living space located within fifteen (15) feet of a street frontage.
12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations							
Regulation	**Height Area**						
	35	**35***	**45**	**60**	**75**	**90**	**Additional Regulations**
Maximum Height	35 ft	35	45 ft	60 ft	75 ft	90 ft	1, 2
Height Minimum							
Permitted height minimum	0 ft	0 ft	0 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	NA ft	25 ft	25 ft	25 ft	3

Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations							
Regulation	**Height Area**						
	35	**35***	**45**	**60**	**75**	**90**	**Additional Regulations**
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular units	550	Same density regulations as abutting RH, RD, or RM zone	450	375	275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM zone	225	185	135	110	4, 5, 6
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per regular unit	150	Same open space regulations as abutting RH, RD, or RM zone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same open space regulations as abutting RH, RD, or RM zone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same open space regulations as abutting RH, RD, or RM zone	75	75	75	50	6, 7
Group usable open space per rooming unit when private open space is substituted	15	Same open space regulations as abutting RH, RD, or RM zone	15	15	15	10	6, 7

Additional Regulations for Table 17.33.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04[Additional Regulation 1], below).

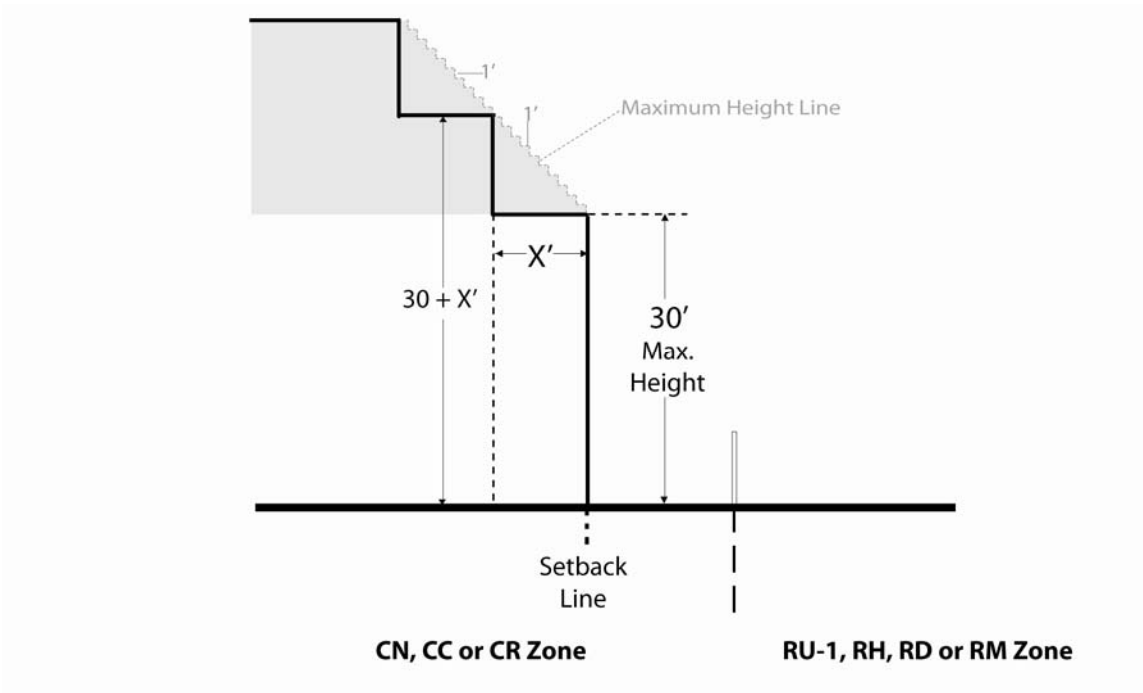
Illustration for Table 17.33.04[Additional Regulation 1]

*for illustration purposes only

2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line(see Illustration for Table 17.33.04[Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04[Additional Regulation 2]

*for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is 100 feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM zone. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.
7. Each square foot of private usable open space equals two square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

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

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

17.33.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.34

CC COMMUNITY COMMERCIAL ZONES REGULATIONS

SECTIONS:

17.35.010 Title, Intent, and Description
17.35.020 Required Design Review Process
17.35.030 Permitted and Conditionally Permitted Activities
17.35.040 Permitted and Conditionally Permitted Facilities
17.35.050 Property Development Standards
17.35.060 Special Regulations for Mini-lot and Planned Unit Developments
17.35.070 Other Zoning Provisions

17.35.010 Title, Intent, and Description

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

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

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

17.35.020 Required Design Review Process

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

17.35.030 Permitted and Conditionally Permitted Activities

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.35.01: Permitted and Conditionally Permitted Activities				
Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.102.212
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Emergency Shelter	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.102.212
Semi-Transient	--	--	--	
Bed and Breakfast	C	C	C	17.10.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Café	P	P	P	
Fast-Food Restaurant	C	C	C	17.102.210 and 8.09
Convenience Market	C	C	C	17.102.210
Alcoholic Beverage Sales	C	C	C	17.102.210 and 17.102.040

Table 17.35.01: Permitted and Conditionally Permitted Activities				
Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C	C	C	17.102.430
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C	C	C	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	--	--	P	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	P	
Automobile and Other Light Vehicle Sales and Rental	PC	P	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L4)	C(L4)	P	
Taxi and Light Fleet-Based Services	--	--	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	--	--	--	

Table 17.35.01: Permitted and Conditionally Permitted Activities				
Activities	**Zones**			**Additional Regulations**
	CC-1	**CC-2**	**CC-3**	
Industrial Activities				
Custom Manufacturing	C	C	P	17.102.040
Light Manufacturing	--	C	P(L5)	17.102.040
General Manufacturing	--	--	--	
Heavy/High Impact	--	--	--	
Research and Development	--	--	--	
Construction Operations	--	--	--	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	--	--	P	
B. General Outdoor Storage	--	--	--	
C. Self- or Mini Storage	--	--	--	
D. Container Storage	--	--	--	
E. Salvage/Junk Yards	--	--	--	
Regional Freight Transportation	--	--	--	
Trucking and Truck-Related	--	--	--	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	--	--	--	17.10.040
B. Primary Recycling Collection Centers	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	
Agriculture and Extractive Activities				
Crop and animal raising	C(L6)	C(L6)	C(L6)	
Plant nursery	C	C	C	

Table 17.35.01: Permitted and Conditionally Permitted Activities				
Activities	**Zones**			**Additional Regulations**
	CC-1	**CC-2**	**CC-3**	
Mining and Quarrying	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	17.102.110

Limitations on Table 17.35.01:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

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

L4. This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

1. That all repair and servicing is performed in an enclosed building;
2. That a minimum six-foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH-, RD- or RM-zone;
3. That a landscape buffering is at all parcels lines adjacent to an RH-, RD- or RM-zone; and
4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week;

L5. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within 300 feet of an RH, RD, or RM zone.

L6. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.35.040 Permitted and Conditionally Permitted Facilities

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

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities				
Facilities	**Zones**			**Additional Regulations**
	CC-1	**CC-2**	**CC-3**	
Residential Facilities				
One-Family Dwelling	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	P(L2)	P(L3)	--	
Multifamily Dwelling	P(L2)	P(L3)	--	
Rooming House	P(L2)	P(L3)	--	
Mobile Home	--	--	--	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P	P	P	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	--	--	--	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104

Table 17.35.02: Permitted and Conditionally Permitted Facilities				
Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

Limitations on Table 17.35.02:

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

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

L3. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

17.35.050 Property Development Standards

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

Table 17.35.03: Property Development Standards				
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Width mean	50 ft	25 ft	25 ft	1
Frontage	50 ft	25 ft	25 ft	1
Lot area	7,500 sf	4,000 sf	4,000 sf	1
Minimum/Maximum Setbacks				
Minimum front	0 ft	0 ft	0 ft	2
Maximum front	N/A	10 ft	N/A	3
Minimum interior side	0 ft	0 ft	0 ft	4, 5
Minimum street side	0 ft	0 ft	0 ft	6
Rear (Residential Facilities)	10/15 ft	10/ 15 ft	10/15 ft	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	8
Design Regulations				
Minimum ground floor nonresidential façade transparency	N/A	50%	N/A	9
Minimum height of ground floor nonresidential facilities	N/A	15 ft	N/A	10

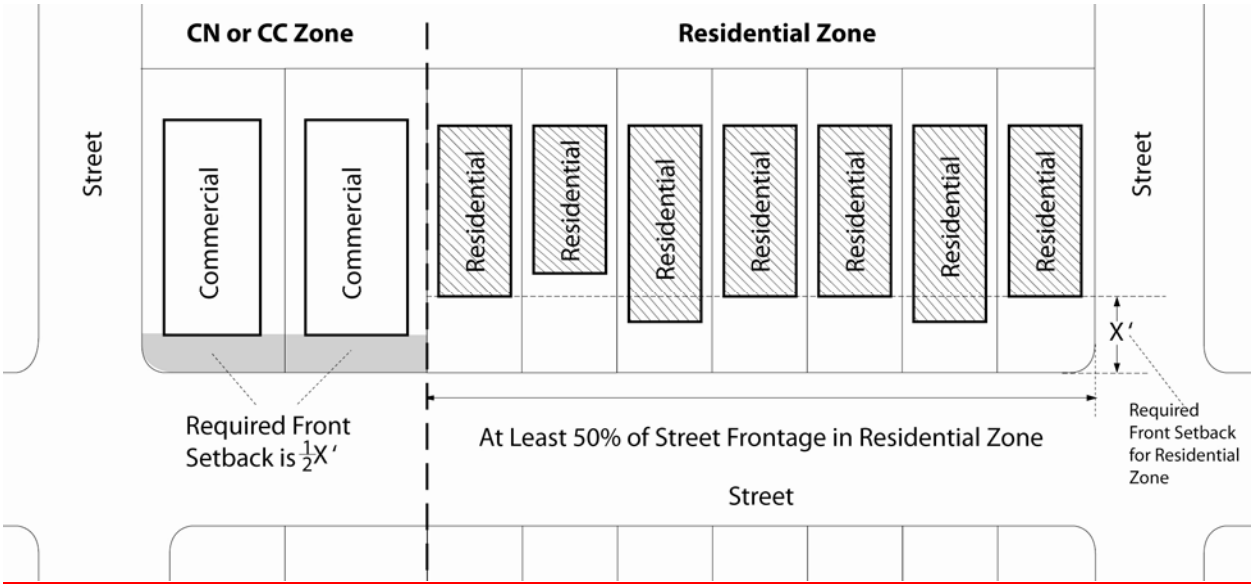
Table 17.35.03: Property Development Standards				
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
Courtyard Regulations	See Section 17.108.120			

Additional Regulations for Table 17.35.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. If fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.35.03[Additional Regulation 2], below).

Illustration for Table 17.35.03[Additional Regulation 2]

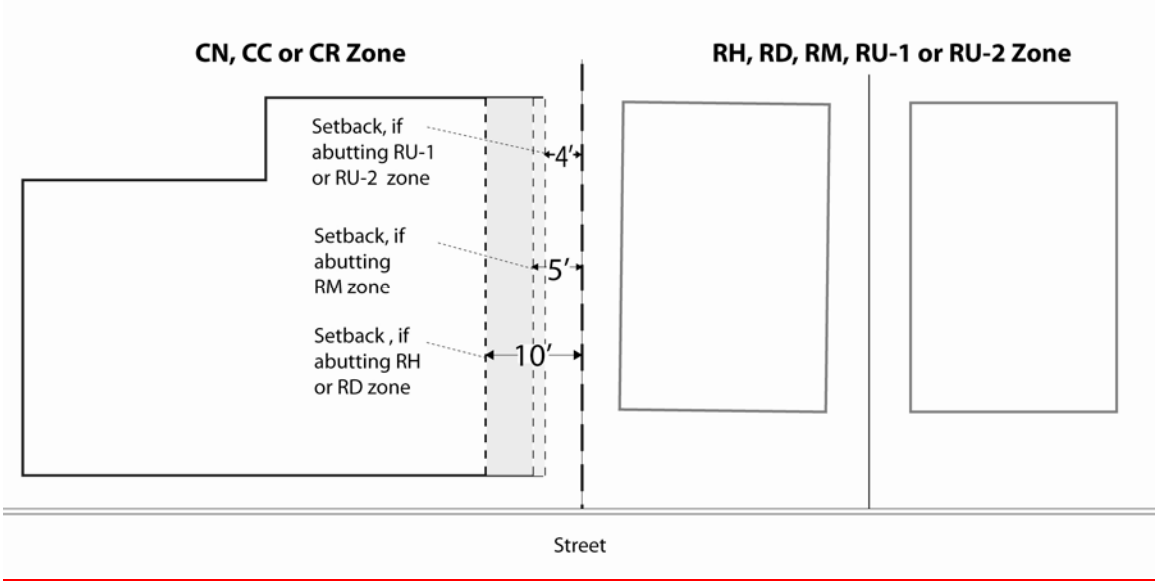
*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:
   a. The requirements only apply to the construction of new principal buildings.
   b. The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
   c. Maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of Regular Design Review approval (see Chapter 17.136 for the design review procedure). In addition to the CUP criteria contained in 17.136.035, the proposal to reduce to fifty (50) percent must also meet each of the following criteria:
      i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
      ii. The proposal will not impair a generally continuous wall of building facades;
      iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
      iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.35.03[Additional Regulation 4]

*for illustration purposes only

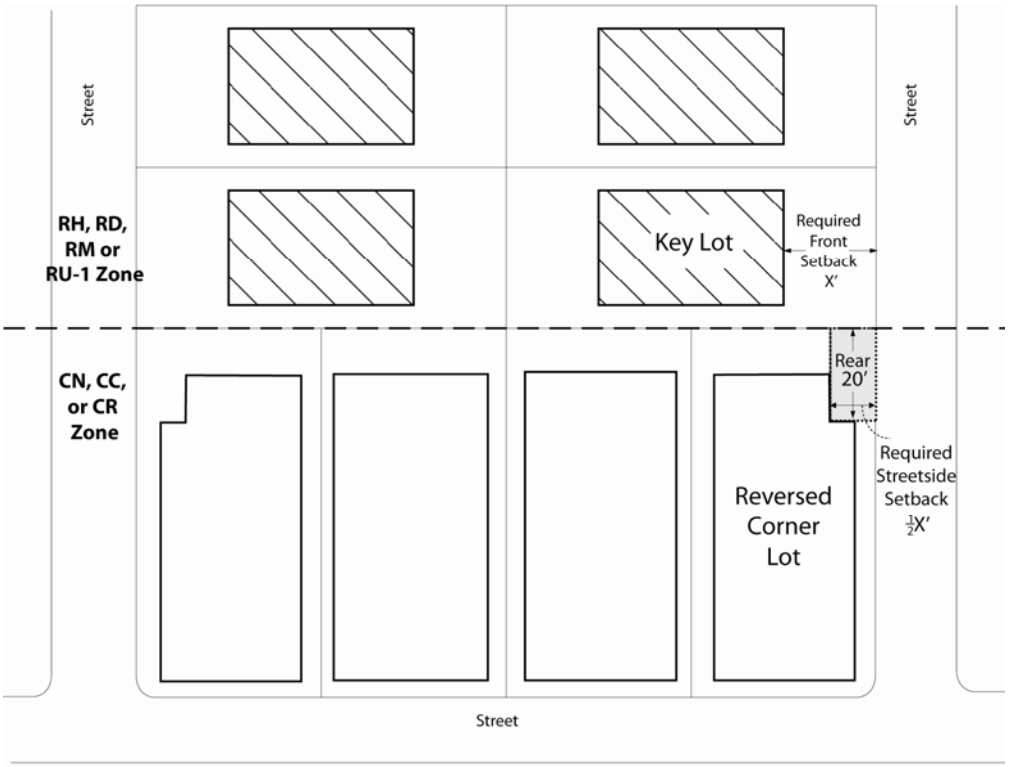


5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03[Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.35.03[Additional Regulation 6]

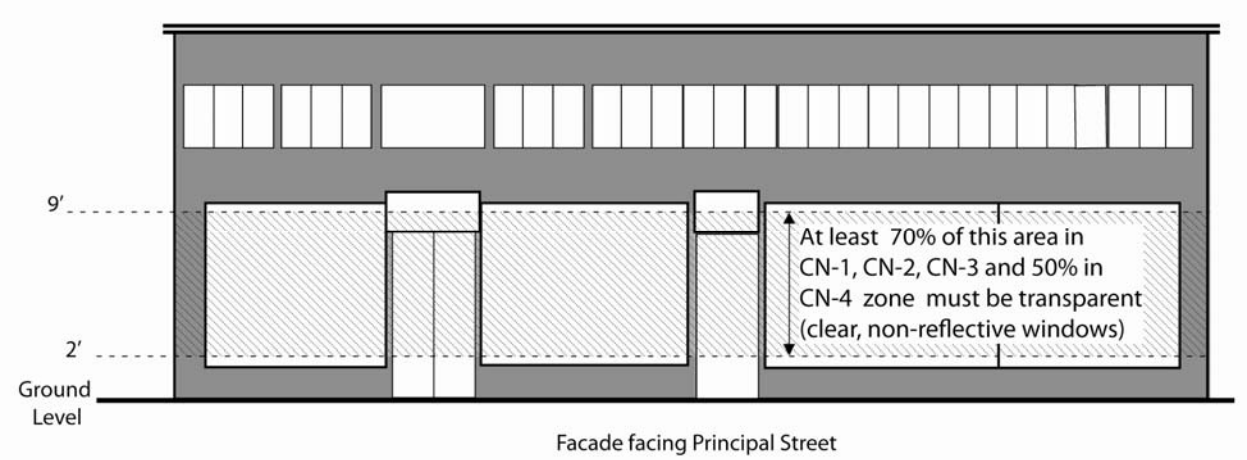
*for illustration purposes only



7. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
8. When a rear lot line is adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, RM, or RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.
9. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies(see Illustration for Table 17.35.03[Additional Regulation 9], below). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.35.03[Additional Regulation 9]

*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the second story floor.
11. For the new construction of principal buildings in the CC-2 zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
12. For the new construction of principal buildings in the CC-2 zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 10, above.

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

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations								
Regulation	**Height Area**							
	35	**45**	**60**	**75**	**90**	**120**	**160**	**Additional Regulations**
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	120 ft	160 ft	1, 2
Height Minimum								
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per dwelling unit)								

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations								
Regulation	**Height Area**							
	35	**45**	**60**	**75**	**90**	**120**	**160**	**Additional Regulations**
Regular units	550	450	375	275	225	225	225	4, 5
Rooming units	275	225	185	135	110	225	225	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	7	8	11	15	
Minimum Usable Open Space								
Group usable open space per regular unit	150	150	150	150	100	100	100	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per rooming unit	75	75	75	75	50	50	50	6
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	10	6

Additional Regulations for Table 17.35.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.35.04[Additional Regulation 1], below).

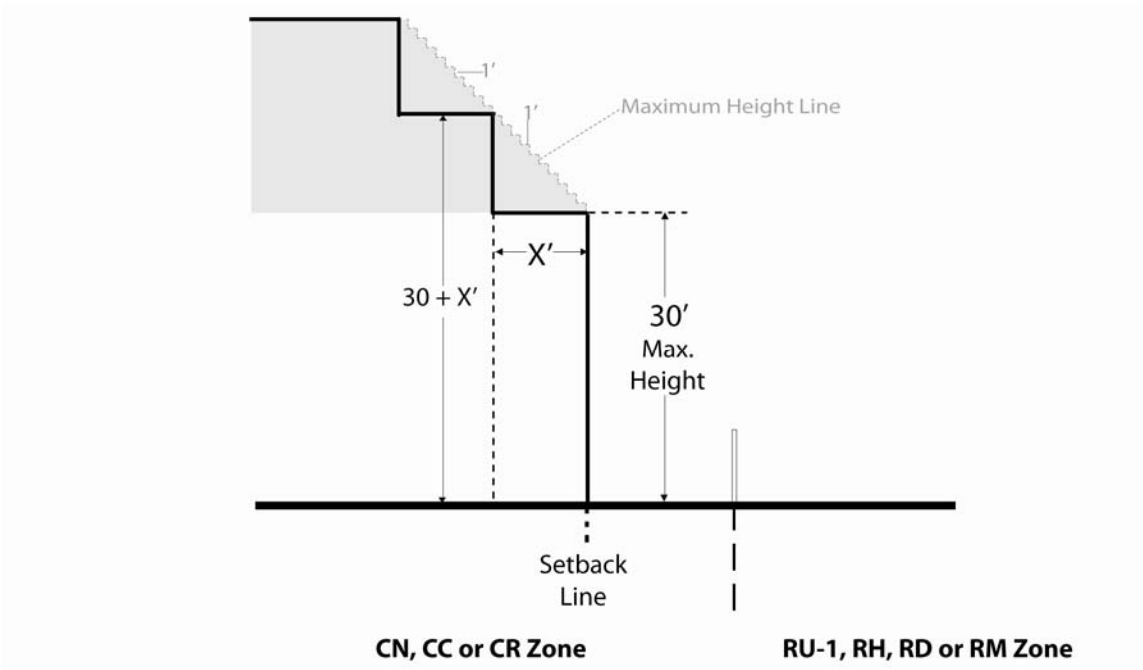
Illustration for Table 17.35.04[Additional Regulation 1]

*for illustration purposes only

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

Illustration Table 17.35.04[Additional Regulation 2]

*for illustration purposes only



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

4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

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

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

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

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

B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those

otherwise allowed in the CC zones, and certain of the other regulations applying in said zone may be waived or modified.

17.35.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.36

CR REGIONAL COMMERCIAL ZONE REGULATIONS

SECTIONS:

17.37.010 Title, Intent, and Description
17.37.020 Required Design Review Process
17.37.030 Permitted and Conditionally Permitted Activities
17.37.040 Permitted and Conditionally Permitted Facilities
17.37.050 Property Development Standards
17.37.060 Special Regulations for Mini-lot and Planned Unit Developments
17.37.070 Other Zoning Provisions

17.37.010 Title, Intent, and Description

The provisions of this Chapter shall be known as the CR-1 Regional Commercial (CR) Zone Regulations. The intent of the CR-1 zone is to maintain, support and create areas of the City that serve as region-drawing centers of activities.

17.37.020 Required Design Review Process

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

17.37.030 Permitted and Conditionally Permitted Activities

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.37.01: Permitted and Conditionally Permitted Activities		
Activities	Zones	Additional Regulations
	CR-1	

Table 17.37.01: Permitted and Conditionally Permitted Activities		
Activities	**Zones**	**Additional Regulations**
	CR-1	
Residential Activities		
Permanent	--	
Residential Care	--	
Service-Enriched Permanent Housing	--	
Transitional Housing	C(L1)	17.102.212
Emergency Shelter	C(L1)	17.102.212
Semi-Transient	C(L1)	
Bed and Breakfast	--	17.10.125
Civic Activities		
Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C	17.102.410
Utility and Vehicular	C	
Extensive Impact	C	
Commercial Activities		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Café	P	
Fast-Food Restaurant	C	17.102.210 and 8.09
Convenience Market	C	17.102.210
Alcoholic Beverage Sales	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C	17.102.210
Medical Service	P	

Table 17.37.01: Permitted and Conditionally Permitted Activities		
Activities	**Zones**	**Additional Regulations**
	CR-1	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	--	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	--	
Consumer Cleaning and Repair Service	P(L2)	
Consumer Dry Cleaning Plant	C	
Group Assembly	C	
Personal Instruction and Improvement Services	P	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.102.370
Wholesale and Professional Building Material Sales	P(L2)	
Automobile and Other Light Vehicle Sales and Rental	P(L2)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L2)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L2)	
Taxi and Light Fleet-Based Services	P(L2)	
Automotive Fee Parking	--(L3)	
Animal Boarding	C	
Animal Care	P	
Undertaking Service	--	
Industrial Activities		
Custom Manufacturing	P(L2)	17.102.040
Light Manufacturing	P(L2)	17.102.040

Table 17.37.01: Permitted and Conditionally Permitted Activities		
Activities	**Zones**	**Additional Regulations**
	CR-1	
General Manufacturing	C(L2)	17.102.040
Heavy/High Impact	--	
Research and Development	P	
Construction Operations	--	
Warehousing, Storage, and Distribution		
A. General Warehousing, Storage and Distribution	P(L2)	
B. General Outdoor Storage	C(L2)	
C. Self- or Mini Storage	C(L2)	
D. Container Storage	C(L2)	
E. Salvage/Junk Yards	--	
Regional Freight Transportation	C(L2)	
Trucking and Truck-Related	C(L2)	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	C(L2)	17.10.040
B. Primary Recycling Collection Centers	C(L2)	
Hazardous Materials Production, Storage, and Waste Management	--	
Agriculture and Extractive Activities		
Crop and animal raising	C(L2)(L4)	
Plant nursery	C(L2)	
Mining and Quarrying	--	
Accessory off-street parking serving prohibited activities	P	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	17.102.110

Limitations on Table 17.37.01:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. These activities are not permitted within 300 feet of a lot line adjacent to the Hegenberger Road right-of-way.

L3. Existing fee parking lots may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

L4. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.37.040 Permitted and Conditionally Permitted Facilities

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR-1 zone. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"--" designates facilities that are prohibited

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones	Additional Regulations
	CR-1	
Residential Facilities		
One-Family Dwelling	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	
Two-Family Dwelling	--(L1)	
Multifamily Dwelling	--(L1)	
Rooming House	--(L1)	
Mobile Home	--(L1)	
Nonresidential Facilities		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Sidewalk Café	P	17.102.335

Table 17.37.02: Permitted and Conditionally Permitted Facilities		
Facilities	**Zones**	**Additional Regulations**
	CR-1	
Drive-In	C	
Drive-Through	C	
Telecommunications Facilities		
Micro Telecommunications	P	17.128
Mini Telecommunications	P	17.128
Macro Telecommunications	C	17.128
Monopole Telecommunications	C	17.128
Tower Telecommunications	--	17.128
Sign Facilities		
Residential Signs	P	17.104
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104
Advertising Signs	--	17.104

Limitations for Table 17.37.02:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming residential facilities.

17.37.050 Property Development Standards

A. Zone Specific Standards. Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.37.03: Property Development Standards		
Development Standards	**CR-1 zone**	**Additional Regulations**
Minimum Lot Dimensions		
Width mean	50 ft	1
Frontage	50 ft	1
Lot area	7,500 sf	1
Minimum/Maximum Setbacks		

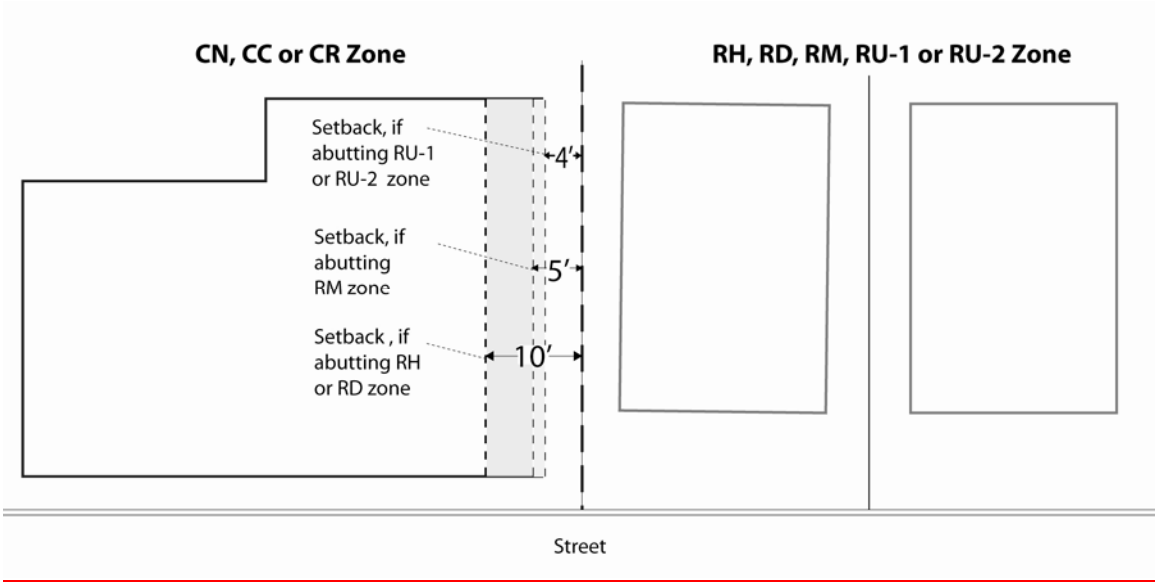
Table 17.37.03: Property Development Standards		
Development Standards	**CR-1 zone**	**Additional Regulations**
Minimum front	20 feet on parcels facing a right of way of 100 ft or more; 10 feet on parcels facing a right of way that is less than 100 feet wide.	2
Minimum interior side	0 ft	3
Minimum street side	0 ft	4
Rear	0/10/15 ft	5
Height and Floor Area Ratio Regulations	See Table 17.37.04	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking	

Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one-hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty (50) percent or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If 50 percent or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the residential zone with the lesser front setback.
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.37.03[Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03[Additional Regulation 3]

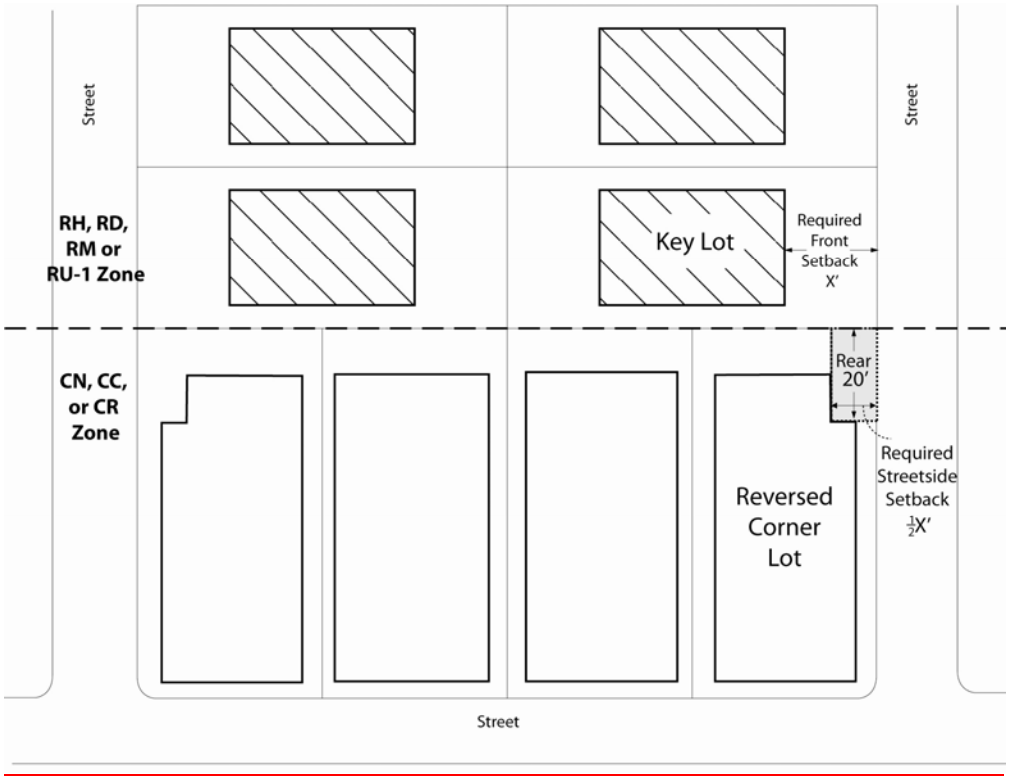
*for illustration purposes only



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot. (see Illustration for Table 17.37.03[Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03[Additional Regulation 4]

*for illustration purposes only



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

B. Height and Floor Area Ratio (FAR). Table 17.37.04 below prescribes height and FAR standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations								
Regulation	**Height Area**							
	35	**45**	**60**	**75**	**90**	**120**	**160**	**Additional Regulations**
Maximum Height	35 feet	45 feet	60 feet	75 feet	90 feet	120 feet	160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	

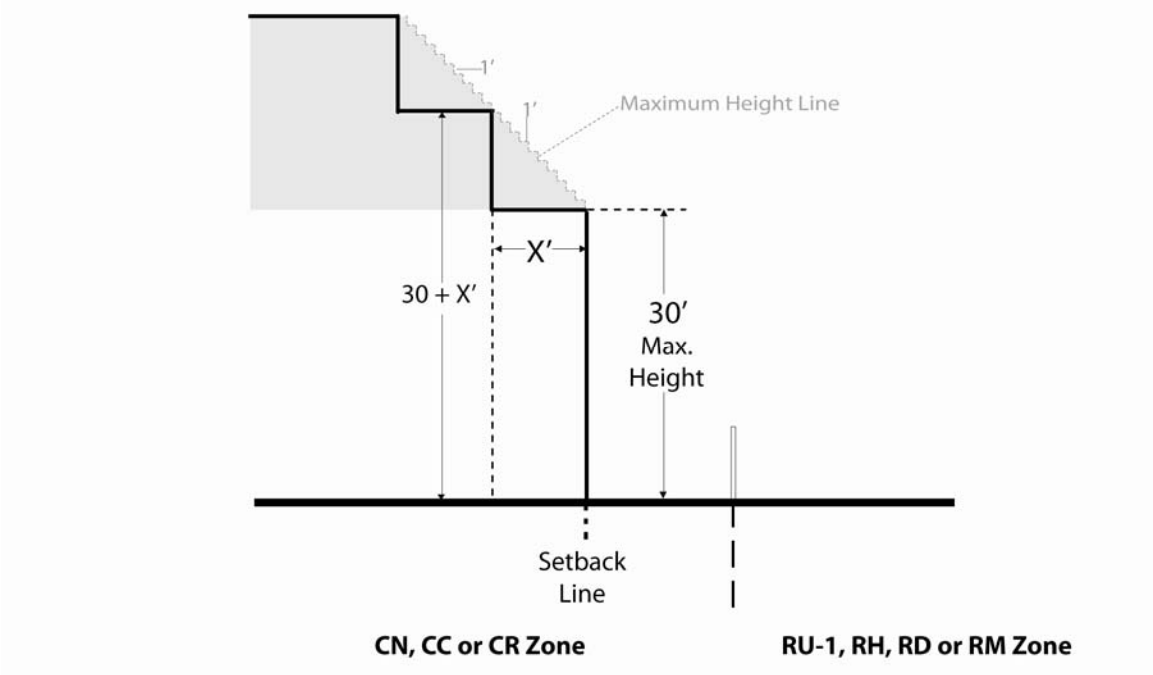
Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations								
Regulation	Height Area							
	35	45	60	75	90	120	160	Additional Regulations
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	15	

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM, or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.37.04[Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.37.04[Additional Regulation 1]

*for illustration purposes only



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

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

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

17.33.070 Other Zoning Provisions.

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

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

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

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

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

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

Chapter 17.54

C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE

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 Designated Historic Property, Potentially Designated Historic Property, ~~Facility accommodating an Automotive Servicing or an Automotive Repair and Cleaning Commercial Activity, Residential~~ 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. 11904 § 5.60 (part), 1996: prior planning code § 4552.1)

17.54.050 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:
- Permanent
- Residential Care occupying a One-Family Dwelling Residential Facility
- Semi-Transient

B. Civic Activities:
- Essential Service
- Limited Child-Care
- Community Assembly
- Recreational Assembly
- Community Education
- Nonassembly Cultural
- Administrative
- Health Care
- Utility and Vehicular, but excluding communications equipment installations and exchanges

C. Commercial Activities:
- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Medical Service
- General Retail Sales
- Consumer Service
- Consultative and Financial Service
- Consumer Cleaning and Repair Service
- Consumer Dry Cleaning Plant
- Administrative
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- General Wholesale Sales
- Building Material Sales
- Automobile and Other Light Vehicle Sales and Rental
- Automobile and Other Light Vehicle Gas Station and Servicing
- Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking

D. ~~Manufacturing~~ Industrial Activities:

Custom

E. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.31 (part), 1996; Ord. 11854 § 5, 1996; prior planning code § 4553)

17.54.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility
Service-Enriched Permanent Housing
Transitional Housing
Emergency Shelter

B. Civic Activities:

Extensive Impact
Utility and Vehicular (communications equipment installations and exchanges, only)
Special Health Care Civic Activities

C. Commercial Activities:

Check Cashier and Check Cashing
Fast-Food Restaurant
Convenience Market
~~Fast-Food Restaurant~~
Alcoholic Beverage Sales
Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
Group Assembly
Personal Instruction and Improvement and Small Scale Entertainment
Transient Habitation
Animal Care
Animal Boarding
Undertaking Service

D. ~~Manufacturing~~ Industrial Activities:

Light

E. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising (see Section 17.54.090)

F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 9, 2002; Ord. 12138 § 5 (part), 1999; Ord. 11854 § 6, 1996; prior planning code § 4554)

17.54.090 Special regulations applying to certain ~~Commercial~~ Activities.

A. Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.

B. Automobile and Other Light Vehicle Gas Station and Servicing.

1. Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities shall not involve open storage of goods or materials. All repair and lubrication performed by such activities shall take place in an enclosed building.

2. See Section 17.54.180b for special landscaping requirements.

3. See Section 17.54.110 for limitations on Signs.

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

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

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

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

(Prior planning code § 4558)

17.54.095 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of a~~n~~ RH, RD, RM, RU-1, or RU-2 residential zone~~residential zones R-1 through R-60 inclusive~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.54.120 Minimum lot area, width, and frontage.

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 4564)

17.54.130 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Basic Density. One regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. One efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet. For a combination of different types of living units,

the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

(Ord. 12501 § 43, 2003: prior planning code § 3815)

~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.28.120 for the R-70 zone. (Prior planning code § 4565)~~

17.54.140 Maximum nonresidential floor-area ratio.

The maximum floor-area ratio of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty ~~(50)~~ percent (50%) upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. (Prior planning code § 4567)

17.54.160 Minimum yards and courts.

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

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard.

1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4570)

17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit plus twenty (20) square feet per efficiency dwelling unit plus fifteen (15) square feet per rooming unit. All required space shall conform to the standards for required usable open space in Chapter 17.126. (Prior planning code § 3821) ~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.28.160 for the R-70 zone. (Prior planning code § 4571)~~

Chapter 17.56

C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

Sections:

17.56.010 Title, purpose, and applicability.
17.56.040 Required design review process.
17.56.050 Permitted activities.
17.56.060 Conditionally permitted activities.
17.56.070 Permitted facilities.
17.56.080 Conditionally permitted facilities.
17.56.090 Restriction on accessory parking and loading within seventy-five feet of front lot line.
17.56.095 Special regulations regarding crop and animal raising.
17.56.105 Restrictions on Telecommunications Facilities
17.56.100 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food restaurants,~~ and certain establishments selling alcoholic beverages or providing mechanical or electronic games.
17.56.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.56.120 Limitations on Signs.
17.56.130 Minimum lot area, width, and frontage.
17.56.140 Maximum residential density.
17.56.150 Maximum floor-area ratio.
17.56.160 Maximum height.
17.56.170 Minimum yards and courts.
17.56.180 Minimum usable open space.
17.56.190 Buffering.
17.56.200 Special regulations for mini-lot and planned unit developments.
17.56.210 Other zoning provisions.

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 Designated Historic Property, Potentially Designated Historic Property, ~~Residential~~ 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. 11904 § 5.60 (part), 1996: prior planning code § 4602.1)

17.56.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

B. Civic Activities:

Utility and Vehicular

Special Health Care Civic

Extensive Impact Civic

C. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

~~Fast-Food Restaurant~~

Alcoholic Beverage Sales

Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

General Wholesale Sales

Transient Habitation

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking

Animal Care

Animal Boarding

Undertaking Service

D. Industrial Activities:

Light Manufacturing

E. Agricultural and Extractive Activities:

Plant Nursery

Crop and Animal Raising (see Section 17.56.095)

F. Off-street parking serving activities other than those listed above or in Section 17.56.050, subject to the conditions set forth in Section 17.102.100.

G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 10, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 4604)

17.56.095 Special regulations regarding crop and animal raising.

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

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

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

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

17.56.100 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food restaurants,~~ and certain establishments selling alcoholic beverages or providing mechanical or electronic games.

See Section 17.102.210.
(Prior planning code § 4608)

17.56.105 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of a~~n~~ RH, RD, RM, RU-1, or RU-2 residential zone~~residential zones R-1 through R-60 inclusive~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.56.130 Minimum lot area, width, and frontage.

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 4614)

17.56.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a

public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

~~Residential uses shall be subject to the same maximum density and other, related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 4615)~~

17.56.150 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 7.00, except that this ratio may be exceeded:

1. By ten percent (10%) on any corner lot; and

2. By ten percent on any lot which faces or abuts a public park at least as wide as the lot; and

3. In the case of a Nonresidential Facility, by not to exceed fifteen ~~(15)~~ percent (15%) if one square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven square feet of additional floor area.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty ~~(50)~~ percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions in Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050. (Prior planning code § 4617)

17.56.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R-80 zone. See also Section 17.56.150(A)(3). (Prior planning code § 4621)~~

Chapter 17.58
CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

17.58.010 Title, Purpose, and Applicability

A. **Intent.** The provisions of this Chapter shall be known as the CBD Central Business District (CBD) regulations. The intent of the CBD regulations is to:

a. 2. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.

2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.

3 Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.

4. Encourage and enhance a pedestrian-oriented streetscape.

5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.

6. Preserve and enhance distinct neighborhoods in the Central Business District.

B. **Description of zones**. This Chapter establishes land use regulations for the following four zones:

1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.

2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.

4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	**Zones**				**Additional Regulations**
	CBD-R	**CBD-P**	**CBD-C**	**CBD-X**	
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.102.212
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	17.10.125
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	--	C(L6)	C	C	17.102.410
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	
Fast-Food Restaurant	--	C	C	C	17.102.210 and 8.09
Convenience Market	C(L7)	C	C	C	17.102.210
~~Fast-Food Restaurant~~	~~--~~	~~C~~	~~C~~	~~C~~	~~17.102.210 and 8.09~~
Alcoholic Beverage Sales	C(L7)	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery	--	--	--	--	

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	**Zones**				**Additional Regulations**
	CBD-R	**CBD-P**	**CBD-C**	**CBD-X**	
Sales					
Consumer Service	P(L4)(L7)	P(L4)	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	--	C	C	C	17.102.430
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	
Group Assembly	C(L7)	P(L4)	P	P	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	
Broadcasting and Recording Services Commercial Activities	--	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	--	--	--	C	
Transient Habitation	C(L8)	C(L6)	P	C	17.102.370
Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	C(L9)	C(L9)	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	C(L9)	C(L9)	
Automotive Fee Parking	C(L10)	C(L10)	C(L10)	C(L10)	
Animal Boarding	--	--	--	--	
Animal Care	--	C(L6)	C	C	
Undertaking Service	--	--	C	C	
Industrial Activities					
Custom Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	17.102.040
Light Manufacturing	--(L11)	--(L11)	--(L11)	C(L9)	17.102.040
General Manufacturing	--(L11)	--(L11)	--(L11)	--(L11)	17.102.040
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	C(L9)	C(L9)	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	C(L9)	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	**Zones**				**Additional Regulations**
	CBD-R	**CBD-P**	**CBD-C**	**CBD-X**	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	C	C	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	--	--	--	--	
Plant nursery	--	--	--	--	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L2 No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L4 With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

a. The proposal will not impair a generally continuous wall of building facades;
b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these

activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.

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

a) If the floor area devoted to the activity is less than 2,000 square feet and the activity takes place in a Local Register property then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).

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

L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

L10 Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L11. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.060 Property Development Standards

A. **Zone Specific Standards.** Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.58.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CBD-R	**CBD-P**	**CBD-C**	**CBD-X**	
Minimum Lot Dimensions					
Width	25 ft	25 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	1
Minimum/Maximum Setbacks					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	3

Table 17.58.03: Property Development Standards					
Development Standards	**Zones**				**Additional Regulations**
	CBD-R	**CBD-P**	**CBD-C**	**CBD-X**	
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	None	5 ft	5 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4
Minimum corner side	0 ft	0 ft	0 ft	0 ft	~~5~~
Rear	10 ft	0 ft	0 ft	0 ft	5~~6~~
Design Regulations					
Ground floor commercial façade transparency	50%	70%	60%	50%	6~~7~~
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	7~~8~~
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	8~~9~~

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty ~~(50)~~ percent (50%) or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
    a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
    b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
    c. In the CBD-P, CBD-C, and CBD-X zones, these maximum yards apply to seventy-five ~~(75)~~ percent (75%) of the street frontage on the principal street and fifty ~~(50)~~ percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty ~~(50)~~ percent (50%) upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.035, the proposal must also meet each of the following criteria:
        i. The additional yard area abutting the principal street is designed to accommodate publicly accessible sidewalk cafes and restaurants;
        ii. The proposal will not impair a generally continuous wall of building facades;
        iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and

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

~~1.~~d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, the proposal must also meet each of the following criteria:

i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;

ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and

iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.

4. In the CBD-R zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every four (4) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. See Section 17.108.130 for allowed projections into required yards.~~Finally, the required interior side yard setback is increased to ten (10) feet when adjacent to an interior side lot line of a parcel in an RH, RD, or RM zone. low- or medium-density residential zone.~~

~~5.When the rear yard of a reversed corner lot abuts a key lot that is in a RH, RD, or RM low- or medium-density residential zone, the required street side yard setback of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see Illustration 1-12a).~~

~~6.~~5. In the CBD-R zone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every four (4) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD zones:

a. A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a residential zone;

b. See Section 17.108.110 for reduced required rear yards setbacks next to an alley; and

c. See Section 17.108.130 for allowed projections into required yards.

~~7.~~6. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. On all other street facing facades, the requirement is one-half the standard for the façade facing the principal street. The area of required transparency is between two (2) feet and ten (10) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies. The bottom of any window used to satisfy this requirement may not be more than four (4) feet above the adjacent sidewalk. Glass block does not quality as a transparent window. Exceptions to this regulation may be allowed for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

~~8.~~7. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.

~~9.~~8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

~~1.~~1. Entrance. Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for nonresidential facilities shall be at grade.

~~2.~~2. Ground Floor Treatment. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a newly constructed building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.

~~3.~~3. Active Space Requirement. For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the ground floor of the principal building except for incidental entrances to such activities elsewhere in the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by subsection (E4).

~~4.~~4. Parking and Loading Location. For newly constructed principal buildings, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Open parking areas shall not be located between the sidewalk and a principal building.

~~5.~~5. Massing. The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.

~~6.~~6. Upper Story Windows. An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the façade. Less window space is only permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.

~~7.~~7. Building Terminus. The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These

rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.

~~7.~~8. Utility Storage. For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.

C. Height, Bulk, and Intensity. Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	**Height/Bulk/Intensity Area**							
	1	**2**	**3**	**4**	**5**	**6**	**7**	**Notes**
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	3
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	3
Minimum Height								
New principal buildings	None	None	None	45 ft	45 ft	45 ft	45 ft	4
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater	5
Tower Regulations								
Maximum average area of floor plates	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum	6
Maximum building length	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum	7
Maximum diagonal length	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum	
Minimum distance between towers on the same lot	Not Applicable	Not applicable	40 ft	40 ft	40 ft	40 ft	No Minimum	

Notes:

~~7.~~8. See Chapter 17.107 for affordable and senior housing density incentives.

~~8.~~9. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.

~~9.~~10. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

~~B.~~11. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.

~~B.~~12. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:

~~d.~~a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is fifteen thousand (15,000) square feet and the 5th story of the other tower is twenty thousand (20,000) square feet, then the total floor area of the 5th story is thirty five thousand (35,000) square feet.

~~e.~~b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen ~~(15)~~ percent (15%) greater than the maximum average per story floor area above base.

~~f.~~c. A story that is more than fifteen ~~(15)~~ percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.

~~B.~~13. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:

~~1.~~a. The floor area of an individual tower floor plate cannot be more than fifteen ~~(15)~~ percent (15%) greater than the maximum average tower floor plate.

~~2.~~b. An individual tower floor plate that is more than fifteen ~~(15)~~ percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.

~~B.~~14. The following regulation applies to lots that both: 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

17.58.070 Usable open space standards

A. **General.** This section contains the usable open space standards and requirements for residential development in the CBD zones. These requirements shall ~~supercede~~supersede those in Chapter 17.126.

B. **Definitions of CBD usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:

~~a.~~1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.

~~b.~~2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.

~~c.~~3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.

~~d.~~4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.

C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:

1. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.58.05: Required Dimensions of Usable Open Space		
Type of Usable Open Space	**Minimum Dimension**	**Notes**
Private	10 ft for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft	
Rooftop	15 ft	1
Courtyard	15 ft	

Note:

1. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

3. **Openness.** There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty ~~(50)~~ percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. **Location.** Required usable open space may be located anywhere on the lot except that not more than fifty ~~(50)~~ percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

D. **Landscaping requirements.** At least fifty ~~(50)~~ percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty ~~(30)~~ percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc). The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

~~Chapter 17.60~~

~~C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.60.010 Title, purpose, and applicability.**~~
~~**17.60.040 Required design review process.**~~
~~**17.60.050 Permitted activities.**~~
~~**17.60.060 Conditionally permitted activities.**~~
~~**17.60.070 Permitted facilities.**~~
~~**17.60.080 Conditionally permitted facilities.**~~
~~**17.60.090 Restriction on open accessory parking and loading.**~~
~~**17.60.100 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.**~~
~~**17.60.105 Restrictions on Telecommunications Facilities**~~
~~**17.60.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**~~
~~**17.60.120 Limitations on Signs.**~~
~~**17.60.130 Minimum lot area, width, and frontage.**~~
~~**17.60.140 Maximum residential density.**~~
~~**17.60.150 Maximum floor-area ratio.**~~
~~**17.60.160 Maximum height.**~~
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~~**17.60.180 Minimum usable open space.**~~
~~**17.60.190 Buffering.**~~
~~**17.60.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.**~~
~~**17.60.210 Other zoning provisions.**~~

~~17.60.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the C-51 central business service commercial zone regulations. The C-51 zone is intended to create, preserve, and enhance areas for medium-intensity development of offices and business service activities, and is typically appropriate to the service commercial areas immediately adjoining the core of the central district. These regulations shall apply in the C-51 zone. (Prior planning code § 4825)~~

~~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 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)~~

~~17.60.050 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-Family Dwelling Residential Facility~~
~~Semi-Transient~~
~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Community Education~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Health Care~~
~~Utility and Vehicular, but excluding communications equipment installation and exchanges~~
~~C. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurants~~
~~Limited Service Restaurants and Cafe~~
~~Consumer Service~~
~~Medical Service~~
~~General Retail Sales~~
~~Consultative and Financial Service~~
~~Consumer Cleaning and Repair Service~~
~~Consumer Dry Cleaning Plant~~
~~Group Assembly~~
~~Personal Instruction and Improvement and Small Scale Entertainment~~
~~Administrative~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~Research Service~~
~~General Wholesale Sales~~
~~Transient Habitation~~
~~D. Manufacturing Activities:~~
~~Custom~~
~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.31 (part), 1996; Ord. 11854 § 7, 1996; prior planning code § 4828)~~

~~17.60.060 Conditionally permitted activities.~~
~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~
~~Emergency Shelter~~
~~B. Civic Activities:~~
~~Extensive Impact~~
~~Utility and Vehicular (communications equipment installations and exchanges,~~

~~only)~~
~~Special Health Care Civic Activities~~
~~C. Commercial Activities:~~
~~Check Cashier and Check Cashing~~
~~Convenience Market~~
~~Fast Food Restaurant~~
~~Alcoholic Beverage Sales~~
~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
~~Automobile and Other Light Vehicle Sales And Rental~~
~~Automobile and Other Light Vehicle Gas Station and Servicing~~
~~Automobile and Other Light Vehicle Automotive Repair and Cleaning~~
~~Automotive Fee Parking~~
~~Animal Care~~
~~Undertaking Service~~
~~Transient Habitation, subject to the provisions of Section 17.102.370~~
~~D. Manufacturing Activities:~~
~~Light~~
~~E. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~
~~F. Off-street parking serving activities other than those listed above or in Section 17.60.050, subject to the conditions set forth in Section 17.102.100.~~
~~G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.100. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 11, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11854 § 8, 1996; prior planning code § 4829)~~

~~17.60.070 Permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~
~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~
~~Multifamily Dwelling~~
~~Rooming House~~
~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~
~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~
~~Business~~
~~D. Telecommunications Facilities:~~
~~Mini, except when a Major Conditional Use Permit is required by Section 17.60.105~~

~~Micro, except when a Major Conditional Use Permit is required by Section 17.60.105~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 5, 1997; prior planning code § 4830)~~

~~17.60.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Nonresidential Facilities:~~

~~Open~~

~~Drive-In~~

~~Drive-Through~~

~~B. Off-Street Parking Facilities serving fifty (50) or more vehicles.~~

~~C. Telecommunications Facilities:~~

~~Macro~~

~~Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4831)~~

~~17.60.090 Restriction on open accessory parking and loading.~~

~~All accessory off-street parking and loading areas shall be located within enclosed buildings except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~(Prior planning code § 4832)~~

~~17.60.100 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~

~~See Section 17.102.210.~~

~~(Prior planning code § 4833)~~

~~17.60.105 Restrictions on Telecommunications Facilities~~

~~A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones R-1 through R-60 inclusive, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~17.60.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~

~~See Section 17.102.230.~~

~~(Prior planning code § 4834)~~

~~17.60.120 Limitations on Signs.~~

~~A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020. (Ord. 12606 Att. A (part), 2004: prior planning code § 4838)~~

~~17.60.130 Minimum lot area, width, and frontage.~~

~~Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 4839)~~

~~17.60.140 Maximum residential density.~~
~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.~~
~~(Prior planning code § 4840)~~

~~17.60.150 Maximum floor-area ratio.~~
~~The maximum floor-area ratio of facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:~~
~~A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 7.00, except that this ratio may be exceeded:~~
~~1. By ten percent on any corner lot; and~~
~~2. By ten percent on any lot which faces or abuts a public park at least as wide as the lot; and~~
~~3. In the case of a Nonresidential Facility, by not to exceed fifteen (15) percent if one square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven square feet of additional floor area.~~
~~B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection (A) may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~
~~(Prior planning code § 4842)~~

~~17.60.160 Maximum height.~~
~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.60.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.56, 1996: prior planning code § 4844)~~

~~17.60.170 Minimum yards and courts.~~
~~No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~
~~A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~
~~B. Side Yard--Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~
~~C. Side Yard--Interior Lot Line.~~
~~1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~
~~2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~D. Rear Yard.~~

~~1. A rear yard with a minimum depth of fifteen (15) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~

~~2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~

~~E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4845)~~

~~17.60.180 Minimum usable open space.~~

~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. See also Section 17.60.150(A)(3). (Prior planning code § 4846)~~

~~17.60.190 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.60.090. (Prior planning code § 4847)~~

~~17.60.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-51 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-51 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4848)~~

~~17.60.210 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-51 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-51 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4849)~~

~~Chapter 17.62~~

~~C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.62.010 Title, purpose, and applicability.**~~
~~**17.62.040 Required design review process.**~~
~~**17.62.050 Permitted activities.**~~
~~**17.62.060 Conditionally permitted activities.**~~
~~**17.62.070 Permitted facilities.**~~
~~**17.62.080 Conditionally permitted facilities.**~~
~~**17.62.090 Restriction on open accessory parking and loading.**~~
~~**17.62.100 Special regulations applying to certain Commercial Activities.**~~
~~**17.62.105 Restrictions on Telecommunications Facilities**~~
~~**17.62.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**~~
~~**17.62.120 Limitations on Signs.**~~
~~**17.62.130 Minimum lot area, width, and frontage.**~~
~~**17.62.140 Maximum residential density.**~~
~~**17.62.150 Maximum residential floor-area ratio.**~~
~~**17.62.160 Maximum height.**~~
~~**17.62.170 Minimum yards and courts.**~~
~~**17.62.180 Minimum usable open space.**~~
~~**17.62.190 Buffering.**~~
~~**17.62.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.**~~
~~**17.62.210 Other zoning provisions.**~~

~~**17.62.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter, shall be known as the C-55 central core commercial zone regulations. The C-55 zone is intended to preserve and enhance a very high-intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the central district. These regulations shall apply in the C-55 zone. (Prior planning code § 4875)~~

~~**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 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)~~

~~**17.62.050 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~
~~Permanent~~
~~Residential Care occupying a One-~~
~~Family Dwelling Residential~~

~~Facility~~
~~Semi-Transient~~
~~B. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Health Care~~
~~C. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurants~~
~~Limited Service Restaurants and Cafe~~
~~Consumer Service~~
~~Medical Service~~
~~General Retail Sales~~
~~Consultative and Financial Service~~
~~Consumer Cleaning and Repair Service~~
~~Consumer Dry Cleaning Plant~~
~~Group Assembly~~
~~Personal Instruction and Improvement and Small Scale Entertainment~~
~~Administrative~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~Research Service~~
~~D. Manufacturing Activities:~~
~~Custom~~
~~(Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4878)~~

~~17.62.060 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Activities:~~
~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Service-Enriched Permanent Housing~~
~~Transitional Housing~~
~~Emergency Shelter~~
~~B. Civic Activities:~~
~~Utility and Vehicular~~
~~Special Health Care Civic Activities~~
~~Extensive Impact Civic~~
~~C. Commercial Activities:~~
~~Check Cashier and Check Cashing~~
~~Convenience Market~~
~~Fast-Food Restaurant~~
~~Alcoholic Beverage Sales~~

~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
~~General Wholesale Sales~~
~~Automobile and Other Light Vehicle Sales and Rental~~
~~Automobile and Other Light Vehicle Gas Station and Servicing~~
~~Automotive Fee Parking~~
~~Animal Care~~
~~Undertaking Service~~
~~Transient Habitation, subject to the provisions of Section 17.102.370~~

~~D. Industrial Activities:~~
~~Light Manufacturing~~

~~E. Agricultural and Extractive Activities:~~
~~Crop and Animal Raising~~

~~F. Off-street parking serving activities other than those listed above or in Section 17.62.050, subject to the conditions set forth in Section 17.102.100.~~

~~G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 12, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; prior planning code § 4879)~~

~~17.62.070 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Facilities:~~
~~One-Family Dwelling~~
~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
~~Two-Family Dwelling~~
~~Multifamily Dwelling~~
~~Rooming House~~

~~B. Nonresidential Facilities:~~
~~Enclosed~~
~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~C. Signs:~~
~~Residential~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~
~~Business~~

~~D. Telecommunications Facilities:~~
~~Micro, except when a Major Conditional Use Permit is required by Section 17.62.105~~
~~Mini, except when a Major Conditional Use Permit is required by Section 17.62.106~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 6, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4880)~~

~~17.62.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Nonresidential Facilities:~~

~~Open~~

~~Drive-In~~

~~Drive-Through~~

~~B. Off-Street Parking Facilities serving fifty (50) or more vehicles.~~

~~C. Telecommunications Facilities:~~

~~Macro~~

~~Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4881)~~

~~17.62.090 Restriction on open accessory parking and loading.~~

~~All accessory off-street parking and loading areas shall be located within enclosed buildings, except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~(Prior planning code § 4882)~~

~~17.62.100 Special regulations applying to certain Commercial Activities.~~

~~A. Pawnbroking, Poolrooms, and Secondhand Merchandise. Pawnbroking, poolroom, and secondhand merchandise activities are not permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Convenience Markets, Fast-Food Restaurants, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.~~

~~(Prior planning code § 4883)~~

~~17.62.105 Restrictions on Telecommunications Facilities~~

~~A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones R-1 through R-60 inclusive, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~17.62.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~

~~See Section 17.102.230.~~

~~(Prior planning code § 4884)~~

~~17.62.120 Limitations on Signs.~~

~~A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.~~

~~(Prior planning code § 4888)~~

~~17.62.130 Minimum lot area, width, and frontage.~~

~~Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain~~

~~a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~
~~(Prior planning code § 4889)~~

~~**17.62.140 Maximum residential density.**~~
~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.~~
~~(Prior planning code § 4890)~~

~~**17.62.150 Maximum residential floor-area ratio.**~~
~~The maximum floor-area ratio of residential facilities shall be as set forth in Section 17.32.150 for the R-90 zone.~~
~~(Prior planning code § 4892)~~

~~**17.62.160 Maximum height.**~~
~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.62.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.~~
~~(Ord. 11904 § 5.58, 1996: prior planning code § 4894)~~

~~**17.62.170 Minimum yards and courts.**~~
~~No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~
~~A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~
~~B. Side Yard - Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~
~~C. Side Yard - Interior Lot Line.~~
~~1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~
~~2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~
~~D. Rear Yard.~~
~~1. A rear yard with a minimum depth of fifteen (15) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~
~~2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~
~~E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4895)~~

~~**17.62.180 Minimum usable open space.**~~
~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. (Prior planning code § 4896)~~

~~**17.62.190 Buffering.**~~
~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial~~

~~illumination; and other matters specified therein. See also Section 17.62.090. (Prior planning code § 4897)~~

~~17.62.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-55 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-55 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~C. Large-Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4898)~~

~~17.62.210 Other zoning provisions.~~

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

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

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

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-55 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-55 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4899)~~

~~Chapter 17.64~~

~~C-60 CITY SERVICE COMMERCIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.64.010 Title, purpose, and applicability.**~~
~~**17.64.020 Required design review process.**~~
~~**17.64.030 Permitted activities.**~~
~~**17.64.040 Conditionally permitted activities.**~~
~~**17.64.050 Permitted facilities.**~~
~~**17.64.060 Conditionally permitted facilities.**~~
~~**17.64.070 Special regulations applying to certain Commercial Activities.**~~
~~**17.64.075 Restrictions on Telecommunications Facilities**~~
~~**17.64.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**~~
~~**17.64.090 Limitations on Signs.**~~
~~**17.64.100 Minimum street frontage.**~~
~~**17.64.110 Maximum height.**~~
~~**17.64.120 Minimum yards.**~~
~~**17.64.130 Buffering.**~~
~~**17.64.140 Special regulations for mini-lot and planned unit developments.**~~
~~**17.64.150 Other zoning provisions.**~~

~~**17.64.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter shall be known as the C-60 city service commercial zone regulations. The C-60 zone is intended to create, preserve, and enhance areas with a variety of commercial services which are essential to the economy of the city and is typically appropriate to centralized areas near industrial concentrations. These regulations shall apply in the C-60 zone. (Prior planning code § 4900)~~

~~**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 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)~~

~~**17.64.030 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Civic Activities:~~
~~Essential Service~~
~~Recreational Assembly~~
~~Nonassembly Cultural~~
~~Utility and Vehicular, but excluding communications equipment installations and exchanges~~

~~B. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurant~~
~~Limited Service Restaurant and Café~~
~~Convenience Market~~
~~Consumer Service~~
~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
~~General Retail Sales~~
~~Consumer Cleaning and Repair Service~~
~~Consumer Dry Cleaning Plant~~
~~Personal Instruction and Improvement and Small Scale Entertainment~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~Research Service~~
~~General Wholesale Sales~~
~~Wholesale Professional Building Material Sales~~
~~Automobile and Other Light Vehicle Sales and Rental~~
~~Automobile and Other Light Vehicle Gas Station and Servicing~~
~~Automotive and Other Light Vehicle Repair and Cleaning~~
~~Taxi and Light Fleet-Based Service, except as provided in Section 17.102.210F~~
~~Transport and Warehousing, except as provided in Section 17.102.210F~~
~~Animal Care~~
~~Animal Boarding~~
~~Undertaking Service~~
~~C. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 11904 § 5.33, 1996; Ord. 11854 § 9, 1996; prior planning code § 4903)~~

~~17.64.040 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Civic Activities:~~
~~Community Assembly~~
~~Extensive Impact~~
~~Utility and Vehicular (communications equipment installations and exchanges, only)~~
~~B. Commercial Activities:~~
~~Fast Food Restaurant~~
~~Alcoholic Beverage Sales~~
~~Consumer Service~~
~~Group Assembly~~
~~Administrative~~
~~Automotive Fee Parking~~
~~C. Manufacturing Activities:~~
~~Custom~~
~~Light~~
~~D. Agricultural and Extractive Activities:~~

~~Crop and Animal Raising~~

~~E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.100.110. (Ord. 11956 § 3, 1996; Ord. 11854 § 10, 1996; prior planning code § 4904)~~

~~17.64.050 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Nonresidential Facilities:~~

~~Enclosed~~

~~Open~~

~~Drive-In~~

~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~B. Signs:~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~C. Telecommunications Facilities:~~

~~Micro, except when a Major Conditional Use Permit is required by Section 17.64.075~~

~~Mini, except when a Major Conditional Use Permit is required by Section 17.64.075~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 7, 1997; Ord. 11904 § 5.37 (part), 1996; prior planning code § 4905)~~

~~17.64.060 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Nonresidential Facilities:~~

~~Drive-Through~~

~~B. Telecommunications Facilities:~~

~~Macro~~

~~Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.41 (part), 1996; prior planning code § 4906)~~

~~17.64.070 Special regulations applying to certain Commercial Activities.~~

~~The maximum floor area devoted to General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities by any single establishment shall be three thousand (3,000) square feet. See also Section 17.102.210. (Prior planning code § 4908)~~

~~17.64.075 Restrictions on Telecommunications Facilities~~

~~A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones R-1~~

~~through R-60 inclusive, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~17.64.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~

~~See Section 17.102.230. (Prior planning code § 4909)~~

~~17.64.090 Limitations on signs.~~

~~A. General Limitations. All signs shall be subject to the applicable limitations set forth in Section 17.104.020. (Ord. 12606 Att. A (part), 2004: prior planning code § 4913)~~

~~17.64.100 Minimum street frontage.~~

~~Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 4914)~~

~~17.64.110 Maximum height.~~

~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.64.090 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.59, 1996: prior planning code § 4919)~~

~~17.64.120 Minimum yards.~~

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

~~A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~

~~B. Side Yard--Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~C. Side Yard--Interior Lot Line. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~D. Rear Yard. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones. (Prior planning code § 4920)~~

~~17.64.130 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Prior planning code § 4922)~~

~~17.64.140 Special regulations for mini-lot and planned unit developments.~~

~~A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-60 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-60 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 4923)~~

~~**17.64.150 Other zoning provisions.**~~

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

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

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

~~D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-60 zone.~~

~~E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-60 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning e~~

Chapter 17.65

HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.010 Title, purpose, and applicability.

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

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

- Allow for mixed use districts that recognize both residential and business activities;
- Establish development standards that allow residential and business activities to compatibly co-exist;
- Provide a transition between industrial areas and residential neighborhoods;
- Encourage development that respects environmental quality and historic patterns of development;

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

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

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

Housing and Business Mix 3 (HBX-3) Zone. The HBX-3 zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities. (Ord. 12772 § 1 (part), 2006)

17.65.020 Required design review process.

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

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

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

17.65.030 Permitted, conditionally permitted and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the

HBX~~-1, HBX-2, and HBX-3~~ zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

"P" designates permitted activities in the corresponding zone.

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

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

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

Activity	**Regulations**			**Additional Regulations**
	HBX-1	**HBX-2**	**HBX-3**	
Residential Activities				
Permanent Residential	P	P	P	
Residential Care occupying a One-Family Dwelling Residential Facility	P	P	P	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212
Semi-Transient Residential	C	C	C	17.102.212
Bed and Breakfast	--	--	--	17.12.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P(L1)	P(L1)	P(L1)	
Recreational Assembly	P(L1)	P(L2)	P(L3)	
Community Education	C	C	C	
Nonassembly Cultural	P(L2)	P(L2)	P(L2)	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	C	C	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L3)	P(L3)	P(L3)	
Limited Service Restaurant and Café	P(L3)	P(L3)	P(L3)	
Fast-Food Restaurant	--	--	--	17.102.210
Convenience Market	C	C	C	17.102.210
~~Fast-Food Restaurant~~	~~--~~	~~--~~	~~--~~	~~17.102.210~~
Alcoholic Beverage Sales	C	C	C	17.102.210
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P(L2)	P(L2)	P(L2)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	

Activity	**Regulations**			**Additional Regulations**
	HBX-1	**HBX-2**	**HBX-3**	
Consumer Service	P	P	P	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	--	--	--	17.102.430
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement and Small Scale Entertainment	C	C	C	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Service	P	P	P	
Broadcasting and Recording Service	P	P	P	
Research Service	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	
General Wholesale Sales	P(L2)	P(L2)	P(L2)	
Transient Habitation	--	--	--	17.102.370
Building Material Sales	P(L5)	P(L5)	P(L5)	
Automotive and other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--(L6)	--	--	
Automotive and Other Light Vehicle Repair and Cleaning	--(L6)	--	--	
Taxi and Light Fleet-Based Service	P(L7)	P(L7)	P(L7)	
Automotive Fee Parking	--	--	--	
Transport and Warehousing	P(L7)	P(L7)	P(L7)	
Animal Care	C	C	C	
Animal Boarding	--	--	--	
Undertaking Service	--	--	--	
Scrap Operation	--	--	--	17.102.210
Industrial~~Manufacturing~~ Activities				
Custom Manufacturing	P(L2)	P(L2)	P(L2)	17.120
Light Manufacturing	P(L2)(L4)	P(L2)(L4)	P(L2)(L4)	17.120
General Manufacturing	--	--	--	
Heavy Manufacturing	--	--	--	
Small Scale Transfer and Storage Hazardous Waste Management	--	--	--	
Industrial Transfer/Storage Hazardous Waste Management	--	--	--	
Residuals Repositories Hazardous Waste Management	--	--	--	
Agricultural and Extractive Activities				
Plant Nursery	C	C	C	
Crop and Animal Raising	~~--~~C(L8)	~~--~~C(L8)	~~--~~C(L8)	
Mining and Quarrying Extractive	--	--	--	
Accessory off-street parking serving prohibited	C	C	C	17.102.110

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
activities				
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations:

L1- The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L2- The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L3- The total floor area devoted to a grocery store shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L4- Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

L5- This activity shall is only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is the principal activity on a lot that is twenty five thousand (25,000) square feet or larger or covers twenty five thousand (25,000) square feet or more of lot area.

L6- Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See 17.114 for general regulations regarding nonconforming uses.

L7- Warehousing is permitted if the total floor area by a single establishment does not exceed twenty-five thousand (25,000) square feet. Floor areas over twenty-five thousand (25,000) square feet are only permitted upon the granting of a conditional use permit (see Chapter 17.134). Outdoor storage as a principal activity is only permitted upon the granting of a conditional use permit (see Chapter 17.134). Container storage, oil and gas storage, freight terminals, corporation yards, truck terminals, and truck services as primary activities are not permitted. Also, see Section 17.65.050 for special regulations regarding self storage establishments.

L8- Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.65.050 Special regulations for self storage establishments.

A. For the purposes of this Chapter, a "self storage establishment" means an establishment that provides storage in small individual spaces that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public. Generally, the individual storage spaces are four hundred (400) square feet or less.

B. No more than twenty percent (12%) of the total floor area on a lot shall be occupied by self storage establishments.

C. No project that includes a self storage establishment shall have any floor area devoted to self storage within twenty (20) feet of the building frontage.

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

17.65.060 Minimum lot area width and frontage.

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

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

Note:
See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations. Lots that do not meet the standards described above may be developed if they meet the requirements described in Subsection 17.106.010A and all other applicable requirements.
(Ord. 12772 § 1 (part), 2006)

17.65.100 Maximum height.

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

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

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in ~~the~~a ~~n R-1 through R-50~~RH, RD, or RM residential zone~~s~~. This maximum height shall increase one foot for every foot of distance from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. See subsection (B) for situations when exceeding these maximum heights may be permitted.
3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see 17.134).

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.(Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12772 § 1 (part), 2006)

17.65.150 Special regulations for HBX work/live units.

A. Definition. An "HBX work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes (1) cooking space and sanitary facilities that

satisfy the provisions of other applicable codes and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit accommodates both residential and nonresidential activities but emphasizes the accommodation of commercial activities. An HBX work/live unit meets all applicable regulations contained in this section.

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

C. Regulations in this section do not ~~supercede~~supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

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

Standard	**Requirement**		**Notes**
Activities allowed in an HBX work/live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)		
Required parking	One parking space per unit plus one additional unassigned visitor or employee parking space per five HBX work/live units		1
Required bicycle parking	**With private garage for each unit:**	**Without private garage for each unit:**	2
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minim requirement is two short-term spaces.	
Required loading	**Square feet of facility**	**Requirement**	3
	Less than 25,000 square feet	No berth required	
	25,000--69,999 square feet	One berth	
	70,000--130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Required usable open space	75 square feet of usable open space per unit		
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

Notes:
1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. All required usable open space shall meet the usable open standards contained in Chapter 17. 126, except that all usable open space for HBX work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.

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

Unit Type	**Maximum residential floor area**	**Special requirements**	**Separation between residential and nonresidential floor area**
Type 1	One-third	None	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

Type 2	45 percent	There must be two entrances into the unit, one adjacent to the residential space, the other adjacent to the nonresidential space; the nonresidential entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	1. The majority of the nonresidential floor area for the unit must be at a public street level and directly accessible to the street; 2. The unit must have no residential floor area at the ground level; and 3. The ground floor entrance must be clearly designated as a business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines).

Notes:

~~i.~~1. In Types 1 and 2, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these unpartitioned kitchens, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed. The counters, cabinets, sink and appliances in the area that will function as a kitchen and the floor area that is four feet in front of these items shall be considered residential floor area.

~~ii.~~2. See 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.

F. All required plans for the creation of HBX work/live units shall (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

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

1. Residential floor area shall be considered areas containing bedrooms, sleeping areas, and kitchens (not including kitchenettes).

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

3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this subsection.

4. The floor area between residential rooms that will commonly be used for residential activities and foot traffic such as the corridors and areas between bedrooms, kitchens, residentially designated bathrooms, and other similar areas shall be considered residential floor area.

5. The floor area of bathrooms shall be counted according to the following rules:

~~A.~~a. If there is only one bathroom in the unit, half of the bathroom shall be considered residential floor area and half shall be considered nonresidential floor area;

~~B.~~b. If there is more than one bathroom in a unit the rules in the following table shall apply:

Bathroom access	**Floor area calculation of bathroom**
Bathroom can only be accessed through residential floor area	All of bathroom shall be considered residential floor area
Bathroom can be directly accessed from both nonresidential and residential floor area	Half of bathroom shall be considered residential floor area, the other half nonresidential floor area.

Bathroom can only be accessed through nonresidential floor area	All of bathroom shall be considered nonresidential floor area. However, if all bathrooms in the unit require access through nonresidential floor area, then at least one bathroom shall be considered residential floor area. In this case, the bathroom that is closest to or most conveniently accessed from residential floor area shall be designated as residential floor area.

6. In unpartitioned kitchens (see footnote 1 of the table contained in subsection E), the counters, cabinets, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
7. If any part of a loft or mezzanine is designated as residential space according to rules above, then the entire loft or mezzanine space shall be considered residential floor area.

~~17.101D.010~~8. The Planning Director shall determine the designation of the floor area when the above standards do not clearly do so.

H. Each HBX work/live unit shall contain no more than one fully equipped kitchen. An HBX work/live unit may contain a second kitchenette to serve the nonresidential floor area. For the purposes of this section a kitchenette shall be considered a space with a counter that is no more than twenty (20) square feet, a sink, and an area for a refrigerator. No stovetop or oven (excluding microwave ovens) shall be permitted in a kitchenette.

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

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

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

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

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

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

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

N. The development of HBX work/live units in an HBX zone shall not be considered adding housing units to the City's rental supply and does not create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The development standards for HBX work/live units

are not intended to be a circumvention of the requirements of the City's condominium conversion ordinance, Chapter 16.36.

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

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

2. That a building containing HBX work/live units has nonresidential activities and nonresidential floor area on the ground floor or level and at street fronting elevations. These units shall have a significant ground floor street presence. The floor area facing the streets shall contain nonresidential activities and a depth of at least twenty (20) feet for lots more than thirty-five (35) feet wide, fifteen (15) feet otherwise. This ground level shall be either part of a larger HBX work/live Type 3 unit or its own independent commercial space;

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

4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, interior space visible to the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;

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

6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

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

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

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

d. Wide corridors for the movement of oversized items.

7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees. and other business visitors. (Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12772 § 1 (part), 2006)

17.65.160 Special regulations for HBX live/work units.

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

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

C. Regulations in this section do not ~~supercede~~supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.

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

Standard	Requirement		Note
Activities allowed in an HBX live/work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a residential facility (See Chapter 17.112)		
Required parking	One parking space per unit		1
Required bicycle parking	**With private garage for each unit:**	**Without private garage for each unit:**	
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two-short-term spaces.	2
Required loading	**Square feet of facility**	**Requirement**	3
	Less than 50,000 square feet	No berth required	
	50,000--149,999 square feet	One berth	
	150,000--299,999 square feet	Two berths	
	Each additional 300,000 square feet	One additional berth	
Permitted density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.130		

Notes:
1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However. the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall ~~supercede~~supersede the requirement for a conditional use permit stated in Section 17.116.220.

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

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

G. For any HBX Live/Work Facility a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased. or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

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

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

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

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

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

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

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

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

d. Wide corridors for the movement of oversized items.

(Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12772 § 1 (part), 2006)

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

A. Mini-Lot Developments. In mini-lot developments, certain regulations otherwise applying to individual lots in the HBX-l, HBX-2 and HBX-3 zones may be waived or modified when and as prescribed in Section 17.102.320.

B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX~~-1, HBX-2 and HBX-3~~ zones, and certain of the other regulations applying in said zones may be waived or modified. (Ord. 12772 § 1 (part), 2006)

17.65.180 Other zoning provisions.

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

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

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

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

E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the in the HBX~~-1, HBX-2 and HBX-3~~ zones.

F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the HBX~~-1, HBX-2 and HBX-3~~ zones. (Ord. 12772 1 (part), 2006).

~~Chapter 17.66~~

~~M-10 SPECIAL INDUSTRIAL ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.66.010 Title, purpose, and applicability.**~~
~~**17.66.020 Required design review process.**~~
~~**17.66.030 Permitted activities.**~~
~~**17.66.040 Conditionally permitted activities.**~~
~~**17.66.050 Permitted facilities.**~~
~~**17.66.060 Conditionally permitted facilities.**~~
~~**17.66.070 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.**~~
~~**17.66.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**~~
~~**17.66.090 Performance standards for Commercial and Manufacturing Activities.**~~
~~**17.66.100 Limitations on Signs.**~~
~~**17.66.110 Minimum lot frontage.**~~
~~**17.66.120 Maximum floor-area ratio.**~~
~~**17.66.130 Maximum height.**~~
~~**17.66.140 Minimum yards.**~~
~~**17.66.150 Buffering and landscaping.**~~
~~**17.66.160 Other zoning provisions.**~~

~~**17.66.010 Title, purpose, and applicability.**~~

~~The provisions of this chapter, shall be known as the M-10 special industrial zone regulations. The M-10 zone is intended to create, preserve, and enhance areas containing manufacturing and related establishments with limited external impact within an open and attractive setting, and is typically appropriate to locations near major thoroughfares and nonmanufacturing areas. These regulations shall apply in the M-10 zone. (Prior planning code § 5400)~~

~~**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 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)~~

~~**17.66.030 Permitted activities.**~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Civic Activities:~~
~~Essential Service~~
~~Limited Child-Care~~
~~Nonassembly Cultural~~
~~Administrative~~

~~B. Commercial Activities:~~

~~General Food Sales~~
~~Full Service Restaurant~~
~~Limited Service Restaurant and Café~~
~~Consumer Service~~
~~Medical Service~~
~~Consultative and Financial Service~~
~~Administrative~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~Research Service~~
~~General Wholesale Sales~~
~~Automotive Fee Parking~~

~~C. Industrial Activities:~~
~~Custom Manufacturing~~
~~Light Manufacturing~~

~~D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 11904 § 5.64 (part), 1996; prior planning code § 5403)~~

~~17.66.040 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.34:~~

~~A. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Utility and Vehicular~~
~~Extensive Impact~~
~~Special Health Care Civic Activities~~

~~B. Commercial Activities:~~
~~Convenience Market~~
~~Fast Food Restaurant~~
~~Alcoholic Beverage Sales~~
~~Automobile and Other Light Vehicle Gas Station and Servicing~~

~~C. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~Crop and Animal Raising~~

~~D. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12450 § 14, 2002; Ord. 12772 § 1 (part), 2006)~~

~~17.66.050 Permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Nonresidential Facilities:~~
~~Enclosed~~

~~B. Signs:~~
~~Special~~
~~Development~~
~~Realty~~
~~Civic~~
~~Business~~

~~C. Telecommunications:~~
~~Micro~~
~~Mini~~
~~Macro~~
~~(Ord. 11904 § 5.66 (part), 1996; prior planning code § 5405)~~

~~17.66.060 Conditionally permitted facilities.~~
~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Nonresidential Facilities:~~
~~Open~~
~~Drive-In~~
~~Drive-Through~~
~~B. Telecommunications:~~
~~Monopole~~
~~(Ord. 11904 § 5.68 (part), 1996; prior planning code § 5406)~~

~~17.66.070 Special regulations applying to Convenience Markets, Fast-Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~
~~See Section 17.102.210. (Prior planning code § 5408)~~

~~17.66.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~
~~See Section 17.102.230. (Prior planning code § 5409)~~

~~17.66.090 Performance standards for Commercial and Manufacturing Activities.~~
~~All Commercial and Manufacturing Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120. (Prior planning code § 5410)~~

~~17.66.100 Limitations on Signs.~~
~~A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020. (Ord. 12606 Att. A (part), 2004: prior planning code § 5413)~~

~~17.66.110 Minimum lot frontage.~~
~~Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 5414)~~

~~17.66.120 Maximum floor-area ratio.~~
~~The maximum floor-area ratio of any facility shall be 0.50. (Prior planning code § 5417)~~

~~17.66.130 Maximum height.~~
~~Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.66.100 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.69, 1996: prior planning code § 5419)~~

~~17.66.140 Minimum yards.~~

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

~~A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except that a greater depth shall be required, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~

~~B. Side Yard--Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~C. Side Yard--Interior Lot Line. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~D. Rear Yard. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones. (Prior planning code § 5420)~~

~~17.66.150 Buffering and landscaping.~~

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

~~B. Landscaped Front Yard. The minimum front yard required by Sections 17.66.140A and 17.108.040 shall, except for necessary driveways and walkways, be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. (Prior planning code § 5422)~~

~~17.66.160 Other zoning provisions.~~

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

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

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

~~D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the M-10 zone.~~

~~E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-10 zone. (Ord. 11807 § 4 (part), 1995; prior planning code § 5424)~~

Chapter 17.68

M-20 LIGHT INDUSTRIAL ZONE REGULATIONS

Sections:

17.68.010 Title, purpose, and applicability.
17.68.020 Required design review process.
17.68.030 Permitted activities.
17.68.040 Conditionally permitted activities.
17.68.050 Permitted facilities.
17.68.060 Conditionally permitted facilities.
17.68.070 Special regulations applying to certain Commercial and Civic Activities.
17.68.071 Special regulations applying to Hazardous Waste Management Activities.
17.68.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.68.090 Performance standards for Commercial and ~~Manufacturing~~ Industrial Activities.
17.68.100 Limitations on Signs.
17.68.110 Minimum lot frontage.
17.68.120 Maximum height.
17.68.130 Minimum yards.
17.68.140 Buffering and landscaping.
17.68.150 Other zoning provisions.

17.68.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Civic Activities:

Essential Service
Limited Child-Care
Nonassembly Cultural
Administrative

B. Commercial Activities:

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
Medical Service
General Retail Sales
Consumer Service
Consultative and Financial Service
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales
Automotive and Other Light Vehicle Repair and Cleaning~~, except as provided in Section 17.102.370.~~
Automotive Fee Parking~~, except as provided in Section 17.102.370.~~

C. Industrial Activities:

Custom Manufacturing --when located further than one hundred fifty (150) feet from residential zones
Light Manufacturing --when located further than one hundred fifty (150) feet from residential zones

D. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12289 § 4 (part), 2000; Ord. 11904 § 5.64 (part), 1996; prior planning code § 5603)

17.68.040 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Civic Activities:

Community Assembly
Recreational Assembly
Community Education
Utility and Vehicular
Extensive Impact
Special Health Care Civic Activities

B. Commercial Activities:

Fast-Food Restaurant
Convenience Market
~~Fast-Food Restaurant~~
Alcoholic Beverage Sales
Consumer Cleaning and Repair Service
Consumer Dry Cleaning Plant
Wholesale Professional Building Material Sales
Automobile and Other Light Vehicle Gas Station and Servicing
Taxi and Light Fleet-Based Service
~~, except as provided in Section 17.102.210F~~
Transport and Warehousing~~, except as provided in Section 17.102.210F~~
Animal Care
Animal Boarding

C. Industrial Activities:

Custom Manufacturing --when located within one hundred fifty (150) feet of residential zones
Light Manufacturing --when located within one hundred fifty (150) feet of residential zones
General Manufacturing, provided that electroplating activities shall also be subject to the provisions of Section 17.102.340
Warehousing, Storage, and Distribution—Automotive Salvage/Junk Yards
Small Scale Transfer and Storage Hazardous Waste Management when located a minimum of 2,000 feet from a Residential Facility; such facilities when located within 2,000 feet of a Residential Facility are not permitted

D. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising (see Section 17.68.070)
Mining and Quarrying

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12450 §

15, 2002; Ord. 12147 § 3 (part), 1999; Ord. 12072 § 6, 1998; Ord. 11956 § 4, 1996; prior planning code § 5604)

17.68.070 Special regulations applying to certain ~~Commercial and Civic~~ Activities.

A. Administrative Activities, Medical Service, and Consultative and Financial Service. The total floor area devoted to Administrative Civic Activities or Administrative, Medical Service, or Consultative and Financial Service Commercial Activities on any single lot shall not exceed fifteen thousand (15,000) square feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. General Retail Sales and Consumer Service. The total floor area devoted to General Retail Sales or Consumer Service Commercial Activities by any single establishment shall not exceed three thousand (3,000) square feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

C. Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210. (Prior planning code § 5608)

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

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

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

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

17.68.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

See Section 17.102.230. (Prior planning code § 5609)

17.68.090 Performance standards for Commercial and ~~Manufacturing~~Industrial Activities.

All Commercial and ~~Manufacturing~~ Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120. (Prior planning code § 5610)

Chapter 17.70

M-30 GENERAL INDUSTRIAL ZONE REGULATIONS

Sections:

17.70.010 **Title, purpose, and applicability.**
17.70.020 **Required design review process.**
17.70.030 **Permitted activities.**
17.70.040 **Conditionally permitted activities.**
17.70.050 **Permitted facilities.**
17.70.060 **Conditionally permitted facilities.**
17.70.070 **Special regulations applying to certain Commercial and Civic Activities.**
17.70.080 **Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**
17.70.081 **Special regulations applying to Hazardous Waste Management Activities.**
17.70.090 **Performance standards for Commercial and ~~Manufacturing~~ Industrial Activities within four hundred feet of residential zone.**
17.70.100 **Limitations on Signs.**
17.70.110 **Minimum lot frontage.**
17.70.120 **Maximum height.**
17.70.130 **Minimum yards.**
17.70.140 **Buffering.**
17.70.150 **Other zoning provisions.**

17.70.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Civic Activities:

Essential Service
Limited Child-Care
Nonassembly Cultural
Administrative
Utility and Vehicular, but excluding communications equipment installation and exchanges

B. Commercial Activities:

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Convenience Market
Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
Medical Service
General Retail Sales
Consumer Service
Consultative and Financial Service
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales

Building Material Sales
Automobile and Other Light Vehicle Gas Station and Servicing~~, except as provided in Section 17.102.380.~~
Automotive and Other Light Vehicle Repair and Cleaning~~, except as provided in Section 17.102.380.~~

Taxi and Light
Fleet-Based Service~~, except as provided in Section 17.102.210E and subject to provisions in Section 17.102.380~~
Automotive Fee Parking~~, except as provided in Section 17.102.380.~~
Transport and Warehousing~~, except as provided in Section 17.102.210E and subject to provisions in Section 17.102.380.~~

C. Industrial Activities:
Custom Manufacturing
Light Manufacturing
General Manufacturing, except electroplating activities

D. Agricultural and Extractive Activities:
Plant Nursery
Crop and Animal Raising

Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100.
(Ord. 12289 § 4 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 11956 § 5, 1996; Ord. 11904 § 5.65 (part), 1996; prior planning code § 5703)

17.70.090 Performance standards for Commercial and ~~Manufacturing~~Industrial -Activities within four hundred feet of residential zone.

All Commercial and ~~Manufacturing~~Industrial -Activities which are located within four hundred (400) feet from any boundary of a residential zone shall be subject to the applicable provisions of the performance standards in Chapter 17.120. (Prior planning code § 5710)

Chapter 17.72

M-40 HEAVY INDUSTRIAL ZONE REGULATIONS

17.72.030 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Civic Activities:

Essential Service
Limited Child-Care
Nonassembly Cultural
Administrative
Utility and Vehicular, but excluding communications equipment installations and exchanges

B. Commercial Activities:

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Convenience Market
Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C
Medical Service
General Retail Sales
Consumer Service
Consultative and Financial Service
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales
Building Material Sales
Automobile and Other Light Vehicle Sales and Rental
Automobile and Other Light Vehicle Gas Station and Servicing
Automotive and Other Light Vehicle Repair and Cleaning
Taxi and Light Fleet-Based Service~~, except as provided in Section 17.102.210F~~
Automotive Fee Parking
Transport and Warehousing~~, except as provided in Section 17.102.210F~~
~~Scrap Operation, except as provided in Section 17.102.210F~~

C. Industrial Activities:

Custom Manufacturing
Light Manufacturing
General Manufacturing, except electroplating activities

D. Agricultural and Extractive Activities:

Plant Nursery
Crop and Animal Raising

E. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.102.100. (Ord. 12147 § 3 (part), 1999; Ord. 11956 § 7, 1996; Ord. 11904 § 5.65 (part), 1996; Ord. 11889 § 2, 1996: Ord. 11854 § 13, 1996; prior planning code § 5803)

Chapter 17.73

CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES REGULATIONS

17.73.010 Title, Purpose, and Applicability

The provisions of this chapter shall be known as the industrial zones regulations. This chapter establishes regulations for the (CIX-1) Commercial Industrial Mix-1, (CIX-2) Commercial Industrial Mix-2, (IG) General Industrial, and (IO) ~~and~~ Industrial Office.

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

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

A. CIX-1 Commercial Industrial Mix 1 Zone. The CIX-1 zone is intended to create, preserve, and enhance the industrial areas of West Oakland that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-scale commercial and retail uses will be limited to sites with direct access to the regional transportation system.

B. CIX-2 Commercial Industrial Mix 2 Zone. The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.

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

D. IO Industrial Office Zone. The IO zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial

establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

17.73.020 Permitted and Conditionally Permitted Uses and Facilities

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

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

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

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

"--" designates uses and facilities that are prohibited in the corresponding zone.

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Residential Uses	All residential uses prohibited in each zone				
Civic Uses					
Essential Service	C	C	C	C	
Limited Child-Care	--	--	--	--	
Community Assembly	P	C	--	C	
Recreational Assembly	P	C	--	C	
Community Education	P	C	--	C	
Nonassembly Cultural	P	C	--	C	
Administrative	P	C	--	C	
Health Care	P	--	--	--	
Special Health Care	C	C	--	--	-
Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Uses					
General Food Sales	P	C (L1)	C (L1)	P (L1)	
Full Service Restaurant	P	C (L1)	C (L1)	P (L1)	
Limited Service Restaurant and Café	P	C (L1)	C (L1)	P (L1)	
~~Convenience Market~~Fast Food Restaurant	C	C	--	C	See Section 17.102.210
~~Fast Food Restaurant~~ Convenience Market	C	C	--	C	
Alcoholic Beverage Sales	L2	C	--	--	
Mechanical or Electronic Games	L3	--	--	--	
Medical Service	P	C	--	C	
General Retail Sales	P	--	--	--	In the CIX-2 and IO zones, Retail allowed as an accessory use only ~~in CIX-2 and IO~~ per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P	P	--	C	

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Consultative and Financial Services	P	--	--	--	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Cleaning and Repair Service	P	C	--	--	
Consumer Dry Cleaning Plant	P	C	--	--	
Group Assembly	P (L7)	C (L8)	C (L8)	C (L8)	
Personal Instruction and Improvement and Small Scale Entertainment	P (L7)	C (L8)	C (L8)	C (L8)	
Administrative	P	P	L9	P	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P	P	C	P	
General Wholesale Sales	P	P	P	P	No retail ancillary activities for this use allowed in IG or IO.
Transient Habitation	--	--	--	--	
Building Material Sales	L3	L3	--	--	
Automobile and Other Light Vehicle Sales and Rental	P	C	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	P	P	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive and Other Light Vehicle Repair and Cleaning	L3	L3	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
Automotive Fee Parking	L3	P	P	P	
Animal Care	L4	C	C	--	
Animal Boarding	L4	C	C	--	
Undertaking Service	P	C	C	--	
Industrial Uses					
Custom Manufacturing	P	P	P	P	
Light Manufacturing	P	P	P	P	
General Manufacturing	L3	L3	P	--	
Heavy Manufacturing	--	--	C	--	
Research and Development	P	P	P	P	
Construction Operations	L3	L3	L3	C	
Warehousing, Storage and Distribution					

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses		Zones				Additional Regulations
		CIX-1	CIX-2	IG	IO	
A.	General Warehousing, Storage and Distribution	P	P	P	P	No retail component of this use allowed in IG or IO. See Section 17.73.060
B.	General Outdoor Storage	C	L3	P	P	
C.	Self or Mini Storage	C	C	--	C	
D.	Container Storage	--	L3	P	--	
E.	Automotive Salvage and Junk Yards	--	--	L3	--	
Regional Freight & Transportation:						
A.	Seaport	--	--	P	C	
B.	Rail Yard	--	C	P	--	
Trucking & Trucking-related Activities:						
A.	Freight/Truck Terminal	L5	L3	P	--	If located within (150) feet of any residential zone boundary is pursuant to the design review procedure in Chapter 17.136.
B.	Truck Yard	L5	C	P	C	
C.	Truck Weigh Stations	--	P	P	--	
D.	Truck & Other Heavy Vehicle Sales, Rental & Leasing	L6	P	P	P	
E.	Truck & Other Heavy Vehicle Service, Repair, and Refueling	L5	P	P	--	
Recycling & Waste Related Activities						
A.	Satellite Recycling Collection Centers	C	C	C	C	
B.	Primary Collection Centers	L10	L10	L11	--	
Hazardous Materials Production, Storage & Waste-Related Activities						L12 See also Health & Safety Protection Zone (S-19)
A.	Small Scale Transfer and Storage	--	C	C	--	
B.	Industrial Transfer/Storage	--	--	C	--	
C.	Residuals Repositories	--	--	C	--	
D.	Oil and Gas Storage	--	--	L2	--	
Agricultural and Extractive uses						
Plant nursery		P	P	P	--	
Crop and animal raising		~~C~~(L13)	~~C~~(L13)	C(L13)	--	See Section 17.102.220
Mining and Quarrying Extractive		--	--	C	--	

Facility Types	Zones	Additional Regulations

	CIX-1	CIX-2	IG	IO	
Residential Facilities	All residential uses prohibited in each zone				
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	C	C	--	--	See Section 17.102.335
Drive-In Nonresidential	--	--	--	--	
Drive-Through Nonresidential	C	C	C	C	See Section 17.102.290
Shopping Center Facility	--	--	--	--	
Telecommunications					
Micro Telecommunications	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	
Macro Telecommunications	C	C	P	P	
Monopole Telecommunications	C	C	P	P	
Tower Telecommunications	--	--	P	P	
Signs					
Residential Signs	--	--	--	--	See Chapter 17.104
Special Signs	P	P	P	P	
Development Signs	P	P	--	--	
Realty Signs	P	P	P	P	
Civic Signs	P	P	P	P	
Business Signs	P	P	P	P	
Advertising Signs	--	--	--	--	

Limitations:

L1. Limited to location on a ground floor in CIX-2, IG and IO. Over 5,000 sf floor area requires a conditional use permit in CIX-2, IG, and IO.

L2. Prohibited within 300 feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in CIX-2).

L3. A conditional use permit is required if within 300 feet of a residential zone; Permitted if beyond 300 feet of a residential zone.

L4. A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.

L5. Prohibited within 600 feet of a residential zone. A conditional use permit is required elsewhere throughout the zone.

L6. A conditional use permit is required: a) if within 300 feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds 50% of site area.

L7. A conditional use permit is required for entertainment uses.

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

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

L10. Prohibited within 300 feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in 17.73.035 is required if beyond 300 feet of a residential zone boundary.

L11. Prohibited within 300 feet of a residential zone, permitted outright beyond 300 feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.

L12. A conditional use permit is required for electroplating activities.

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

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Additional Regulations Noted in Table 17.73.~~02~~030:

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.
2. A conditional use permit to exceed the permitted floor area ratio (FAR) may be allowed, as shown in parentheses above in Table 17.~~31~~73.030, upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134; and to all of the following additional criteria:
   a. Additional intensity does not subject residentially zoned areas within 300 feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;
   b. The site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume.
   c. If adjacent to a residential or open space zone boundary the proposed development has a step back of one foot to every one foot of height, beginning with a maximum height of 30 feet at all required yard setbacks; and
   d. All new development activities meet the Performance Standards in 17.120.
3. Except as other wise provided in Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), and Subsection 17.108.010 on lots lying along a boundary of certain residential zones. See Section 17.104.020 for maximum height of signs.
4. The height of materials stored in any outdoor yards may be no higher than eight (8) feet within the required rear or side yard setback along the property line. However, materials may be stacked up to the height of the wall, and may be stacked within the required yard area if a solid masonry wall eight (8) to ten (10) feet in height and buffer planting is installed. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the 10 foot yard requirement, shall be according to the Fire Code regulations.
5. See 17.108.040, 17.108.070, 17.108.090, 17.108.100, 17.108.110, and 17.108.130 for minimum front, side, and rear yards in commercial and industrial zones which may be across from, abut or be adjacent to a residential zone or alley. Accessory structures or other facilities allowed within the yards and setbacks is in sections 17.108.130.
6. All new projects which involve the construction of a new building, or the expansion or replacement of existing building footprint by more than twenty percent (20%) ~~percent~~ such that the floor area to site ratio exceeds thirty five percent (35%), shall comply with the landscape requirements. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See also 17.124 Landscaping and Screening Standards.
7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover,

shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.

8. Parking Lot Landscaping applies only to lots associated with new construction with more than 25,000 sf floor area. Shade trees shall be provided at a ratio of 1 tree for every 10 spaces through the parking lot. A minimum of 10 percent of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through Design Review. Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.
9. For all projects requiring a building permit, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.
10. The street tree requirement noted above shall apply only to properties in the IG zone that have frontage on San Leandro Street, 98th Avenue, 66th Avenue, and Hegenberger Road.
11. Applies to new development; or expansion of industrial or commercial buildings by more than 20 percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent (35%), which ever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.
12. Driveway shall not exceed 35 (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.
13. A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.
14. Applies to all property lines in industrial zones, except those fronting a public street, which directly abut a residential or open space zone. All buffering Requirements apply to: a) new development; or expansion of an industrial or commercial building by more than 20 percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent (35%), whichever is greater.
15. A reduced buffer requirement may be permitted with the provision of a solid wood or articulated masonry wall of at least eight (8) feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The planting requirement may be eliminated if appropriate and approved by the Planning Director. The fence or wall design shall be approved by the Planning Director.

17.73.035 Special Regulations for Primary Collection Centers in the Industrial Zones

A. **Applicability.** This Section applies to Primary Collection Centers, as defined in 17.10.~~585~~ 586 "Recycling and Waste-Related Industrial Activities," that are located in the Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) or General Industrial (IG) zone. Conditional use permits issued for operations in CIX zones must contain conditions no less stringent than the performance standards set out in this Section. Where there is any apparent conflict between these regulations and regulations contained elsewhere in Title 17 of the Oakland Municipal Code, and/or with conditions of approval, the more stringent shall govern.

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

1. **Site Design and Layout.**
For new and expanded uses, submittal and approval of the following plans, and implementation of approved plans shall be required:
   a. Site and floor plans, which shall include designated areas for separation and disposal of materials, as well as required fencing/walls, to the Planning and Zoning and Building Services Divisions;
   b. Building plans to the Fire Services Division;
   c. Fire safety/emergency plan to the Fire Services Division.

~~1.~~2. **Signage.** For existing, new or expanded uses: identification, directional and informational signs shall be provided on site in conformance with Chapter 17.104 General Limitation on Signs and with the small project design review procedure in Chapter 17.136. At a minimum, the following information shall be posted near the entrance(s) and/or perimeter of the facility:
   a. Business Identification, 24-hour contact information of facility operator;
   b. Hours of operation;
   c. Signage prohibiting the delivery or drop off of material to be recycled after-hours;
   d. Signage prohibiting illegal dumping, littering loitering or sleeping in proximity of the site's perimeter;
   e. A map of authorized truck routes to the facility posted at the office or scale house (and available to customers);
   f. A list of accepted and/or non-accepted materials for recycling.

~~2.~~3. **Appearance and Design.**
   a. Landscaping.
      i) For existing, new or expanded uses, all required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.
      ii) For new or expanded uses, submittal and approval of a landscape and irrigation maintenance plan and/or street tree plan, and implementation of approved plan for new and expanded uses, as required by the Planning Director or his/her designee;
   b. Screening. For existing, new and expanded uses, screening by a solid fences and/or walls shall be required around the entire site;
   c. Lighting.
      i) For new or expanded uses, submittal and approval of lighting plans, and implementation of approved plans, to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency shall be required. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector so as to prevent unnecessary glare onto adjacent properties or public streets.
      ii) For existing uses, lighting shall comply with the performance standards of Section 17.120.100 of the Oakland Planning Code relating to glare. Lighting shall be so operated as to not adversely affect nearby properties or public streets.

~~3.~~4. **Noise, Vibration and Other Applicable Health and Safety Regulations.** For existing, new or expanded uses:

a. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning and Building Services Divisions;
b. Vibration levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code. If vibration levels exceed these standards, the activity causing the vibration shall be abated until appropriate vibration reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services;
c. The project operator/applicant shall comply with State and other regional bodies and/or applicable regulations including, but not limited to, the federal Clean Water Act and Occupational Safety and Health Administration (OSHA), the California Penal Code Section 496.(a), the Environmental Protection Agency (EPA), the Bay Area Air Quality Management District (BAAQMD) and Best Management Practices (BMP) for stormwater.

~~4.~~5. **Litter, Debris, Graffiti and Cleanliness.** For existing, new or expanded uses:
a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;
b. The public right-of-way shall not be used for storage or processing of materials;
c. Graffiti shall be removed within seventy-two (72) hours of application;
d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Collection Center. In addition, the Primary Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.
e. A site/immediate neighborhood shopping cart management plan shall be developed, implemented and maintained, such that it is ready for inspection. If the Primary Collection Center accepts materials from the public brought by means of a shopping cart, it shall be responsible for the retrieval of all shopping carts within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). Additionally, a Primary Collection Center shall post signage that includes contact information to report abandoned shopping carts in the vicinity of the facility; if called or notified by a member of the public about abandoned shopping carts located within a two-block radius of the premises, a Primary Collection Center shall retrieve said carts. A two-block radius of the premises shall comprise all street sides of the twenty-five- (25) square block area that includes the block on which the premises is located (as the center block of the twenty-five (25) square block area) See Figure 17.73.01).
f. A loitering deterrence plan shall be developed, implemented and maintained, such that is ready for inspection;

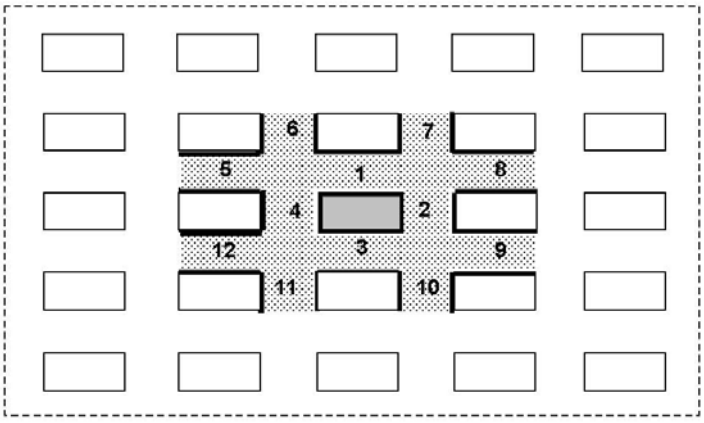
~~5.~~6. **Circulation.** For new or expanded uses submittal and approval of the following plans, and implementation of approved plans are required:

a. A circulation plan that shows ingress and egress, parking both on-site and off-street, as well as includes provisions for any needed staff to monitor on-site traffic operations, submitted to the Transportation Services Division;
b. A plan showing rail loading and unloading within site shall be required (as applicable) submitted to the Transportation Services Division.

~~6.~~7. **Equipment and Facilities.** For existing, new or expanded uses:
a. There shall be no exterior pay telephones located at the site;
b. All equipment shall be maintained and kept in good working order;
c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

~~7.~~8. **Operations.** All existing, new or expanded uses:
a. Shall have a representative attend Neighborhood Crime Prevention Council meetings—a minimum of two meetings per year or more frequently if items pertaining to their facility are on the agenda—for their community policing beat with the sole purpose of addressing and responding to community complaints. For the purposes of this provision said representative will mean a site or company manager with sufficient authority to address the concerns of neighbors;
b. Shall maintain a 24 hour "hotline" where neighbors can log complaints regarding nuisance activity associated with or emanating from the recycling facility. Complaints logs shall be maintained and made available to the City for inspection/copying upon reasonable notice;

Figure 17.73.01: Illustration of Extent of Area Primary Collection Centers are responsible for Litter/Garbage/Debris Removal and Shopping Cart Retrieval



Area of Responsibility for Cleanliness/litter management plan (Section 17.73.035B.5d) and;

If Primary Collection Center accepts materials from the public brought by means of a shopping cart.retrieval (Section 17.73.035B.5e), area of responsibility for Primary Collection Center to retrieve abandoned shopping carts (the facility monitors area).

If Primary Collection Center accepts materials from the public brought by means of a shopping cart retrieval (Section 17.73.035B.5e), area of responsibility for Primary Collection Center to retrieve abandoned shopping carts ***only*** *if contacted by a member of the public* (complaint-based).

Note: The block on which Primary Collection Center is located is in the center, shown in gray.

c. Shall provide staff and training for traffic operations needed on-site, as required by the Transportation Services Division as part of any circulation plan;
d. Shall develop, implement and maintain a plan for the disposal and containment of non-recoverable materials that is ready for inspection; submittal and approval of such a plan prior to operation shall be required for new or expanded uses;
e. Shall keep all entrance gates closed and locked when the primary recycling collection facility is not open to the public;
f. Shall not burn insulation from copper wire as a means to increase the material's value or for any other purpose.

C. **Relief from Performance Standards.** Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the

performance standards within 10 (ten) days of being initially notified of the performance standards. For purposes of this section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination.. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code chapter 17.132.

17.73.040 Special Regulations for Work/Live Units in the Industrial Zones

~~1.~~A. **Applicability.** A work/live unit in the industrial zones must meet all applicable regulations contained in this section. Regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters for work/live units in the industrial zones only.

~~2.~~B. **Definition.** A "work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. A work/live unit accommodates a primary nonresidential activity with an accessory residential component.

~~3.~~C. **Conditional use permit required.**

~~E.~~1. Establishment of a work/live unit for new construction is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 on lots that are both: (1) in the CIX-1 or CIX-2 zones, and (2) within three-hundred feet of a residential zone.

~~F.~~2. Establishment of a work/live unit through the conversion of an existing building originally designed for commercial or industrial activities is permitted in all industrial zones with the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 provided there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "live/work" (issued August 29, 2001 and amended August 23, 2004).

~~4.~~D. **Regular design review required.** Establishment of a work/live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily work/live units in the industrial zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
2. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing roll up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
4. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

a. Service elevators designed to carry and move oversized items,
b. Stairwells wide and/or straight enough to deliver large items,
c. Loading areas located near stairs and/or elevators and
d. Wide corridors for the movement of oversized items; and

5. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees and other business visitors.

~~5.~~E. **Activity, parking, loading, open space, and unit size standards for work/live units.** The following table contains the activities allowed in a work/live unit; the minimum size of an industrial work/live unit; and the parking, loading and open space required for each work/live unit:

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for work/live units.

Standard	Requirement		Notes
Activities allowed in a work/live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.		
Required parking	One parking space per unit plus one additional unassigned visitor or employee parking space per five work/live units		1, 3
Required loading	**Square feet of facility**	**Requirement**	
	Less than 10,000 square feet	No berth required	
	10,000--69,999 square feet	One berth	
	70,000--130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Required usable open space	75 square feet of usable open space per unit		2, 3
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

Notes:
1. See Chapter 17.116 for other off-street parking standards.
2. All required usable open space shall meet the usable open standards contained in Chapter 17. 126, except that all usable open space work/live units may be provided above ground. Further, each square foot of private usable open space equals two square feet towards the total usable open space requirement.
3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.

~~6.~~F. A work/live unit shall consist of a maximum of one-third (1/3) residential floor area with the remaining floor area to be used for the primary non-residential activity. All required plans for the creation of industrial work/live units shall: (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities, and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities.

~~7.~~G. Work/live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/ Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow industrial activities in work/live units in the industrial zones.

~~8.~~H. Each unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

~~9.~~I. For any work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

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

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

~~10.~~J. Each building with a work/live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."

~~11.~~K. The development of work/live units in the industrial zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.73.050 Parking and Loading Dock Restrictions

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

B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX-1, CIX-2, and IO except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a residential zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right of way. All existing loading docks are not subject to this requirement.

17.73.060 Referral to Other Applicable Regulations

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

Table 17.73.050~~3~~: Referral to Other Regulations

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.20 17.104.060
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.66.140A 17.108.040 17.124

Subject	Section
	17.68.130A
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120
The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	17.108.040
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.102~~210~~.070
Landmarks	17.05
Special Restrictions on Establishments Selling Alcoholic Beverages ~~(not low or medium residential zones)~~	17.102.210
Regulations applying to tobacco-oriented activities ~~(not low or medium residential zones)~~	17.102.350
Microwave dishes and energy production facilities	17.102.240
Special regulations applying to adult entertainment activities ~~(not low or medium residential zones)~~	17.102.160
Special regulations applying to massage service activities ~~(not low or medium residential zones)~~	17.102.170
Buffering regulations for lots with three or more required parking space. This includes the screening of parking, loading, glare, and storage from residential properties and zones	17.110.030
Buffer Regulations for commercial and industrial uses next to residential and open space zones	17.110
Special regulations applying to electroplating activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100A

Chapter 17.74

S-1 MEDICAL CENTER ZONE REGULATIONS

17.74.040 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility
Service-Enriched Permanent Housing
Transitional Housing
Emergency Shelter

B. Civic Activities:

Administrative
Utility and Vehicular
Community Education
Special Health Care Civic Activities

C. Commercial Activities:

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Fast Food Restaurant
Convenience Market
~~Fast Food Restaurant~~
Alcoholic Beverage Sales
Consumer Service
Consultative and Financial Service
Group Assembly
Personal Instruction and Improvement and Small Scale Entertainment
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
Automotive Fee Parking
Animal Care
Animal Boarding

D. Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.

(Ord. 12450 § 13, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 6104)

17.74.070 Special regulations applying to certain Commercial Activities.

All conditionally permitted Commercial Activities other than Automotive Fee Parking shall, except for accessory off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed buildings which are primarily occupied by permitted activities. ~~, with customer access only through the lobby of such a building~~. ~~No such activity shall be~~

~~located above the first story of any building. The maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) square feet.~~ See also Section 17.102.210. (Prior planning code § 6108)

17.74.075 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of a RH, RD, RM, RU-1, or RU-2 residential zone~~sresidential zones R-1 through R-60 inclusive,~~ except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.74.090 Use permit criteria for Commercial Activities.

A conditional use permit for any conditionally permitted Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional use permit criteria:

A. That the proposed activity is intended primarily to serve the medical center area in which it is located or the patients, practitioners, or employees of the center;~~, and will not attract any substantial patronage from other sources;~~

B. That the proposed activity will not ~~attract vehicular traffic which will~~ create or aggravate traffic congestion or interfere with the movement of traffic generated by permitted activities.

See also Section 17.102.210. (Prior planning code § 6111)

17.74.120 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use

permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 6115)~~

17.74.130 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as follows, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 4.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty ~~(50)~~ percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050. (Prior planning code § 6117)

17.74.150 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.

B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten feet.

C. Side Yard--Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 6120)

17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R-80 zone. (Prior planning code § 6121)~~

Chapter 17.76

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 Designated Historic Property, Potentially Designated Historic Property, ~~Residential~~ 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. 11904 § 5.60 (part), 1996: prior planning code § 6152.1)

17.76.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:
- Residential Care, except when occupying a One-Family Dwelling Residential Facility
- Service-Enriched Permanent Housing
- Transitional Housing
- Emergency Shelter

B. Civic Activities:
- Health Care
- Utility and Vehicular
- Extensive Impact

C. Commercial Activities:
- General Food Sales
- Full Service Restaurant
- Limited Service Restaurant and Café
- Fast-Food Restaurant
- Convenience Market
- ~~Fast-Food Restaurant~~
- Alcoholic Beverage Sales
- General Retail Sales
- Consumer Service
- Consumer Cleaning and Repair Service
- Consumer Dry Cleaning Plant
- Group Assembly
- Personal Instruction and Improvement and Small Scale Entertainment
- Business, Communication, and Media Service
- Broadcasting and Recording Service
- Research Service
- Transient Habitation
- Automobile and Other Light Vehicle Gas Station and Servicing
- Automotive Fee Parking

D. Off-street parking serving activities other than those listed above or in Section 17.76.050, subject to the conditions set forth in Section 17.102.100.

E. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; prior planning code § 6154)

17.76.095 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of ~~residential zones~~ RH, RD, RM, RU-1, or RU-2 residential zones~~R-1 through R-60 inclusive~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.76.110 Use permit criteria for Commercial Activities.

A conditional use permit for any conditionally permitted Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

A. That the proposed activity is intended primarily to serve the civic center area in which it is located or the employees and patrons of the center;

B. That the proposed activity will not ~~attract vehicular traffic which will~~ create or aggravate traffic congestion or interfere with the movement of traffic generated by permitted activities;

C. That the proposed activity is accommodated or served by facilities of such size, design, and location as will tend to keep the activity subordinate in impact and function to permitted activities within the civic center area.

See also Section 17.102.210. (Prior planning code § 6161)

17.76.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use

permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. ~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.30.140 for the R-80 zone. (Prior planning code § 6165)~~

17.76.150 Maximum floor-area ratio.

The maximum floor-area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor-area ratio on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The floor-area ratio permitted by subsection A of this section may be increased by not to exceed fifty ~~(50)~~ percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050. (Prior planning code § 6167)

17.76.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the structures or the other facilities allowed therein by Section 17.108.130:

A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.

B. Side Yard--Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten (10) feet.

C. Side Yard--Interior lot line. No side yard is generally required along an interior side lot line except as follows:

1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet, except as a lesser depth is allowed by Section 17.108.110.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 6170)

17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per rooming unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~Usable open space shall be provided for~~

~~Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R-80 zone. (Prior planning code § 6171)~~

Chapter 17.78

S-3 RESEARCH CENTER ZONE REGULATIONS

17.78.065 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of ~~residential zones~~the RH, RD, RM, RU-1, or RU-2 residential zones ~~R-1 through R-60 inclusive,~~ except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.78.090 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in ~~Section~~ Chapter 17.104.~~.030~~ (Prior planning code § 6213)

17.78.100 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of two (2) acres and a minimum lot width of one hundred (100) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 6214)

Chapter 17.82

S-6 MOBILE HOME COMBINING ZONE REGULATIONS

17.82.020 Zones with which the S-6 zone may be combined.

The S-6 zone may be combined only with a residential or commercial zone. ~~other than the C-20 and C-60 zones. (Prior planning code § 6351)~~

17.82.040 Mobile Home park standards.

A. Minimum Size. Mobile Home Residential Facilities shall not be located on any lot having a lot area of less than forty-five thousand (45,000) square feet.

B. Maximum Density. The maximum density in a Mobile Home park shall be one Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such ~~activity,~~ park.

C. Minimum Usable Open Space. Group usable open space shall be provided in the minimum amount of three hundred (300) square feet per Mobile Home. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.~~114.050 (A).~~ 126.020, except that actual group space shall be provided in the minimum amount of one hundred fifty (150) square feet per Mobile Home. All required space shall conform to the standards for required usable open space in Chapter 17.126.

D. Landscaping. All areas in a Mobile Home park which are not devoted to Mobile Home pads, walkways, driveways, parking or loading areas, patios, usable open space, or recreation or service facilities shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. Dense landscaping not less than five and one-half feet high and not less than three feet wide shall be provided along all lot lines, exclusive of necessary walkways and driveways, subject to the standards for required landscaping and screening and the exceptions stated therein.

E. Walkways. Walkways shall provide direct access between abutting streets and all individual Mobile Home sites. (Prior planning code § 6358)

Chapter 17.84

S-7 PRESERVATION COMBINING ZONE REGULATIONS

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

~~Chapter 17.86~~

~~S-8 URBAN STREET COMBINING ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.86.010 Title, purposes, and applicability.**~~
~~**17.86.020 Zones with which the S-8 zone may be combined.**~~
~~**17.86.030 Duplicated regulation.**~~
~~**17.86.040 Required design review process.**~~
~~**17.86.050 Permitted activities in front twenty feet of ground floor.**~~
~~**17.86.060 Conditionally permitted activities in front twenty feet of ground floor.**~~
~~**17.86.070 Restrictions on parking and loading at ground level.**~~
~~**17.86.080 Prohibition of advertising signs.**~~
~~**17.86.090 Use permit criteria.**~~
~~**17.86.100 Design review criteria.**~~

~~**17.86.010 Title, purposes, and applicability.**~~

~~The provisions of this chapter shall be known as the S-8 urban street combining zone regulations. The S-8 zone is intended to create, preserve, and enhance compact, attractive, and clearly defined street and plaza spaces and to assure ground-level continuity of retail and consumer service uses along key shopping frontages, and is typically appropriate to major pedestrian shopping streets in the central district. These regulations shall apply in the S-8 zone, and are supplementary to the regulations applying in the zones with which the S-8 zone is combined. (Prior planning code § 6450)~~

~~**17.86.020 Zones with which the S-8 zone may be combined.**~~

~~The S-8 zone may be combined with any commercial zone. (Prior planning code § 6451)~~

~~**17.86.030 Duplicated regulation.**~~

~~Whenever any provision of the S-8 combining zoning regulations imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the S-8 combining zone shall control, except as otherwise expressly provided in the zoning 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 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.~~
~~(Ord. 12606 Att. A (part), 2004: prior planning code § 6452)~~

~~**17.86.050 Permitted activities in front twenty feet of ground floor.**~~

~~Only the following activities shall be located on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets, except as otherwise provided in Sections 17.86.050 and 17.86.080 and except that pedestrian entrances to activities elsewhere in the building may occupy not more than one-third of the face of the building as measured parallel to the street line or lines:~~

~~A. Civic Activities:~~

~~Essential Service~~
~~B. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurant~~
~~Limited Service Restaurant and Café~~
~~Medical Service~~
~~General Retail Sales~~
~~Consumer Service~~
~~Consultative and Financial Service~~
~~Consumer Cleaning and Repair Service~~
~~Consumer Dry Cleaning Plant~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~(Prior planning code § 6453)~~

~~17.86.060 Conditionally permitted activities in front twenty feet of ground floor.~~
~~Where otherwise allowed by the zones with which the S-8 zone is combined, the following activities may be located on the ground floor of a building within the first twenty (20) feet thereof facing the abutting street or streets upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Nonassembly Cultural~~
~~Administrative~~
~~Utility and Vehicular~~
~~Extensive Impact~~
~~B. Commercial Activities:~~
~~Convenience Market~~
~~Fast Food Restaurant~~
~~Alcoholic Beverage Sales~~
~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
~~Group Assembly~~
~~Personal Instruction and Improvement and Small Scale Entertainment~~
~~Administrative~~
~~Research Service~~
~~General Wholesale Sales~~
~~Transient Habitation~~
~~Automotive Fee Parking, subject to the provisions of Section 17.86.080.~~
~~(Prior planning code § 6454)~~

~~17.86.070 Restrictions on parking and loading at ground level.~~
~~A. Parking Areas. No off-street parking area shall be located on the ground level of any lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 .~~
~~B. Driveways and Loading Areas. No driveway or off-street loading area shall be located on the principal street, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure. (Prior planning code § 6457)~~

~~17.86.080 Prohibitions on advertising signs~~

~~No Advertising Sign shall be located in the S-8 zone. (Prior planning code § 6458)~~

~~17.86.090 Use permit criteria.~~

~~A conditional use permit for any use under Sections 17.86.050, 17.86.070, or 17.86.080 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:~~

~~A. That the proposal will not detract from the compact, urban character of the area;~~

~~B. That the proposal will not impair a generally continuous wall of building facades;~~

~~C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;~~

~~D. That the proposal will not interfere with the movement of people along an important pedestrian street if alternative access is available;~~

~~E. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council. (Prior planning code § 6461)~~

~~17.86.100 Design review criteria.~~

~~In the S-8 zone, proposals requiring regular design review approval pursuant to Section 17.86.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

~~A. That the proposal will be of a quality and character appropriate to a highly urban commercial center;~~

~~B. That the design of ground-level facilities will preserve, and where possible enhance, the basic continuity of key shopping frontages;~~

~~C. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;~~

~~D. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from the building's significant architectural features. (Prior planning code § 6462)~~

~~Chapter 17.88~~

~~S-9 RETAIL FRONTAGE COMBINING ZONE REGULATIONS~~

~~**Sections:**~~
~~**Sections:**~~
~~**17.88.010 Title, purposes, and applicability.**~~
~~**17.88.020 Zones with which the S-9 zone may be combined.**~~
~~**17.88.030 Conditional use permit requirement for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Activities on ground floor.**~~
~~**17.88.040 Use permit criteria.**~~

~~**21.88.10 Title, purposes, and applicability.**~~
~~The provisions of this chapter shall be known as the S-9 retail frontage combining zone regulations. The S-9 zone is intended to create, preserve, and enhance compact, attractive, and clearly defined street frontage, to assure continuity of retail and consumer service uses at ground level along principal shopping streets, and to encourage retail establishments serving both short and long term needs to locate in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to district shopping areas and along important shopping streets. These regulations shall apply in the S-9 zone, and are supplementary to the regulations applying in the zones with which the S-9 zone is combined.~~
~~(Prior planning code § 6500)~~

~~**17.88.020 Zones with which the S-9 zone may be combined.**~~
~~The S-9 zone may be combined with any other zone.~~
~~(Prior planning code § 6501)~~

~~**17.88.030 Conditional use permit requirement for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Activities on ground floor.**~~
~~General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Consultative and Financial Service Commercial Activities shall not be located on the ground floor of any building, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.88.040, and except that incidental entranceways which lead to such an activity on a different floor are permitted.~~
~~(Prior planning code § 6504)~~

~~**17.88.040 Use permit criteria.**~~
~~In the S-9 zone, a conditional use permit for any use under Section 17.88.030 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:~~
~~A. That the proposal will not detract from the compact, integrated character of the area;~~
~~B. That the proposal will not impair a generally continuous wall of building facades;~~
~~C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;~~
~~D. That the proposal will not interfere with the movement of people along an important pedestrian walkway;~~
~~E. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.~~

~~(Prior planning code § 6511)~~

Chapter 17.90

S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS

17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.

Within the area shown as "~~R-20~~ RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council, no land shall be subdivided into two or more lots, and no lot line shall be moved more than five feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

A. That the proposal is consistent in all significant respects with the Shepherd Canyon Corridor Plan; and

B. That every reasonable effort has been made to locate the building sites so as to maximize the conservation of open space which is valuable for visual, recreational, ecological, drainage, or safety purposes.

The above requirement is in addition to all applicable substantive and procedural regulations of the Oakland Municipal Code with respect to subdivisions and parcel maps. However, a conditional use permit is not required in cases where a planned unit development permit authorizing the proposal has been granted pursuant to the planned unit development procedure in Chapter 17.140.
(Prior planning code § 6564)

17.90.070 Restriction of height on downslope lots.

The following height restriction shall apply to each lot which abuts Grizzly Peak Boulevard, Skyline Boulevard, or Tunnel Road and which has an average elevation of finished grade less than the average elevation of the nearest edge of the paved roadway of such boulevard or road. Except for the projections allowed by Section 17.108.030, no building or other facility or portion thereof shall extend above any line beginning three (3) feet above any point on the nearest edge of the aforesaid roadway and extending outward at right angles to said edge and downward over the lot at an angle of six (6) degrees to the horizontal.
(Prior planning code § 6569)

17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.

The following provisions shall apply within the area shown as "~~R-20~~ RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council:

A. Basic Provisions. Subject to the provisions of subsection B of this section, the maximum height and the minimum yard and lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a subdivision or development, and parking may be located within the subdivision or development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That the waiver or modification will promote an improved arrangement of structures and circulation which will preserve and enhance open space, for visual, recreational, ecological, drainage, or safety purposes, more effectively than what the standard requirements would allow; and

2. That there is adequate provision for maintenance of the open space and other facilities within the subdivision or development.

B. Minimum Size Under This Procedure. A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the subdivision or development is less than four acres.

(Prior planning code § 6573)

Chapter 17.92

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 Designated Historic Property, Potentially Designated Historic Property, ~~Local Register 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)

17.92.050 Design review criteria.

In the S-11 zone, proposals requiring regular design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to the following additional criteria:
~~Except for projects that are exempt from design review as set forth in Section 17.136.025, 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.~~

A. That the siting, clearing, landscaping, and other relevant features of the proposal will conform in all significant respects with the Vegetation Management Prescriptions of the North Oakland Hill Area Specific Plan;

B. That the proposal will conform in all significant respects with the Site Development Map of the North Oakland Hill Area Specific Plan with respect to the protection of view corridors and vegetation masses;

C. That, after due consideration has been given to other criteria, any proposed vehicular access will be provided at the safest point of entry from the appropriate street;

D. That the proposal will duly take into account any special geotechnical or similar constraint affecting the property;

E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this section, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;

F. That, in conjunction with criterion E of this section, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight (8) feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for regular design review pursuant to Chapter 17.136;

G. That fire hydrants will be provided consistent with the City of Oakland Fire Prevention Bureau's requirements;

H. That, where feasible, solar orientation and energy conservation techniques will be suitably incorporated in the overall design;

I. That if the proposal involves developing dwelling units on a property for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of those facilities, the provisions of Section 17.92.040 will be met;

J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in subsections A and B of Section 17.90.040. (Prior planning code § 6612)

17.92.060 Limitations on residential density.

A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:

1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in subsection A of Section 17.14~~2~~2.110 and the first three sentences of subsection B of Section 17.14~~2~~2.110.

2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.

3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:

a. Dividing the street frontage of the property by the minimum lot width requirement in the respective residential zone; and

b. Counting the number of legally platted lots within the proposed development area; and

c. Analyzing the project under the regular design review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional secondary units in the S-11 zone as may be approved in accordance with the standards, criteria and conditions in Section 17.102.360.

B. Number of Units Per Unsubdivided Lot. An unsubdivided lot may not have more dwelling units when subdivided than are permitted per lot by the applicable basic zone. (Ord. 12199 § 6, 2000; prior planning code § 6615)

17.92.070 Waiver of certain requirements through regular design review.

A. Reduction of Yard Requirements. Upon approval pursuant to Sections 17.92.030 and 17.92.050 the side yard may be varied within the following limits:

The side of a dwelling unit may be as close as six (6) feet to the side of an adjoining dwelling unit provided that its opposite side is separated from the side of other adjoining dwelling units by at least two times the side yard normally required for a dwelling unit within that zone. (Prior planning code § 6623)

Chapter 17.94

S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

Sections:

17.94.010 Title, purpose, and applicability.
17.94.020 Zones with which the S-12 zone may be combined.
17.94.030 Activities to which S-12 zone regulations apply.
17.94.040 Off-street parking regulations--Residential Activities.
17.94.050 Standards for required parking facilities.
17.94.060 Parking spaces.
17.94.070 Maneuvering aisles.
17.94.080 Driveways.
17.94.090 Other dimensional requirements.
17.94.100 On-street parking regulations.
17.94.110 Alternate parking layouts.
17.94.120 Review and approval by City Traffic Engineer.
17.94.130 Exceptions, v~~V~~ariances, and appeals.

17.94.060 Parking spaces.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the parking space dimensions set forth in Section 17.116.200 and the tandem space requirements set forth in Section 17.116.240.

A. Types of Parking Spaces and Dimensions. Four types of parking spaces are defined for required parking in the S-12 zone: regular, intermediate, compact, and handicapped. Such spaces shall have the minimum dimensions set forth below, measured in feet.

Type of Parking Space	All Parking Except Parallel Length	All Parking Except Parallel Width	Parallel Parking Length	Parallel Parking Width
Regular	18	8 1/2	22	8
Intermediate	16 1/2	8	20 1/2	7 1/2
Compact	15	7 1/2	19	7
Handicapped	*	*	*	*

* As set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code.

B. Mixture of Parking Space Types. Up to fifty ~~(50)~~ percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty ~~(50)~~ percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five (5) or more parking spaces are required, up to seventy-five ~~(75)~~ percent (75%)of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces. The requirements of this subsection shall apply separately to the parking spaces required by Section 17.94.040A and to the parking spaces required by Section 17.94.040B.

C. Location of Parking Spaces. On any lot located in the S-12 zone and containing a One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily

Dwelling Residential Facility, no parking spaces shall be located between the front lot line and the front wall of the facility or its projection across the lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

1. The parking spaces are required by Section 17.94.040; and
2. There is no other feasible way to provide the required parking; and
3. The applicable requirements of the buffering regulations in Chapter 17.110 are met; and
4. If the facility contains three or more dwelling units, criteria 11 through 16 of the design review criteria for high density housing, pertaining to pedestrian entries, auto entries, landscaping, and accessories, are fully satisfied.

D. Tandem Spaces. Parking spaces required by Section 17.94.040A may be tandem spaces provided that:

1. At least one independent parking space shall be permanently assigned to each dwelling unit in the facility; and
2. For each pair of tandem spaces, both the independent space and the dependent space shall be permanently assigned to the same dwelling unit; and
3. At least one space in each pair shall be a regular parking space.

(Ord. 12501 § 68, 2003: prior planning code § 6661)

17.94.080 Driveways.

The requirements of this section shall apply to all activities located in the S-12 zone, and supersede the minimum driveway width set forth in Section 17.116.210 of the zoning regulations and the requirements for driveway openings set forth in subsections A and B of Section 12.04.270 of the Oakland Municipal Code.

A. Requirement for One-Lane Driveway. Except as provided in subsections B and C of this section, any driveway located in the S-12 zone shall be a one-lane driveway.

B. Requirement for Two-Lane Driveway. A driveway that provides both ingress from and egress to a minimum number of required off-street parking spaces shall be a two-lane driveway, such minimum number of spaces depending upon the classification of the street to which the driveway provides access, as indicated in the Circulation Element of the Oakland Comprehensive Plan. The minimum number of spaces served requiring a two-lane driveway shall be as set forth below.

1. On arterial streets: ten (10) spaces;
2. On collector streets: fifteen (15) spaces;
3. On all other streets: twenty (20) spaces.

C. Requirement for Wider Driveway et Discretion of City Traffic Engineer. At his or her discretion, pursuant to Section 17.94.120, the City Traffic Engineer may require a two-lane driveway for off-street parking facilities which would ordinarily require a one-lane driveway; and may require a wider driveway and driveway opening for a nonresidential facility located in the S-12 zone if such driveway and driveway opening serve vehicular activities other than, or in addition to, the parking of automobiles. The width of such nonresidential driveway and driveway opening shall not exceed thirty-five (35) feet, as specified in Section 17.09.270A of the Oakland Municipal Code.

D. Number of Driveways and Driveway Openings. All activities located in the S-12 zone shall be limited to a single driveway, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

1. One or more of the driveways providing ingress to and egress from the required parking spaces would be one-way; or
2. The activity occupies a facility which contains two or more separate parking areas between which direct vehicular travel is not possible; or
3. The number of parking spaces served is greater than or equal to twice the minimum number of spaces for which a two-lane driveway is required by subsection B of this section, in which case one two-lane driveway may be provided for each multiple of such minimum number; or

4. The City Traffic Engineer determines that more than one driveway is necessary to ensure the safe and efficient operation of the activity.

E. Definition of One-Lane and Two-Lane Driveway. For purposes of this section, a one-lane driveway shall be not less than nine (9) feet wide and not more than ten (10) feet wide, and its associated driveway opening shall be ten (10) feet wide; a two-lane driveway and its associated driveway opening shall be not less than eighteen (18) feet wide and not more than nineteen (19) feet wide.
(Prior planning code § 6663)

17.94.090 Other dimensional requirements.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facility.

A. Clear Space Next to a Wall or Other Obstruction. Where a regular, intermediate, or compact parking space is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle, and where such parking space abuts a wall or other similar obstruction which might interfere with pedestrian access to the space, a clear area shall be provided for the full length of the space on the same side as the wall or other obstruction; provided, however, that posts and other similar structural members may be located immediately adjacent to a required parking space when allowed by subsection B of this section. For regular and intermediate spaces, the width of the clear area shall be two feet, and for compact spaces, the width of the clear area shall be one and one-half feet. The requirements of this subsection supersede the requirement of Section 17.116.200A for additional width of a regular parking space which abuts a wall or other, similar obstruction.

B. Posts and Other Obstructions. Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and

2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and

3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and

4. Such posts and other similar structural members shall be located on one side only of a required parking space.

C. Vertical Clearance. All parking spaces, maneuvering aisles, and driveways shall have a full vertical clearance of no less than six feet eight inches; provided, however, that the vertical clearance of no more than fifty ~~(50)~~ percent (50%) of the required parking spaces may be reduced to no less than four (4) feet for a horizontal distance of no more than four (4) feet from the end of the space opposite the maneuvering aisle. Such reduced vertical clearance is not permitted for the independent parking space of any pair of tandem parking spaces. (Prior planning code § 6664)

17.94.100 On-street parking regulations.

The requirements of this section shall apply to all activities located in the S-12 zone, and supersede the minimum driveway separations set forth in subsections C and D of Section 12.04.270 of the Oakland Municipal Code.

A. Requirement to Maximize On-Street Parking Spaces. The placement of driveway openings, fire hydrants, street trees, lampposts, signs, and any other potential obstacles to the usability of on-street parking shall be arranged so as to maximize the number of usable on-street parking spaces immediately in front of, and adjacent to, the lot containing the activity. Where the lot containing the activity has frontage on more than one street, the number of usable on-street parking spaces shall be maximized along all frontages. The method for calculating the number of required usable on-street parking spaces shall be as set forth in subsection B of this section.

B. Calculation Rules for Required On-Street Parking Spaces. The number of usable on-street parking spaces required by subsection A of this section shall be determined as set forth in steps 1 through 4 below. All measurements shall be in feet.

1. Measure the distance between the nearest parking obstructions on either side of the lot containing the activity.

2. Subtract the width of the driveway opening or openings provided pursuant to Section 17.94.080, plus one and one-half feet on either side of each driveway opening.

3. Subtract the width of any other parking obstructions immediately in front of the lot that presently exists or that would be constructed, located, or moved in conjunction with construction of the proposed driveway opening or openings.

4. Divide the number obtained in step 3 by twenty (20) feet.

The number thus obtained, disregarding any fractional part thereof, shall be the number of usable on-street parking spaces required by subsection A of this section.

C. Definition of Parking Obstructions. For purposes of this section, parking obstructions are any features, other than posted time limitations, which preclude or restrict the parallel on-street parking of an automobile, including, but not limited to, the following:

1. Any existing driveway opening plus one and one-half feet on either side;

2. Any existing or required fire hydrant plus five (5) feet on either side;

3. Any marked or unmarked crosswalk, plus a distance on either side to be determined by the City Traffic Engineer;

4. Any red, yellow, green, white, blue, or other colored curb established by the City Traffic Engineer;

5. Any area posted by the City Traffic Engineer for "No Parking Any Time";

6. Any posted bus stop, the length of which shall be determined by the City Traffic Engineer if the curb is not marked;

7. Any handicapped curb cut, plus a distance on either side to be determined by the City Traffic Engineer;

8. Any metered parking space established by the City Traffic Engineer;

9. Any parking space signed or marked by the City Traffic Engineer for angle parking;

10. At approximate right-angle intersections, the curb return plus the area between the curb return and a point the following distance from the intersection of the curb lines projected: twenty (20) feet on the near side of the intersection, or ten feet on the far side of the intersection, measured in the normal direction of vehicular travel. If no curb exists, the edge of the roadway where such curb return and the area specified above would be located;

11. Any section of curb or roadway edge located between any two parking obstructions as defined in subsections (C)(1) through (C)(10) of this section, that is currently, and that will remain, too short to be a usable on-street parking space as defined in subsection D of this section;

12. Any section of curb or roadway edge along which the City Traffic Engineer determines that it is unsafe to park an automobile.

D. Definition of Usable On-Street Parking Space. For purposes of this section, a usable on-street parking space is a section of unmarked curb or roadway edge twenty (20) feet in length which does not contain any of the parking obstructions defined in subsection C of this section.

E. Determination by City Traffic Engineer in Special Circumstances. Where the street frontage of the lot containing the activity is in a parking meter zone or an area signed or marked for angle parking, or where the special characteristics of the proposed activity would preclude maximizing the number of usable on-street parking spaces, or in other special circumstances where the rules of subsection B of this section cannot reasonably be applied, the number of required usable on-street parking spaces, and the required placement of driveway openings and other potential obstacles to usable on-street parking shall be determined by the City Traffic Engineer. (Prior planning code § 6665)

17.94.130 Exceptions, v~~V~~ariances, and appeals.

A. ~~Variances~~ Exceptions Within Street Right-of-Way. ~~Variances~~Exceptions -from the provisions of the S-12 zone regulations pertaining to required on-street parking, driveways, driveway openings, and any other features located within the street right-of-way shall be considered by the City Traffic Engineer. The decision of the City Traffic Engineer may be appealed to the Driveway Appeals Board. The decision of the Driveway Appeals Board may be appealed to the Planning Commission, whose decision shall be final, pursuant to the procedures set forth in Sections 12.04.300 and 12.04.310 of the Oakland Municipal Code.

B. Variances Outside Street Right-of-Way. Variances from the provisions of the S-12 zone pertaining to required off-street parking spaces, maneuvering aisles, driveways, and other features located outside the street right-of-way shall be considered pursuant to the variance procedure in Chapter 17.148 of the zoning regulations.

C. Appeal of Determination of City Traffic Engineer and/or Director of City Planning. In situations where the City Traffic Engineer and/or Director of City Planning makes a determination or imposes a requirement pursuant to the S-12 zone regulations, an appeal of such determination or requirement ~~shall constitute a request for a variance, and~~ shall be considered pursuant to subsection A and/or B of this section as appropriate. (Prior planning code § 6674)

~~Chapter 17.96~~

~~S-13 MIXED-USE DEVELOPMENT COMBINING ZONE REGULATIONS~~

~~Sections:~~

~~17.96.010 Title, purpose, and applicability.~~
~~17.96.020 Zones with which the S-13 zone may be combined.~~
~~17.96.030 Required design review process.~~
~~17.96.040 Conditionally permitted activities.~~
~~17.96.050 Conditionally permitted facilities.~~
~~17.96.060 Maximum residential density and related regulations.~~
~~17.96.070 Use permit criteria.~~
~~17.96.080 Design review criteria.~~
~~17.96.090 Special regulations applying to mixed-use developments containing residential and nonresidential activities on sites with sixty thousand square feet or more land area, excluding joint living and work quarters.~~

~~17.96.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the S-13 mixed-use development combining zone regulations. The S-13 zone is intended to preserve and enhance areas containing residential, commercial and industrial activities in close proximity to one another, and to allow for residential developments, or for a compatible mixture of residential, commercial and/or light industrial developments in a planned and coordinated development plan, and is typically appropriate to industrially-zoned areas adjacent to residential zones. These regulations shall apply in the S-13 zone and are supplementary to the regulations applying in the zones with which the S-13 zone is combined. (Prior planning code § 6700)~~

~~17.96.020 Zones with which the S-13 zone may be combined.~~

~~The S-13 zone may be combined with any zone which does not permit or conditionally permit Residential Activities and which is adjacent to a residential zone. (Prior planning code § 6701)~~

~~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 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)~~

~~17.96.040 Conditionally permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~
~~A. Residential Activities:~~
~~Permanent~~
~~(Prior planning code § 6704)~~

~~17.96.050 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10 may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~One-Family Dwelling~~

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~Two-Family Dwelling~~

~~Multifamily Dwelling~~

~~(Prior planning code § 6706)~~

~~17.96.060 Maximum residential density and related regulations.~~

~~Residential uses in S-13 zones which abut the R-30, R-35, and R-40 residential zones shall be subject to the maximum residential density and other, related regulations as are set forth in the R-50 medium density residential zone. Residential uses in the S-13 zone which abut all other residential zones shall be subject to the maximum residential density and other, related regulations as are set forth in the residential zone that is next highest from the contiguous residential zone, except that in no case shall such density and other regulations exceed that prescribed in the R-70 zone. In cases where more than one contiguous residential zone exists, the maximum residential density and other related regulations for the S-13 zone shall be dictated by the residential zone having the greatest linear frontage abutting the S-13 zone. (Prior planning code § 6715)~~

~~17.96.070 Use permit criteria.~~

~~In the S-13 zone, a conditional use permit for any use under Section 17.96.040 or 17.96.050 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

~~A. That the development will be well integrated into its setting, not be visually obtrusive, harmonize with surrounding areas and facilities, not substantially harm major views for surrounding residents, and, if abutting existing industrial facilities, provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices;~~

~~B. That all parking areas, access, and vehicular traffic circulation patterns will be screened and designed in a manner that minimizes conflicts between pedestrians and vehicles; and that off-site vehicular circulation patterns will be designed to minimize congestion on surrounding local streets;~~

~~C. That any proposal involving both nonresidential and residential uses on the same site will locate and conduct the nonresidential use in a manner that shall not adversely affect the abutting activities due to generation of noise, lights, glare, dust, vapors, smoke, odors, electrical disturbances, or other factors, and that the proposal incorporates all applicable performance standards in Chapter 17.120;~~

~~D. That the proposal incorporates sound attenuation and similar protective measures that achieve a performance standard specified by local, state and federal regulations;~~

~~E. That the location and design of proposed residential areas will be adequately buffered, visually and spatially, from existing transit corridors including rail lines, vehicular entry points, and parking areas through appropriate landscaping, screening, and other buffering devices;~~

~~F. That future residents of the project will not be exposed to toxic and/or hazardous materials that exceed local, state and/or federal standards. (Prior planning code § 6716)~~

~~17.96.080 Design review criteria.~~

~~In the S-13 zone, proposals requiring regular design review approval pursuant to Section 17.96.030 may be granted only upon determination that the proposal conforms to the regular design~~

~~review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

~~A. That special architectural attention will be given to unfenestrated walls facing either street frontages or adjacent residential developments;~~

~~B. That extensive landscaping will be used to provide an appropriate setting for the proposed use, and to buffer and screen nearby sensitive uses from the visual impacts of the project;~~

~~C. That, where feasible, building setbacks will be provided to accommodate projections of architectural or decorative features;~~

~~D. That, particularly in developments involving more than one facility, a comprehensive, coordinated, controlled system of informational and directional graphic signage will be provided throughout the development;~~

~~E. That the design of the project will make every effort, where feasible, to preserve, for reuse, any facility or group of facilities which is a designated landmark. (Prior planning code § 6717)~~

~~17.96.090 Special regulations applying to mixed-use developments containing residential and nonresidential activities on sites with sixty thousand square feet or more land area, excluding joint living and work quarters.~~

~~Other than for joint living, and work quarters, all conditional use permit applications for mixed-use developments containing residential and nonresidential activities on a single tract with sixty thousand (60,000) square feet or more of land area shall be subject to the following special regulations:~~

~~A. Professional Design. The application shall, certify that talents of the following professionals will be utilized at some stage in the design process for the development:~~

~~1. An architect licensed by the state of California; and~~

~~2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.~~

~~B. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.~~

~~C. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.96.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty (150) percent of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. (Prior planning code § 6720)~~

Chapter 17.97

S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

Sections:

17.97.010 **Title, purpose, and applicability.**
17.97.020 **Required design review process.**
17.97.030 **Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.**
17.97.040 **Permitted activities.**
17.97.050 **Conditionally permitted activities.**
17.97.060 **Permitted facilities.**
17.97.070 **Conditionally permitted facilities.**
17.87.080 **Special regulations applying to certain Commercial and ~~Manufacturing~~ Industrial Activities.**
17.97.085 **Restrictions on Telecommunications Facilities**
17.97.090 **Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.**
17.97.100 **Use permit criteria.**
17.97.110 **Limitations on Signs, marquees, awnings.**
17.97.120 **Minimum lot area, width, and frontage.**
17.97.130 **Height, Bulk, and Intensity.~~Maximum residential density.~~**
~~**17.97.140** **Maximum nonresidential floor area ratio.**~~
~~**17.97.150** **Maximum height.**~~
17.97.160 **Minimum yards and courts.**
~~**17.97.170** **Minimum usable open space.**~~
17.97.180 **Buffering and landscaping.**
17.97.190 **Special regulations for mini-lot developments.**
17.97.200 **Special regulations for large scale developments.**
17.97.210 **Other zoning provisions.**

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

A. Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ and Certain Establishments Selling Alcoholic Beverages. See Section 17.102.210.

B. Industrial Activities. All accessory industrial activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility.

(Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

17.97.085 Restrictions on Telecommunications Facilities

A. Any Telecommunications Facility shall not be permitted in or within one hundred (100) feet of the boundary of any residential zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of a RH, RD, RM, RU-1, or RU-2 residential zone~~s the RH, RD, RM, RU-1, or RU-2 zones~~~~R-1 through R-60 inclusive~~, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.97.110 Limitations on Signs, marquees, awnings.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Chapter 17.104. ~~Section 17.104.030.~~ (Ord. 12606 Att. A (part), 2004: Ord. 11892 § 4 (part), 1996: prior planning code § 6863)

17.97.130 Height, Floor Area Ratio (FAR), Density, and Open Space.

Table 17.97.01 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area							
	35	45	60	75	90	120	160	Additional Regulations
Maximum Height	35 ft	45 ft	60 ft	75 ft	90 ft	120 ft	160 ft	1, 2
Height Minimum								
Permitted height minimum	0 ft	0 ft	35 ft	35 ft	35 ft	35 ft	35 ft	3
Conditionally permitted height minimum	NA	NA	25 ft	25 ft	25 ft	25 ft	25 ft	3
Maximum Residential Density (square feet of lot area required per dwelling unit)								
Regular units	550	450	375	275	225	225	225	4, 5
Rooming units	275	225	185	135	110	225	225	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	7	8	11	15	
Minimum Usable Open Space								
Group usable open space per regular unit	150	150	150	150	100	100	100	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per rooming unit	75	75	75	75	50	50	50	6

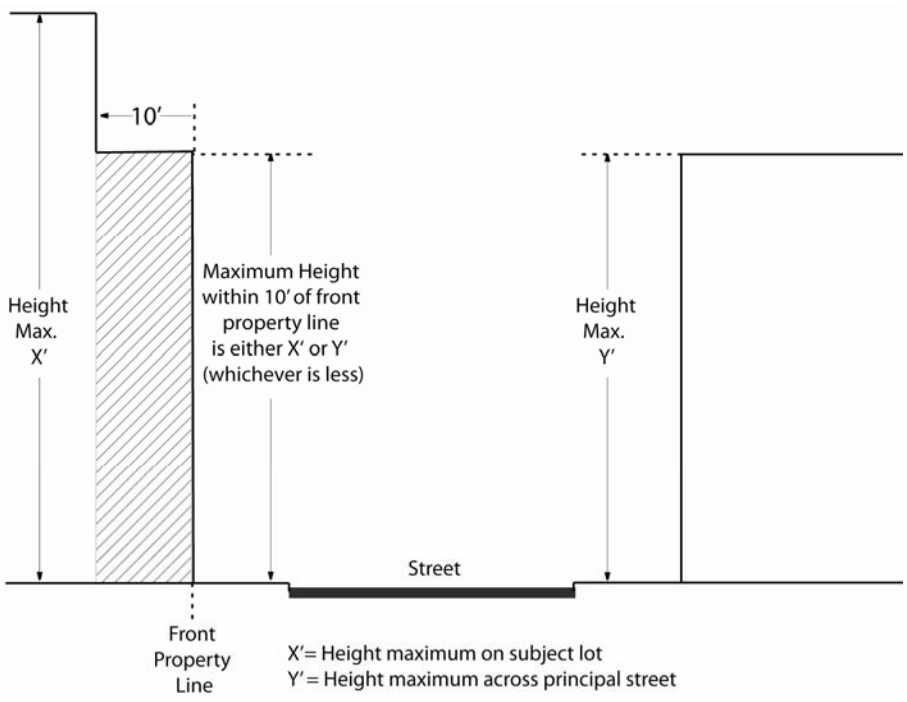
Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations								
Regulation	**Height Area**							
	35	**45**	**60**	**75**	**90**	**120**	**160**	**Additional Regulations**
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	10	6

Additional Regulations for Table 17.97.01:

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

Illustration for Table 17.97.01[Additional Regulation 1]

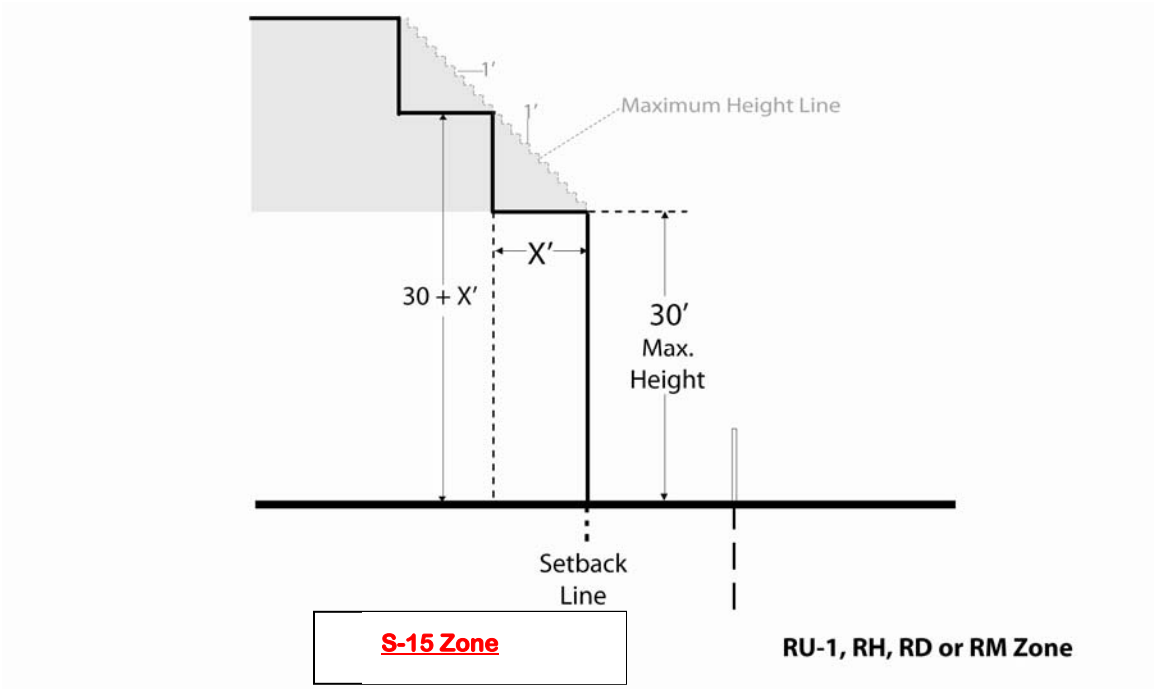
*for illustration purposes only



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

Illustration Table 17.35.04[Additional Regulation 2]

*for illustration purposes only



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

10. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

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

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

~~**17.97.130 Maximum residential density.**~~

~~A. Permitted Density. Residential uses shall be subject to the same maximum density, and other related regulations as set forth in Section 17.28.120 for the R-70 zone.~~

~~B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by up to twenty-five (25) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and subject to the criteria~~

~~listed in Section 17.97.100. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 11892 § 4 (part), 1996: prior planning code § 6865)~~

~~**17.97.140 Maximum nonresidential floor area ratio.**~~

~~The maximum nonresidential floor area ratio of any facility shall be as set forth below.~~

~~A. Permitted Floor Area Ratio. The maximum permitted floor area ratio shall be 4.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by up to one hundred fifty (150) percent upon the granting of a conditional use permit, pursuant to Section 17.97.100 and the provisions set forth in the conditional use permit procedure in Chapter 17.134, and provided that it is a mixed use development containing residential and commercial activities and as defined as a project including at least twenty-five (25) percent of the number of residential units that would be permitted if the project were solely residential. (Ord. 11892 § 4 (part), 1996: prior planning code § 6867)~~

~~**17.97.150 Maximum height.**~~

~~Except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, the maximum height of all buildings and other facilities shall be forty-five feet. This maximum height may be extended up to fifty-five (55) feet provided that the following criteria is met:~~

~~A. One foot of building setback is provided for each additional foot of building height above forty-five feet. The height of facilities, however, shall be further limited, in that any portion of a building located within ten feet of the rear property line shall not exceed a height of thirty (30) feet and, as applicable, by the provisions of Section 17.108.010A for lots lying along a boundary of a residential zone. (Ord. 11904 § 5.90, 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6869)~~

17.97.160 Minimum yards and courts.

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

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard.

1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Ord. 11892 § 4 (part), 1996: prior planning code § 6870)

~~**17.97.170 Minimum usable open space.**~~

~~Minimum usable open space.~~

~~A. Group Usable Open Space for Residential Facilities. On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit. All required group usable open space shall conform with the standards set forth in Chapter 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.~~

~~B. Private Usable Open Space for Residential Facilities. Private usable open space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit and twenty (20) square feet per efficiency unit. All required space shall conform to the standards for required private usable open space in Section 17.126.040. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall be provided in the minimum amount of seventy-five (75) square feet per regular dwelling unit and fifty (50) square feet per efficiency unit. (Ord. 11892 § 4 (part), 1996: prior planning code § 6871)~~

~~Chapter 17.98~~

~~S-16 INDUSTRIAL-RESIDENTIAL TRANSITION COMBINING ZONE REGULATIONS~~

~~**Sections:**~~

~~**17.98.010 Title, purpose, and applicability.**~~
~~**17.98.020 Zones with which the S-16 may be combined.**~~
~~**17.98.030 Required design review process.**~~
~~**17.98.040 Permitted activities.**~~
~~**17.98.050 Conditionally permitted activities.**~~
~~**17.98.060 Prohibited activities.**~~
~~**17.98.070 Conditionally permitted facilities.**~~
~~**17.98.080 Maximum floor area ratio.**~~
~~**17.98.090 Special regulations for activities and facilities.**~~
~~**17.98.100 Applicable performance standards.**~~
~~**17.98.110 Nonconforming uses.**~~

~~17.98.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the S-16 Industrial-Residential Transition Combining Zone regulations. The intent of the S-16 zone is to provide a compatible transition between residential and industrial zones by limiting the impacts of new nonresidential development, particularly trucking facilities and industrial development, on adjacent residential zones. It is also intended to promote compatible economic development and provide opportunities for new joint living and working quarters. These regulations shall apply in the S-16 zone and are supplementary to the regulations applying in the zones with which the S-16 zone is combined. Where the standards and regulations contained herein conflict with those of the underlying zoning regulations, then the standards and regulations contained herein shall apply. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.020 Zones with which the S-16 may be combined.~~

~~The S-16 zone may be combined with any other zone whose General Plan land use classification is "Business Mix" or "General Industrial/Transportation" and abuts a residential zone, or with any industrial zone that abuts a residential zone. (Ord. 12289 § 3 (part), 2000)~~

~~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 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)~~

~~17.98.040 Permitted activities.~~

~~The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Civic Activities:~~

~~Essential Service~~
~~Limited Child Care~~
~~Nonassembly Cultural (with less than ten thousand (10,000) square feet of gross~~

~~floor area)~~
~~Administrative (with less than ten thousand (10,000) square feet of gross floor area)~~
~~B. Commercial Activities:~~
~~General Retail Sales~~
~~Consumer Service~~
~~Consultative and Financial Service~~
~~Administrative~~
~~Business, Communication, and Media Service~~
~~Broadcasting and Recording Service~~
~~Research Service (with less than ten thousand (10,000) square feet of gross floor area)~~
~~C. Industrial Activities:~~
~~Custom Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)~~
~~Light Manufacturing (with less than ten thousand (10,000) square feet of gross floor area)~~
~~(Ord. 12289 § 3 (part), 2000)~~

~~**17.98.050 Conditionally permitted activities.**~~
~~The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98.090:~~
~~A. Civic Activities:~~
~~Community Assembly~~
~~Recreational Assembly~~
~~Community Education~~
~~Nonassembly Cultural (with more than ten thousand (10,000) square feet of new gross floor area)~~
~~Administrative (with more than ten thousand (10,000) square feet of new gross floor area)~~
~~Utility and Vehicular~~
~~B. Commercial Activities:~~
~~General Food Sales~~
~~Full Service Restaurant~~
~~Limited Service Restaurant and Café~~
~~Convenience Market (subject to provisions in Section 17.102.210A)~~
~~Mechanical or Electronic Games (subject to provisions in Section 17.102.210C)~~
~~Medical Service~~
~~Consumer Cleaning and Repair Service~~
~~Consumer Dry Cleaning Plant~~
~~Group Assembly~~
~~Personal Instruction and Improvement and Small Scale Entertainment~~
~~Research Service (with more than ten thousand (10,000) square feet of new gross floor area)~~
~~General Wholesale Sales (with less than fifty thousand (50,000) square feet of gross floor area)~~
~~Wholesale Professional Building Material Sales~~
~~Automotive Fee Parking~~
~~Animal Care~~
~~Animal Boarding~~

~~C. Industrial Activities:~~
~~Custom Manufacturing (with more than ten thousand (10,000) square feet of new gross floor area)~~
~~Light Manufacturing (with more than ten thousand (10,000) square feet of new gross floor area)~~
~~D. Agricultural and Extractive Activities:~~
~~Plant Nursery~~
~~E. Accessory Activities:~~
~~Joint Living and Working Quarters (as defined in Section 17.10.040C and subject to the provisions in Section 17.102.190 and the special regulations in Section 17.98.090A.)~~
~~Open Storage~~
~~(Ord. 12289 § 3 (part), 2000)~~

~~**17.98.060 Prohibited activities.**~~
~~The following activities, as described in the use classifications in Chapter 17.10, are prohibited:~~
~~A. Commercial Activities:~~
~~Alcoholic Beverage Sales~~
~~Automotive and Other Light Vehicle Repair and Cleaning~~
~~Automobile and Other Light Vehicle Sales and Rental~~
~~Automobile and Other Light Vehicle Gas Station and Servicing~~
~~Fast-Food Restaurant~~
~~B. Industrial Activities:~~
~~General Manufacturing~~
~~Warehousing, Storage, and Distribution~~
~~Industrial Transfer/Storage Hazardous Waste Management~~
~~C. Agricultural and Extractive Activities~~
~~Crop and Animal Raising~~
~~Mining and Quarrying~~
~~(Ord. 12289 § 3 (part), 2000)~~

~~**17.98.070 Conditionally permitted facilities.**~~
~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the special regulations in Section 17.98.090:~~
~~A. Nonresidential Facilities:~~
~~Open~~
~~B. Telecommunications Facilities:~~
~~Mini~~
~~Micro~~
~~Macro~~
~~Monopole~~
~~(Ord. 12289 § 3 (part), 2000)~~

~~**17.98.080 Maximum floor area ratio.**~~
~~A. Maximum Floor Area Ratio Generally. The maximum floor area ratio of any facility shall be 4.0 unless a lesser floor area ratio is specified by the applicable General Plan land use classification. Any new construction or addition or alteration that results in a total F.A.R. of more than 2.0 on any portion of any lot within one hundred fifty (150) feet of a residential zone shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Maximum Floor Area Within One Hundred Fifty (150) Feet of a Residential Zone. The 2.0 floor area ratio shall only apply to the portions of all properties located in the first one hundred fifty (150) feet of the S-16 zone. The one hundred fifty (150) foot measurement is not measured from the zoning boundary but begins at the nearest property line within the S-16 zone that is adjacent to the residential zone. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.090 Special regulations for activities and facilities.~~

~~The following supplemental development standards shall apply to all new development and alterations and additions adding more than ten percent to existing floor area, unless otherwise indicated:~~

~~A. New Joint Living and Working Quarters. Construction of new joint living and work quarters, subject to the regulations in Section 17.102.190, is allowed subject to the following standards:~~

~~1. Size of Units. The average unit size of all joint living and work quarters in a development project shall be a minimum of one thousand (1,000) square feet of floor area. No individual unit shall be less than eight hundred (800) square feet of floor area.~~

~~2. Use of Space. Generally, as a guideline and not as a mandate, one-third of the floor area should be used for living space.~~

~~3. Minimum Usable Open Space. A minimum of seventy-five (75) square feet of group usable open space shall be provided for each joint living and working quarters unit. All required group usable open space shall conform with the standards set forth in Section 17.126.030, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.~~

~~4. Required Parking. A minimum of one space shall be provided for each one thousand (1,000) square feet of floor area. This requirement preempts any conflicting requirement in Chapter 17.116.~~

~~5. Buffering. The general buffering requirements of Section 17.110.020 shall apply to joint living and working quarters.~~

~~B. Upper-story Stepback on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:~~

~~1. Abuts a residential zone, or~~

~~2. Is directly across a street, alley, or path from a residential zone, or~~

~~3. Abuts a legally established residential activity, or~~

~~4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back a minimum of one foot for each foot of additional height. This setback shall be measured from the inner line of the minimum yard required by subsection C below.~~

~~C. Minimum Yards on Lots Abutting a Residential Zone or on a Block with Residential Activity. On any portion of any lot that:~~

~~1. Abuts a residential zone, or~~

~~2. Is directly across a street, alley, or path from a residential zone, or~~

~~3. Abuts a legally established residential activity, or~~

~~4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has residential activities, a yard with a minimum depth or width, as the case may be, of ten feet shall be provided along the entire lot line that abuts or is across from said residential zone or residential activity. This yard shall be landscaped and unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130. A solid masonry or lumber wall at least six feet high shall be provided along the entire length of any lot line not facing a street. Where the lot in question is twenty-five (25) feet or less in width, a solid masonry wall at least six feet high may be provided in lieu of any side yard required by this section.~~

~~D. Landscaping.~~

~~1. Front Yards. All front yards required by subsection C above shall be landscaped with trees and shrubs, except for driveways serving required parking or loading, and incidental pedestrian access.~~

~~2. Minimum Landscaping. For new construction or addition or alteration of more than ten percent of existing floor area, a minimum of ten percent of the site area must be landscaped.~~

~~3. Off-street Parking Facilities. Landscaping shall be provided for off-street parking facilities with more than ten spaces. A minimum of one tree for every six spaces shall be distributed evenly throughout the parking area. Parking rows shall be separated from driveways by a landscaped planter.~~

~~4. Required Irrigation. All planting areas shall be provided with an irrigation system that is permanent, below grade, and activated by automatic timing controls.~~

~~E. Screening of Parking on a Lot. A concrete or masonry wall at least three feet high shall be provided for parking areas located adjacent to a public right-of-way.~~

~~F. Minimum Usable Open Space for Nonresidential Activities. For nonresidential activities, a minimum of one square foot of usable group open space shall be provided for every one hundred (100) square feet of floor area with a minimum of one hundred (100) square feet of usable group open space provided on every lot subject to the applicable Usable Open Space Standards in Section 17.126.030.~~

~~G. Loading Berths. No loading berths shall be located within one hundred (100) feet of any residential zone except upon the granting of a conditional use permit pursuant to Section 17.102.080 and the conditional use permit procedure in Chapter 17.134.~~

~~H. Truck Parking. Any activity that operates or stores three or more Trucks shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 on any lot that:~~

~~1. Abuts a residential zone, or~~

~~2. Is directly across a street, alley, or path from a residential zone, or~~

~~3. Abuts a legally established residential activity, or~~

~~4. Is on a street where fifty (50) percent or more of the frontage on the street within three hundred (300) feet of the lot has legally established residential activities.~~

~~For the purposes of this section, a "Truck" is defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.~~

~~I. Access. Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zone boundary, unless all such streets serve as residential zone boundaries. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.100 Applicable performance standards.~~

~~The performance standards specified in Chapter 17.120 shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)~~

~~17.98.110 Nonconforming uses.~~

~~The requirements regarding substitution of nonconforming uses specified in Chapter 17.114.070(A)(3) shall apply in the S-16 zone. (Ord. 12289 § 3 (part), 2000)~~

~~Chapter 17.99~~

Chapter 17.99

S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS

17.99.050 Usable open space standards for residential development.

All required usable open space shall be permanently maintained and shall conform to the following standards:

A. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per standard unit, fifty (50) square feet per efficiency unit, and thirty-eight (38) square feet per rooming unit.

B. Limitations. Not more than twenty ~~(20)~~ percent (20%) of the required area shall be provided in widened sidewalks.

C. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Private Usable Open Space	10' (ground floor)
Public Ground-Floor Plaza	10'
Widened Sidewalk	10'*
Rooftop	15'
Courtyard	15'
Off-Site Open Space	5000 square feet

* Measurement does not include width of existing sidewalk, and is additive to existing sidewalk.

When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty ~~(50)~~ percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

E. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.

F. Accessibility. Usable open space, other than private usable open space and off-site open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four

feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

G. Enclosure. Ground-level usable open space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half feet high and not less than three feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half feet. Fences and walls shall not be constructed as to interfere with the access required by applicable fire prevention regulations. (Ord. 12343 § 2 (part), 2001)

17.99.060 Landscaping requirements.

At least ten percent (10%) of usable open space area (with the exception of private usable open space) shall include landscaping enhancement as well as user amenities. Landscaping shall consist of permanent features, such as trees, shrubbery, decorative planting containers and coverings (mulch, gravel), fountains, boulders or artwork (sculptures, murals). User amenities shall include seating, decorative paving or playground structures. (Ord. 12343 § 2 (part), 2001)

Chapter 17.100A

S-19 HEALTH AND SAFETY PROTECTION COMBINING ~~-~~ZONE REGULATIONS

17.100A.010 Title, Purpose and Applicability

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

17.100A.030 Zones with Which the S-19 May Be Combined

A. The standards of this ~~overlay~~ combining zone shall apply to the following zoning districts:

1. Housing and Business Mix (HBX) zones;
2. CIX-1 (Commercial Industrial Mix-1) zone;
3. CIX-2 (Commercial Industrial Mix-2) and IG (General Industrial) and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

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

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

17.100A.040 Prohibited Land Uses

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

A. Electroplating;

B. Hazardous Waste Management, Industrial/Transfer Storage; and Residuals Repositories;

C. Activities which involve manufacturing, storing or use of explosives

17.100A.050 General Standards

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

A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (O.M.C. 8.42).

B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

Chapter 17.100B

S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS

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 Designated Historic Property, Potentially Designated Historic Property, Building Facility, (see ~~code~~ S~~s~~ection 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. See Section 17.136.075 ~~contains~~ for design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

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)

CHAPTER 17.101A

D-WS WOOD STREET DISTRICT COMMERCIAL ZONE REGULATIONS

Sections:

17.101A.010 Title, purpose, and applicability.

17.101A.010 Title, purpose, and applicability.

A. The provisions of this chapter shall be known as the D-WS Wood Street District Commercial Zone Regulations. The D-WS zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.

B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District which are described in Ordinance 12673 C.M.S shall apply to the area of the zoning maps with a D-WS designation.

CHAPTER 17.101B

D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS

Sections:

17.101B.010 Title, purpose, and applicability.

17.101B.010 Title, purpose, and applicability.

~~1.~~A. The provisions of this chapter shall be known as the D-OTN Oak to Ninth District Zone Regulations.

B. The "Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development" which are attached to Ordinance 12758 C.M.S shall apply to the area designated in Ordinance 12759 C.M.S.

CHAPTER 17.101C

D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ~~DISTRICT~~ ZONE REGULATIONS

17.101C.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the D-BR Broadway Retail Frontage District Interim Combining ~~District~~ Zone Regulations. The D-BR zone is intended to create, preserve, and enhance ground level retail opportunities on the commercial areas of Broadway north of the Central Business District. These interim regulations anticipate the adoption of more comprehensive and detailed regulations and a plan to attract retail opportunities on this area of Broadway.

17.101C.020 Expiration for D-BR zone.

The regulations contained in the D-BR zone shall remain in place and be effective for a continuous period of three (3) years from the date of the adoption of the regulations or until the City Council adopts permanent regulations, whichever comes first.

17.101C.060 Permitted and conditionally permitted activities.

Table 17.101C.01 lists activities permitted, conditionally permitted, and prohibited in the D-BR zone. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

"--" designates activities that are prohibited in the corresponding zone.

Table 17.101C.01 Permitted and Conditionally Permitted Activities

Activity	Regulations	Additional Regulations
Residential Activities		
Permanent Residential	C (L1)	
Residential Care occupying a One-Family Dwelling Residential Facility	C (L1)	17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	C (L1)	17.102.212
Service-Enriched Permanent Housing	C (L1)	17.102.212
Transitional Housing	C (L1)	17.102.212
Emergency Shelter	--	17.102.212
Semi-Transient Residential	--	17.102.212
Bed and Breakfast		17.10.125
Civic Activities		
Essential Service	P	

Table 17.101C.01 Permitted and Conditionally Permitted Activities		
Activity	**Regulations**	**Additional Regulations**
Limited Child-Care	C (L1)	
Community Assembly	C (L1)	
Recreational Assembly	C(L1)	
Community Education	P (L1)	
Nonassembly Cultural	P	
Administrative	P (L1)	
Health Care	C	
Special Health Care	--	17.102.410
Utility and Vehicular	--	
Extensive Impact	--	
Commercial Activities		
General Food Sales	P	
Full Service Restaurant	P	
Limited Service Restaurant and Café	P	
~~Convenience Market~~Fast-Food Restaurant	C	17.102.210 and 8.09
~~Fast-Food Restaurant~~ Convenience Market	C	17.102.210
Alcoholic Beverage Sales	C	17.102.210
Mechanical or Electronic Games	--	17.102.210
Medical Service	P (L2)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	--	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	--	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P (L1)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	

Table 17.101C.01 Permitted and Conditionally Permitted Activities		
Activity	**Regulations**	**Additional Regulations**
Research Center	--	
General Wholesale Sales	--	
Transient Habitation	--	17.102.370
Building Material Sales	--	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--(L3)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	--(L3)	17.114.050 (A)
Taxi and Light Fleet-Based Service	--	
Automotive Fee Parking	C	
Transport and Warehousing	--	
Animal Care	C	
Animal Boarding	C	
Undertaking Service	--	
Scrap Operation	--	17.102.210
Industrial Activities	All Industrial Activities prohibited in these zones	
Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100	C	17.102.100
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.	C	17.102.110

Limitations:

L1 - These activities shall not be located on the ground floor of a building on a lot with a property line that abuts the Broadway or 27th Street right of way except for incidental pedestrian entrances that lead to one of these activities in stories above the ground floor.

L2- These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27th Street right of way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit. (Ord. 12850 § 2 Exh. A (part), 2008)

L3- Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity ~~must~~may only occur no later than six (6) months after discontinuation of such a activity, per S~~s~~ection 17.114.050(A).

17.101C.070 Special regulations regarding facilities on the ground level of principal facilities.

A. This section shall only apply to lots that have a property line abutting either the Broadway, Valdez Street, 24th Street, 26th Street, 27th Street, or Bay Place right of way.

B. For the purposes of this section, the front of a building on lots abutting more than one street shall be that side facing the most prominent street. The following is a ranking of the prominence of streets in the D-BR zone, from most prominent to least prominent: Broadway, 27th Street, Bay Place, Valdez Street, 24th Street, 26th Street, and then all other streets.

C. Except upon the granting of a conditional use permit (see subsection E of this section), only principal nonresidential facilities ~~(excluding joint living and working quarters)~~ shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on a corner lot that abuts the Broadway right of way.

D. Except upon the granting of a conditional use permit (see subsection E), only principal non-residential facilities ~~(excluding joint living and working quarters)~~ and a maximum one driveway shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on an interior lot that abuts the Broadway right of way. This driveway shall be a maximum nineteen (19) feet in width and lead to parking that is at least thirty (30) feet ~~(30)~~ from the front of the building.

E. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, twenty ~~(20)~~ percent (20%) of the width of the front thirty (30) feet of the ground floor of a new principal facility may contain required parking. This conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following additional criterion:

1. That the requirements contained in subsections C or D of this section are infeasible due to lot dimensions, topographic features, or other site constraints.

F. The ground level of Broadway facing facades of new principal facilities shall have a store-front appearance defined by at least the following design elements:

1. An ample amount of street-facing ground level building facade comprised of clear, non-reflective windows that allow views of indoor commercial space. This includes:

a. A minimum of sixty ~~(60)~~ percent (60%) of the front building façade between three and one half feet and ten (10) feet in height comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. The total area of the front building façade shall not include the area with the driveway;

b. The bottom of any window or product display window being no more than four (4) feet above the abutting sidewalk; and

c. Product display windows used to satisfy that are a minimum height of four and one half feet and internally lighted.

2. A prominent and primary entrance feature facing Broadway; and

3. An area designated for signage.

17.101C.090 Building location.

The entire building façade that faces Broadway shall be located within (5) five feet of the sidewalk. This standard shall not apply to plazas, recessed entrances, parks, or space designed to accommodate sidewalk seating areas for restaurants, cafes, and similar businesses. No more than fifty ~~(50)~~ percent (50%) of a building frontage shall qualify for the exception for plazas, recessed entrances, or sidewalk seating areas.

Chapter 17.101D

D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT Zones Regulations

Sections:

17.101D.010 Title, purpose and applicability.
17.101D.020 Special Regulations governing use and development in the D-KP-4 zone.
17.101D.030 Permitted and conditionally permitted activities in the D-KP-1, D-KP-2, and D-KP-3 zones.
17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.
17.101D.050 Required Master Plan conformance and design review.
17.101D.060 Design Review.
17.101D.070 Design review application.
17.101D.080 Master Plan amendment.
17.101D.090 Minimum lot area width and frontage.
17.101D.100 Maximum floor area.
17.101D.110 Maximum height for new construction.
17.101D.120 Parking and loading areas.
17.101D.130 Signs.
17.101D.140 Landscaping, buffering and screening.
17.101D.150 Demolition.
17.101D.160 Skybridges.

17.101D.010 Title, purpose and applicability.

A. The provisions of this chapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This chapter establishes land use regulations for the D-KP-1, D-KP-2 D-KP-3 and D-KP-4 zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center zones are to:

- Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership;
- Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital by January 1, 2013;
- Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards;
- Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood;
- Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community;
- Provide a set of procedures and practices to review and consider future design of new building construction.

D-KP-1 Kaiser Permanente Oakland Medical Center District Commercial 1 Zone: The D-KP-1 zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

D-KP-2 Kaiser Permanente Oakland Medical Center Commercial District 2 Zone: The D-KP-2 zone is intended for those properties south of MacArthur Boulevard.

D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District 3 Zone: The D-KP-3 zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

D-KP-4 Kaiser Permanente Oakland Medical Center 4 Residential District Zone: The D-KP-4 zone is intended for those single family residential properties on the east side of Manila Avenue ~~which are, and will remain zoned R-70,~~ and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

B. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the D-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable D-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

17.101D.020 Special Regulations governing use and development in the D-KP-4 zone.

A. ~~Special regulations governing use and development in the D-KP-4 zone.~~
The properties in the D-KP-4 zone~~s~~ that are zoned ~~R-70~~RU-3~~?~~ ~~and~~ shall ~~remain~~ be subject to the regulations of the ~~R-70~~RU-3 residential ~~District~~ zone, ~~contained in Chapter 17.28~~except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center, the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

B. The existing single family residential buildings on the east side of Manila within the D-KP-4 Zone shall remain.

17.101D.030 Permitted and conditionally permitted activities.

Table17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"__" **designates uses that are prohibited in the corresponding zone**

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	**Regulations**			**Additional Regulations**
	D-KP-1	**D-KP-2**	**D-KP-3**	
Residential Activities				
Permanent	P	P	P	
Residential Care	C	C	C	17.102.212
Service-Enriched Permanent Housing	C	C	C	17.102.212
Transitional Housing	C	C	C	17.102.212
Emergency Shelter	C	C	C	17.102.212

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	**Regulations**			**Additional Regulations**
	D-KP-1	**D-KP-2**	**D-KP-3**	
Semi-Transient	C	C	C	17.102.212
Bed and Breakfast	C	C	C	17.10.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C	C	C	17.102.410
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Café	P	P	P	
Fast-Food Restaurant	C	C	C	17.102.210 and 8.09
Convenience Market	P	C	C	17.102.210
~~Fast-Food Restaurant~~	~~C~~	~~C~~	~~C~~	
Alcoholic Beverage Sales	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	C	C	C	17.102.210
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P	P	P	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	--	--	--	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C	C	C	
Personal Instruction and Improvement	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	--	--	--	
Transient Habitation	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	

Table 17.101D.01 Permitted and Conditionally Permitted Activities				
Activity	**Regulations**			**Additional Regulations**
	D-KP-1	**D-KP-2**	**D-KP-3**	
Industrial Activities	All Industrial Activities prohibited in these zones			
Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones			
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100	*C*	*C*	*C*	*17.74.030 17.102.100*
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.	*C*	*C*	*C*	*17.102.110*

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.

KP-2, and D-KP-3 zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

Table 17.101D.02 Permitted and Conditionally Permitted Activities				
Facility Types	**Zone**			
	D-KP-1	**D-KP-2**	**D-KP-3**	**Additional Regulations**
Residential Facilities				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	102.360
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	--	--	--	
Nonresidential Facilities				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C	C	C	
Sidewalk Café	P	P	P	17.102.335
Drive-In	C	C	C	
Drive-Through	C	C	C	17.102.290
Telecommunications Facilities				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	

Table 17.101D.02 Permitted and Conditionally Permitted Activities				
Facility Types	**Zone**			
	D-KP-1	**D-KP-2**	**D-KP-3**	**Additional Regulations**
Monopole Telecommunications	C	C	C	
Tower Telecommunications	--	--	--	
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

17.101D.050 Required Master Plan conformance and design review.

A. Substantial Conformance to the Kaiser Permanente Oakland Medical Center Master Plan is required for all projects in the D-KP-1, D-KP-2, and D-KP-3 zones.

B. Except for projects that are exempt from design review as set forth in Section 17.136.025, No ~~b~~Building Facility, Telecommunications Facility, ~~s~~Sign, or other ~~facility~~ associated structure shall be constructed, ~~or~~ established, or altered in exterior appearance ~~such a manner~~ unless plans for ~~such~~ the proposal have been approved pursuant to the ~~D~~design ~~R~~review ~~P~~procedure ~~set forth~~ in section 17.101D.060.

17.101D.060 Design Review.

A. **Design Review Application.**

1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted *Kaiser Permanente Oakland Medical Center Master Plan*. At the conference the city representative shall 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.

2. Application for Design Review: Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

B. **Exemptions from Design Review.** The following changes to existing nonresidential buildings are exempt from design review:

1. Any alteration or addition of existing floor area or footprint area determined by the Director of City Planning to be not visible from the street or from other public areas. An alteration or addition will normally be considered "not visible from the street or from other public areas" if it does not affect any street face or public face of a building or is located more than forty (40) feet from any street line, public path, park or other public area;

2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under 25,000 square feet, whichever is smaller ;

3. A change of sign face copy or new sign face 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;

4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck 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 or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120.

5. The alteration or addition is on a roof and does not project above the parapet walls.

C. **Small Project Design Review.** "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

1. Definition of Small Projects. Small Projects are limited to one or more of the following types of work:

   a. New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs;

   b. New or modified awnings;

   c. Color changes to buildings, signs, awnings or other facilities;

   d. Changes to storefronts or ground floor facades limited to replacement or construction of doors, windows; bulkheads and nonstructural wall infill; or installation or replacement of security grilles or gates; provided, however, they do not involve properties considered to be Historic Resources as defined by

CEQA Guidelines section 15064.5 (14 CFR section 15064.5) and the City's Historic Preservation Element Policy 3.8;

e. Installation of flags or banners having any permanent structure within the public right of way;

f. Fences.

2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.

a. The Director shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan.*

b. The Director may approve or disapprove the proposal 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 said criteria.

c. The Director's decision shall be in writing, shall be final immediately and is not appealable.

d. Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

D. **Regular Project Design Review.** Unless determined exempt or subject to small project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:

a. If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet or more of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.

b. All other applications for regular design review shall be considered by the Director of City Planning. However, 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.

2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

a. Decisions by the Planning Commission shall be made at a public hearing. At his or her discretion, the Director of City Planning may hold an administrative hearing for projects under his or her review.

b. Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; 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 property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than seventeen~~fifteen~~ (17~~15~~) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.

c. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may potentially be affected.

d. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria and also is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan, 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.

e. A determination by the Director shall become final ten (10) days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not appealable.

f. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. **Design Review Criteria.** Design review approval may be granted only if the proposal is in substantial conformance to the *Kaiser Permanente Oakland Medical Center Master Plan* including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

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

b. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and

c. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council; and

d. That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.

F. **Adherence to Approved Plans.** A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.

G. **Revocation/Enforcement.** In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.

H. **Review by Landmarks Board.** A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.

I. **Design Review and Other Approvals.** Whenever design review approval is required for a proposal also requiring a conditional use permit, or planned unit development permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

17.101D.070 Design review application.

The application for design review for one or more Campus Zones shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses.

2. Location and dimensions of structures.

3. Major landscaping features, including trees protected by Oakland Municipal Code Chapter 12.36, as it may be amended.

4. Creeks Protected by Oakland Municipal Code Chapter 13.16, as it may be amended.

5. The presence of any historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 14 of the California Code of Regulations.

6. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.

7. A tabulation of the land use area and gross floor area to be devoted to health care and retail uses, if any.

8. A public services and facilities plan including proposed location, extent and intensity of essential public services and facilities such as public streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities and a table comparing the descriptions to the existing location, extent and intensity of such essential public facilities and services.

9. If required, a Phasing Plan generally depicting projected development time frames sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services and parking.

17.101D.080 Master Plan amendment.

A. The City Council shall not amend the *Kaiser Permanente Oakland Medical Center Master Plan* until after it has received, pursuant to this procedure, a recommendation from the Planning Commission. The purpose of these provisions is to set forth the procedure by which amendments may be made to the *Kaiser Permanente Oakland Medical Center Master Plan*.

1. Private Party Initiation. The owner of any property with a D-KP zone, or his or her authorized agent, may make application to the City Planning Commission to amend the *Kaiser Permanente Oakland Medical Center Master Plan.*

2. Commission Initiation. The City Planning Commission may, and upon request of the City Council, initiate a *Kaiser Permanente Oakland Medical Center Master Plan* amendment. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for amendment.

B. A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the City's Master Fee Schedule. Upon receipt of a completed application, the Director shall, within a reasonable period of time, schedule a public hearing before the Planning Commission. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected.

C. In the case of initiation by the City Planning Commission or initiation by a private party, the Commission shall, within 90 days from the date the submittal is deemed complete, hold a public hearing on the proposal. The Director or the Commission may seek the advice of outside design professionals and/or refer the matter to the City's Landmark's Preservation Advisory Board if Historic Resources may be affected. The Commission shall, in every case, make a recommendation to the City Council for appropriate action.

D. Upon receipt of a recommendation from the City Planning Commission, the City Council shall set the date for consideration of the matter. The Council may approve, modify, or disapprove the Commission's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.

E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) 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 property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than ~~fifteen (15)~~ seventeen (17) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.

F. Whenever a private party application has been denied by the City Council, no such application for the same proposal shall be filed within one year after the date of denial.

17.101D.090 Minimum lot area width and frontage.

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

Standard	Zone		
	D-KP-1	**D-KP-2**	**D-KP-3**
Minimum lot area	4,000	4,000	4,000
Minimum lot width	25 ft	25 ft	25 ft
Minimum lot frontage	25 ft	25ft	25 ft

Lot width and frontage for D-KP-4 based on the ~~R-70~~RU-3 zone~~ing~~.

17.101D.110 Maximum height for new construction.

The maximum heights for new construction in the D-KP zones shall be as follows:

A. In the D-KP-1 Zone, the maximum building height for the Medical Office Building shall be 85 feet. The maximum height of any freestanding parking structure shall be 41 feet (2 stories of parking above ground floor retail, with rooftop parking allowed).

B. In the D-KP-2 Zone, the maximum height for the new hospital tower shall be 210 feet.

C. In the D-KP-3 Zone, the maximum height of new buildings (not including parking structures) shall be 70 feet (5 stories at 14 feet per story). Parking structures shall be limited to a maximum of 53 feet. In the D-KP-3 Zone all structures shall be set back from the adjacent ~~R-50 residential area~~ RM-3 zone on Cerrito Avenue, Howe Street, and 38th Street by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height.

D. Maximum height for D-KP-4 is equivalent to RU-3~~R-70~~ requirements.

17.101D.150 Demolition.

Consistent with Oakland Municipal Code S~~s~~ection 15.36.070, during the *Kaiser Permanente Oakland Medical Center Master Plan* approval process, the City Council may identify specific buildings

for which a demolition permit may be issued without first obtaining a building permit because the issue of demolition was expressly considered as part of the *Kaiser Permanente Oakland Medical Center Master Plan* approval process. These buildings shall be listed in the *Kaiser Permanente Oakland Medical Center Master Plan* as eligible for demolition prior to the issuance of building permits.

Chapter 17.102

GENERAL REGULATIONS APPLICABLE TO ALL OR SEVERAL ZONES

Sections:

17.102.010 Title, purpose, and applicability.
17.102.020 Supplemental zoning provisions.
17.102.040 Effect of prior permits.
17.102.070 Application of zoning regulations to lots divided by zone boundaries.
17.102.080 Permitted and conditionally permitted uses.
17.102.090 Conditional use permit for shared access facilities.
17.102.100 Conditions for accessory parking serving activities which are not themselves allowed.
17.102.110 Conditions for expansion of use into adjacent zones.
17.102.120 Restriction on removal of dirt or other minerals--Residential and S-1, S-2, S-3 and OS zones.
17.102.130 Time limit on operation of subdivision sales offices--Residential zones.
17.102.140 Special regulations applying to private stables and corrals.
17.102.160 Special regulations applying to adult entertainment activities.
17.102.170 Special regulations applying to massage activities.
17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities--Commercial zones.
17.102.190 Joint Living and Work Quarters.
17.102.195 Residentially-oriented joint living and working quarters.
17.102.200 Conditional use permit required for pedestrian bridges constructed over city streets.
17.102.210 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.
17.102.212 Special regulations applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities.
17.102.220 Special regulations applying to Mining and Quarrying Extractive Activities.
17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.
17.102.240 Special regulations applying to microwave dishes in or near residential zones.
17.102.250 Maximum density and floor-area ratio during construction.
17.102.260 Occupancy of a dwelling unit.
17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.
17.102.270 An additional kitchen for a single dwelling unit.
17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.
17.102.290 Special regulations for Drive-Through Nonresidential Facilities.
17.102.300 Conditional use permit for dwelling units with five or more bedrooms.
17.102.310 Special regulations for certain projects with development agreements.
17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.
17.102.330 Conditional use permit for waiver of certain requirements with parcel division between existing buildings.

17.102.335 Standards for Sidewalk Cafes.
17.102.340 Special regulations applying to electroplating activities in the M-20, M-30, and M-40 zones.
17.102.350 Regulations applying to tobacco-oriented activities.
17.102.360 Secondary Units.
17.102.370 Conditional use permit for hotels and motels.
17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.
17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.
17.102.410 Regulations Applying to Special Health Care Civic Activities.
17.102.420 Special design requirements for lots located in a residential and commercial zones and the OS, S-1, S-2, S-3, and S-15 zones.
17.102.430 Regulations applying to check cashier and/or check cashing activity.

17.102.070 Application of zoning regulations to lots divided by zone boundaries.

~~A.~~ Wherever it is found, after applying the rules set forth in Section 17.154.050 for interpretation of zone boundaries, that any lot is divided by a boundary between zones, the provisions of the zoning regulations shall apply as follows to such lot:

~~A~~A~~1~~. Application of All Regulations of One Zone to Existing Lot If Boundary Is Near Lot Line. ~~(See illustration I-7.)~~ If the lot was on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto resulting in division of the lot by a zone boundary, and the owner or developer of such lot, or of a portion or combination of such lot or lots, may at his or her option assume that all of the regulations applying in any zone covering fifty ~~(50)~~ percent (50%) or more of the lot area apply to the entire lot or lots. However, this option shall not apply unless the entire lot or all such lots or parcel of land could be included in such zone by shifting the affected zone boundary by not more than thirty (30) feet, as measured perpendicularly to said boundary at any point.

~~B~~B~~2~~. Application of Regulations Where subsection A Is Inoperative. ~~(See illustration I-8.)~~ Wherever the provisions of subsection A of this section do not apply or the option provided therein is not exercised:

~~1~~1~~a~~. No activity type or facility type is allowed on any portion of the lot located in a zone where such type is not generally allowed, except for the accessory uses allowed by subsections (B)(2) and (B)(3) of this section.

~~2~~2~~b~~. Accessory off-street parking and loading may be located on the lot without regard for zone boundaries; provided that no parking or loading shall be located on any portion of the lot located in a zone where the principal activity served is not generally allowed, except as such parking is specifically allowed by the applicable individual zone regulations subject to the conditions set forth in Section 17.102.100; and further provided that parking and loading shall be subject to a conditional use permit requirement or other special controls on any portion of the lot located in any zone where such controls generally apply to parking or loading. The total amount of required parking and loading shall be calculated separately on the basis of the amount of the served use and the requirements applying in each zone; provided that the minimum size for which any parking or loading is required shall be deemed to be exceeded if it is exceeded by the total of such use on the entire lot.

~~3~~3~~c~~. Accessory landscaping, fences, screening or retaining walls, and usable open space may be located on the lot without regard for zone boundaries. The total amount of required usable open space shall be calculated separately on the basis of the number of living units, or amount of floor area, and the usable open space requirements in each zone; provided that where reference is made to the total number of living units on a lot, the number on the entire lot shall be considered.

~~4~~4~~d~~. The maximum permitted or conditionally permitted number of living units or floor-area ratio, if any, on the lot shall be calculated separately on the basis of the amount of lot area and the density ratio and floor-area ratio applying in each zone. The resulting maximum permitted or conditionally

permitted total number of living units or amount of floor area may be distributed on the lot without regard for zone boundaries, except as otherwise provided in subsection (B)(1) of this section and except that the number of living units and amount of floor area within each zone shall not exceed the number or amount which would be allowed on the entire lot if it were completely within such zone.

~~5~~5~~e~~. The minimum lot area, width, and frontage requirements of the zone which covers the greater or greatest portion of the lot area of the lot shall apply to the entire lot. If the lot area is divided equally between two or more zones, the owner or developer of the lot may assume that the minimum lot area, width, and frontage requirements of either or any of such zones apply to the entire lot.

~~6~~6~~f~~. All regulations not covered above shall apply separately to the portion of the lot within each zone, provided that where reference is made in such regulation to the total quantity of living units or other unit of measurement on a lot, the quantity on the entire lot shall be considered. (Prior planning code § 7006)

C~~B~~. Wherever a lot is divided by a boundary between height areas, the height line may be moved up to thirty (30) feet in any direction upon the granting of Regular Design Review approval (see Chapter 17.136 for the Regular Design Review process) to accommodate the site plan of a proposed development project. In addition to the general Design Review Criteria contained in Chapter 17.136~~)~~, the proposal must meeting the following criteria:

1. The height line adjustment creates a more successful site plan in terms of open space, parking, or building location; and

2. Appropriate height transitions are incorporated into the building design and site plan to adjacent lower density residential properties that either share a parcel line or are across the street from the proposal.

17.102.090 Conditional use permit for shared access facilities.

A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with all applicable city standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was

constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan. (Prior planning code § 7010)

17.102.110 Conditions for expansion of use into adjacent zones.

The following regulations shall apply to activities which are conditionally permitted by the applicable individual zone regulations near a zone boundary and subject to the conditions set forth in this section:

A. Substantial Improvement in, or Superior, Environment. A conditional use permit for such a use may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and that the location, size, design, and other characteristics of the entire use as proposed will substantially improve or provide superior environmental relationships among all uses in the immediate vicinity.

B. Preservation of Privacy. A conditional use permit for such a use may be granted only upon determination that the design and site planning of all buildings, open areas, parking, service areas, paths, stairways, accessways, corridors, and balconies will be so designed as to not adversely affect the privacy, safety, or environmental amenities of adjacent properties.

C. Retention of Natural and Topographic Features. A conditional use permit for such a use may be granted only upon determination that within the expansion area every reasonable effort will be undertaken to preserve natural grades, topographic features, watercourses, and significant landscape features.

D. Expansion of Use on Abutting Lot. Such uses shall be allowed only when they constitute an expansion of or are a part of an existing or proposed activity or facility which is located in or partially located in the adjacent zone, and is permitted or conditionally permitted therein. Such uses shall be allowed only on a lot, or one of a series of lots under one ownership, directly contiguous to the lot in the adjacent zone, with no intervening streets.

E. Maximum Distance from Zone Boundary. Such uses shall not extend more than one hundred fifty (150) feet into the zone, as measured perpendicularly from the zone boundary at any point.

F. Increased Off-Street Parking. Off-street parking shall be provided for the proposed development in an amount at least one hundred fifty ~~(150)~~ percent (150%) of that required by the off-street parking requirements in Chapter 17.116.

G. Height. Within the area of the allowed expansion, the maximum height of any building or facility shall not exceed the maximum height permitted on abutting lots.

H. Increased Yard Areas. The minimum yard depth or width, as the case may be, for buildings within the expansion area shall be no less than one hundred fifty ~~(150)~~ percent (150%) of the yard depth or width, if any, required for uses on those properties abutting the expansion area.

I. Screening and Buffering. The exterior perimeter of the expansion area shall be provided with screening and buffering devices including, but not limited to, established trees.

J. Maximum Density. The number of living units on any lot or series of lots involved in the expansion of use shall be calculated separately on the basis of the amount of lot area and the density ratio applying in each of the affected zones. The maximum number of living units allowed in the proposed development shall not exceed the accumulative total resulting from adding the density calculations for each of the lot areas and zones involved in the expansion. (Prior planning code § 7012)

17.102.160 Special regulations applying to adult entertainment activities.

A. Conditional Use Permit Requirement. Adult entertainment activities are not permitted in any zone except upon the granting of a conditional use permit pursuant to the criteria in subsection B of

this section (which supersedes the general criteria in Section 17.134.050) and the conditional use procedure in Chapter 17.134.

B. Conditional Use Permit Criteria. A conditional use permit for an adult entertainment activity shall only be granted upon a determination that all of the following conditions are present notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.

2. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity such that any obtrusive or distracting environmental factors which may emanate from the use do not adversely affect said areas.

3. The exterior appearance of the structure will not be conspicuously of a lesser quality (i.e., with respect to such elements as building facade, lighting, and signage materials) than the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood or cause a substantial diminution or impairment of property values within the neighborhood.

4. The proposed use will not be inconsistent with the adopted general plan for the area.

5. The proposed site is adequate in size and shape to accommodate the parking and loading facilities, landscaping and other development features prescribed in the planning code or other city regulations or as is otherwise required in order to integrate said use with the uses in the surrounding area.

6. The proposed site is adequately served:

a. By highways or streets of sufficient width and capacity to carry the kind and quantity of traffic and to accommodate the parking demand such use would generate; and

b. By other public or private service facilities such as fire protection or trash collection services as are required.

C. Location.

1. No adult entertainment activity shall be located within, nor closer than one thousand (1,000) feet to, the boundary of any residential zone.

2. No adult entertainment activity shall be closer than three hundred (300) feet to any other adult entertainment activity except that this restriction shall not apply to any adult entertainment activity in an establishment devoted exclusively and on a full-time basis to such activity, which establishment was in existence on December 21, 1976 and operating under a valid city regulatory permit, where such a permit is required.

D. Discontinuance of Nonconforming Activities. See Section 17.114.090. (Prior planning code § 7017)

17.102.190 Joint living and work quarters.

A. General Provisions. Joint living and work quarters are permitted in all zones where Residential Activities are permitted or conditionally permitted. In all zones where Residential Activities are not otherwise allowed by the applicable individual zone regulations, joint living and work quarters may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Definition. Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) cooking space and sanitary facilities which satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

.~~In the S-16 Industrial-Residential Transition Combining Zone, joint living and work quarters may also be allowed in new construction.~~

C. Use Permit Criteria. A conditional use permit for joint living and work quarters may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure and to both of the following use permit criteria:

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

A. Area of applicability. The provisions of Section 17.102.195 apply to the area bounded by Highway 980/Brush Street, the Estuary shoreline, the Lake Merritt/Estuary channel, the western shore of Lake Merritt, and 27th Street.

B. Definition. Residentially-Oriented Joint Living and Working Quarters means residential occupancy by one or more persons maintaining a common household of one or more rooms in a building originally designed for non-residential occupancy which includes cooking space and sanitary facilities which satisfy the provisions of other applicable municipal codes. A Residentially-Oriented Joint Living and Working Quarter consists of a designated residential area and a designated work area. However, the definitions applied by City Council Resolution Number 68518 C.M.S that apply to "Joint Live/Work Space" including criteria that define space requirements are not applicable to Residentially-Oriented Joint Living and Working Quarters.

C. Conditions for conversion.

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

a. The total number of Residentially-Oriented Joint Living and Working Quarter units on the subject property after the conversion will not exceed the maximum number of residential units permitted by the underlying zone.

b. All existing on-site parking spaces are retained for use by the residents, unless existing on-site parking exceeds required parking for all activities on the lot, in which case the number of parking spaces shall not be reduced below the number of spaces prescribed in Chapter 17.116 for all activities on the lot.

c. All open space associated with the building is retained for use by the residents, unless existing open space exceeds the requirement for of the applicable zone or zones.

d. All existing ground-floor commercial space is retained for commercial activities.

2. New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area, or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Residentially-Oriented Joint Living and Working Quarters, except for dormers not exceeding the existing roof height and occupying no more than ten ~~(10)~~ percent (10%) of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens, or other facilities listed in Section 17.108.130.

3. If a project is located within the S-7 zone and involves exterior alterations, the design review requirements of that zone shall apply (see Sections 17.84.030 and 17.84.040).

4. In any zone, projects involving exterior alterations shall be subject to the design review procedure in Chapter 17.136.

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

E. Non-applicability of certain requirements pertaining to dwelling units. In the area prescribed in Subsection (A), the conversion to Residentially-Oriented Joint Living and Working Quarters of a building or portion of a building that was originally designed for non-residential occupancy is not subject to the requirements for off-street parking in Section 17.116.020 (New Parking to Be Provided for New Living Units in Existing Facilities) and is not subject to the open space requirements for new residential dwelling units contained in the applicable zoning district or districts, but is subject to the requirements of subsection (C)(i) above for retention of existing parking and open space (Ord. 12456 § 3 (part), 2003)

17.102.210 Special regulations applying to Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ certain establishments selling alcoholic beverages, providing mechanical or electronic games, and Transport and Warehousing Storage of abandoned, dismantled or inoperable vehicles, machinery, equipment, and of construction, grading, and demolition materials and Scrap Operation.

A. Use Permit Criteria for Fast-Food Restaurants, Convenience Markets, ~~Fast-Food Restaurants,~~ and Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Fast-Food Restaurant, Convenience Market, ~~Fast-Food Restaurant,~~ or Alcoholic Beverage Sales Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;

3. That the proposal will not interfere with the movement of people along an important pedestrian street;

4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;

5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression

6. That adequate litter receptacles will be provided where appropriate;

7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten (10) p.m. and seven (7) a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity, except:

a. On-sale retail licenses located in the C~~c~~entral D~~d~~istrict (defined for the purposes of this Chapter~~)~~ as within the boundaries of I-980 and Brush street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or

b. Off-sale retail licenses located in the Jack London ~~Square~~ district (~~(~~defined for the purposes of this Chapter as within the boundaries of Martin Luther King Jr. Way to the west; I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or

c. If the activity is in conjunction with a Full-Service Restaurant; or

d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.

2. Sale of a~~A~~lcoholic b~~B~~everages ~~Sales Activities~~ in conjunction with a Full Service Restaurant and located within any of the following areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: International Boulevard~~E. 14th Street~~; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying between Highway I-980 and I-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, ~~only~~ if the proposal conforms to all of the following three criteria:

a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and

b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and

c. That alcohol sales are typically a part of this type of business in the City of Oakland (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).

4. In addition to the above criteria, projects outside the Central ~~Business~~ District and Hegenberger Corridor shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more:~~.~~

a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and

b. Police department calls for service within the "beat" where the project is located do not exceed by twenty ~~(20)~~ percent (20%), the average of calls for police service in police beats citywide during the preceding twelve (12) months.

C. Special Restrictions on Provision of Mechanical or Electronic Games in Certain Cases. The following regulation~~s~~ shall apply to the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, within any kind of place of business where the games can be played or operated by the public or by customers; provided, however, that these regulations shall not apply to the provision of a total of fewer than three mechanical or electronic games in any single place of business, except where the games provide the main or primary source of income for the proprietor; and further provided that these regulations shall not apply to the provision of any number of such games in any pool or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the Oakland M~~m~~unicipal C~~c~~ode and from which persons under eighteen (18) are barred at all times by the owner or operator, nor in any premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors~~:~~.

~~1. It shall not be located in any residential zone nor in the M-10, S-1, S-2, or S-3 zone.~~

~~2. It is not permitted except upon the granting of a conditional use permit in any commercial zone other than the C-60 zone.~~

~~3~~1. It shall not be located ~~neither :~~

~~a.~~ w~~W~~ithin three hundred (300) feet from any lot in a residential zone; o~~no~~r

~~b. W~~ within one thousand (1,000) feet from the nearest regular entrance to or exit from any public playground or public, parochial, or private elementary, junior high, or high school.

These distances shall be measured horizontally in the most direct pedestrian route along or across any street or streets, alleys, or paths, or private ways described in Section 17.106.020, leading to the closest regular entrance to the actual space devoted to said games.

D. Special Restrictions Applying to Fast-Food Restaurants.

1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the C~~c~~entral ~~business~~ D~~d~~istrict (defined for the purposes of this Chapter as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), within the main building of Shopping Center Facilities, and in the ~~C-36 boulevard service commercial zone~~ CR-1 Regional Commercial zone.

2. Fast-Food Restaurants with Drive-Through Facilities shall not be located within five hundred (500) feet of a public or private elementary school, park, or playground, measured perpendicularly from the street right-of-way.

3. Access. Ingress and egress to Fast-Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.

4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.

5. Vacated/Abandoned Fast-Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high-risk period. As used in this code, the words "abandoned" or "vacated" shall mean a facility that has not been operational for a period of thirty (30) consecutive days, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The defined period of coverage is four (4) years following the obtaining of an occupancy permit. The bond may be renewed annually, and proof of renewal shall be forwarded to the Director of City Planning. The bond amount shall be determined by the city's Risk Manager and shall be adequate to defray expenses associated with the requirements outlined below. Monitoring and enforcement of the requirements set forth in this section shall be the responsibility of the Building Official, ~~Housing Manager of the Department of Housing Conservation,~~ pursuant to Chapter 8.24 of the Oakland Municipal Code and those sections of the Oakland ~~Housing~~ Building Code which are applicable.

If a Fast-Food Facility has been vacated or abandoned for more than thirty (30) consecutive days, the project sponsor shall be required to comply with the following requirements, pursuant to the relevant cited city, county and state codes:

a. Enclose the property with a security fence and secure the facility;

b. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C), and that violators will be cited, and vehicles towed at the owner's expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;

c. Install and maintain security lighting as appropriate and required by the Oakland Police Department;

d. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;

e. Maintain existing landscaping and keep the site free of overgrown vegetation.

E. Special Restrictions on Transport and Warehousing storage of abandoned, dismantled or inoperable vehicles, machinery, equipment and of construction, grading and demolition materials, and Scrap Operation (these provisions would not apply to the storage or parking of operable recreational vehicles, operable automobiles, public parking facilities, or parking for active establishments, e.g., auto dealerships). (Ord. 12241 § 3 (part), 2000; Ord. 12224 § 5, 2000; Ord. 11958 § 9, 1996; amended during 1997 codification; Ord. 11831 §§ 3, 4, 1995; prior planning code § 7023)

17.102.230 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity--Nonresidential zones.

A. Conditional Use Permit Requirement. The demolition of a facility containing, or intended to contain, rooming units, or the conversion of a living unit from its present or last previous use by a Permanent Residential Activity, a Semi-Transient Residential Activity, or a Transient Habitation Commercial Activity to its use by a nonresidential activity other than Transient Habitation Commercial is only permitted in a nonresidential zone upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. The only exceptions to this requirement are conversions in the HBX~~-1, HBX-2 or HBX-3~~ zones, and units in a One-Family or Two-Family Residential Facility. Such permit may be granted only upon determination that the proposed demolition or conversion conforms to the general use permit criteria set forth in the conditional use permit procedure and to at least one of the following additional use permit criteria:

1. That the facility proposed for demolition or the living unit proposed for conversion is unoccupied and is, or is situated in, a residential building that has been found, determined, and declared to be substandard or unsafe pursuant to Section 15.08.350(B) of the Oakland ~~Housing~~ Municipal Code; or

2. That a replacement rental unit, comparable in affordability and type to each unit proposed for demolition or conversion, will be added to the city's housing supply prior to the proposed demolition or conversion taking place; or

3. That the benefits to the city resulting from the proposed demolition or conversion will outweigh the loss of a unit from the city's housing supply; or

4. That the conversion will be an integral part of a rehabilitation project involving both residential and nonresidential activities, and that the rehabilitation project would not be economically feasible unless some nonresidential activity were permitted within it.

B. Tenant Assistance. Upon the granting of a conditional use permit for the demolition of a facility containing rooming units or for the conversion of a living unit to a nonresidential activity, the actual demolition or conversion cannot take place until the following have occurred:

1. If a dwelling unit is to be converted, the tenant has been given a one hundred twenty (120) day written notice of the conversion. If a rooming unit is to be demolished or converted, the tenant, if a permanent tenant, has been given a seventy-five (75) day written notice of the demolition or conversion. All such written notices shall comply with the legal requirements for service by mail.

2. If a dwelling unit is to be converted, the tenant has been provided with a relocation allowance equal to one month's rent or five hundred dollars ($500.00), whichever is greater. If a rooming unit is to be demolished or converted, the owner of the building containing the unit to be demolished or converted has referred the tenant (if a permanent tenant) to a comparable, available unit; if a comparable unit is not available, the permanent tenant has been provided with a relocation allowance equal to one month's rent or five hundred dollars ($500.00), whichever is greater.

3. The Director of City Planning has been provided with proof that the above actions have been taken.

(As used in this section, a permanent tenant of a rooming unit is defined as a tenant maintaining occupancy for six (6) months or more at a hotel or motel where the innkeeper does not retain a right of access and control of the unit and where the hotel or motel does not provide or offer all of the following services to all of the residents: safe deposit boxes for personal property; central telephone service; central dining; maid, mail, room, and recreational service; and occupancy for periods of less than seven (7) days.) (Amended during 1997 codification; prior planning code § 7026)

17.102.240 Special regulations applying to microwave dishes in or near residential zones.

The following regulations shall apply to microwave dishes which are over one (1) meter in diameter, which are located in any residential zone or within one hundred fifty (150) feet from the nearest boundary of any residential zone, as measured perpendicularly from said boundary at any point:

A. Height. No such facility which is on a building shall extend more than seven (7) feet above the building's actual roof line or parapet wall except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No such facility which is freestanding shall extend more than seven (7) feet above finished grade except upon the granting of a conditional use permit.

B. Distance from Lot Line in Certain Cases. No such facility shall be located within ten feet from any abutting residentially zoned lot, or from any street, alley, or path or private way described in Section 17.106.020 directly across which there is a lot in any residential zone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

C. Glare. All such facilities shall be placed, screened, or designed in such a way as to avoid casting objectionable glare into the windows of any residentially zoned lot located within one hundred fifty (150) feet.

D. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the applicable additional use permit criteria set forth below:

1. That in all cases, the proposed facility will not be unduly large or obtrusive for its surroundings;

2. That if the facility is to be located on a building, its supporting structure will be so screened, painted, formed of attractive materials, or otherwise designed that the facility will harmonize with the building's overall color and design;

3. That if the facility is to be freestanding, it will be so placed, screened, or designed that it will be visually compatible with the nearby residentially zoned uses. (Prior planning code § 7028)

17.102.250 Maximum density and floor-area ratio during construction.

Whenever a new Residential Facility is constructed on any lot upon which there presently exists a Residential Facility, and such existing facility is retained and occupied temporarily pending completion of the new residential structure, the maximum density and floor-area ratio prescribed for such lot shall be computed upon the basis of the new facility only. However, such existing facility shall be vacated and demolished or removed within one (1) year after commencement of construction of the new facility unless the existing and new facility together shall conform to said maximum density and floor-area ratio requirements. (Prior planning code § 7030)

17.102.260 Occupancy of a dwelling unit.

A Residential Facility, or portion thereof, shall be deemed to constitute a single dwelling unit only if it is occupied by a single-family or, where the facility occupied is a One-Family Dwelling, such family and not more than three (3) boarders, roomers, or lodgers where access to all rooms occupied by

such boarders, roomers, or lodgers is had through the main entrance of the dwelling unit. (Ord. 12138 § 4 (part), 1999; prior planning code § 7031)

17.102.265 Occupancy of a One-Family Dwelling Residential Facility by a Residential Care Residential Activity.

A Residential Care Residential Activity shall be deemed to occupy a One-Family Dwelling Residential Facility if it operates as a single housekeeping unit, as defined in Sec. 17.09.040, and the facility meets all of the characteristics of a One-Family Dwelling Residential Facility as defined in Section 17.10.640. (Ord. 12138 § 4 (part), 1999)

17.102.270 An additional kitchen for a single dwelling unit.

An additional kitchen for a single dwelling unit in any Residential Facility may be permitted, without thereby creating an additional dwelling unit, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and upon determination that all of the following conditions set forth below exist:

A. That the additional kitchen shall be located within the same residential structure as the existing kitchen and solely constitute an additional service facility for the resident household, family or its temporary guests,

B. That the additional kitchen shall not serve as a basis for permanent habitation of an extra household or family on the premises, or the creation of an additional dwelling unit on the premises.

C. That the additional kitchen is necessary to render habitable a living area occupied by one or more persons related by blood, marriage, or adoption to the resident family or collective household occupying the main portion of the dwelling unit.

However, a conditional use permit under this subsection shall not be granted in the ~~the R-1, R-10, R-20, and R-30 zone~~ RH zones or the RD-1 zone if the lot contains two (2) or more dwelling units. (Ord. 12272 § 4 (part), 2000; prior planning code § 7032)

17.102.280 Rules for determining the number of habitable rooms in Residential Facilities.

The total number of habitable rooms in a Residential Facility shall be determined by adding together all rooms in all dwelling units in the facility, in accordance with the rules of subsections A through F of this section. In a case where application of these rules results in more than one possible interpretation of the total number of rooms, or where these rules appear to contradict each other, the interpretation resulting in the greatest number of rooms shall be used. For purposes of this section, a "kitchen" shall be deemed to include the floor area within three (3) feet directly in front of all kitchen counters, cabinets, major appliances, and other fixtures.

A. Except as specified in subsections B through F of this section, a space which meets the definition of "habitable room" at Section 17.09.040, which is entirely enclosed by floor to ceiling partitions, and which is connected to other rooms or spaces by doorways or open archways shall count as one room.

B. A habitable room of less than fifty (50) square feet shall count as half a room.

C. A habitable room larger than four hundred (400) square feet shall count as one room for each four hundred (400) square feet or fraction thereof.

D. Spaces which are not separated by floor to ceiling partitions but whose floor levels differ by more than one foot and which are intended to be used for different functions shall count as separate rooms.

E. A kitchen area of a least fifty (50) square feet which is not entirely enclosed by floor to ceiling partitions shall count as a separate room.

F. A kitchen area of less than fifty (50) square feet whose floor perimeter is at least fifty ~~(50)~~ percent (50%) enclosed by any combination of partitions, counters, cabinets, major appliances, and other similar space dividers shall count as half a room; if not so enclosed, it shall not count as a separate room. (Prior planning code § 7033)

17.102.310 Special regulations for certain projects with development agreements.

Any person having a legal or equitable interest in the real property involved may, upon approval pursuant to the development agreement procedure in Chapter 17.138, enter into a development agreement with the city for any specific development project which involves a total of at least four (4) acres of land area or five hundred thousand (500,000) square feet of floor area and is a project intended to be developed in stages, or which involves land sold or leased by the Redevelopment Agency of the city and is to be carried out by agreement with the Redevelopment Agency. The development agreement shall not be approved unless the project has received, or simultaneously receives, whatever major conditional use permit, preliminary planned unit development plan approval, and major variance it may otherwise require. For the duration of the particular agreement, and unless otherwise provided in the terms thereof, there shall be a contractual guarantee that the project covered by the agreement may be pursued under the applicable procedural criteria, if any, and other zoning regulations, and plans or other documents referred to by any such criteria, as they existed when the agreement was approved and notwithstanding any subsequent changes in said zoning regulations or documents. However, the agreement may also subject the proposal to special conditions to benefit or protect the city for entering into the development agreement. The conditions may include, but are not limited to, supplemental restrictions on kinds of uses, floor-area ratio, or density; special conditions or criteria for required subsequent zoning approvals, if any; and requirements for the reservation, dedication, or improvement of land for public purposes or accessible to the public. (Prior planning code § 7037)

17.102.320 Conditional use permit for waiver of certain requirements in mini-lot developments.

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

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and

2. That the total development meets all the requirements that would apply to it if it were a single lot.

B. Zones in Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only in the S-1 or S-2 zone or in any residential or commercial zone other than ~~R-1, R-10, R-20, and R-30~~RH zones or the RD-1 zone.

C. Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the mini-lot development is less than sixty thousand (60,000) square feet. (Ord. 12272 § 4 (part), 2000; prior planning code § 7038)

17.102.360 Secondary Units.

A. **Development Standards.** The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:

1. **Other Uses on Property.** A Secondary Unit shall only be permitted on a lot that contains only one other primary dwelling unit. A Secondary Unit may be approved and constructed at the same time or after the approval and construction of the primary dwelling unit.

2. **Sale of Unit.** A Secondary Unit shall not be sold separately from the primary dwelling on the same lot.

3. **Owner Occupancy.** The legal owner shall occupy either the primary dwelling or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as

a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning.

4. **Maximum Permitted Floor Area.** The floor area of a Secondary Unit shall not exceed nine hundred (900) square feet or fifty ~~(50)~~ percent (50%) of the floor area of the primary dwelling, whichever is less, except that Secondary Units of up to five hundred (500) square feet in floor area are permitted regardless of the size of the primary dwelling.

5. **Fire Flow and Water Pressure.** A Secondary Unit may be permitted only if the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.

6. **Emergency Access -- multiple vehicular outlets.** A Secondary Unit may be permitted only on a lot which has frontage on a through street, or a dead-end street that has a total length of less than three hundred (300) feet. For the purposes of this subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.

7. **Emergency Access -- minimum pavement width.** A Secondary Unit may be permitted only if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty-four (24) feet. The minimum pavement width limitation may be reduced to a minimum of twenty (20) feet, upon the granting of a conditional use permit, pursuant to the criteria in subsection B of this section, and the conditional use permit procedure in Chapter 17.134.

8. **Public Sanitary Sewer.** A Secondary Unit may be permitted only if it is served by a public sanitary sewer.

9. **Architectural Compatibility.** The Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the architectural design and materials of a Secondary Unit shall match or be visually compatible with that of the primary dwelling, including the architectural style, siding material, roof shape, roofing material, trim material and design, window types, window trim, and window sill detail.

10. **Compliance with Building and Fire Codes.** All Secondary Units shall comply with all other code and permit requirements imposed by all other affected departments, including but not limited to fire separation, sound separation, egress, utility access, and the requirement for a building permit.

11. **Review procedure.** An application for a Secondary Unit of up to five hundred (500) square feet shall be granted ministerial approval as specified in Section 17.136.025 upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section. The five hundred (500) square-foot floor area threshold for a Secondary Unit may only be exceeded, up to a maximum of nine hundred (900) square feet or fifty ~~(50)~~ percent (50%) of the floor area of the primary dwelling, whichever is less, upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030.

B. **Use permit criteria for Secondary Units accessed via narrow streets.** A conditional use permit for a Secondary Unit accessed from the nearest arterial street via a street with a minimum pavement width of between twenty (20) and twenty-four (24) feet may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the general use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That there is adequate emergency access to the lot as determined by the Fire Marshall.

2. That the portions of the street that have a pavement width of less than twenty-four (24) feet are not located on a dead-end street.

3. That if on-street parking is permitted on portions of the street that have a pavement width of less than twenty-four (24) feet, that there exist a level and hard surface shoulders with a combined additional width of at least eight (8) feet.

4. That if on-street parking is prohibited on portions of the street that have a pavement width of less than twenty-four (24) feet, that the restricted parking areas are clearly marked with official

city installed no-parking signs and/or red curbs, pursuant to the provisions of the Oakland Traffic Code (Title 10 of the Oakland Municipal Code).
(Ord. 12555 § 5, 2003; Ord. 12501 § 73, 2003: Ord. 12199 § 7, 2000)

17.102.380 Special regulations applying to truck-related activities in the West Oakland Community Development District.

A. Use Permit Required. No Truck and Truck-related activity as described in Sections 17.10.470, 17.10.480, 17.10.490, and 17.10.500 shall be established or expanded in the West Oakland Community Development District except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. "West Oakland Community Development District" is defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, ~~Brush Street to the east~~ and Interstate 580 to the north.

C. The term "Truck" shall be defined as a "Commercial Vehicle" having a "Manufacturer's Gross Vehicle Weight Rating" exceeding ten thousand (10,000) pounds or a "Trailer," as those terms are defined in the California Vehicle Code.
(Ord. 12289 § 4 (part), 2000)

17.102.400 Special design requirements for lots that contain Residential Facilities and no Nonresidential Facilities.

The provisions of this section apply to lots containing Residential Facilities and no Nonresidential Facilities.

A. **Limitations on Paving in Street-Fronting Yards.** Paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to the following:

1. All lots other than corner lots: fifty ~~(50)~~ percent (50%) maximum paved surface;
2. Corner lots: thirty ~~(30)~~ percent (30%) maximum paved surface.

Exceptions: The maximum percentages of paved surfaces specified in this subsection A may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the city or by a private contractor under contract to the city:

a. Roadway construction or widening;
b. Sidewalk construction or widening; and
c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a planned unit development permit.

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

B. **Screening of Utility Meters.** All utility meters shall either be located within a box set within a building, located on a non-street facing elevation, or screened with vegetation.

C. **Screening of Trash Containers.** All trash containers shall be located in a storage area that is screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of four (4) feet.

D. **Restrictions on exterior security bars and related devices.** Exterior security bars and grills are not permitted on windows, doors, or porch enclosures that are located on a street-facing elevation of primary Residential Facilities unless the Director of City Planning determines that the proposed bars or grills are consistent with the architectural style of the building. Removal of such bars or grills shall be a condition of the granting of all conditional use permits, variances, design reviews and other special zoning approvals involving changes to the elevation on which the bars or grills are located unless the bars or grills have been shown to be architecturally consistent with the architectural style of the building.

E. **Retaining Walls.**

1. No retaining wall shall exceed six (6) feet in height, except in the following cases:

a. Retaining walls flanking driveways that are nineteen (19) feet or less in width on lots with a street-to-setback gradient of twenty ~~(20)~~ percent (20%) or more may exceed six (6) feet in height if both of the following provisos are met:

i. The garage floor is at the highest possible elevation based on the maximum driveway slopes permitted by Section 17.116.260A; and

ii. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall.

b. Retaining walls not flanking driveways may also exceed six (6) feet in height upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030 and if both of the following provisos are met:

i. The top of the retaining wall is no higher than necessary to retain the existing grade at the top of the wall, and

ii. The retaining wall is located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. Whenever buildings or other permanent structures on the subject lot block most, but not all, visibility of the retaining wall, dense landscaping shall be installed and maintained to screen the remaining views of the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.

2. Multiple retaining walls shall be separated by a distance of at least four (4) feet between the exposed faces of each wall.

3. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot. (Ord. 12533 § 3 (part), 2003; Ord. 12406 (part), 2002: Ord. 12376 (part), 2001)

Chapter 17.104

GENERAL LIMITATIONS ON SIGNS

17.104.010 General limitations on Signs in residential and OS zones.

The following limitations shall apply to the specified Signs in all residential and OS zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

A. **Maximum Height.** No Sign shall exceed the maximum height, if any, applicable to facilities in general where it is located, except as otherwise provided in Sections 17.108.020A and 17.108.030; and no Sign shall exceed such applicable maximum heights as are prescribed hereafter in this section.

B. **Residential Signs.** No single Residential Sign shall have a display surface greater than one (1) square foot on any one face, except that one Residential Sign on each lot, other than a Sign identifying a home occupation, may have a display surface of not more than six s(6) square feet on any one face if the lot contains Residential Facilities with a total of three or more living units. No Residential Sign which is attached to a building shall have a display surface greater than one (1) square foot on any one face, unless it is flat against a wall of the building and does not project outward therefrom more than eighteen (18) inches nor at all above the roof or parapet wall of the building. No Residential Sign which is not attached to a building and which has a display surface greater than one (1) square foot on any one face shall extend more than six (6) feet above finished grade, nor be located within five (5) feet from any lot line. All Residential Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except for Signs with a display surface not greater than one (1) square foot on any one face, include any pennants, streamers, propellers, or similar devices. (See also Section 17.112.040D.)

C. **Special Signs.** Special Signs shall be limited to the area of display surface, number, location, and height and kind of mobility, illumination, and material that are customary and necessary to the purposes they serve.

D. **Development Signs.** The maximum aggregate area of display surface of all Development Signs shall be either seventy-five (75) square feet on any one lot or, in the case of a real estate subdivision, seventy-five (75) square feet for each tract of two or more lots which are separated from each other only by a street or other right-of-way; and all Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period. However, a greater area of display surface, an off-site location, or a longer time period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. No Development Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Development Sign which is not attached to a building shall extend more than twenty-four (24) feet above finished grade, nor be located within five feet from any lot line of an abutting lot. All Development Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.

E. **Realty Signs.** The maximum aggregate area of display surface of all Realty Signs on any one lot shall be six square feet. All Realty Signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven (7) days after occupancy, or change of occupancy, of the facilities. No Realty Sign which is attached to a building shall extend above the roof or parapet wall thereof. No Realty Sign which is not attached to a building shall extend more than six feet above finished grade, nor be located within five feet from any lot line of an abutting lot. All Realty Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except when attached to a building, include any pennants, streamers, propellers, or similar devices.

F. **Civic Signs.** No single Civic Sign shall have a display surface greater than one square foot on any one face, except that two Civic Signs on each lot or, in the case of a lot with a lot area of more

than twenty thousand (20,000) square feet, two Civic Signs for each twenty thousand (20,000) square feet of lot area may have a greater display surface. The maximum total area of display surface of any two such larger Signs shall be thirty (30) square feet. No Civic Sign which is attached to a building shall have a display surface greater than one square foot on any one face, unless it is flat against a wall of the building and does not project outward more than eighteen (18) inches therefrom nor at all above the roof or parapet wall of the building. No Civic Sign which is not attached to a building and which has a display surface greater than one square foot on any one face shall extend more than twelve (12) feet above finished grade, nor be located within five feet from any lot line. All Civic Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except for Signs with a display surface not greater than one square foot on any one face, include any pennants, streamers, propellers, or similar devices.

G. **Business Signs.**

1. Business Signs serving Commercial Activities, other than Signs regulated by Section 17.104.010(G)(3) and those regulated by Section 17.11.090, shall be limited to two Signs, with a maximum aggregate area of display surface of fifteen (15) square feet, for each commercial establishment. All such Signs shall be located flat against a wall of the first story of a building, and no such Sign shall project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. All such Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except in the case of Signs behind a display window, include any pennants, streamers, propellers, or similar devices.

2. No single Business Sign serving Agricultural or Extractive Activities shall have a display surface greater than one square foot on any one face, except that one such Sign on each lot may have a display surface of not more than six square feet on any one face. All Business Signs which serve such activities, which are attached to a building, and which have a display surface greater than one square foot on any one face shall be located flat against a wall of the first story of the building, and no such Sign shall project outward more than eighteen (18) inches from such wall nor any distance above the roof or parapet wall of the building. No Business Sign which serves such activities, which is not attached to a building, and which has a display surface greater than one square foot on any one face shall extend more than six feet above finished grade, nor be located within five feet from any lot line. All Business Signs serving such activities shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not, except in the case of Signs behind a display window, include any pennants, streamers, propellers, or similar devices.

3. The maximum aggregate area of display surface of Business Signs serving off-street parking which is subject to the conditions set forth in Section 17.102.100(B) shall be twelve (12) square feet for each vehicular entrance or exit. No such Sign shall extend more than six feet above finished grade, nor be located within five feet from any lot line. All such Signs shall be nonmoving. Illumination, if any, of all such Signs shall be indirect and nonflashing. Such Signs shall not include any pennants, streamers, propellers, or similar devices.

H. **Signs Within One Thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Ord. 12350 § 3 (part), 2001; Ord. 12078 § 5 (part), 1998; prior planning code § 7040)

17.104.020 General limitations on signs--Commercial and industrial zones.

The following limitations shall apply to the specified signs in all commercial and industrial zones, except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations and development control maps:

A. **Design Review.** No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. **Permitted Aggregate Sign Area.**

1. In all commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and to the small project design review procedure in Chapter 17.136.

2. In all industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B(3) below and the small project design review procedure in Chapter 17.136.

3. **Exception to Aggregate Sign Area Limits.** In addition to the exception to aggregate sign limits that may be allowed upon granting of a Master Sign Program as specified in Section 17.104.070, ~~In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex,~~ the following other exception to the maximum aggregate sign area, exclusive from any Master Sign Program exceptions, may be approved pursuant to the small project design review procedure in Chapter 17.136, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex:

a. Twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site.

C. **Maximum Height.**

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any ~~-~~freestanding sign in the ~~C-30, C-35, C-40,~~ CC, M-20, M-30, ~~and~~ M-40, CIX-1, CIX-2, IG, and IO zones is twenty (20) feet. The maximum height in all other Commercial and Industrial zones is ten (10) feet.

D. **Limitations on Signs within Required Minimum Yards.**

1. No business, realty, or development sign shall be located within a required minimum yard..

E. **Special Limitations near Boundaries of Residential Zones.** (See illustration I-10.) The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a residential zone. For the purposes of this subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

1. Within twenty-five (25) feet from any boundary of a residential zone, no business sign shall face said boundary if it is visible therefrom.

F. **Development Signs.** In all commercial and industrial zones, ~~except theM-30 and M-40 zones, C-60,~~ the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one square foot for each two feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. **Realty Signs.** In all commercial and industrial zones, ~~except the M-30 and M-40 zones,~~ the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one square foot for each two feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a

display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

H. **Signs Within One thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

I. **Permitted Projection over Sidewalk.** An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but can not extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.

J. **Temporary Business Signs.**

1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.

2. Allowed Time Limits.

a. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of thirty (30) days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.

b. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of four times per calendar year and a maximum of five consecutive days per event.

3. Placement of Signs.

a. Signs are allowed on private property only. Signs shall not he placed in public rights-of-way or at off-site locations.

b. Signs must be affixed to a permanent structure.

4. Temporary signs shall not be illuminated.

5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window signs may he made of nonrigid (e.g.. paper) material.

6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.

K. **Window Signs.** Window signs shall not take up more than twenty-five ~~(25)~~ percent (25%) of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Section 17.104.020(B). Interior signs which are located eighteen (18) inches or more from behind the window face shall be exempt from these regulations.

L **Clear Sight Restrictions.** A triangular area measuring fifteen (15) feet from the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring ten (10) feet from the intersection of a driveway and a street line shall be kept free of all freestanding signs. (Ord. 12606 Att. A (part), 2004: prior planning code § 7041)

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

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

A. **Design Review.** No business. civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. **Permitted Aggregate Sign Area. S-1, S-2, S-3 and S-15 Zones**. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property

may be approved pursuant to the regulations in Subsection B(1) below and to the small project design review procedure in Chapter 17.136.

1. **Exception to Aggregate Sign Area Limits.** In addition to the exception to aggregate sign limits that may be allowed upon granting of a Master Sign Program as specified in Section 17.104.070, ~~In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex,~~ the following other exception to the maximum aggregate sign area, exclusive from any Master Sign Program exceptions, may be approved pursuant to the small project design review procedure in Chapter 17.136, in cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex:

a. Twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site.

C. **Maximum Height.**

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.

2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3 and S-15 Zones is ten (10) feet.

D. **Special Limitations Near Boundaries of Residential Zones.** Signs shall be subject to the same special limitations along or near boundaries of residential zones as are set forth in Section 17.104.020(E).

E. **Special, Development, and Realty Signs.** All special, development, and realty signs shall be subject to the same limitations as are set forth in subsections (C), (D) and (F) of Section 17.104.010 for such signs in residential zones.

F. **Signs within One Thousand (1,000) Feet of Rapid Transit Routes.** Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150. (Ord. 12606 Att. A (part), 2004: prior planning code § 7042)

17.104.070 Master sign programs

A. **Submittal Requirements.** In all Commercial and Industrial zones, as well as the S-1, S-2, S-3 and S-15 zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, ~~Manufacturing~~Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

B. **Use permit criteria.** A Master Sign Program may be allowed to deviate from the normally required sign standards in this Chapter, including but not limited to, total aggregate sign area. A Master Sign Program application which would deviate from the normally required sign standards shall be processed as a conditional use permit under the provisions of Chapter 17.134. A conditional use permit for a Master Sign Program may only be granted upon determination that the proposed sign program conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That the proposal will be of a quality and character appropriate to the Commercial, Industrial, mixed use building or complex;

2. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;

3. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from a building's significant architectural features.

C. **Review of individual signs upon approval of a Master Sign Program.** Once a Master Sign Program is approved for any multi-tenant building or complex, the following provisions shall apply:

1. Sign applications determined to conform to the provisions of an approved Master Sign Program shall be exempt from design review as is otherwise specified in Chapter 17.136.

2. Sign applications determined to not conform to an approved Master Sign Program may only be granted upon approval of a revision to the original Master Sign Program conditional use permit.

Chapter 17.106

GENERAL LOT, DENSITY, AND AREA REGULATIONS

17.106.030 Maximum density and floor-area ratio on lots containing both Residential and Nonresidential Facilities.

A. Portion of Lot Area Used in Computing Density. For mixed use projects in the CBD zones~~central business district~~ and Jack London district, the allowable intensity of development may be measured according to the maximum FAR allowed by the zone without a separate residential density calculation, provided the maximum number of units pursuant to the residential density allowed by the General Plan and Estuary Policy Plan is not exceeded. (The C~~c~~entral B~~b~~usiness D~~d~~istrict is that area identified as part of the Land Use and Transportation Element Land Use Diagram of the General Plan. The Jack London district is that area identified as part of the Estuary Policy Plan and adopted as part of the General Plan.)

B. Portion of Lot Area Used in Computing Density. For mixed use projects located in areas other than the ~~central business district~~CBD zones and Jack London district, in which a maximum floor area ratio is generally prescribed for Nonresidential Facilities, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such floor area ratio, the maximum amount of floor area for any Nonresidential Facility on the same lot.

~~C. Floor-Area Ratio in C-30 Zone. In the C-30 zone, Nonresidential Facilities shall be subject to a maximum floor-area ratio of 3.00 on any lot containing both Residential and Nonresidential Facilities; and no portion of lot area used to meet the density requirements for any Residential Facility shall be used as a base for computing, through said floor-area ratio, the maximum amount of floor area for any Nonresidential Facility on the same lot.~~

C~~D~~. Different Floor-Area Ratios. In all zones in which the maximum floor-area ratio generally prescribed for Residential Facilities is different from that for Nonresidential Facilities, the overall maximum floor-area ratio of any lot containing both Residential and Nonresidential Facilities shall be the greater of the two prescribed floor-area ratios. However, the total floor area actually devoted to each class of facility shall not exceed the maximum ratio prescribed for that class. (Ord. 12349 § 3, 2001; prior planning code § 7053)

17.106.060 Increased number of living units in senior citizen housing.

Wherever provided for in the applicable individual zone regulations, the number of residential living units otherwise permitted or conditionally permitted may be increased by not to exceed seventy-five ~~(75)~~ percent (75%) in senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to both of the following additional use permit criteria:

A. That such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

B. That the impact of the proposed facilities will be substantially equivalent to that produced by the kind of development otherwise allowed within the applicable zone, with consideration being given to the types and rentals of the living units, the probable number of residents therein, and the demand for public facilities and services generated. (Prior planning code § 7059)

Chapter 17.107

DENSITY BONUS AND INCENTIVE PROCEDURE

17.107.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the density bonus and incentive procedure for affordable housing. The purpose of these provisions is to prescribe the procedure for the granting of a density bonus and incentive(s), under specified conditions, to encourage the provision of affordable housing. The density bonus ordinance codified in this chapter is intended to comply with the State Density Bonus Law, Government Code Section 65915, which provides that a local government shall grant a density bonus and an additional concession, or financially equivalent incentive(s), to a developer of a housing development agreeing to construct a specified percentage of housing for low income households, very low income households or senior citizens. This procedure shall apply to all proposals to create five (5) or more living units in which the developer is requesting the density bonus. (Ord. 12331 § 2 (part), 2001)

17.107.020 Definitions.

A. **Affordable Housing.** "Affordable housing" shall mean that the relevant housing is available on terms such that the housing costs are less than a specified percentage of the gross income of households within a particular income category (adjusted for household size, depending on the number of bedrooms in the living unit) as determined for the Oakland Primary Metropolitan Statistical Area (PMSA). For a rental unit, housing costs include rent and a reasonable allowance for utilities. For a for-sale unit, housing costs include loan principal, loan interest, property and mortgage insurance, property taxes, home owners' association dues and a reasonable allowance for utilities.

1. Where units are targeted as being affordable to low income households, housing costs for rental units must be equal to or less than thirty ~~(30)~~ percent (30%) of the gross monthly income, adjusted for household size, of sixty ~~(60)~~ percent (60%) of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of seventy ~~(70)~~ percent (70%) of the median income.

2. Where units are targeted as being affordable to very low income households, housing costs for rental units and for for-sale units must be equal to or less than thirty ~~(30)~~ percent (30%) of the gross monthly income, adjusted for household size, of fifty ~~(50)~~ percent (50%) of the median income for the Oakland PMSA.

3. Where units are targeted as being affordable to moderate income households, housing costs for rental units must be equal to or less than thirty ~~(30)~~ percent (30%) of the gross monthly income, adjusted for household size, of one hundred twenty ~~(120)~~ percent (120%) of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty-five ~~(35)~~ percent (35%) of the gross monthly income, adjusted for household size, of one hundred twenty ~~(120)~~ percent (120%) of the median income.

B. Density Bonus. A "density bonus" is a density increase over the otherwise maximum permitted residential density. For purposes of this chapter, the density bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. When awarding multiple density bonuses, such as for senior citizens housing, the amount of each density bonus shall be determined based on the allowable base density, exclusive of any bonuses. In no event may the city grant a density bonus which would result in the project exceeding the general plan density maximum unless the project proposes to provide at least: (1) twenty ~~(20)~~ percent (20%) of the total units of a housing development for lower income households, or (2) ten ~~(10)~~ percent (10%) of the total units of a housing development for very low income households, or (3) fifty ~~(50)~~ percent (50%) of the total living units of a housing development for qualifying residents (seniors), or (4) at least twenty ~~(20)~~ percent (20%) of the total units of a residential condominium housing development for moderate income households.

When calculating the final unit count allowed with the density bonus, any fractional remainders shall be rounded up to the nearest whole number.

C. Density Incentive. A "density incentive" is a benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of this chapter and is limited to the relaxation of one of the following standards in order to allow utilization of a density bonus:

1. Required off-street parking;
2. Required setbacks;
3. Maximum building height;
4. Required open space;
5. Maximum floor-area ratio;
6. Minimum lot area.

D. "Economically feasible" means that a housing development can be built with a reasonable rate of return. The housing developer's financial ability to build the project shall not be a factor.

E. Moderate, Low and Very Low Income Households. "Moderate, low and very low income households" means those households whose income matches levels determined periodically by the U.S. Department of Housing and Urban Development, based on the Oakland Primary Metropolitan Statistical Area (PMSA) median income levels by family size, under which:

1. "Moderate income" is defined as greater than eighty ~~(80)~~ percent (80%) to one hundred twenty (120) percent of median income.
2. "Low income" is defined as greater than fifty ~~(50)~~ percent (50%) to eighty ~~(80)~~ percent (80%) of median income.
3. "Very low income" is defined as less than fifty ~~(50)~~ percent (50%) of median income.

F. Target Living Unit. A "target living unit" is a living unit that will be offered for rent or sale exclusively to and which and which shall be affordable to the designated income group or senior citizens.

G. Housing Development. A "housing development" is as defined in California Government Code Section 65915(g). (Ord. 12501 § 74, 2003: Ord. 12331 § 2 (part), 2001)

17.107.030 Application.

A developer may submit to the Director of City Planning a preliminary proposal for the development of housing and utilization of the density bonus procedure pursuant to this chapter prior to the submittal of any formal application. The city shall, within thirty (30) days of receipt of a written proposal, notify the housing developer in writing of its local density procedures. The housing developer shall show that any requested incentives are necessary to make the affordable units economically feasible.

A formal request for a density bonus and related incentive(s) shall be included in the application for design review for a housing development and shall be processed and considered as part of same. The application for a density bonus and related incentive(s) shall include:

A. A written statement specifying the desired density increase, incentive requested and the type, location, size and construction scheduling of all living units;

B. A project financial report (pro forma), as required to justify the granting of any incentive(s) in addition to the density bonus;

C. Any other such information as may be required to permit the review of the proposal in the context of the required findings, as requested by the Director of City Planning.

D. The following density bonus requests shall also require a Major Conditional Use Permit and shall not be eligible for a density incentive:

1. Application for a density bonus of greater than twenty-five ~~(25)~~ percent (25%);
2. Application for a density bonus of twenty-five ~~(25)~~ percent (25%) or less if the project would provide moderate and low income housing as described in Section 17.107.040A(2)(d).

(Ord. 12331 § 2 (part), 2001)

Chapter 17.108

GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.010 **Height restrictions on lots abutting property in ~~the~~an ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50~~RH, RD, or RM zone.**
17.108.020 **Different maximum height in certain situations.**
17.108.030 **Allowed projections above height limits.**
17.108.040 **Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.**
~~**17.108.050 Reduced front yard on steep slopes in residential zones.**~~
~~**17.108.060 Minimum side yard on street side of corner lot - Residential zones.**~~
17.108.070 **Minimum side yard on street side of corner lot in commercial and industrial zones where key lots is in residential zone.**
17.108.080 **Minimum side yard opposite living room windows.**
17.108.090 **Minimum side yard abutting side of property in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60~~an RH, RD, or RM zones.**
17.108.100 **Minimum rear abutting any portion of property in any residential zone.**
17.108.110 **Reduced rear yard adjacent to alley.**
17.108.120 **Minimum court between opposite walls on same lot.**
17.108.130 **Exceptions to required openness of minimum yards and courts.**
17.108.140 **Fences, dense hedges, barrier and similar freestanding walls.**

17.108.010 Height restrictions on lots abutting property in ~~the~~ an RH, RD, or RM~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50~~ zone.

~~(See illustration I-11a.)~~ In the RU~~-60, R-70~~, R-80~~, R-90~~, S-1, S-2, and S-15 zones and all commercial and industrial zones, the following regulations shall apply to every lot therein which abuts any lot located in ~~the~~ an RH, RD, or RM~~-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50~~ zone:

A. Where Side Lot Line Is Abutting Zone Boundary. Where an interior side lot line of the former lot abuts ~~the~~ a RH, RD, or RM~~-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50~~ zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum side yard which is required by Section 17.26.140C or 17.108.090 as applicable, or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one foot for each foot by which it extends above that height.

B. Where Rear Lot Line Is Along Zone Boundary. Where the rear lot line of the former lot abuts ~~the~~ an RH, RD, or RM~~-1, R-10, R-20, R-30, R-35, R-36, R-40, or R-50~~ zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum rear yard which is required by Section 17.108.100, or is required on every lot by the applicable individual zone regulations, a minimum horizontal distance equal to one foot for each foot by which it extends above that height. (Ord. 12376 § 3 (part), 2001: Ord. 12272 § 4 (part), 2000: Ord. 11892 § 5, 1996: prior planning code § 7070)

17.108.020 Different maximum height in certain situations.

A. General Height for Civic Facilities with Increased Yards. On parcels in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50~~RH, RD, RM, RU, CN, CC, CR~~C-10, C-20, C-27, C-28, C-30, C-31~~, ~~HBX-1, HBX-2, HBX-3~~HBX, M-20, S-15 and OS zones that have a height limit of less than seventy-five

(75) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations ~~or subsection B of this section~~, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this subsection may be exceeded by the projections allowed by Section 17.108.030.

~~B. Special Maximum Heights for Principal Buildings and Other Principal Facilities on Certain Steep Slopes. (See illustration I-11b.) In the zones indicated below, the general maximum height prescribed for principal buildings and other principal facilities in the applicable individual zone regulations shall be replaced by the following heights where the site area to be covered by the principal building or other principal facility exceeds a gradient of twenty (20) percent based on the existing grade. The gradient shall be determined by the difference in topographic elevations along the steepest possible line that connects opposite points of the site area (see illustration I-11c).~~

~~The special maximum heights provided herein shall not apply to accessory facilities.~~

~~**Zone**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Downslope Site Area**~~
~~**R-1, R-10, R-20, R-30, R-35, R-36, R-40, and R-50**~~	~~**30 feet**, except that the highest portion of a pitched roof on a principal building or other principal facility may extend up to **35 feet** if all parts of the roof above 30 feet are:~~	~~All principal building or other principal facility sites with a gradient over 20 percent:~~
	~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~	~~The maximum height of a principal facility shall not exceed **18 feet** above any point along the edge of the street pavement resulting from the project, and adjacent to the front lot line.~~
	~~2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line;~~	~~Attached and detached garages and carports with downslope site area gradients over 40 percent may exceed the maximum heights set forth in this subsection B by up to 10 feet if the garage or carport conforms with all of the following criteria:~~
	~~And provided that:~~	~~1. Maximum width is 22 feet and maximum depth is 20 feet; and~~
	~~1. The maximum height of those portions of the facility located within 20 feet of the front lot line shall not exceed **24 feet** above any point along the edge of the street pavement resulting from the project and adjacent to the front lot line; and~~	~~2. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and~~

~~**Zone**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Downslope Site Area**~~
	~~2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line;~~	~~3. Maximum height above the garage or carport floor is eight feet for walls to the top of the plate and twelve feet for roofs.~~
	~~And provided that:~~	~~**Principal building or other principal facility sites with a gradient over 20 percent but not over 40 percent:**~~
	~~1. The maximum height of those portions of the facility located within 20 feet of the front lot line shall not exceed **24 feet** above any point along the edge of the street pavement resulting from the project and adjacent to the front lot line; and~~	~~**30 feet**, except that the highest portion of a pitched roof on a principal facility may extend up to:~~
	~~2. The maximum height of the facility shall not exceed **24 feet** above any point along the rear yard setback line.~~	~~1. **32 feet**; and~~
		~~2. **36 feet** upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010; if all parts of the roof above 30 feet are:~~
		~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~
		~~2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line.~~
		~~**Principal building or other principal facility sites with a gradient over 40 percent:**~~
		~~**30 feet,** except that the highest portion of a pitched roof on a principal facility may increase up to:~~
		~~1. **36 feet**; and~~
		~~2. **40 feet** upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010; if all parts of the roof above 30 feet are:~~
		~~1. Pitched at a vertical to horizontal ratio of no less than one to three (1:3) and no more than two to one (2:1); and~~

~~**Zone**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Upslope Site Area**~~	~~**Maximum Height, Except As a Greater Height Is Allowed by Section 17.108.020A, 17.108.030 and Chapter 17.128. Downslope Site Area**~~
		~~2. If located within 10 feet of an interior side lot line, pitched upward from such lot line for a distance of at least 10 feet from the lot line.~~
~~R-60.~~	~~**45 feet,** except that a greater height may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Section 17.134.010.~~	~~**50 feet,** provided that the principal building or other principal facility does not extend above a horizontal plane crossing the entire lot at a level which is 30 feet above finished grade at the midpoint of the front lot line; however, a greater height may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure.~~

(Ord. 12376 § 3 (part), 2001: Ord. 12272 § 4 (part), 2000; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 6, 1996; prior planning code § 7071)

17.108.030 Allowed projections above height limits.

~~Except in the C-5 commercial zone, t~~The height restrictions prescribed for facilities in the applicable individual zone regulations and development control maps and in Sections 17.108.010 and 17.108.020 may be exceeded in accordance with the following table. However, facilities within required minimum yards and courts shall also be subject to the applicable provisions of Section 17.108.130.

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	**Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)**	**Maximum Vertical Projection Above the Prescribed Height**	**Minimum Horizontal Distance from any Abutting Residentially Zoned Lot**

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	**Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)**	**Maximum Vertical Projection Above the Prescribed Height**	**Minimum Horizontal Distance from any Abutting Residentially Zoned Lot**
A. Chimneys, ventilators, plumbing vent stacks, water tanks, cooling towers, machinery rooms, and other equipment and appurtenances which are not provided for elsewhere in this section. (For screening around these, see below.)	10 percent, minus any percentage covered pursuant to subsection B of this section.	10 feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	20 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
B. Elevator or stair towers; penthouses, excluding those containing any living unit; stage or scenery lofts; skylights and dormer windows; and rooftop fenced or walled spaces which do not qualify elsewhere in this section.	10 percent, minus any percentage covered pursuant to subsection A of this section.	12 feet, except upon the granting of a conditional use permit.	10 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	**Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)**	**Maximum Vertical Projection Above the Prescribed Height**	**Minimum Horizontal Distance from any Abutting Residentially Zoned Lot**
C. Skylights, dormers and gable ends up to 15 feet in width located on principal and accessory Residential Facilities, except accessory facilities permitted in minimum yards or courts pursuant to Section 17.108.130K.	10 percent, minus any percentage covered pursuant to subsection A of this section.	10 feet for dormers and gable ends and one foot for skylights, but in all cases, no higher than the maximum height of the roof section on which they are located, except that skylights on a flat roof (slope 1:12 or less) may extend one foot above the roof	10 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
D. Decorative features such as spires, bell towers, domes, cupolas, obelisks, and monuments.	10 percent, minus any percentage covered pursuant to subsection A or B of this section.	15 feet, except upon the granting of a conditional use permit.	15 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
E. Fire escapes, catwalks, and open railings required by law.	No restriction.	No restriction.	No restriction.

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	**Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)**	**Maximum Vertical Projection Above the Prescribed Height**	**Minimum Horizontal Distance from any Abutting Residentially Zoned Lot**
F. Rooftop recreational, observation, seating, outdoor dining, clothesline, and parking facilities, unroofed themselves except for incidental sunshades, wind-screens, and similar devices; rooftop landscaping, other than trees; and unroofed open stairs and rooftop open fencing which do not qualify elsewhere in this section.	No restriction.	10 feet, except upon the granting of a conditional use permit.	15 feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four feet.
G. Eaves, awnings, balconies, open stairs, and similar lateral extensions of a building, where the prescribed height is expressed as a ratio to some horizontal setback.	No restriction.	Four feet in the case of Section 17.108.010 and eight feet otherwise.	No restriction.
H. Microwave dishes, subject where applicable to the provisions of Section 17.102.240.	No restriction.	Seven (7) feet, except upon the granting of a conditional use permit.	Ten (10) feet, except upon the granting of a conditional use permit.
I. Radio and television masts antennas, other than micro-wave dishes.	No restriction.	15 feet, except upon the granting of a conditional use permit.	Five feet, except upon the granting of conditional use permit.

	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
Facilities Allowed Above the Prescribed Height	**Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)**	**Maximum Vertical Projection Above the Prescribed Height**	**Minimum Horizontal Distance from any Abutting Residentially Zoned Lot**
J. Trees; flagpoles; weather vanes; and utility poles and lines.	No restriction.	No restriction.	No restriction.
K. Special Signs; and other Signs if flat against the surface of a facility authorized above.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.

Any conditional use permit under subsection H of this section shall be subject to the same use permit criteria as are prescribed in Section 17.102.240. (Ord. 12376 § 3 (part), 2001: prior planning code § 7075)

17.108.040 Minimum front yard in commercial and industrial zones where part of frontage on same side of block is in residential zone.

(See illustration I-12a.) Whenever fifty ~~(50)~~ percent (50%) or more of the frontage on one side of a street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, a front yard with a minimum depth equal to one-half of the minimum front yard depth required in the residential zone shall be provided on every commercially or industrially zoned lot having such frontage. If fifty ~~(50)~~ percent (50%) or more of the total frontage is in more than one residential zone, the minimum front yard depth on the commercially or industrially zoned lots shall be equal to one-half of that required in the residential zone in which the least such depth is required. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard depth prescribed for certain facilities by Section 17.108.020. (Prior planning code § 7078)

~~**17.108.050 Reduced front yard on steep slopes in residential zones.**~~

~~In all residential zones the minimum front yard depth otherwise required by the applicable individual zone regulations shall be reduced to five feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least twenty (20) feet. In no case can the cumulative building width within the otherwise required front yard exceed sixty (60) percent of the lot width. (See illustration I-12c.)~~

~~The street to setback gradient shall be based on the difference in topographic elevation along a perpendicular line that connects from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement, to the normally required front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line, or the closest point to the midpoint excluding any driveways, stairs and other built structures.~~
~~(Ord. 12376 § 3 (part), 2001: prior planning code § 7079)~~

~~**17.108.060 Minimum side yard on street side of corner lot - Residential zones.**~~

~~(See illustration I-13.)~~

~~A. **Where There Is a Key Lot in a Residential Zone.** In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width equal to one-half (½) of the minimum front yard depth required on the key lot and no less than the minimum side yard width required along an interior side lot line of the corner lot. However, such side yard shall not be required in the R-80, R-90, and CBD-R zones, nor be required to exceed five (5) feet in width in any other residential zone, to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.110.040C for special controls on location of detached accessory buildings on such corner lots.~~

~~B. **Where There Is No Key Lot in a Residential Zone.** In all residential zones, on every corner lot which does not abut to the rear a key lot which is in a residential zone, the required minimum side yard width on the street side of such corner lot shall be the same as that, if any, generally required along each interior side lot line of every lot in the same zone; provided, however, that such minimum width shall be five (5) feet in the R-60 and R-70 zones. However, such side yard shall not be required to exceed five (5) feet in width to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001: prior planning code § 7080)~~

17.108.080 Minimum side yard opposite living room windows.

(See illustration I-14.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed twelve (12) percent of the lot width in the RU-3, RU-4, RU-5, ~~R-70,~~ R-80, ~~R-90,~~ CN, CC, C-40, C-45, ~~C-25, C-30, C-35, C-40, C-45, C-51, C-55, CBD-R, CBD-P, CBD-C, CBD-X~~CBD, S-1, S-2, ~~and~~ S-15, and D-KP zones and twenty ~~(20)~~ percent (20%) of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this section shall be provided opposite the legally required window and opposite that portion of the

wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than ten feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 11892 § 7, 1996: prior planning code § 7082)

17.108.090 Minimum side yard abutting side of property in the RH, RD, RM, RU-1, or RU-2, ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60~~ zones.

(See illustrations I-6a and I-12b.) Wherever an interior side lot line of any lot located in the RU-3, RU-4, RU-5~~-70, R-80, R-90~~, CBD-R, S-1, S-2, or S-15 zone or any commercial or industrial zone abuts an interior side lot line of any lot located in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60~~RH, RD, RM, RU-1, or RU-2 -zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of ten (10) feet. (Where it abuts a rear lot line, no yard is required by this section.) This side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020(A). (Ord. 12272 § 4 (part), 2000: Ord. 11892 § 8, 1996: prior planning code § 7083)~~)~~

17.108.110 Reduced rear yard adjacent to alley.

In all zones, wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear yard depth; provided, however, that the portion of the minimum rear yard depth actually on the lot itself shall not be so reduced to less than ten (10) feet in the ~~R-20~~, RH, RD, and RM~~R-30, R-35, R-36, R-40, and R-50~~ zones, nor to less than five feet in any other zone. (Prior planning code § 7086)

17.108.120 Minimum court between opposite walls on same lot.

(See illustration I-15.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within ten (10) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than ten (10) feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

A. Legally Required Living Room Windows in Either or Both Walls. If either or both such opposite walls contain any legally required window of any living room in a Residential Facility, a court shall be provided between such walls with a minimum horizontal depth equal to the height of the wall opposite such window, or the height of the higher of such opposite walls where both walls contain such a window; provided, however, that in no case shall the horizontal depth of such court be less than eighteen (18) feet nor be required to exceed fifty (50) feet. For the purpose of computing the minimum depth of such court, the aforesaid height of wall shall be measured above finished grade or above the floor level of the lowest story of the opposite wall containing such a window, whichever level is higher.

B. Other Legally Required Windows in Both Walls. If both such opposite walls contain legally required windows of any habitable rooms, other than living rooms, in a Residential Facility, a

court shall be provided between such walls with a minimum horizontal depth of twelve (12) feet. (Prior planning code § 7087)

17.108.130 Exceptions to required openness of minimum yards and courts.

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

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

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
B. Patio roofs and similar structures projecting from and serving a Residential Facility, if such structures do not exceed twelve (12) feet in height above the level of the required yard or court and if each has open, unwalled sides along not less than fifty ~~(50)~~ percent (50%) of its perimeter. (If less open, see subsection K.)	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Any distance into above yard.	Two (2) feet into court.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
C. Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed twelve (12) feet in height above the level of the required yard or court and eight (8) feet in width and if they are not enclosed on the sides. (If wider or less open, see subsection K.)	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Any distance into above yard.	Two (2) feet into court.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
D. Bay windows located above the first story of a building, if the aggregate width of bay windows on any one story does not exceed fifty ~~(50)~~ percent (50%) of the length of the wall containing them; if no individual bay window exceeds fifteen (15) feet in width; and if all such windows are cantilevered only.	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.		Five (5) feet into above yard.	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
E. Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the level of the required yard or court, but excluding corridors and similar facilities providing access to two or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof.	Six (6) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.	Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in subsection K.	Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
F. Exterior access facilities which lead to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps.	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	Any distance into above yard if they meet the same provisos as stated in subsection K (not allowed otherwise).	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K.	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
G. Unroofed porches, steps, and wheelchair ramps. and other similar raised structures projecting from a building and having a height, including railings, of not more than six (6) feet above the level of the required yard or court.	Eight (8) feet into above yard; but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in subsection K or if they are required to accommodate wheelchair ramps or similar ADA access facilities..	Any distance into above yard.	Anywhere in court.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
H. Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also subsection I.)			Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in above yard, provided that in all commercial and industrial zones the height of such storage shall not exceed five and one-half (5 ½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in court.
I. Air conditioners, compressors, hot tub motors, and similar devices if emitting noise readily noticeable by the average person at or beyond the lot line, whether or not the devices are attached to a building.				Anywhere in above yard.	Anywhere in court.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
J. Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave dishes.		Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240.	Anywhere in court, subject where applicable to the provisions of Section 17.102.240.
K. Detached garages and sheds; detached or attached carports, parking podiums, and other detached or attached accessory structures not provided for elsewhere by this section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby.		Anywhere in above yards, provided that:	Anywhere in above yards, provided that:	Anywhere in above yards, provided that:	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
		1. The facility is within thirty-five (35) feet of the rear lot line; and	1. The facility is within thirty-five (35) feet of the rear lot line; and	1. The facility is within thirty-five (35) feet of the rear lot line; and	
		2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
		3. The facility itself does no contain any residential living quarters; and	3. The facility itself does no contain any residential living quarters; and	3. The facility itself does no contain any residential living quarters; and	
		4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights; and	
		5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	5. The affected side yard, if any, is not one required by Section 17.102.240 or 17.28.150(C)(1).	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
		But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	But on any reversed corner lot which abuts a key lot in any residential zone, detached accessory buildings shall also be subject to the provisions stated in Section 17.110.040C.	
L. Unroofed, raised platforms designed to accommodate off-street parking, including ramps and stairways necessary to provide access.	Anywhere in above yard except within five (5) feet of interior side lot line and except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	Same as prescribed in subsection K, except as otherwise provided in subsection M.	

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
M. Unroofed parking and loading areas.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.	In any yard or court, except that in all residential zones and in the S-1, S-2, and S-3 zones, no unroofed parking space which is located on any lot containing three or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of any street line or alley.
N. Covered, underground or partially excavated structures including, but not limited to garages, fallout shelters, wine cellars, and basements.	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:	In any yard or court, provided that:

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and	1. The surfaces of such facilities are landscaped or developed as patios or terraces; and
	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.	2. Such facilities do not extend more than thirty (30) inches above finished grade, except that they may extend farther upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.	However, these provisos shall not apply if the facilities would otherwise qualify, in the same yard, under subsection K.
O. Fences; dense hedges; barrier, and similar freestanding walls.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140.

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
P. Trees, shrubs, and landscaping other than dense hedges with a screening effect; sculpture and similar decorations; flagpoles; unroofed patios and swimming pools; driveways; walkways and detached steps; and utility poles and lines.	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."
Q. Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.	In any yard or court, subject to the applicable limitations on Signs.
R. Security fences (for Abandoned Fast-Food Facilities)	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:	In any yard or court provided that such facilities:
	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and	1. Shall not exceed eight (8) feet; and

Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)					
Facilities	**Front Yard**	**Side Yard on Street Side of Corner Lot**	**Side Yard Along Interior Side Lot Line**	**Rear Yard (But see coverage limit in first paragraph.)**	**Court**
	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."	2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."
S. Living space located completely under driveway ramps	In any yard or court.	In any yard or court.	In any yard or court.	In any yard or court.	In any yard or court.
T. Retaining walls; and earthen mounds, embankments, and other fill.	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)	In any yard or court, provided that such facilities comply with the provisions of Section 17.102.400(E)

(Ord. 12533 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; prior planning code § 7090)

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

A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".

B. **Residential zones and Residential Facilities.** The provisions of this section apply to all properties located in residential zones, and to all properties located in any zone containing Residential Facilities.

1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following ~~(see Illustration I-15a)~~:

a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:

i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:

a) thirty five (35) feet from the rear lot line.

b) the distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or

ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.

c. In any other minimum yard or court: eight (8) feet; and

d. One entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet;

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

a. Barbed wire or razor wire is not allowed to be used in fences, see also Section 17.102.420.

b. Chain link fencing is not allowed to exceed forty two (42) inches in height in the following locations:

i. Street-fronting yards; or

ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.

c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.

C. **Commercial zones and in the S-1, S-2, S-3, and S-15 zones.** The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls, but excluding retaining walls, located within all commercial zones and in the S-1, S-2, S-3, and S-15 zones.

1. Height:

a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.

2. **Restricted materials.** In any location visible from the adjacent public right of way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, see also Section 17.102.420.

a. **Exceptions:** Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:

i. Public utility installations, including but not limited to electrical substations and gas substations.

ii. Rights of way and transit routes.

D. **Industrial zones.** The provisions of this subsection apply to fences, dense hedges, barrier and similar freestanding walls located within all industrial zoning districts.

1. Height:

a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

(Ord. 12553 § 3 (part), 2003)

Chapter 17.110

BUFFERING REGULATIONS

17.110.020 General buffering requirements--Residential and S-1, S-2, S-3, ~~S-13,~~ S-15 and OS zones.

~~(See illustration I-16.)~~ The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, ~~S-13,~~ S-15 and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:

1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, except where a maneuvering aisle is shared with one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.

B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

(Ord. 12501 § 77, 2003: Ord. 12078 § 5 (part), 1998; Ord. 11892 § 9, 1996: prior planning code § 7110)

(Ord. 12501 § 77, 2003: Ord. 12078 § 5 (part), 1998; Ord. 11892 § 9, 1996: prior planning code § 7110)

17.110.030 General buffering requirements--Commercial and industrial zones.

~~(See illustration I-17.)~~ The following regulations shall apply in all commercial and industrial zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense

landscaping not less than five and one-half feet (5 ½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3 ½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and

2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. Screened from any lot abutting the side or rear property lines located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.

D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be directed away from said facilities and lots so as to eliminate objectionable glare. (Prior planning code § 7111)

17.110.040 Special buffering requirements.

A. Open Storage Areas on Same Lot as Residential Facility--Screening Required Within Three Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.

B. Screening of Open Parking, Loading, and Storage Areas in the CN~~-25, C-27, C-28, C-31, C-36, M-10~~, CR-1, M-20, ~~S-13,~~ and S-15 zones. In the CN, CR-1, ~~C-25, C-27, C-28, C-31, C-36, M-10,~~ M-20, ~~S-13,~~ and S-15 zones, open parking, loading, and ~~storage areas shall be subject to the same screening and setback requirements as are set forth in subsections~~ storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. ~~(See illustrations I-13 and I-17.)~~ In all zones, on any reversed corner lot which abuts a

key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126. (Ord. 11892 § 10, 1996; prior planning code § 7115)

Chapter 17.112

HOME OCCUPATION REGULATIONS

17.112.030 Exclusions.

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

A. Introductory service;
B. Teaching of organized classes totaling more than six (6) persons at a time;
C. Accommodation of more than three paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;
D. Operation of a beauty parlor with more than two hairdrying machines;
E. Maintenance of a construction contractor's storage or construction yard or garage;
F. Care, treatment, or boarding of animals for profit. (Prior planning code § 7302)

17.112.050 Required approval.

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7304)

Chapter 17.114

NONCONFORMING USES

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Sections:

17.114.010 **Title, purpose, and applicability.**
17.114.020 **Definitions.**
17.114.030 **Prior permits.**
17.114.040 **Right to continue nonconforming use, subject to limitations.**

Article II
Nonconforming Activities
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17.114.050 **Nonconforming activity--Discontinuance.**
17.114.060 **Nonconforming activity--Damage or destruction.**
17.114.070 **Nonconforming activity--Allowed substitutions and other changes in activity.**
17.114.080 **Nonconforming activity--Allowed alterations and extensions.**
17.114.090 **Nonconforming massage service and adult entertainment activities--Discontinuance required within one year.**
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Article III
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17.114.110 **Nonconforming facility--Allowed alterations.**
17.114.120 **Nonconforming facility--Damage or destruction.**
17.114.130 **Nonconforming open storage on same lot as residential facility--Screening required within three years.**
17.114.140 **Nonconforming open storage in ~~C-5, C-25, C-27, C-31~~CN, ~~C-36~~CR, ~~M-10,~~ and M-20 zones--Screening required within three years.**
17.114.150 **Nonconforming Sign within one thousand feet of, and primarily viewable from, rapid transit route--Removal required for certain categories.**
~~**17.114.160** **Nonconforming Signs in S-8 zone--Removal required for certain categories.**~~
17.114.170 **Nonconforming Signs in the CN~~-31~~ zones--Removal required.**
17.114.180 **Nonconforming Signs in ~~C-36~~CR-1 zone--Removal required for certain categories.**

17.114.060 **Nonconforming activity--Damage or destruction.**

A. **Nonconforming Nonresidential Activities.** Facilities accommodating or serving any nonconforming nonresidential activity which are damaged or destroyed to the extent of not more than seventy-five ~~(75)~~ percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five ~~(75)~~ percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming activity upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

C. **Nonconforming Residential Activities.** Facilities accommodating or serving a nonconforming residential activity which are damaged or destroyed to the extent of not more than seventy-five ~~(75)~~ percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five ~~(75)~~ percent (75%), the facilities may thereafter only be restored to

accommodate or serve the prior nonconforming residential activity provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);

2. That no expansion in the number of living units occurs;

3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and

4. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may ~~only~~ be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. (Ord. 11861 § 7, 1996: prior planning code § 7421)

17.114.070 Nonconforming activity--Allowed substitutions and other changes in activity.

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

Zone	**Prior Nonconforming Activity**	**Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table**
Any zone.	Any such activity.	Any activity otherwise permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, any activity otherwise conditionally permitted in the same location.
Any Residential zone or S-1, S-2, or S-3 zone.	**Any such Industrial Activity where it is not a permitted or conditionally permitted activity.**	Any Civic or Commercial Activity permitted in the ~~C-10~~CN-2 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	Research Service	(see below)
	General Wholesale Sales	(see below)
	Building Material Sales	(see below)
	Automobile and Other Light Vehicle Sales and Rental	(see below)
	Automotive and Other Light Vehicle Repair and Cleaning	(see below)
	Taxi and Light Fleet-Based Service	(see below)
	Transport and Warehousing	(see below)
	Animal Care	(see below)
	Animal Boarding	(see below)
	Undertaking Service	(see below)
	Scrap Operation	(see below)
		Any Civic or Commercial Activity permitted in the ~~C-35~~CC-2 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	General Food Sales	(see below)
	Full Service Restaurant	(see below)
	Limited Service Restaurant and Café	(see below)
	~~Convenience Market~~Fast-Food Restaurant	(see below)
	~~Fast-Food Restaurant~~ Convenience Market	(see below)
	Alcoholic Beverage Sales	(see below)

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisos Listed Below This Table
	Mechanical or Electronic Games	(see below)
	General Retail Sales	(see below)
	Consumer Service	(see below)
	Consumer Cleaning and Repair Service	(see below)
	Consumer Dry Cleaning Plant	(see below)
	Group Assembly	(see below)
	Personal Instruction and Improvement and Small Scale Entertainment	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the ~~C-10~~CN-2 zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	
	Medical Service	(~~-~~see below)
	Consultative and Financial Service	(see below)
	Administrative	(see below)
		Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the ~~C-35~~CC-2 zone.
Any Commercial zone.	**Any Industrial Activity where it is not a permitted or conditionally permitted activity.**	Any Commercial Activity permitted in the ~~C-45~~CC-2 zone.
Any Industrial zone.	**Any such Commercial Activity where it is not a permitted or conditionally permitted activity.**	Any Commercial Activity permitted in the ~~C-35~~CC-2 zone.

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

1. If the nonconforming activity is itself conditionally permitted where it is located, no substitution or other change shall be made in it which would conflict with, or further conflict with, any requirement on off-street parking or loading, conduct of activities within enclosed buildings, means of customer access, or total floor area which normally applies to activities. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.)

2. Conversions of dwelling units to use by a nonresidential activity shall be subject, where applicable, to the provisions of Section 17.102.230.

3. If the nonconforming activity is located at ground level on any lot in the CN-1or CN-2 ~~C-5, C-27, C-28, C-31, or S-9~~ zone, ~~or on the ground floor of any building within the first twenty (20) feet thereof facing the abutting street or streets in the S-8 zone, or anywhere in the S-16 zone,~~ no change shall be made in the nature ~~as such~~ of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.

4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.102.210(B)(2), which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.

5. No substitution or other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

6. In cases of discontinuance, damage, or destruction, the pertinent provisions of Sections 17.114.050 or 17.114.060 shall also apply.

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

B. Activity Nonconforming for Other Reasons. Except as otherwise provided in Sections 17.114.050 and 17.114.060, an activity which is itself permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure, an activity which is itself conditionally permitted may be substituted for any activity which is itself a permitted activity where it is located and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities. Changes other than substitutions may also be made in such activities. However, no substitution or other change shall be made which would create any new nonconformity, or increase any existing nonconformity, with respect to said requirements. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.) If the activity resulting from the change does not meet such requirements, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed nonconforming and changes in it shall be subject to this subsection. (Ord. 12289 § 4 (part), 2000; Ord. 12016 § 2 (part), 1997; prior planning code § 7422)

17.114.080 Nonconforming activity--Allowed alterations and extensions.

A. Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a nonresidential activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:

1. Except as otherwise provided in subsection (A)(3) of this section, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty (20) percent of that already existing. See 17.15. 01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU zones.

2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty ~~(20)~~ percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In residential zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.102.100.

4. New Signs may be provided for such activity, but the aggregate area of display surface of all Signs serving such activity shall not be increased. All Signs shall be subject to the limitations, other than aggregate area of display surface, normally applying to Signs where they are located.

5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this subsection, shall not exceed twenty-five ~~(25)~~ percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.

6. No facility accommodating a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity shall be altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

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

B. Residential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:

1. The number of living units shall not be increased.

2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty ~~(20)~~ percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required ~~therefor~~ in the R~~-60~~U-2 zone.

3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-2~~60~~ zone.

4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-3~~50~~ zone, as well as to the requirements generally applying to uses where the activity is actually located.

C. Activity Nonconforming for Other Reasons. Except as otherwise provided in Section 17.114.060, any activity which is itself a permitted activity where it is located and which is nonconforming only as to off-street parking or loading requirements, performance standards, or other requirements applying to activities may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, in any way which does not result in a greater degree of nonconformity with respect to such requirements and which conforms to the requirements normally applying to uses where the activity is located. (Ord. 12240 § 8, 2000; prior planning code § 7423)

17.114.100 Nonconforming scrap operation commercial activities--Discontinuance required within one year.

Within one (1) year after the effective date of this section or of any subsequent rezoning which makes an existing Scrap Operation Commercial Activity a nonconforming activity, all nonconforming Scrap Operation Commercial Activities located within a residential zone or within one hundred (100) feet of a residential zone and which wholly or partially occupy an open facility shall be discontinued or may continue only upon the granting of a conditional use permit, pursuant to the conditional use permit procedure in Chapter 17.134; provided, however, that if the proposal does not conform to the use permit criteria at Section 17.134.050, but as an alternative a finding is made that the activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, then a conditional use permit shall be granted for a period not to exceed two (2) additional years. (Prior planning code § 7426)

17.114.110 Nonconforming facility--Allowed alterations.

A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconformity with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one living unit on a lot, when located in a zone where only one living unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2~~-60~~ zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions; relocated, except to remove a nonconformity; or wholly reconstructed.

B. When Occupied by Nonconforming Activity. Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a nonconforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, subject to the conditions of Section 17.114.080 as well as those of subsection A of this section. In such a case, new Signs of a type not otherwise permitted may be developed as authorized by subsections A and B of Section 17.114.080.

C. Conversion from Advertising Sign in the CN, CR-1~~C-5, C-27, C-31, C-36, S-8~~, or S-15 ~~Zones~~zones. No nonconforming Advertising Sign in the ~~C-5, C-27, C-31, C-36, S-8~~CN, CR-1, or S-15 zones shall be converted, by change of copy or otherwise, to any other type of Sign unless the entire Sign as converted meets all the requirements of said zone for a new Sign, including design review approval.

D. Conversion from Advertising Sign Within One Thousand (1,000) Feet of, and Primarily Viewable from, Rapid Transit Route. No Advertising Sign shall be converted, to any other type of Sign unless the Sign as converted is approved, in a content-neutral manner, pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.104.040A. (Ord. 12146 § 2, 1999; Ord. 12073 § 2, 1998: Ord. 11892 § 11, 1996; prior planning code § 7430)

17.114.120 Nonconforming facility--Damage or destruction.

A. **Nonconforming Nonresidential Facilities.** Nonconforming nonresidential facilities which are damaged or destroyed to the extent of not more than seventy-five ~~(75)~~ percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five ~~(75)~~

percent (75%), the facilities may thereafter only be restored to their prior condition upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. **Nonconforming Residential Facilities.** Nonconforming residential facilities which are damaged or destroyed to the extent of not more than seventy-five ~~(75)~~ percent (75%) may be restored to their prior condition. If such damage or destruction exceeds seventy-five ~~(75)~~ percent (75%), the facilities may thereafter be restored to their prior condition provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);
2. That no expansion in the number of living units occurs;
3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and
4. That a building permit is sought and obtained no later than two (2) years after the date of the facility's damage or destruction; the facility is repaired or replaced in compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may ~~only~~ be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. (Prior planning code § 7431)

17.114.140 Nonconforming open storage in CN, CR-1~~C-5, C-25, C-27, C-31, C-36~~, ~~M-10,~~ and M-20 zones--Screening required within three years.

In the ~~C-5, C-25, C-27, C-31, C-36~~CN, CR-1, ~~M-10,~~ and M-20 zones, all open storage areas shall, within three years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040B. (Prior planning code § 7433)

~~**17.114.160 Nonconforming Signs in S-8 zone--Removal required for certain categories.**~~

~~A. Basic Requirements. Within the indicated time periods, and except as otherwise provided in subsection B of this section; all nonconforming Signs in the following categories shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.114.110C.~~

~~**Category**~~	~~**Age of Signs**~~	~~**Time Period**~~
~~Any moving Sign.~~	~~Any age.~~	~~Three years after inclusion in the S-8 zone.~~
~~Any Sign which is painted on a building wall and which is nonconforming with respect to any provision of Section 17.86.120.~~	~~Any age.~~	~~Three years after inclusion in the S-8 zone.~~
~~Any other Sign which:~~	~~More than 10 years.~~	~~Three years after inclusion in the S-8 zone.~~
~~1. Has flashing illumination and is located north of 11th Street; or~~		
~~2. Projects more than six feet beyond a street line, except where the Sign extends up at least 40 feet of a 60-foot-or-more-high building wall to which it is attached, and except where the Sign is on a marquee, awning, or canopy; or~~	~~Five to nine years.~~	~~Four years after inclusion in the S-8 zone.~~

~~Category~~	~~Age of Signs~~	~~Time Period~~
~~3. Is located on or otherwise extends above the roof line or parapet wall of the building to which it is attached and has a height, including supports, exceeding 30 percent of the height of the building or adjacent portion thereof.~~	~~Less than five years.~~	~~Five years after inclusion in the S-8 zone.~~

~~B. Exception. The Director of City Planning may allow permanent retention of any Sign listed in subsection A of this section upon determination by him or her that the Sign is of high quality or definite historic or cultural value, in scale with its surroundings, not detrimental to other properties, and not so located that it will conflict with trees or other features in the street area. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Ord. 12073 § 4, 1998: prior planning code § 7435)~~

17.114.170 Nonconforming Signs in CN-1~~-31~~ zone--Removal required.

A. Basic Requirements. Within the time periods indicated below for the specified categories, and except as otherwise provided in subsection B of this section, all nonconforming Signs shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.114.110C.

Category	**Time Period**
Any pennants, streamers, propellers, and similar devices.	One year after inclusion in the CN-1~~-31~~ zone.
Any other Sign which is nonconforming with respect to any provision of Section 17.148.110.	Three years after inclusion in the CN-1~~-31~~ zone.

The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Ord. 12073 § 5, 1998; prior planning code § 7436)

17.114.180 Nonconforming Signs in CR-1~~-36~~ zone--Removal required for certain categories.

Within three years after inclusion in the CR-1~~-36~~ zone, all nonconforming pennants, streamers, propellers, and similar devices shall be removed, relocated, or otherwise changed so as to conform. (Ord. 12073 § 6, 1998: prior planning code § 7437)

Chapter 17.116

OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.060 Off-street parking--Residential Activities.

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	~~R-1, R-10, R-20, R-30~~RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1 ½) ~~(1.5)~~ spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1 ½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.~~.~~
	~~R-35, R-36, R-40, except when combined with the S-12 zone.~~	~~One and one-half spaces for each dwelling unit~~
	~~R-36, when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone.~~	~~One space for each dwelling unit.~~
	~~C-28, except as provided by Section 17.44.200.~~	~~One space for each dwelling unit.~~
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One~~-~~-half (½) ~~-~~space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.

Residential Facility Type	**Zone**	**Requirement**
One-Family Dwelling with Secondary Unit.	~~R-1, R-10, R-20, R-30, R-35, R-36, R-40~~RH, RD, RM-1, and RM-2 zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.102.360.
	All other zones, ~~R-50, R-60, R-70, R-80, R-90, CBD-R, C-5, C-10, C-20,~~ except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.102.360.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	RD-2, RM-1, RM-2~~R-30, R-35, R-36, R-40,~~ zones, except when combined with the S-12 zone.	One and one-half (1 ½) spaces for each dwelling unit.
	~~C-28, except as provided by Section 17.44.200.~~	~~One space per dwelling unit.~~
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.

17.116.070 Off-street parking--Civic Activities.

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

Civic Activity	**Zone**	**Minimum Total Size for Which Parking Required**	**Requirement**
A. Essential Service. Limited Childcare.	S-15 zone.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	--	No spaces required.
	S-15 zone.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15 zone.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	--	No spaces required.

Civic Activity	**Zone**	**Minimum Total Size for Which Parking Required**	**Requirement**
	C-45, ~~C-51,~~ CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	~~C-5, C-10, C-28, C-31, C-35.~~CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zone.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	~~C-55,~~ CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
all others.	~~C-55,~~ CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees.

Civic Activity	**Zone**	**Minimum Total Size for Which Parking Required**	**Requirement**
D. Nonassembly Cultural Administrative.	~~C-55,~~ CBD-P, CBD-C, and CBD-X zones	-	No spaces required.
	C-45, and ~~C-51,~~ S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	~~C-5, C-10, C-28, C-31, C-35.~~CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 zone	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
E. Health Care: hospitals.	C-45, ~~C-51, C-55,~~ CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, ~~C-51, C-55,~~ CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for reach two other employees.
all other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, ~~C-51, C-55,~~ CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	~~C-55,~~ CDB-P, CBD-C, and CBD-X zones.	-	No spaces required.
	C-45, ~~C-51,~~ and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
G. Extensive Impact: colleges and universities.	~~C-55,~~ CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned capacity.
all other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zone.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

(Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking--Commercial Activities.

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

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zone.	--	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45 and~~,~~ ~~C-51,~~ S-2 zones.	3,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.

Commercial Activity	**Zone**	**Minimum Total Size for Which Parking Required**	**Requirement**
	~~C-5, C-10, C-28, C-31, C-35.~~CN zones	3,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	Any other zone.		One (1) space for each 200 square feet of floor area.
B. Mechanical or Electronic Games.			
Medical Service.			
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Service.			
Consumer Cleaning and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.	~~C-55.~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	--	No spaces required
	C-45 and ~~, C-51,~~ S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	~~C-5, C-10, C-28, C-31, C-35~~CN zones	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service.			
Administrative.			
Business, Communication, and Media Service.			
Broadcasting and Recording Service			

Commercial Activity	**Zone**	**Minimum Total Size for Which Parking Required**	**Requirement**
Research Service.			
	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No spaces required.
	C-45~~,~~ and~~C-51,~~ S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	~~C-5, C-10, C-28, C-31, C-35.~~CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.			
Building Material Sales.			
Automotive Sales and Service.			
Automobile and Other Light Vehicle Sales and Rental.			
	~~C-55,~~ S-15 zone	--	No spaces required
	C-45, ~~C-51,~~ CBD-P, CBD-C, CBD-X, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
E. Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment.	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No Spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45~~,~~ and~~C-51,~~ S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	~~C-5, C-10, C-28, C-31, C-35.~~CN zones	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), and S-15 zones.	-	No spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	~~C-55,~~ CBD-P, CBD-C, and CBD-X zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, when ever sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.			
Animal care and Animal Boarding.	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	--	No spaces required.
	C-45 and~~, C-51,~~ S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.			
Automotive and Other Light Vehicle Repair and Cleaning.			
Automotive Fee Parking.	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	--	No spaces required.
	C-45 and~~, C-51,~~ S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
I. Transport and Warehousing.	~~C-55,~~ CBD-P, CBD-C, CBD-X.	--	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	~~C-51, C-55,~~ CBD-P, CBD-C, and CBD-X zones.	-	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No spaces required.
	C-45 zone~~, C-51.~~	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	~~C-28, C-31, C-35,~~CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 14, 1996: prior planning code § 7513)

17.116.090 Off-street parking-- Industrial Activities.

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

Zone	Minimum Total Size for Which Parking Required	Requirement
~~C-55,~~ CBD-P, CBD-C, CBD-X, and S-15 zones.	-	No spaces required.
C-45, ~~C-51,~~ S-2.	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.
Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 15, 1996: prior planning code § 7514)

17.116.100 Off-street parking--Agricultural and Extractive Activities.

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

Zone	Minimum Total Size for Which Parking Required	Requirement
~~C-55,~~ CBD-P, CBD-C and, CBD-X zones.	-	No spaces required.
C-45~~,~~ ~~C-51,~~ and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

Zone	Minimum Total Size for Which Parking Required	Requirement
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

(Prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.040 shall apply.

A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five ~~(75)~~ percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;

3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.

B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the ~~R-90, C-28, C-31~~CN, C-45, ~~-~~or CBD~~-R, C-51, C-55, CBD-P, CBD-C, or CBD-X~~ zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty ~~(50)~~ percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the ~~R-90, C-28, C-31~~,CN, C-45, ~~C-51, C-55, CBD-R, CBD-P, CDB-C,~~ or CBD~~-X~~ zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7519)

Article III
Off-Street Loading Requirements

17.116.120 Off-street loading--Residential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One (1) berth.*
150,000--299,999 square feet.	Two (2) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

*Off-street loading is not required in CBD-P zone when combined with the S-7 zone. (Prior planning code § 7521)

17.116.130 Off-street loading--Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor are:	
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One (1) berth.*
150,000--299,999 square feet.	Two (2) berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040*
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7522)

17.116.140 Off-street loading--Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	**Requirement**
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Fast-Food Restaurant, Convenience Market, ~~Fast-Food Restaurant,~~ Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:	
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:	
Less than 50,000 square feet.	No berths required.*
50,000--149,999 square feet.	One (1) additional berth.*
150,000--299,999 square feet.	One (1) berth.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two (2) berths. One (1) additional berth.*
C. Undertaking Service, occupying facilities with the following floor area:	
Less than 2,500 square feet.	No berths required.*
2,500--24,999 square feet.	One (1) berth.
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:	
Less than 25,000 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
E. All other Commercial Activities.	No berths required.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7523)

17.116.150 Off-street loading-- Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One (1) berth.*
25,000--49,999 square feet.	Two (2) berths.*
50,000--99,999 square feet.	Three (3) berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone. (Prior planning code § 7524)

Article IV
Standards for Required Parking and Loading Facilities

17.116.170 Property on which parking and loading must be provided.

A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, ~~R-90, C-31,~~ C-45, ~~C-51, C-55,~~ CBD-R, CBD-P, CBD-C, and CBD-X zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty ~~(20)~~ percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;

Required Facility and Activity it Serves	Zone	Location
		2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty ~~(50)~~ percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the CBD, ~~R-90, C-31~~CN, and C-45~~, C-51, and C-55~~ zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.

2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

17.116.200 Parking space dimensions.

(See illustration I-21.) The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, u~~U~~p to fifty ~~(50)~~ percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty ~~(50)~~ percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

~~one compact space may be provided in lieu of one regular space for each three required spaces, or remaining fraction of one-half or more thereof. All other required parking spaces shall be regular spaces.~~

A. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8 ½) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by ~~three~~ two (2) feet. ~~-~~(See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.

B. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16 ½) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See subsection D for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20 ½~~20 1/2~~) feet long and seven and one-half (7 ½) feet wide.

~~B~~C. Compact Parking Spaces. A compact parking space shall be not less than ~~sixteen~~ fifteen (~~16~~15) feet long and seven and one-half (7 ½) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by ~~three~~ two (2) feet. (See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a compact parking space shall be not less than ~~twenty~~ nineteen (~~20~~19) feet long and seven (7) feet wide. (Ord. 12376 § 3 (part), 2001: prior planning code § 7539)

D. Posts and Other Obstructions. Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:

1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and

2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and

3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and

4. Such posts and other similar structural members shall be located on one side only of a required parking space.

17.116.210 Driveways and maneuvering aisles for parking.

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to provide adequate ingress to and egress from all required parking spaces. (See also Sections 17.94.070, 17.94.080, 17.116.240, 17.116.250, and 17.116.260.) Except within the S-12 residential parking combining zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum width of nine feet. Driveways serving Residential Facilities with one or two living units on one lot shall be not more than nineteen (19) feet in width with a curb cut no more than nineteen (19) feet in width, and shall be limited to one driveway and one driveway curb cut per lot frontage. Driveways serving one lot or serving any of several adjacent lots under the same ownership shall be separated edge-to-edge by at least twenty-five (25) feet; where curbs exist, the separation shall be by at least twenty-five (25) feet of full vertical curb. Driveways serving adjacent lots under different ownership shall be separated edge-to-edge by at least ten (10) feet; where curbs exist, the separation shall be by at least ten feet of full vertical curb.

A. Maneuvering Aisle Width. Except for activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.070 shall apply, maneuvering aisles necessary for access into and out of required parking spaces shall have the following minimum widths, whether serving regular, intermediate, or compact parking spaces: ~~(see illustration I-21):~~

1. Where parking is parallel: eleven (11) feet;
2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;
3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: fifteen (15) feet;
4. Where parking is at an angle of seventy-five (75) degrees or less but more than sixty (60) degrees: eighteen (18) feet;
5. Where parking is at an angle of ninety (90) degrees or less but more than seventy-five (75) degrees: twenty-one (21) feet.

~~1. Where parking is parallel: twelve (1211) feet;~~
~~2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;~~
~~3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: sixteen (1615) feet;~~
~~4. Where parking is at an angle of ninety (90) degrees or less but more than sixty (60) degrees: twenty-four (214) feet.~~

(Ord. 12376 § 3 (part), 2001: prior planning code § 7540)

17.116.220 Loading berth dimensions.

All required loading berths shall have the minimum dimensions set forth below when serving the indicated activities; provided that where one or both of the long sides of a berth which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other similar obstruction, each of the widths specified below shall be increased by three (3) feet. However, the minimum height or length of a required berth may in any case be reduced upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such smaller dimensions are ample for the size and type of trucks or goods which foreseeably will be involved in the loading operations of the activity served.

A. For all Industrial Activities and for General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, forty-five (45) feet long, twelve (12) feet wide, and fourteen (14) feet high;

B. For Undertaking Service Commercial Activities: twenty-five (25) feet long, ten (10) feet wide, and eight (8) feet high;

C. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high.

(Prior planning code § 7541)

17.116.240 Tandem spaces and berths.

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

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

B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.

C. In the RH, RD, RM-1, and RM-2 zones, ~~R-1, R-10, R-20, R-30, R-35, R-36, and R-40 zones,~~ except when combined with the S-11 or S-12 zones, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.

D. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

E. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

(Ord. 12501 § 79, 2003: Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; prior planning code § 7543)

17.116.260 Surfacing and grade of parking and loading facilities.

A. Slopes. ~~(see illustration I-21a).~~ The maximum slope of any required maneuvering aisle, parking space, or loading berth shall be ten ~~(10)~~ percent (10%). The maximum slope of any required driveway shall be twenty-five ~~(25)~~ percent (25%). For all driveways, extending from streets without curbs, gutters or sidewalks, the first five (5) feet of the driveway shall be level with the edge of the pavement. For driveways less than fifteen (15) feet in length, the maximum slope for other than the first five (5) feet shall be ten ~~(10)~~ percent (10%). For driveways fifteen (15) feet or more in length but less than twenty-five (25) feet, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten ~~(10)~~ percent (10%) and the maximum slope of the remainder shall be fifteen ~~(15)~~ percent (15%). For driveways twenty-five (25) feet or more in length, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten ~~(10)~~ percent (10%), the maximum slope for the final ten (10) feet shall be fifteen ~~(15)~~ percent (15%), and the maximum slope for the portion between shall be twenty-five ~~(25)~~ percent (25%). For downslope driveways leading to garages, the final two (2) feet shall be level or upslope not exceeding five ~~(5)~~ percent (5%).

B. Surfacing. All required parking and loading facilities shall have a durable, dustless, all-weather surface; shall have satisfactory disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition. All driveways with a slope of twenty ~~(20)~~ percent (20%) or more shall have a serrated concrete surface or other surface providing a similar level of traction.

C. Design for Runoff. All required off-street parking facilities located on any lot containing three (3) or more required spaces, and all required off-street loading facilities on any lot, shall be so designed that surface water will not drain over any sidewalk.

D. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001: prior planning code § 7546)

17.116.270 Screening and setback of parking and loading areas.

A. Residential or S-1, S-2, S-3 or OS Zone. ~~(See illustration I-16.)~~ In all residential zones and in the S-1, S-2, S-3 and OS zones, all open off-street parking areas on any lot containing three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170.

B. Commercial or Industrial Zone. (See illustration I-17.) Off-street parking and loading facilities shall be screened, and restricted in their location on a lot, when and as prescribed in Sections 17.110.030 and 17.110.040 of the buffering regulations or in the applicable individual zone regulations or development control maps. (Ord. 12376 § 3 (part), 2001; Ord. 12078 § 5 (part), 1998; prior planning code § 7547)

17.116.290 Special requirements applying in some zones.

A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.

B. In the S-15 zone:

1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses ~~shall~~ may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.

3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas ~~shall~~ may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.

4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134. (Ord. 11892 § 18, 1996: prior planning code § 7549)

C. In the RU-4, RU-5, CN, CC, CR, or CBD zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.

The provisions of this section apply to lots containing One-Family Dwelling Residential Facilities, One-Family Dwelling Residential Facilities with Secondary Unit Residential Facilities, and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this section may be approved pursuant to the regular design review procedure in Chapter 17.136.

A. Required Garage, Carport or Uncovered Parking Location to the Side or Rear of a Residence in Certain Cases. Garages, carports or any uncovered required parking spaces shall be located to the rear or side of any primary Residential Facility and at a minimum of twenty-five (25) feet from the front lot line if:

1. At least sixty ~~(60)~~ percent (60%) of the buildings in the immediate context have garages, carports and uncovered required parking located at a depth of at least twenty-five (25) feet from the front lot line; and

2. On the lot being developed, the difference in elevation of existing grade between the midpoint of the front lot line and the farthest opposite point of the lot depth does not exceed a gradient of twenty ~~(20)~~ percent (20%).

The immediate context shall consist of the five closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; ~~(see Illustration I-4b);~~ however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any required garage, carport, or uncovered parking space. Lots with a front lot line width of less than thirty-five (35) feet are exempt from this subsection if the garage, carport or uncovered parking space dimensions facing the front lot line equal less than fifty (50) percent of the building elevation facing the front lot line.

B. Garage or Carport Recessed from Front of Residence in Certain Cases. ~~(See Illustration I-8a)~~ When an attached or detached garage or carport is not subject to subsection A of this section and is located on lots with a street-to-setback gradient of twenty ~~(20)~~ percent (20%) or less and where the face of the primary Residential Facility, including projections at least eight (8) feet in height and five (5) feet in width, such as covered porches and bay windows, is within twenty-five (25) feet of the front lot line, at least one of the following requirements shall apply:

1. The front of the garage or carport shall be set back a minimum of five (5) feet from such face; or

2. If the garage or carport is located below living space, either:

a. The front of the garage or carport shall be set back at least eighteen (18) inches from the upper level living space; or

b. The garage door shall be recessed at least six inches from the surrounding exterior wall surfaces.

C. Maximum Widths of Garages and Carports. Garages and carports shall have a maximum width of twenty-two (22) feet if the front of the garage or carport is located within thirty (30) feet of a street line and shall have a maximum width of thirty (30) feet if located elsewhere. In addition, all

attached garages and carports shall have a maximum width not to exceed fifty ~~(50)~~ percent (50%) of the total width of the primary Residential Facility if the front of the garage or carport is located within thirty (30) feet of a street line.

D. Parking Restricted to Garages, Carports, Uncovered Required Parking Spaces or Driveways. Parking on a lot containing primary Residential Facilities may take place only in garages, carports, uncovered required parking spaces, or approved driveways. (Ord. 12376 (part), 2001)

Chapter 17.117

BICYCLE PARKING REQUIREMENTS

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General Provisions

Sections:

17.117.010 Title, Purpose, and Applicability.
17.117.020 Bicycle Parking Required for New and Existing Uses.
17.117.030 More than One Activity on a Lot.
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17.117.070 Location and Design of Required Bicycle Parking.

Article III
Minimum Number of Required Bicycle Parking Spaces

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17.117.020 Bicycle Parking Required for New and Existing Uses.

A. Bicycle Parking Shall be Provided for New Facilities and Additions to Existing Facilities. Bicycle parking as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking for such activities, except to the extent that existing bicycle parking exceeds such requirements for any existing facilities. The required amount of new bicycle parking shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date.

B. Bicycle Parking Shall be Provided for Remodels. "Remodel" means any proposed physical improvement of an existing structure which requires a building permit but does not include New Facilities or Additions to Existing Facilities.

1. Remodel projects that are over 10,000 ~~s.f.~~ square feet and have an estimated construction cost, excluding seismic retrofit costs, greater than $250,000 shall provide the number of short-term bicycle parking spaces prescribed in Sections 117.090 to 117.120. This amount shall be adjusted to

account for changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

2. Remodel projects that are over 50,000 ~~s.f.~~ square feet and have an estimated construction cost , excluding seismic retrofit costs, over $1,000,000 shall provide, in addition to short-term bicycle parking, the number of long-term bicycle parking spaces and shower and locker facilities prescribed in Sections 117.090 to 117.130. This amount shall be adjusted to account for changes in the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. The adjustment shall be made annually, starting in 2009, no sooner than one year from adoption.

C. Bicycle Parking Shall be Provided for New Living Units in Existing Facilities. If any facility, or portion thereof, which is in existence on the effective date of the bicycle parking requirements, or of a subsequent rezoning or other amendment thereto establishing or increasing bicycle parking requirements for an activity therein, is altered or changed in occupancy so as to result in an increase on the number of residential living units therein, bicycle parking as prescribed hereafter shall be provided for the new units. However, such bicycle parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new bicycle parking need not be provided to the extent that existing bicycle parking exceeds the latter requirement.

17.117.070 Location and Design of Required Bicycle Parking.

Required bicycle parking shall be placed on site(s) as set forth below:

A. A bicycle parking space shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.

B. An encroachment permit may be required from the City to install bicycle parking in the public right-of-way.

C. Bicycle parking facilities shall not impede pedestrian or vehicular circulation.

1~~a~~. Bicycle parking racks located on sidewalks should maintain a minimum of five and one half (5.5) feet of unobstructed pedestrian right-of-way outside the bicycle parking space. For sidewalks with heavy pedestrian traffic, at least seven (7) feet of unobstructed right-of-way is required.

D. Bicycle parking facilities are subject to the following standards:

1~~a~~. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, and Large Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping.

2~~b~~. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.

E. Bicycle parking facilities within auto parking facilities shall be protected from damage by cars by a physical barrier such as curbs, wheel stops, poles, bollards, or other similar features capable of preventing automobiles from entering the bicycle facility.

F. Bicycle parking facilities shall be located in highly visible well-lighted areas. In order to maximize security, whenever possible short-term bicycle parking facilities shall be located in areas highly visible from the street and from the interior of the building they serve (i.e. placed adjacent to windows).

G. The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.

H. Long-term bicycle parking shall be covered and shall be located on site or within five hundred (500) feet of the main building entrance unless approved by the Director of City Planning with a written Discretionary Waiver. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1000) feet of a proposed or existing bike station or similar high-capacity bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

J. Whenever any required bicycle parking is proposed to be provided on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.

K. Short-term bicycle parking shall be placed within fifty (50) feet of the main entrance to the building or commercial use and should be in a well trafficked location visible from the entrance. When the main entrance fronts the sidewalk, the installer may obtain an encroachment permit from the City to install the bicycle parking in the public right-of-way. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

17.117.090 Required Bicycle Parking – Residential Activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
Permanent and Semi-Transient Residential Activities occupying the specified facilities:		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with Secondary Unit.	No spaces required.	No spaces required.
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
b) Without private garage for each unit.	1 space for each 4 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.
Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:		
7) Residential Care. 8) Service-Enriched Permanent Housing.	1 space for each 20 employees or 1 space for each 70,000 ~~s.f.,~~ square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
9) Transitional Housing.	1 space for each 8 residents. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
10) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.

17.117.100 Required Bicycle Parking – Civic Activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Civic Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Civic Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
1) Essential Service. 2) Limited Childcare.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
3) Community Assembly.		
a) Churches, temples, and synagogues.	1 space for each 40 fixed seats, or one space for each 4,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40 fixed seats, or one space for each 2,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.
b) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.
4) Non-Assembly Cultural.	1 space for each 20 employees. Minimum requirement is 2 spaces.	Spaces for 2% of maximum expected daily attendance.
5) Administrative.	1 space for each 20 employees. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6) Health Care. 7) Special Health Care.	1 space for each 20 employees; or one space for each 70,000 s ~~s.f.~~ quare feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40,000 ~~s.f.~~ square feet of floor area. Minimum requirement is 2 spaces.
8) Utility and Vehicular.		
a) Communications equipment installations and exchanges, electrical substations, emergency hospitals operated by a public agency, gas substations, neighborhood newscarrier distribution centers.	No spaces required.	No spaces required.
b) Fire Stations and Police Stations. c) Post offices, excluding major mail-processing centers.	1 space for each 10 employees. Minimum requirement is 2 spaces	6 spaces.
d) Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.	No spaces required.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted).

9) Community Education.		
a) Public, parochial, and private day-care centers for fifteen (15) or more children.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
b) Public, parochial, and private nursery schools, and kindergartens.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
Civic Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
c) Public parochial and private elementary, junior high and high schools.	1 space for each 10 employees plus 1 space for each 20 students of planned capacity. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
10) Extensive impact		
a) Colleges and universities.	1 space for each 10 employees plus 1 space for each 10 students of planned capacity; or 1 space for each 20,000 ~~s.f.~~ square feet of floor area, whichever is greater.	1 space for each 10 students of planned capacity.
b) Railroad and bus terminals.	Spaces for 3.5% of projected maximum daily ridership.	Spaces for 1.5% of projected maximum daily ridership.
c) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.

17.117.110 Required Bicycle Parking – Commercial Activities

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Commercial Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
Retail		
1. General Food Sales. 2. Full Service Restaurant 3. Limited Service Restaurant and Café	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 2,000 square feet of floor area. Minimum requirement is 2 spaces.

4. ~~Convenience Market.~~-Fast-Food Restaurant. 5. ~~Fast-Food Restaurant.~~Convenience Market 6. Alcoholic Beverage Sales. 7. Mechanical or Electronic Games. 8. General Retail Sales. 9. Large-scale combined retail and grocery sales. 10. Consumer Service. 11. Consumer Cleaning and Repair Service. 12. Consumer Dry Cleaning Plant 13. Check Cashier and Check Cashing.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
14. General Wholesale Sales. 15. Building Material Sales.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
Commercial Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
Office		
1. Consultative and Financial Service. 2. Administrative Commercial. 3. Business, Communication, and Media Service. 4. Broadcasting and Recording Service	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
Medical		
1. Medical Service. 2. Animal Care.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
Commercial Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
Auto Related		
1. Automobile and Other Light Vehicle Sales and Rental.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Automobile and Other Light Vehicle Gas Station and Servicing. 3. Automotive Repair and Cleaning.	1 space for each 20 employees. Minimum requirement is 2 spaces.	No spaces required.
Other Commercial		
1. Group Assembly.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.

2. Personal Instruction and Improvement and Small Scale Entertainment	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
3. Research Service.	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
4. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
5. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
6. Undertaking Service. 7. Animal Boarding.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	2 spaces.

17.117.120 Required Bicycle Parking – Industrial~~, Manufacturing~~ and All Other Activities

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Industrial, Agricultural and Extractive Activities and All Other Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	**Long-term Bicycle Parking Requirement**	**Short-term Bicycle Parking Requirement**
Industrial		
1. Custom Manufacturing. 2. Light Manufacturing. 3. General Manufacturing. 4. Heavy High/Impact Manufacturing.	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
5. Research and Development	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6. Construction Operations	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
7. Warehousing, Storage and Distribution. A. General Warehousing, Storage and Distribution B. General Outdoor Storage C. Self or Mini-Storage D. Container Storage E. Automobile Salvage/Junk Yards 8. Regional Freight Transportation. A. Seaport B. Rail yard 9. Trucking and Truck-Related. A. Freight/Truck Terminal B. Truck Yard C. Truck Weigh Stations D. Truck and Other Heavy Vehicle Sales, Rental and Leasing E. Truck and Other Heavy Vehicle Service, Repair and Refueling	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
10. Recycling and Waste Related. A. Satellite Recycling Collection Centers B. Primary Recycling Collection Centers C. Intermediate Recycling Processing Facility	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
11. Hazardous Material Production, Storage and Waste Management. A. Small Scale Transfer and Storage Hazardous Waste Management B. Industrial Transfer/Storage Hazardous Waste Management C. Residual Repositories Hazardous Waste Management D. Oil and Gas Storage	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
Agricultural and Extractive		
1. Plant Nursery Agricultural.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040.
2. Crop and Animal Raising Agricultural 3. Mining and Quarrying Extractive.	No spaces required.	No spaces required.

17.117.150 Automobile Parking Credit

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six bicycle spaces provided in excess of the requirements in this chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent (5%).

Chapter 17.118

RECYCLING SPACE ALLOCATION REQUIREMENTS

17.118.020 Affected projects.

The following development projects shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials:

A. Any new residential development of five units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or new commercial or industrial development including marinas, for which a building permit is required, and said permit application is submitted on or after the effective date of these regulations;

B. Any new public facility where solid waste is collected and loaded and any improvements made to areas of an existing public facility used for collecting and loading solid waste;

C. Any existing residential development project of five units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or existing commercial or industrial development including marinas, for which an application for a building permit is submitted on or after September 1, 1994 for an alteration(s) which adds thirty ~~(30)~~ percent (30%) or more to the existing gross floor area of the development project;

D. Any existing residential development project of five (5) units or more where solid waste is collected and loaded in a location serving five or more living units, or existing commercial or industrial development or marina, for which multiple applications for building permits are submitted within a twelve (12) month period on or after September 1, 1994, which collectively add thirty ~~(30)~~ percent (30%) or more to the existing gross floor area of the development project;

E. Any existing residential development project of five (5) units or more where solid waste is collected and loaded in a location serving five (5) or more living units, or existing commercial or industrial development or marina, occupied by multiple tenants, one of which submits within a twelve (12) month period an application or a series of applications for building permits for alterations which singly or collectively add thirty ~~(30)~~ percent (30%) or more to the existing floor area of that portion of the project which said tenant leases. In such cases, adequate areas for the collection and loading of recyclable materials adequate in number and capacity to serve that portion of the development project said tenant leases shall be provided. (Ord. 11807 § 1 (part), 1995: prior planning code § 7601)

Chapter 17.120

PERFORMANCE STANDARDS

17.120.020 Existing activities.

Activities existing on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such activities, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized under Section 17.102.310 and the development agreement procedure in Chapter 17.138. (Prior planning code § 7701) For existing activities meeting the definition specified in Section 17.114.080C., an expansion greater than twenty~~20~~ percent (20%) of production (e.g. non-administrative) floor area is one example of a change in operations that shall be considered an increase in the degree of nonconformity.

17.120.070 Smoke.

All Commercial and Industrial Activities located in the ~~M-10,~~ S-3~~, or S-13~~ zone, or in any HBX or CIX zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time. (Prior planning code § 7712)

17.120.080 Particulate matter and air contaminants.

All Commercial, Manufacturing and Industrial Activities which are located in a residential zone or the ~~M-10,~~ M-20, S-3, or ~~S-13~~CIX zone, or any HBX zone~~ or CIX-1 zone~~, or which are located in the M-30, CIX-2, IG or IO zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities. (Prior planning code § 7713)

17.120.090 Odor.

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

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any residential zone, ~~M-10,~~ M-20, S-3, ~~S-13,~~ the HBX~~-1, HBX-2, HBX-3~~ zones or CIX-1.	At or beyond any lot line of the lot containing the activities.
M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.	At or beyond any boundary of a residential zone.

(Prior planning code § 7714)

17.120.100 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Manufacturing Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by

the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

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

Zone in Which Activities are Located	Point of Determination
Any residential zone, ~~M-10,~~ M-20, S-3, ~~S-13, HBX-1, HBX-2, HBX-3~~HBX zones or CIX-1.	At or beyond any lot line of the lot containing the activities.
M-30, CIX-2, IG or IO zone if within 400 feet of any boundary of a residential zone.	At or beyond any boundary of a residential zone.

(Prior planning code § 7715)

17.120.110 Electrical disturbance.

All Commercial, Industrial and Manufacturing Activities located in a residential zone or the ~~M-10,~~ M-20, S-3 or ~~S-13,~~ HBX or CIX-1 zone, or located in the CIX-2, IG or M-30 or M-40 zone and within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot. (Prior planning code § 7716)

Chapter 17.124

LANDSCAPING AND SCREENING STANDARDS

17.124.030 Residential landscape requirements for street frontages.

~~(See illustration I-21b.)~~ All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six (6) feet, the trees to be provided shall include street trees to the satisfaction of the Director of City Planning. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List, as provided in Section 17.124.110. Alternative species may be approved by the Director of City Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants. (Ord. 12376 § 3 (part), 2001)

17.124.040 Residential landscape requirements for downslope lots.

~~(See illustration I-21b.)~~ On downslope lots where the height of the rear elevation of the primary Residential Facility exceeds twenty-eight (28) feet, landscaping shall be planted to screen the rear face of the building and shall be:

A. Planted to number a minimum of one (1) fifteen-gallon tree or five (5) five-gallon shrubs, or substantially equivalent landscaping as approved by the Director of City Planning for each fifteen (15) feet of lot width, measured at the rear face of the residence; and

B. Selected and maintained such that it is sufficient in size within five (5) years of planting to screen the lower ten (10) feet of the structure. (Ord. 12376 § 3 (part), 2001)

17.124.070 Required materials and opacity.

Required landscaping, fences, and walls shall be composed of the materials prescribed in other provisions of the zoning regulations.

A. Where trees are required, they shall be of a species, degree of maturity, and spacing prescribed by the Director of City Planning, subject to the right of appeal from such determination pursuant to the administrative appeal procedure in Chapter 17.132.

B. Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide a year-round barrier to the prescribed height, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

C. Where a grille fence or wall is prescribed, it shall have a uniform screen or other open-work design, with an opacity of not less than twenty-five (25) and not more than seventy-five ~~(75)~~ percent (75%). (Ord. 12376 § 3 (part), 2001: prior planning code § 8102)

Chapter 17.126

USABLE OPEN SPACE STANDARDS

17.126.030 Group usable open space.

~~(See illustration I-22.)~~ All required group usable open space shall be permanently maintained, shall be located on the same lot as the living units it serves, and shall conform to the following standards:

A. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code.~~but shall not be more than four feet high~~.

B. Location. The space may be located anywhere on the lot within twenty (20) feet of the living units served, except that not more than twenty five ~~(20)~~ percent (25%) of the required area shall be located on the roof of any building other than an attached garage or carport, with the exception of property located within the S-15 zone where the space may be located anywhere on the lot and may be located entirely on the roof of any building on the site.

C. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than fifteen (15) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Accessibility. The space shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room.

E. Openness. There shall be no obstructions above the space except for devices to enhance its usability.

F. Enclosure. Ground-level space shall be screened from abutting lots, streets, alleys, and paths, and abutting private ways described in Section 17.106.020, by a building wall, by dense landscaping not less than three and one-half (3 ½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations. (Ord. 11892 § 20, 1996; prior planning code § 8310)

17.126.040 Private usable open space.

~~(See illustration I-22.)~~ All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in subsection B of this section, on the same lot as the living unit it serves; and shall conform to the following standards:

A. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than the minimum height required by the Oakland Building Code.

B. Location. The space may be located anywhere on the lot, except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even

though it projects beyond a street line. All spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.

C. Size and Shape. An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ten (10 feet. An area of above-ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than five (5) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

D. Accessibility. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

E. Openness. There shall be no obstructions over ground-level space except for devices to enhance its usability and except that not more than fifty ~~(50)~~ percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

F. Enclosure. Ground-level space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5 ½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5 ½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half (3 ½) feet. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations. (Prior planning code § 8320)

17.126.050 Plazas for Nonresidential Facilities.

Every plaza required for Nonresidential Facilities shall be permanently maintained, shall be located on the same lot as the facilities for which it is provided, and shall conform to the following standards:

A. Usability. The plaza shall have an appropriate dustfree surface, and shall be suitable for walking, sitting, and similar activities. Off-street parking and loading areas, driveways, and service areas shall not be counted as plazas. At least twenty-five ~~(25)~~ percent (25%) of the plaza area shall be occupied by planting, sculpture, pools, or similar features.

B. Location and Visibility. The plaza shall be located not more than five (5) feet above the sidewalk of the abutting street. It shall be clearly visible from the sidewalk.

C. Size and Shape. The plaza shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than thirty (30) feet.

D. Accessibility. The plaza shall be directly and conveniently accessible to the general public during all business hours common in the area.

E. Openness. There shall be no obstructions above the plaza except for awnings, trellises, or similar devices to enhance its usability. (Prior planning code § 8335)

Chapter 17.128

TELECOMMUNICATIONS REGULATIONS

17.128.040 Supplemental definitions.

In addition to the terms defined in Chapter 17.09, the following specific definitions shall apply in reviewing applications under the telecommunications regulations:

"Antenna" means any system of poles, panels, rods, or similar devices used for the transmission or reception of radio frequency signals.

1. **"Omni-directional antenna"** transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this document, an omni-directional antenna is up to fifteen (15) feet in height and up to four inches in diameter.
2. **"Directional antenna"** (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.
3. **"Parabolic antenna"** (also known as a dish antenna) means a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

"Attached wireless communication facility" means a wireless communication facility that is affixed to an existing structure which is not considered a component of the attached wireless communications facility.

"Concealed from view" or "concealed from view" means that no part of the antenna, the means by which the antenna is attached to a building or structure or the cabinets or structure containing the radio or other related equipment used to operate the site may be visible from the adjacent public right-of-way within three hundred (300) feet of the antenna.

"Collocation" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Equipment cabinet" means a cabinet or other enclosure not housed in a separate building and used to house equipment used by telecommunications providers at a facility.

"Equipment shelter" means a building used to house equipment used by telecommunications providers at a facility.

"Ground Post Facility" means an antenna facility consisting of multiple posts mounted on the ground upon which sit antennas. If the height is up to seventeen (17) feet, it is treated as a Macro Facility and if over seventeen (17) feet, it is treated as a Monopole.

"Related equipment" means all equipment ancillary to the transmissions and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals. (Ord. 11904 § 5.01 (part), 1996: prior planning code § 8503)

17.128.060 Mini Facilities.

A. **General Development Standards for Mini Facilities.**

1. The Mini Facilities shall be located on existing buildings, poles or other existing support structures.
2. The equipment cabinet(s) must be concealed from public view or placed underground. The cabinet must be regularly maintained.

3. Mini Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roof line or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

4. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.

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

1. Antennas should be painted and/or textured to match the existing structure.

2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.

4. Equipment cabinets shall be concealed from view or placed underground.

5. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from facade) for equipment setback unless an alternative placement would reduce visual impact; treat or screen the antennas to match existing air conditioning units, stairs, elevator towers, or other background; avoid placing roof mounted antennas in direct line with significant view corridors.

C. **Conditional Use Permit Criteria for Mini Facilities.** In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in subsection B of this section.

2. The proposed project must not disrupt the overall community character.

3. In the RH, RD, RM, RU-1, or RU-2 zones,~~zones R-1 through R-60, inclusive,~~ the project must not have any visual impact. (Ord. 12272 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8506)

17.128.080 Monopoles.

A. General Development Standards for Monopoles.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

3. When a monopole is in a residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

4. Monopolar structure and connecting appurtenances shall not exceed eighty (80) feet in any~~zones~~ industrial zone, ~~M-30 and M-40,~~ or the C-40, C-45, ~~C-35 through C-60~~CC, and ~~or~~ CR zones,

with design review and M-20 with a conditional use permit. Monopoles are permitted up to a height of forty-five (45) feet in all other zones with a conditional use permit.

5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.

6. Antennas may not extend more than fifteen (15) feet above their supporting structure.

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

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.

2. Monopoles should not be sited to create visual clutter or negatively affect specific views.

3. Monopoles shall be screened from the public view wherever possible.

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

C. **Conditional Use Permit Criteria for Monopoles.** In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in subsection B of this section.

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.

3. The proposed project must not disrupt the overall community character.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.

a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.

d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of

proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.

e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.

f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the city. (Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8508)

17.128.090 Towers.

A. **General Development Standards for Towers.**

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

3. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

4. Antennas may not extend more than fifteen (15) feet above their supporting structure.

5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the FCC.

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

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.

2. Towers should not be sited to create visual clutter or negatively affect specific views.

3. Towers shall be screened from the public view wherever possible.

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area. (Ord. 11904 § 5.01 (part), 1996: prior planning code § 8509)

6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

17.128.100 Regulations apply to parks and other similar open spaces.

Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest residential zone. (Ord. 11904 § 5.01 (part), 1996: prior planning code § 8510)

17.128.110 Site Location Preferences.

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones.
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three sites in each preference order exist, the three such closest to the proposed location shall be required.

b. Written evidence indicating why each such identified alternative can not be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

Chapter 17.134

CONDITIONAL USE PERMIT PROCEDURE

17.134.020 Definition of major and minor conditional use permits.

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

1. Thresholds. Any project that meets any of the following size thresholds:

a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;

b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, ~~R-90, C-51, C-55,~~ S-2, or S-15 zones;

c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:

i. Three or more dwelling units in the ~~R-36 or R-40~~RM-2 zone,

ii. Seven (7) or more dwelling units in the ~~R-50~~RM-3 or RM-4 zone.

d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in 7 or more living units in the RU ~~R-60, R-70, R-80, R-90,~~ or CBD-R zone.

e. Large Scale Developments. Any development which is located in the R-80, ~~R-90,~~ CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, ~~C-51, C-55,~~ S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area.

2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:

a. Activities:

i. Residential Care Residential,

ii. Service Enriched Housing Residential,

iii. Transitional Housing Residential,

iv. Emergency Shelter Residential,

v. Extensive Impact Civic,

vi. ~~Convenience Market~~ Fast-food Restaurant Commercial,

vii. Convenience Market ~~Fast-food Restaurant~~ Commercial,

viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B),

ix. Heavy Manufacturing,

x. Small Scale Transfer and Storage Hazardous Waste Management,

xi. Industrial Transfer/Storage Hazardous Waste Management,

xii. Mining and Quarrying Extractive;

b. Facilities:

i. Drive-Through,

ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.

iii. Special Health Care Civic Activities.

3. Special Situations. Any project that involves any of the following situations:

a. Any project that requires development of an Environmental Impact Report (EIR);

b. Any single establishment containing a Commercial or ~~Manufacturing~~ Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

c. Off-Street Parking Facilities in the C-40, ~~C-51,~~ CBD-P, CBD-C, CBD-X, and S-2 zones serving fifty (50) or more vehicles;

d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;

e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;

f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;

g. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;

h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.134.040(B)(1);

i. Any Telecommunications Facility in, or within one hundred (100) feet of the boundary of, any residential zone;

j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 zones.~~residential zones R-1 through R-60 inclusive.~~

B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in subsection A of this section.
(Ord. 12501 § 80, 2003: Ord. 12450 § 19, 2002; Ord. 12350 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4, 2000; Ord. 12234 § 4, 2000; Ord. 12224 § 7, 2000; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 9 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; Ord. 12072 § 12, 1998; Ord. 12016 § 2 (part), 1997; Ord. 11904 § 5.91, 1996; Ord. 11892 § 21, 1996; Ord. 11539 § 2, 1993; prior planning code § 9201)

17.134.050 General use permit criteria.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

F~~E~~. **For proposals involving a One- or Two-Family Residential Facility:** If the conditional use permit concerns a regulation governing maximum height, minimum yards, ~~or~~ maximum lot coverage, or maximum floor area ratio, ~~building length along side lot lines,~~ the proposal also conforms with at least one of the following additional criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a

degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

~~F. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.~~ (Ord. 12376 § 3 (part), 2001: prior planning code § 9204)

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 structure's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a structure as representative of its period and contribute to its visual distinction or historical significance.

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

1. **Additions or Alterations.**

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

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

c. After notice to the Director of City Planning, demolition or removal of either:

i) structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or

ii) structures declared be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.

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

e. Floor area additions within the existing building envelope not involving the creation of a ~~living~~dwelling -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 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 (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

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

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 Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.

B. **Pre-Application Review --Regular Design Review.** Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the city representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the city representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

C. **Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning ~~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 that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning. ~~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~~decision ~~-~~by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. In the event that the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 ~~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.~~shall be final immediately and are not ultimately appealable to the City Council.

D. **Procedure for Consideration of Regular Design Review Proposals which Involve ~~or Result in a One- or Two-Unit Residential Facility~~an Initial Decision by the City Planning Commission--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 of City Planning may, at his or her discretion, refer an application for regular design review ~~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 involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR);~~,~~ or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80,~~ 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 Planning ~~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~~ The ~~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 Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. 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

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

A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this chapter.

B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the 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 generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

2. 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 structure into the proposed development.

C. Regular Design Review Approval for the demolition or removal of any structure 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 additional 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 structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and

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

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

3. For the demolition of any structure in an S-7 zone, S-20 zone or API:

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

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

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

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

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

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

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

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

D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:

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

2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or

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

E. For proposals that have received Design Review approval pursuant to this section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark

designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7005)

17.136.080 Appeal to Planning Commission--Regular design review.

Within ten (10) calendar days after the date of ~~a~~initial decision by the Director of City Planning on an application for regular design review under the procedure specified in Section 17.136.040(C), an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when city offices are closed, the next date offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee ~~or the applicant~~ may seek the advice of outside design professionals. ~~If the proposal is being considered under the procedure specified in Section 17.136.040(D) or also requires a major variance, the~~ The decision of the Commission or, if applicable, the Committee on a proposal ~~shall become final ten calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. If it is~~ being considered under the procedure specified in Section 17.136.040(C) ~~and does not also require a major variance, the decision of the Commission or, if applicable, the Committee~~ shall be final immediately and is not ultimately appealable to the City Council.
(Ord. 12376 § 3 (part), 2001: Ord. 11816 § 2 (part), 1995: prior planning code § 9307)

17.136.090 Appeal to City Council--Regular design review.

Within ten (10) calendar days after the date of initial ~~a~~ decision by the City Planning Commission on an application for regular design review under the procedure specified in Section 17.136.040(D~~), or where the proposal also requires a major variance,~~), an appeal from said decision may be taken to the City Council by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. No such appeal to the City Council is allowable under the procedure specified in Section 17.136.040(C). ~~unless the proposal also requires a major variance.~~ Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of

discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. (Ord. 11816 § 2 (part), 1995: prior planning code § 9308)

17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.

A. Whenever design review approval is required for a proposal also requiring one or more other discretionary permits, such as a conditional use permit, ~~or~~ planned unit development permit, or variance, the application for design review shall be submitted with ~~included in~~ the application ~~to~~ for said other permit and shall be processed and considered as part of the same proposal.~~;~~ The reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria. Decisions ~~provided that decisions~~ on the design review aspects of a proposal also requiring one or more other discretionary permits, such as a minor conditional use permit or minor variance, shall still be appealable within ten (10) calendar days after the date of decision to the City Planning Commission or City Council to the extent such appeal would otherwise be allowed under Sections 17.136.080 and 17.136.090. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

B. ~~However, in any case the provisions of Sections 17.136.020 and 17.136.060 shall still apply; and the reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria.~~ Whenever design review approval is required for a proposal also requiring subdivision approval, the application for design review approval may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, but shall nonetheless be subject to all the separate procedure and criteria pertaining to design review. (Ord. 12376 § 3 (part), 2001: Ord. 11816 § 2 (part), 1995: prior planning code § 9311)

17.136.130 Limitation on resubmission--Small project design review.

Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review.

The limitation of this section on resubmitting an application for small project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed

circumstances sufficient to justify reconsideration of denial of the original application for small project design review. Applications pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the Planning Commission shall be final. (Ord. 11816 § 2 (part), 1995: prior planning code § 9312)

Chapter 17.138

DEVELOPMENT AGREEMENT PROCEDURE

17.138.050 Criterion.

A development agreement may be approved only if it is found that the proposal is consistent with the Oakland ~~Comprehensive~~ General Plan and with any applicable district plan or development control map which has been adopted by the City Council, as said plans or map currently exist. (Prior planning code § 9354)

Chapter 17.142

PLANNED UNIT DEVELOPMENT REGULATIONS

17.142.090 Minimum size for which bonuses may be granted.

The minimum total land area of any planned unit development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and RD-1~~R-1, R-10, R-20, and R-30~~ zones, and sixty thousand (60,000) square feet in all other zones except the CC-1 ~~C-20~~ zone. In the CC-1~~C-20~~ zone, the minimum total land area shall be four (4) acres for any planned unit development incorporating any of the bonuses set forth in Section 17.142.100(E), and sixty thousand (60,000) square feet for any other planned unit development incorporating any of the bonuses set forth in Section 17.142.100. (Ord. 12272 § 4 (part), 2000: prior planning code § 7811)

17.142.100 Bonuses.

For planned unit developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140:

A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RH~~R-1, R-10, R-20,~~ and RD-1~~R-30~~ zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a planned unit development incorporating an increase in overall density or floor-area ratio pursuant to subsection E of this section, in addition to the activities generally permitted in the zone where the development is located:

1. Residential Activities:

Permanent

2. Civic Activities:

Limited Child-Care
Community Education

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

General Food Sales
Full Service Restaurant
Limited Service Restaurant and Café
Fast-Food Restaurant
Convenience Market
~~Fast-Food Restaurant~~
Alcoholic Beverage Sales
Consumer Service
Medical Service

B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the ~~R-1, R-10, R-20,~~RH and RD-1~~R-30~~ zones, the following activities, as described in the use classifications, may be permitted in a planned unit development for which no increase in overall density or floor-area ratio is proposed pursuant to subsection E of this section, in addition to the activities listed in subsection A of this section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in

subsection (A)(3) of this section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.

1. Residential Activities:
   - Semi-Transient
2. Civic Activities:
   - Nursing Home
   - Community Assembly
   - Recreational Assembly
   - Nonassembly Cultural
   - Administrative
   - Utility and Vehicular
3. Commercial Activities:
   - Mechanical or Electronic Games
   - General Retail Sales
   - Consumer Service
   - Consultative and Financial Service
   - Consumer Cleaning and Repair Service
   - Consumer Dry Cleaning Plant
   - Group Assembly
   - Personal Instruction and Improvement and Small Scale Entertainment
   - Administrative
   - Business, Communication, and Media Service
   - Broadcasting and Recording Service
   - Research Service
   - General Wholesale Sales
   - Automobile and Other Light Vehicle Gas Station and Servicing
   - Automotive Fee Parking
   - Animal Care
   - Animal Boarding
4. Manufacturing Activities:
   - Custom

C. Additional Permitted Facilities in RH-4 and RD-1~~R-30~~ Zones. In the RH-4 and RD-1~~R-30~~ zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty ~~(50)~~ percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:

1. Residential Facilities:
   - One-Family Dwelling with Secondary Unit
   - Two-Family Dwelling
   - Multifamily Dwelling

D. Additional Permitted Facilities in Other Zones. Except in the ~~R-1, R-10, R-20~~RH, and RD-1~~R-30~~ zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:

1. Residential Facilities:
   - One-Family Dwelling
   - One-Family Dwelling with Secondary Unit
   - Two-Family Dwelling
   - Multifamily Dwelling
   - Rooming House
2. Nonresidential Facilities:
   - Open
   - Drive-In

3. Signs:
Residential
Business

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the ~~R-1, R-10, R-20~~RH, and RD-1~~R-30~~ zones and except in a development incorporating the bonuses specified in subsection B of this section, the maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three ~~(33)~~ percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

a. Detached buildings each containing only one living unit;

b. Town house or similar one-family semi-detached or attached buildings each containing only one living unit;

c. Buildings each containing two living units;

d. Buildings each containing more than two living units.

2. Except in the ~~R-1, R-10, R-20~~RH~~,~~ and RD-1~~R-30~~ zones and except in a development incorporating the bonuses specified in subsection B of this section, the maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five ~~(25)~~ percent (25%) in a development other than one described in subsection (E)(1) of this section.

F. Distribution of Facilities without Reference to Lot or Block Line. The overall number of living units and amount of floor area, off-street parking and loading facilities, usable open space, and landscaping and screening may be located within the development without reference to lot lines or blocks, except as otherwise provided in Section 17.142.110(I) and except that required parking spaces serving Residential Activities shall be located within two hundred (200) feet of the building containing the living units served.

G. Waiver or Reduction of Yard and Other Dimensional Requirements. Except as otherwise provided in Section 17.142.110(E), the minimum lot area, width, and frontage; height; and yard requirements otherwise applying may be waived or modified for the purpose of promoting an integrated site plan.

H. Limitations on Signs. Except in the ~~R-1, R-10, R-20~~RH~~,~~ and RD-1~~R-30~~ zones and except in a development incorporating an increase in density or floor-area ratio pursuant to subsection E of this section, Signs may be developed subject to the limitations prescribed therefor in the CC-1~~C-20~~ zone rather than those in the zone in which the development is located. (Ord. 12272 § 4 (part), 2000; prior planning code § 7812)

17.142.110 Development standards.

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

A. Density and Floor-Area Ratio Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, shall be based on the land area within the development, excluding the following:

1. Publicly dedicated streets, freeways, alleys, and paths;

2. When computing density for Residential Facilities in the ~~R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50~~RH, RD, RM, C-10, C-20, or C-60 zones, the following:

a. Land, other than public housing sites, which is publicly owned or reserved for public ownership,

b. Land which is specifically devoted to or intended for Nonresidential Facilities.

B. Density in the ~~R-1, R-10, R-20~~RH, and RD-1~~R-30~~ Zones. In the RH-1 zone, the maximum number of dwelling units shall be one unit for each forty three thousand five hundred sixty (43,560) square feet of land area as described in subsection A of this section. In the ~~RH-1 and~~ RH-2~~10~~ zone~~s~~, the maximum number of dwelling units shall be one unit for each twenty-five thousand (25,000) square feet of land area as described in subsection A of this section. In the RH-3~~20~~ zone, the maximum number of dwelling units shall be one unit for each twelve thousand (12,000) square feet of land area as described in subsection A of this section. In the RH-4 zone, the maximum number of dwelling units shall be one unit for each eight thousand (8,000) square feet of land area as described in subsection A of this section. In the ~~R-30 and~~ RD-1 zone, the maximum number of dwelling units shall be one unit for each five thousand (5,000) square feet of land area as described in subsection A of this section.

C. Height in the RH-4~~30~~ and RD-1 Zones. In the RH-4~~30~~ and RD-1 zones, no building shall exceed fifty (50) feet in height, except as would otherwise be allowed by Section 17.108.020(A) and except for the same projections as are allowed by Section 17.108.030.

D. Performance Standards. Any Commercial or Manufacturing Activities in the development shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

E. Yards and Courts. Yards and courts shall be provided of such depth and width as to provide the same minimum separation between walls of Residential Facilities or between such facilities and the walls of other facilities, regardless of whether such walls are on the same or on separate lots, as is generally required in the RU-2~~R-60~~ zone for courts between such walls when located on the same lot.

F. Usable Open Space. In the ~~R-1, R-10~~ RH-1, RH-2 and RH-3~~20~~ zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4~~-30~~ and RD-1 zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities. In any other zone, in any development incorporating an increase in overall density or floor-area ratio pursuant to Section 17.142.100(E), group usable open space shall be provided for Residential Facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Section 17.142.100(F), all required usable open space shall conform to the standards for required usable open space in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapter.

G. Undergrounding of Utilities. In any development which is primarily designed for or occupied by Residential Activities, all electric and telephone facilities; fire alarm conduits; streetlight wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

H. Other Regulations. Except as otherwise provided in Section 17.142.100 and in this section, and except as more restrictive regulations may be prescribed pursuant to Section 17.142.060 or otherwise as a condition of approval of a planned unit development permit pursuant to Section 17.142.030, the development shall be subject to the regulations generally applying in the zone in which it is located and the provisions of Section 17.108.080.

I. Developments Divided by Boundaries. Any development which is divided by a boundary between zones shall be subject as if it were a single lot to the provisions of subsections (B)(2), (3), and (4) of Section 17.102.070 with respect to calculation of required parking, loading, and usable open space; calculation of maximum number of living units or floor-area ratio; and distribution of the resulting number of living units or amount of floor area. (Ord. 12272 § 4 (part), 2000; prior planning code § 7813)

Chapter 17.148

VARIANCE PROCEDURE

17.148.020 Definition of major and minor variances.

A. Major Variance. A "major variance" is a variance which involves any of the following provisions:

1. Allowable activity types or facility types;
2. Maximum number of living units;
3. Minimum lot area, except in the situation mentioned in Section 17.106.010B;
4. Maximum floor-area ratio, except for One-Family Dwellings, One-Family Dwellings with Secondary Unit, and Two-Family Dwellings;
5. Maximum size of Commercial or Manufacturing establishments;
6. Restriction on over-concentration of Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth in Section 17.102.212B;
7. Any variance application that requires development of an Environmental Impact Report;
8. Any variance application referred by the Director of City Planning to the City Planning Commission for initial decision pursuant to Section 17.148.040(B)(1).

B. Minor Variance. A "minor variance" is a variance which does not involve any of the provisions listed in subsection A of this section.

(Ord. 12237 § 4 (part), 2000: Ord. 12138 § 4 (part), 1999; prior planning code § 9601)

17.148.040 Procedure for consideration.

A. **Major Variances.**

1. In All Zones. An application for a major variance shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing 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 property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. The Commission shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to promote the purposes of the zoning regulations. The ~~determination~~ decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

2. Alcoholic Beverage Sales Commercial Activities. In addition to following the provisions of subsection (A)(1) of this section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Section 17.102.210(B)(3).

B. **Minor Variances.**

1. In All Zones. An application for a minor variance shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; 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 property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. The Director shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny the application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to promote the purposes of the zoning regulations. The ~~determination~~ decision of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.148.060. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

C. 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 A and B of this section (Ord. 12376 § 3 (part), 2001: Ord. 12237 § 4 (part), 2000; Ord. 11831 § 6, 1995; prior planning code § 9603)

17.148.050 Findings required.

A. With the exception of variances for adult entertainment activities or sign facilities, a variance may be granted only upon determination that all of the following conditions are present:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050;~~.~~

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

7~~6~~. **For proposals involving one or two residential dwelling units on a lot:** That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or ~~building length along side lot lines~~ maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a

degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

B. A variance for adult entertainment activities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;

3. That the variance will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses;

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations. (Ord. 12376 § 3 (part), 2001: prior planning code § 9604)

C. A variance for sign facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; and

3. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

17.148.060 Appeal to Planning Commission--Minor variances.

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor variance, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof. Not less than

seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the Commission or, if applicable, the Committee shall be final. (Ord. 12376 § 3 (part), 2001: Ord. 12237 § 4 (part), 2000; prior planning code § 9605)

17.148.070 Appeal to Council--Major variances.

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

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations.

The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided.

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

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or

abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less then seventeen (17) days prior thereto, given written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal. If the Council is unable to decide the appeal at that meeting, it shall appear for a vote on each regular meeting of the Council thereafter until decided. In any event, however, the City Council must decide the appeal within sixty (60) days of the appeal being filed. (Prior planning code § 9606)

17.148.110 Limitation on resubmission.

Whenever an application for a major variance has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial. This section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this section shall be considered by the Director of City Planning. A ~~determination~~ decision by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final. (Prior planning code § 9610)

Chapter 17.152

ENFORCEMENT

Chapter 17.154

ZONING MAPS

17.154.020 Maps and designated landmarks.

A. Section Maps Showing Zone Boundaries. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the zones referred to in the zoning regulations are established, and the boundaries between these zones are established and fixed, as shown on the ~~section~~zoning ~~-~~maps on file in the City Clerk's Office.~~, which are numbered or lettered as follows: 12; 18; 22 through 26, inclusive; 30 through 36, inclusive; 39 through 47, inclusive; 51 through 59, inclusive; 63 through 71, inclusive; 74 through 84, inclusive; 86 through 141, inclusive; 148 through 160, inclusive; 164 through 177, inclusive; 181 through 194, inclusive; 200 through 213, inclusive; 216 through 230, inclusive; 233 through 247, inclusive; 249 through 256, inclusive; 258 through 261 inclusive; 264 through 270 inclusive; 273 through 276, inclusive; 283 through 293, inclusive; 296 through 305, inclusive; 307 through 335, inclusive; 337 through 339, inclusive; 341 through 348, inclusive; 350 through 356, inclusive; 358; and A through D, inclusive.~~ Said section maps and all subsequent additions and revisions thereto are incorporated as part of this section.

B. Legend and Index for ~~Section~~ Zoning Maps. Subject to the provisions of Section 17.154.040, the ~~sheets on file in the City Clerk's Office and entitled "Legend for Section Maps" and "Index to Section Maps," respectively,~~ legend for the zoning maps are incorporated as part of this section.

C. Development Control Maps. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the boundaries and other features of development control maps are established and fixed as shown on the development control maps ~~Development Control Map No. 1 (Peralta Oaks) and Development Control Map No. 2 (North Oakland Hill Area Specific Plan),~~ on file in the City Clerk's Office, including all subsequent amendments thereto, and on such additional development control maps as are hereafter adopted. All such development control maps are incorporated as part of this section.

D. Designated Landmarks and Landmark Sites. Subject to the provisions of Sections 17.154.040 and 17.154.050, the boundaries and other features of designated landmarks and landmark sites are established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144. All such ordinances are incorporated as part of this section. (Prior planning code § 10002)

17.154.040 Maintenance and revision of maps.

The Director of City Planning shall properly maintain the ~~section~~ zoning maps, the legend and index therefor, the development control maps, and the ordinances designating landmarks and landmark sites. When appropriate he or she shall update these by changing the revision dates thereon and the street pattern, lot lines, or other orientation features, and by indicating approved planned unit developments pursuant to Section 17.140.090. When land is annexed to Oakland, or prezoned pursuant to Section 17.07.040B, he or she shall, where appropriate, create new development control ~~section~~ maps with the zoning indicated pursuant to Section 17.154.030. Except as required by Section 17.154.030, however, he or she shall make no changes in zone boundaries or substantive changes in development control maps or designated landmarks and landmark sites and all proposals for such changes shall be considered pursuant to the rezoning and law change procedure in Chapter 17.144. (Prior planning code § 10007)

Chapter 17.157

DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS

Chapter 17.158

ENVIRONMENTAL REVIEW REGULATIONS

17.158.180 Ministerial actions.

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

A. Issuance of building, plumbing, mechanical, and electrical permits;

B. Issuance of sign and banner permits;

C. Issuance of sewer permits;

D. Issuance of sidewalk, driveway, curb, and gutter permits;

E. Issuance of ministerial demolition permits, as defined in Chapter 15.36 of the Oakland Municipal Code, except where either the demolition or replacement project requires any discretionary approvals, pursuant to Title 17 of the Oakland Planning Code;

F. Issuance of reroofing permits;

G. Issuance of pest control permits;

H. Approval of individual utility service connections or disconnections;

I. Approval of final subdivision maps;

J. Approval of parcel map waivers, including lot line adjustments and lot combinations;

K. Design review exemptions, as defined in Chapter 17.136 of the Oakland Planning Code;

L. Issuance of business licenses and payment of business taxes;

M. Granting of permits by the Police and Fire Departments. (Ord. 12776 § 3, Exh. A (part), 2006: Ord. 11766 § 2 (part), 1994: prior planning code § 1140)

17.158.190 Discretionary actions.

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

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

1. Conditional use permits;

2. Small project design review, as defined in Chapter 17.136 of the Oakland Planning Code;

3. Regular design review, as defined in Chapter 17.136 of the Oakland Planning Code;

4. Development agreements;

5. Planned unit developments;

6. Rezonings;

7. Variances.

B. Certain approvals granted under the subdivision regulations, including but not limited to:

1. Private access easements;

2. Tentative parcel maps;

3. Tentative tract maps.

C. Certain permits issued under other city codes, regulations, and ordinances, including but not limited to:

1. Discretionary demolition permits, as defined in Chapter 15.36 of the Oakland Municipal Code, and as related to any demolition or removal of structures on a site where the zoning regulations requires 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;

;

2. Encroachment permits;
3. Excavation permits;
4. Grading permits;
5. House moving permits;
6. Obstruction permits;
7. Permits for private construction of public improvements ("P-job" permits);
8. Special activity permits issued by the City Administrator;
9. Tree removal permits;

D. Amendments to the zoning regulations, subdivision regulations, other codes and regulations governing the issuance of discretionary permits, or the Oakland General Plan.

E. Projects sponsored or assisted by the city or the Redevelopment Agency. (Ord. 11766 § 2 (part), 1994: prior planning code § 1150)