#5

Location:	HBX-1, HBX-2 and HBX-3 zones
Proposal:	In all HBX zones: designate Micro and Mini Telecommunications facilities as conditionally permitted; amend Zoning Code Section 17.134.020(A) to require the Major Conditional Use Permit procedure (including a public hearing before the Oakland Planning Commission) for Telecommunications facilities in the HBX zones; amend Zoning Code Section 17.128.110 to require the site alternatives analysis procedure for certain Telecommunications facilities in the HBX zones; add new Zoning Code Section 17.128.025 to clarify that a Major Conditional Use Permit is required for Telecom facilities locating in close proximity to both Residential and HBX zones; and make other non-substantive changes to the Zoning Code as necessary for clarity to enact this regulation.
Applicant:	City of Oakland—Community and Economic Development Agency
Case File Number:	ZT 10-341
Planning Permits Required:	Zoning Text Amendment
General Plan:	Housing and Business Mix
Zoning:	HBX-1, HBX-2 and HBX-3 zones
Environmental Determination:	The zoning text amendment is exempt, each as a separate and independent basis, under CEQA Guidelines Section 15061(b)(3) (the "General Rule" that CEQA applies only to projects which have the potential for causing a significant effect on the environment); Section 15307 ("Actions by Regulatory Agencies for Protection of Natural Resources")—because the ordinance makes citing new telecom equipment subject to a more rigorous administrative and Commission-level review; Section 15183 ("Projects Consistent with a Community Plan, General Plan, or Zoning"). As a further separate and independent basis, the proposal relies on the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted 1998; the Oakland Estuary Policy Plan Environmental Impact Report, adopted 1998; the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR certified in December 2010; and various Redevelopment Plan Final EIRs.
Historic Status:	If located in any HBX zone, all, including Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.
Service Delivery District:	All
City Council District:	All
Action to be Taken:	Recommend adoption by City Council of proposed Zoning Text Amendment.

For Further Information: Contact case planner **Devan Reiff** at **(510) 238-3550** or by email: **dreiff@oaklandnet.com**

SUMMARY

The purpose of this zoning text amendment is to give applications for siting telecommunication facilities in or near the Housing and Business Mix Zones (HBX-1, HBX-2 and HBX-3) the same level of regulatory scrutiny as the Planning Code currently gives to siting telecom facilities in or near Oakland's residential zones.

PROJECT DESCRIPTION

HBX zones are mapped in areas of West, Central and East Oakland with a unique mix of residences, commercial and industrial businesses. In HBX zones, residential homes are typically adjacent to buildings which are commercial or otherwise non-residential, which are often the preferred location of telecom facilities. The Planning Code (OMC Section 17.65.010) cites these purposes of the HBX zones:

> The purposes of the Housing and Business Mix zones are to:
>
> A. Allow for mixed use districts that recognize both residential and business activities
> B. Establish development standards that allow residential and business activities to compatibly co-exist
> C. Provide a transition between industrial areas and residential neighborhoods
> D. Encourage development that respects environmental quality and historic patterns of development
> E. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

General description of Telecommunications Facilities

The general description of Telecommunications Facilities in the Oakland Planning Code states that: Telecommunications Facilities include attachment of antennas to buildings and similar facilities, the construction of support structures, and the provision of equipment associated with transmitting and receiving of radio frequencies. **(OMC Section 17.10.860)**

The Oakland Planning Code further defines five types of telecom facilities. The four relevant types of telecom facilities in HBX zones are:

> **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 foot and the antennas are concealed from view. If the antennas are visible, they may be no more than two feet tall and the width and depth of the antennas may be no more than four inches. The associated equipment cabinets are not to exceed

four feet high by three feet wide by two feet deep if they are visible. If the equipment cabinets are concealed in an existing building, there is no limit on size of equipment. **(OMC Section 17.10.870)**

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 feet in height and occupy an area of no more than 30 square feet. Construction of a separate structure to enclose the equipment serving the antennas is not allowed under the Mini Facility definition. **(OMC Section 17.10.880)**

Macro: A Macro Facility is a wireless communication facility not included in the definition of Micro Facilities, Mini Facilities, Monopoles or Lattice Towers. **(OMC Section 17.10.890)**

Monopole: A Monopole Facility is a wireless communication facility that supports wireless communications antennas with a monopolar structure erected on the ground, terminating in one or more connecting appurtenances. **(OMC Section 17.10.900)**

This text amendment proposes the following changes to the review of telecom facilities in HBX zones:

1. Micro and Mini telecom facilities will become *conditionally* permitted in the HBX zones. Currently, Micro and Mini telecom facilities are permitted outright in HBX zones.

2. Applications for four types of telecom facilities (Micro, Mini, Macro and Monopole) sited in, or in close proximity to, HBX zones, would have to apply through the *major* conditional use permit procedure, and therefore require a public hearing before the Planning Commission;

3. The regulatory authority for requiring a Major Conditional Use Permit for Telecom facilitates sited within close proximity of residential zones will be amended to add the HBX zones, and moved from the individual commercial zones in the Planning Code to a new section added to Chapter 17.128 (Section 17.128.025-Restrictions on Telecommunications Facilities).

4. Applications for four types of telecom facilities in HBX zones (Micro, Mini, Macro and Monopole) will also require the site alternatives analysis performed per the Planning Code section 17.128.110 (G); (See Attachment A to this report).

This zoning text amendment does not prohibit telecom facilities in HBX zones, but rather, makes the micro and mini telecom facility types conditionally permitted, where currently they are permitted outright. The amendment makes no change from the current HBX zoning which requires a conditional use permit for Macro and Monopole telecommunications facilities (see Attachment A, Planning Code section 17.65.040 "Permitted and conditionally permitted facilities").

The amendment does, however, make the four applicable types of telecom facilities (Micro, Mini, Macro and Monopole) in, or in close proximity to, HBX zones subject to the major conditional use permit procedure; the amendment also requires a site alternatives analysis for these four telecom facility types.

Also, in March, 2010, zoning text amendments were adopted by Council[1] that added a code section to the commercial zones, as well as some S-overlay zones, requiring a Major Conditional Use Permit for Telecom facilities sited within close proximity of residential zones. As proposed, this regulation would be amended to include the HBX zones; and relocated into the 17.128 Telecommunications chapter of the Planning Code (as a new section - 17.128.025). See Attachment A of this report for details.

Additionally, Attachment A includes non-substantive amendments to other sections of the zoning code, necessary to clearly enact this regulation.

ENVIRONMENTAL REVIEW

The zoning text amendment is exempt from CEQA, each as a separate and independent basis, under CEQA Guidelines Section 15061(b)(3) (the "General Rule" that CEQA applies only to projects which have the potential for causing a significant effect on the environment); Section 15307 ("Actions by Regulatory Agencies for Protection of Natural Resources")—because the ordinance makes citing new telecom equipment subject to a more rigorous administrative and Commission-level review; Section 15183 ("Projects Consistent with a Community Plan, General Plan, or Zoning"). As a further separate and independent basis, the proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan, adopted 1998; the Oakland Estuary Policy Plan Environmental Impact Report, adopted 1998; the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR certified in December 2010; and various Redevelopment Plan Final EIRs.

[1] See Ordinance number 12999 C.M.S.; see for example, in Exhibit A-- "Restrictions on Telecommunications Facilities" in 17.38.075.

RECOMMENDATIONS

Staff recommends that the Planning Commission take public testimony, close the public hearing, and recommend the City Council adopt the Zoning Text Amendment to designate Micro and Mini Telecommunications facilities as conditionally permitted in all HBX zones; amend Zoning Code Section 17.134.020(A) to require the Major Conditional Use Permit procedure (including a public hearing before the Oakland Planning Commission) for Telecommunications facilities in the HBX zones; amend Zoning Code Section 17.128.110 to require the site alternatives analysis procedure for certain Telecommunications facilities in the HBX zones; add new Zoning Code Section 17.128.025 to clarify that a Major Conditional Use Permit is required for Telecom facilities locating in close proximity to both Residential and HBX zones; and make other non-substantive changes to the Zoning Code as necessary for clarity to enact this regulation, as described in Attachment A.

Prepared by:

Devan Reiff, AICP

Planner II

Approved for forwarding to the City Planning Commission:

Eric Angstadt
Deputy Director, CEDA

Attachments:
A. Zoning Text amendments in ~~strikeout~~ and underline.

ATTACHMENT A

Changes are highlighted: deletions are in ~~strikeout~~; additions are <u>underlined</u>.

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONE REGULATIONS

Sections:

17.65.010 Title, purpose, and applicability.
17.65.020 Required design review process.
17.65.030 Permitted, conditionally permitted and prohibited activities.
17.65.040 Permitted and conditionally permitted facilities.
17.65.050 Special regulations for self storage facilities.
17.65.060 Minimum lot area, width and frontage.
17.65.070 Maximum density.
17.65.080 Maximum floor area ratio.
17.65.100 Maximum height.
17.65.080 Maximum floor area ratio.
17.65.090 Maximum density and floor-area ratio for mixed use projects.
17.65.100 Maximum height.
17.65.110 Minimum yards and courts.
17.65.120 Minimum usable open space.
17.65.130 Landscaping, paving, and buffering.
17.65.140 Outdoor storage.
17.65.150 Special regulations for HBX work/live units.
17.65.160 Special regulations for HBX live/work units.
17.65.170 Special regulations for mini-lot and planned unit developments.
17.65.180 Other zoning provisions.

17.65.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the Housing and Business Mix Commercial Zone 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:

<u>A.</u> Allow for mixed use districts that recognize both residential and business activities;

<u>B.</u> Establish development standards that allow residential and business activities to compatibly co-exist;

<u>C.</u> Provide a transition between industrial areas and residential neighborhoods;

<u>D.</u> Encourage development that respects environmental quality and historic patterns of development.

1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

Housing and Business Mix 1 (HBX-1) Zone. The HBX-1 zone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix 2 (HBX-2) Zone. The HBX-2 zone is intended to provide development standards for areas that have a mix of industrial, certain commercial and medium to

high density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix 3 (HBX-3) Zone. The HBX-3 zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities. (Ord. 12772 § 1 (part), 2006)

17.65.040 Permitted and conditionally permitted facilities.

The following table lists regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

"P" indicates that the facility is permitted in the corresponding zone.

"C" indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

"--" designates uses that are prohibited in the corresponding zone.

Facility Types	**Zone**			
	HBX-1	**HBX-2**	**HBX-3**	**Additional Regulations**
Residential Facilities				
One-Family Dwellings	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	17.102.360
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	--	--	--	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C	C	C	
Sidewalk Café	P	P	P	17.102.335
Drive-In Nonresidential	P	P	P	
Drive-Through Nonresidential	C	C	C	17.102.290
Shopping Center	--	--	--	
Telecommunications Facilities				
Micro Telecommunications	~~P~~ C	~~P~~ C	~~P~~ C	17.128
Mini Telecommunications	~~P~~ C	~~P~~ C	~~P~~ C	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	--	--	--	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104

Business Signs	P	P	P	17.104
Advertising Signs	--	--	--	17.104

Other Zoning Code changes to implement this ordinance:

Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

17.128.010 Title, purpose, and applicability.
17.128.020 Exclusions.
17.128.025 Restrictions on Telecommunications Facilities
17.128.030 Removal of Telecommunications Facilities.
17.128.040 Supplemental definitions.
17.128.050 Micro Facilities.
17.128.060 Mini Facilities.
17.128.070 Macro Facilities.
17.128.080 Monopoles.
17.128.090 Towers.
17.128.100 Regulations apply to parks and other similar open spaces.
17.128.110 Site Location Preferences.
17.128.120 Site Design Preferences.
17.128.130 Radio Frequency Emissions Standards.

17.128.025 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 or HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of any residential or HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

C. 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 or any HBX zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.128.060 Mini Facilities.

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 residential zones R-1 through R-60, inclusive and in HBX zones, the project must not have any visual impact. (Ord. 12272 § 4 (part), 2000; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8506)

17.128.110 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 (excluding all HBX zones).

D. Existing commercial or industrial structures in residential or HBX zones.

E. Other non-residential uses in residential or HBX zones.

F. Residential uses in non-residential zones (excluding all HBX zones).

G. Residential uses in residential or HBX 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 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:

3. Special Situations. Any project that involves any of the following situations:

e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential or HBX zone;

i. Any Telecommunications Facility in, or within one hundred (100) feet of the boundary of, any residential or HBX zone;

j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of residential zones R-1 through R-60 inclusive or any HBX zone.

Chapter 17.74 S-1 MEDICAL CENTER ZONE REGULATIONS

Sections:

17.74.010 Title, purpose, and applicability.
17.74.020 Required design review process.
17.74.030 Permitted activities.
17.74.040 Conditionally permitted activities.
17.74.050 Permitted facilities.
17.74.060 Conditionally permitted facilities.
17.74.070 Special regulations applying to certain Commercial Activities.
~~**17.74.075 Restrictions on Telecommunications Facilities**~~
17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.74.090 Use permit criteria for Commercial Activities.
17.74.100 Limitations on Signs.
17.74.110 Minimum lot area, width, and frontage.
17.74.120 Maximum residential density.
17.74.130 Maximum floor-area ratio.
17.74.140 Maximum height.
17.74.150 Minimum yards and courts.
17.74.160 Minimum usable open space.
17.74.170 Buffering.
17.74.180 Special regulations for mini-lot and planned unit developments.
17.74.190 Other zoning provisions.

17.74.050 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

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications:

Micro, except when a Major Conditional Use Permit is required by Section ~~17.74.075~~ 17.128.025
Mini, except when a Major Conditional Use Permit is required by Section ~~17.74.075~~ 17.128.025

~~**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 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.~~

Chapter 17.76 S-2 CIVIC CENTER ZONE REGULATIONS

Sections:

17.76.010 Title, purpose, and applicability.
17.76.040 Required design review process.
17.76.050 Permitted activities.
17.76.060 Conditionally permitted activities.
17.76.070 Permitted facilities.
17.76.080 Conditionally permitted facilities.
17.76.090 Special regulations applying to certain Commercial Activities.
~~**17.76.095 Restrictions on Telecommunications Facilities**~~
17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.76.110 Use permit criteria for Commercial Activities.
17.76.120 Limitations on Signs.
17.76.130 Minimum lot area, width, and frontage.
17.76.140 Maximum residential density.
17.76.150 Maximum floor-area ratio.
17.76.160 Maximum height.
17.76.170 Minimum yards and courts.
17.76.180 Minimum usable open space.
17.76.190 Buffering.
17.76.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.
17.76.210 Other zoning provisions.

17.76.070 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

C. Signs:
Residential
Special
Development
Realty
Civic
Business

D. Telecommunications:
Micro, except when a Major Conditional Use Permit is required by Section ~~17.76.095~~ 17.128.025
Mini, except when a Major Conditional Use Permit is required by Section ~~17.76.095~~ 17.128.025

~~**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 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.~~

Chapter 17.78 S-3 RESEARCH CENTER ZONE REGULATIONS

Sections:

17.78.010 Title, purpose, and applicability.
17.78.020 Required design review process.
17.78.030 Permitted activities.
17.78.040 Conditionally permitted activities.
17.78.050 Permitted facilities.
17.78.060 Conditionally permitted facilities.
~~**17.78.065 Restrictions on Telecommunications Facilities**~~
17.78.070 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.78.080 Performance standards for Commercial Activities.
17.78.090 Limitations on Signs.
17.78.100 Minimum lot area, width, and frontage.
17.78.110 Maximum floor-area ratio.
17.78.120 Maximum height.
17.78.130 Minimum yards.
17.78.140 Buffering and landscaping.
17.78.150 Other zoning provisions.

17.78.050 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, except when a Major Conditional Use Permit is required by Section ~~17.78.065~~ 17.128.025
   Mini, except when a Major Conditional Use Permit is required by Section ~~17.78.065~~ 17.128.025

~~**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 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.~~

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 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 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.

17.97.060 Permitted facilities.

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

A. Residential Facilities:
   Multifamily Dwelling

B. Nonresidential Facilities:
   Enclosed
   Sidewalk Cafe

C. Signs:
   Residential
   Special
   Development
   Realty
   Civic
   Business

D. Telecommunications:
   Micro, except when a Major Conditional Use Permit is required by Section ~~17.97.085~~ 17.128.025
   Mini, except when a Major Conditional Use Permit is required by Section ~~17.97.085~~ 17.128.025

~~**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 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.~~

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

Sections:

17.54.010 Title, purpose, and applicability.
17.54.040 Required design review process.
17.54.050 Permitted activities.
17.54.060 Conditionally permitted activities.

ATTACHMENT A

17.54.070 Permitted facilities.
17.54.080 Conditionally permitted facilities.
17.54.090 Special regulations applying to certain Commercial Activities.
~~**17.54.095 Restrictions on Telecommunications Facilities**~~
17.54.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
17.54.110 Limitations on Signs.
17.54.120 Minimum lot area, width, and frontage.
17.54.130 Maximum residential density.
17.54.140 Maximum nonresidential floor-area ratio.
17.54.150 Maximum height.
17.54.160 Minimum yards and courts.
17.54.170 Minimum usable open space.
17.54.180 Buffering and landscaping.
17.54.190 Special regulations for mini-lot and planned unit developments.
17.54.200 Other zoning provisions.

17.54.070 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
- Drive-In
- 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 ~~17.54.095~~ 17.128.025
- Mini, except when a Major Conditional Use Permit is required by Section ~~17.54.095~~ 17.128.025

~~**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 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.~~

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.**
~~**17.56.105** **Restrictions on Telecommunications Facilities**~~
17.56.100 **Special regulations applying to 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.**

17.56.070 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 ~~17.56.105~~ 17.128.025
Mini, except when a Major Conditional Use Permit is required by Section ~~17.56.105~~ 17.128.025

~~**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 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.~~

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