Chapter 17.56 - C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

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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

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~~ 17.116.075.

G. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110.

~~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~~

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~~ 17.103.080

Two-Family Dwelling

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

Sidewalk Cafes, subject to the provisions of Section ~~17.102.335~~ 17.103.090

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications Facilities:

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

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

17.56.090 - Restriction on accessory parking and loading within 75 feet of front lot line.

Accessory off-street parking and loading activities, areas, and driveways shall not be located within seventy-five (75) feet from the front lot line of the lot on which they are located, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.56.100 - Special regulations applying to Fast-Food Restaurants, Convenience Markets, and certain establishments selling alcoholic beverages ~~or providing mechanical or electronic games~~.

See Section ~~17.102.210~~ 17.103.030.

17.56.140 - Maximum residential density.

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 (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 (4) 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.

17.58.010 - Title, purpose, and applicability.

A. Intent. The provisions of this Chapter shall be known as the CBD Central Business District regulations. The intent of the CBD regulations is to:

1. 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.

C. Description of Combining Zone. This Chapter establishes interim land use regulations for the following combining zone:

1. **CH Chinatown Interim Commercial Combining Zone.** The intent of the CH combining zone is to allow for expanded commercial uses in the core of the Chinatown commercial area, which is located within the Lake Merritt Station Area Plan boundaries. When an above base zone is combined with the CH combining zone, the permitted uses in CH combining zone supersede those of the base zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries. Therefore, these regulations shall remain in place and be effective ~~through (two years from effective date), or~~ until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan. ~~, whichever comes first.~~

17.58.030 - Conditional use permit for large projects.

No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred fifty (250) feet in height, shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP

procedure). This requirement shall not apply to developments that have been approved according to the planned unit development procedure (see Chapter 17.140 for the PUD procedure).

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	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Residential Activities						
Permanent	P	P(L1)	P(L1)	P	P(L1)	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	P(L1)(L2)	~~17.102.212~~ 17.103.010
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	~~17.102.212~~ 17.103.010
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	~~17.102.212~~ 17.103.010
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	C(L2)	~~17.102.212~~ 17.103.010
Semi-Transient	C	C(L1)	C(L1)	C	C(L1)	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	P	
Community Assembly	C	C(L6)	C	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	P(L4)	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	C(L6) (L8)	~~17.102.390~~ 17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	~~17.102.210~~ 17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	C	~~17.102.210~~ 17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	~~17.102.210~~ 17.103.030 and ~~17.102.040~~ 17.114.030
Mechanical or Electronic Games	—	C	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	

Consumer Service	P(L4)(L7)(L9)	P(L4)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	~~17.102.430~~ 17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	C	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	P(L4)(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	P	
Research Service	P(L4)(L7)	P(L5)	P	P	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C(~~L8~~L12)	C(L6)	P	C	C	~~17.102.370~~ 17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(~~L~~L139~~)~~)	C(~~L~~L139~~)~~)	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(~~L~~L139~~)~~)	C(~~L~~L139~~)~~)	—	
Automotive Fee Parking	C(~~L1~~L140~~)~~)	C(~~L1~~L140~~)~~)	C(~~L1~~L140~~)~~)	C(~~L1~~L140~~)~~)	C(~~L1~~L140~~)~~)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C(L6)	C	C	C	
Undertaking Service	—	—	C	C	—	
Industrial Activities						
Custom Manufacturing	~~—(L11)~~	~~—(L11)~~	~~—(L11)~~	C(~~L9~~L13)	~~—(L11)~~	~~17.102.040~~
Light Manufacturing	~~—(L11)~~	~~—(L11)~~	~~—(L11)~~	C(~~L9~~L13)	~~—(L11)~~	~~17.102.040~~
General Manufacturing	~~—(L11)~~	~~—(L11)~~	~~—(L11)~~	—~~(L11)~~	~~—(L11)~~	~~17.102.040~~
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(~~L9~~L13)	C(~~L9~~L13)	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution						
A. General Warehousing, Storage and Distribution	—	—	—	C(~~L9~~L13)	—	
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	—	—	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	C	~~17.102.100~~ 17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone~~Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary~~	C	C	C	C	C	17.102.110

~~thereof~~						

Limitations:

* If the base zone (CBD-P) also has the CH Combining Zone, the CH regulations supersede the base zone.

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. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. 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.

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 Section 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 Section 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 two thousand (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 Chapter 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. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five-hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L9. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; state or federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

~~L8~~L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

~~L9~~L13. 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.

L1~~0~~. 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 (3) 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 Subsection 17.10.040F.~~

17.58.050 - Permitted and conditionally permitted facilities.

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

"L" designates facilities subject to certain limitations listed at the bottom of the Table.

"—" designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	(L1)	—	—	—	
One-Family Dwelling with Secondary Unit	P	—	—	—	~~17.102.360~~ 17.103.080
Two-Family Dwelling	P	—	—	—	

Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	—	—	—	—	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	C	
Sidewalk Cafe	P	P	P	P	~~17.102.335~~ 17.103.090
Drive-In Nonresidential	—	—	—	C	
Drive-Through Nonresidential	—	—	—	C(L2)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	P	P	P	17.128
Mini Telecommunications	C	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:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming One-Family Dwellings.

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

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
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	
Rear	10 ft	0 ft	0 ft	0 ft	5
Design Regulations					
Ground floor commercial facade transparency	55~~50~~%	65~~70~~%	55~~60~~%	55~~50~~%	6
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	7
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	8

Additional Regulations:

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 percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty 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 Section 17.136.035, the proposal must also meet each of the following criteria:

i. Any ~~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.

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 Section 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 five (5) ~~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.

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 five (5) ~~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; and

~~**b.** See Section 17.108.110 for reduced required rear yards setbacks next to an alley; and~~

b~~c~~. See Section 17.108.130 for allowed projections into required yards.

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 facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) ~~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 by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
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:

1. See Chapter 17.107 for affordable and senior housing density incentives.

2. For mixed use projects in the Central Business District (CBD) zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density. ~~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.~~

3. 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.

4. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.

5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:

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.

b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen percent (15%) greater than the maximum average per story floor area above base.

c. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.

6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:

a. The floor area of an individual tower floor plate cannot be more than fifteen percent (15%) greater than the maximum average tower floor plate.

b. An individual tower floor plate that is more than fifteen percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.

7. 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.

17.65.030 - Permitted, conditionally permitted, and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX~~,~~ 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(L1)	P(L1)	P(L1)	~~17.102.212~~17.103.010
~~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~~17.103.010
Transitional Housing	C	C	C	~~17.102.212~~17.103.010
Emergency Shelter	C	C	C	~~17.102.212~~17.103.010
Semi-Transient Residential	C	C	C	~~17.102.212~~17.103.010
Bed and Breakfast	—	—	—	17.12.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P(~~L1~~L2)	P(~~L1~~L2)	P(~~L1~~L2)	
Recreational Assembly	P(~~L1~~L2)	P(~~L2~~L3)	P(~~L3~~L4)	
Community Education	C	C	C	
Nonassembly Cultural	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
Administrative	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
Health Care	C	C	C	
Special Health Care	C(L5)	C(L5)	C(L5)	~~17.102.390~~ 17.103.020
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~~L4)	P(~~L3~~L4)	P(~~L3~~L4)	
Limited Service Restaurant and Cafe	P(~~L3~~L4)	P(~~L3~~L4)	P(~~L3~~L4)	

Fast-Food Restaurant	—	—	—	~~17.102.210~~ 17.103.030
Convenience Market	C	C	C	~~17.102.210~~ 17.103.030
Alcoholic Beverage Sales	C	C	C	~~17.102.210~~ 17.103.030
Mechanical or Electronic Games	C	C	C	~~17.102.210~~
Medical Service	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
Check Cashier and Check Cashing	—	—	—	~~17.102.430~~ 17.103.040
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L7)	C(L7)	C(L7)	
Personal Instruction and Improvement and Small Scale Entertainment	C	C	C	
Administrative	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
Business, Communication, and Media Service	P	P	P	
Broadcasting and Recording Service	P	P	P	
Research Service	P(~~L2~~L3)(~~L4~~L8)	P(~~L2~~L3)(~~L4~~L8)	P(~~L2~~L3)(~~L4~~L8)	
General Wholesale Sales	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	
Transient Habitation	—	—	—	~~17.102.370~~ 17.103.050
Building Material Sales	P(~~L5~~L9)	P(~~L5~~L9)	P(~~L5~~L9)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(~~L6~~L10)	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(~~L6~~L10)	—	—	
Taxi and Light Fleet-Based Service	P(~~L7~~L3)	P(~~L7~~L3)	P(~~L7~~L3)	
Automotive Fee Parking	—	—	—	
~~Transport and Warehousing~~	~~P(L7)~~	~~P(L7)~~	~~P(L7)~~	
Animal Boarding	—	—	—	
Animal Care	C	C	C	
~~Animal Boarding~~	—	—	—	
Undertaking Service	—	—	—	
~~Scrap Operation~~	—	—	—	~~17.102.210~~
Industrial Activities				
Custom Manufacturing	P(~~L2~~L3)	P(~~L2~~L3)	P(~~L2~~L3)	17.120
Light Manufacturing	P(~~L2~~L3)(~~L4~~L8)	P(~~L2~~L3)(~~L4~~L8)	P(~~L2~~L3)(~~L4~~L8)	17.120

General Manufacturing	—	—	—	
Heavy/High Impact Manufacturing	—	—	—	
Research and Development	P(L3)(L8)	P(L3)(L8)	P(L3)(L8)	
Construction Operations	P(L9)	P(L9)	P(L9)	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	P(L3)	P(L3)	P(L3)	
B. General Outdoor Storage	C	C	C	
C. Self- or Mini-Storage	C(L11)	C(L11)	C(L11)	
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	--	--	--	
~~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~~L12)	—C(~~L8~~L13)	—C(~~L8~~L12)	
Mining and Quarrying Extractive	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	~~17.102.110~~ 17.116.175
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. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. 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.

~~L2~~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~~L3. The total floor area devoted to these activities ~~by a single establishment~~ shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

~~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).~~

L4. The total floor area devoted to a Full-Service or Limited-Service ~~restaurant~~ Restaurant Commercial Activity shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L5. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L6. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L7. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

~~L4~~L8. ~~Not including accessory~~Outdoor principal activities~~, this activity shall take place entirely within an enclosed building. Other outdoor activities shall~~ are only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

~~L5~~L9. 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~~L10. 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 Section 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.~~

L11. All facilities containing Self- or Mini Storage activities shall meet the following requirements:

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.
2. No facility that includes a Self- or Mini-Storage activity shall be within the front twenty (20) feet of a building.
3. Projects that include self storage establishments shall have a minimum fifty 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.

~~L8~~L12. 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.

17.65.040 - 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	Zones			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Residential Facilities				
One-Family Dwellings	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	~~17.102.360~~ 17.103.080
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 Cafe	P	P	P	~~17.102.335~~ 17.103.090
Drive-In Nonresidential	P	P	P	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	~~17.102.290~~ 17.103.100
Shopping Center	—	—	—	
Telecommunications Facilities				
Micro Telecommunications	C	C	C	17.128
Mini Telecommunications	C	C	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

Limitation: ~~17.65.050 - Special regulations for self storage facilities.~~

~~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 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.~~

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

17.65.070 - Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

	Zone		
Living Unit Type	HBX-1	HBX-2	HBX-3
Dwelling Unit	1,000 sf of lot area per unit	930 sf of lot area per unit	730 sf of lot area per unit
Rooming Unit	500 sf of lot area per unit	465 sf of lot area per unit	365 sf of lot area per unit

Notes:

1. See (1) Section ~~Chapter 102.360~~ 17.103.070 for regulations regarding secondary units; (2) Chapter 17.107 for affordable housing density incentives; and (3) Section 17.106.060 for increased density for senior housing.

2. New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one unit on the lot upon the granting of a conditional use permit (see Chapter 17.134) in

the HBX-2 and HBX-3 zones. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

17.65.080 - Maximum floor area ratio.

17.65.090 - Maximum density and floor-area ratio for mixed use projects.

A. This Section shall only apply to the following two types of mixed use projects:

1. Projects that have at least twenty ~~20~~ percent (20%) of its total floor area devoted to nonresidential facilities or

2. Projects that:

   a. Are on lots that are fifty (50) feet wide or less and

   b. Have a minimum fifty ~~50~~ percent (50%) of lot frontage occupied by Ground Floor Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities. This commercial floor area must be at least twenty (20) feet deep measured from the building frontage and be within an enclosed building. Projects on through lots require this minimum fifty ~~50~~ percent (50%) on only the longest lot frontage to qualify as a mixed use project for this Section.

B. For projects described in Subsection A, the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. For projects described in Subsection A, this Subsection supersedes the requirements in Section 17.106.030.

17.65.130 - Landscaping, paving, and buffering.

A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding secondary units of five hundred (500) square feet or less, and for additions to existing building facilities of over five hundred (500) square feet.

1. Landscaping and buffering that is consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council;

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

3. A minimum of one 15-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees shall be street trees to the satisfaction of the City's Tree Division.

4. At least one 15-gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.

5. A minimum of five feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required area, the width of the required landscaping area shall be increased by two feet unless wheel stops are installed.

17.65.140 - Outdoor storage.

The outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight feet if both: 1) the storage is within fifteen (15) feet from any property line of a lot containing residential activities, and 2) the storage faces any windows of a residential facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the HBX zones" as adopted by the City Council.

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.

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		Note
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; minimum 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	
Residential Density	Not applicable because HBX work/live units are nonresidential facilities.		
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. Each square foot of private usable open space equals two square feet towards the total usable open space requirement. Also, ~~A~~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 (percent of total 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:

1. In Types 1 and 2, a kitchen may be open to non-residential floor area if ~~the kitchen~~ it 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 c~~ 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.

2. See Section 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~~F. 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 as residential or nonresidential based on whether ~~which area of the unit~~ it is most conveniently accessed from the residential or nonresidential portion of the unit. ~~according to the following rules:~~

~~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. 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, counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
~~(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.

8. The Planning Director shall determine the floor area designation ~~of the floor area~~ when the above standards ~~do not clearly do so~~do not clearly apply.

~~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.~~

G~~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.

H~~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.

I~~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.

~~J~~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; and (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~~K. 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~~L. 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, roll-up doors, ~~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.

17.65.160 - Special regulations for HBX live/work units.

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; and (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.

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-1, HBX-2 and HBX-3 zones may be waived or modified when and as prescribed in ~~Section 17.102.320~~ Chapter 17.142.

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.

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

SECTIONS:

17.72.010 Title, Intent, and Description

17.72.020 Required Design Review Process

17.72.030 Permitted and Conditionally Permitted Activities

17.72.040 Permitted and Conditionally Permitted Facilities

17.72.050 Property Development Standards

17.72.060 Special Regulations for Mini-lot and Planned Unit Developments

17.72.070 Other Zoning Provisions

17.72.010 Title, Intent, and Description

A. **Title and Intent.** The provisions of this chapter shall be known as the M-20, M-30, and M-40 Industrial Zones regulations. This chapter establishes regulations for the (M-20) Light Industrial, (M-30) General Industrial, and (M-40) Heavy Industrial. The intent of the regulations is to create, preserve and enhance areas containing manufacturing, industrial, and related establishments.

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

1. **M-20 Light Industrial Zone.** The M-20 zone is intended to create, preserve, and enhance areas containing manufacturing, industrial and related establishments with limited external impact within an open and attractive setting, and is typically appropriate to locations adjacent to residential communities.

2. **M-30 General Industrial Zone.** The M-30 zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing, industrial, and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

3. **M-40 Heavy Industrial Zone.** The M-40 zone is intended to create, preserve, and enhance areas containing manufacturing, industrial, or related establishments that are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities.

17.72.020 Required Design Review Process

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential 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. No facility located within one hundred fifty (150) feet of any residential zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136:

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

17.72.030 Permitted and Conditionally Permitted Activities

Table 17.72.01 lists the permitted, conditionally permitted, and prohibited activities in the M-20, M-30, and M-40 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 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Permanent	=	=	=	
Residential Care	=	=	=	
Service-Enriched Permanent Housing	=	=	=	
Transitional Housing	=	=	=	
Emergency Shelter	=	=	=	
Semi-Transient	=	=	=	
Bed and Breakfast	=	=	=	
Civic Activities				

Essential Service	P	P	P	
Limited Child-Care Activities	P	P	P	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	--	P	
Administrative	P(L1)	P(L1)	P(L1)	
Health Care	C	--	--	
Special Health Care	C(L2)	C(L2)	C(L2)	17.103.020
Utility and Vehicular	C	P(L3)	P(L3)	
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	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L1)	P	P	
General Retail Sales	P(L4)	P(L4)	P(L4)	
Large-Scale Combined Retail and Grocery Sales	--	--	--	
Consumer Service	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	
Consultative and Financial Service	P(L1)	P(L1)	P(L1)	
Check Cashier and Check Cashing	--	--	--	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	--	C(L6)	C(L6)	
Personal Instruction and Improvement Services	--	C	C	
Administrative	P(L1)	P(L1)	P(L1)	
Business, Communication, and Media Services	P	P	P	

Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	--	--	--	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L7)	P(L7)	P(L7)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L7)	P(L7)	P(L7)	
Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	--	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	--	--	--	
Industrial Activities				
Custom Manufacturing	P(L8)	P	P	
Light Manufacturing	P(L9)	P	P	
General Manufacturing	C(L9)	C(L9)	C(L9)	
Heavy/High Impact	--	--	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L10)	
Regional Freight Transportation	C	C	C	
Trucking and Truck-Related				
A. Freight/Truck Terminal	C	P(L7)(L11)	P(L7)(L11)	
B. Truck Yard	C	P(L7)(L11)	P(L7)(L11)	
C. Truck Weigh Stations	C	P(L7)(L11	P(L7)(L11	

		)	)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L7)(L11)	P(L7)(L11)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L7)(L11)	P(L7)(L11)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	--	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L12)	C(L12)	C(L12)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Crop and Animal Raising	C(L13)	C(L13)	C(L13)	
Mining and Quarrying	C	C	C	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
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 17.72.01:

L1. The total floor area devoted to these activities on any single lot 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).

L2. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L3. Communications equipment installation and exchanges are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. The total floor area devoted to these activities on any single lot may only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L6. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L7. No facility accommodating either of these activities that is located within one hundred fifty (150) feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance,

unless the proposal have been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

L8. These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a residential zone (see Chapter 17.134 for the CUP procedure).

L9. Electroplating activities are prohibited.

L10. Salvage/Junk Yards Industrial Activities in the M-40 zone are only permitted upon the granting of a Conditional Use Permit if located within four hundred (400) feet of any zone except the M-30 zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed twenty (20) feet in height.

L11. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L12. These activities are prohibited when located within two thousand (2,000) feet from a residential facility. When not within two thousand (2,000) feet of a residential facility, Hazardous Materials Production, Storage, and Waste Management 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. That the project is not detrimental to the public health, safety or general welfare of the community;

2. That the project is or will be adequately served by roads and other public or private service facilities;

3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

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 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.

17.72.040 Permitted and Conditionally Permitted Facilities

Table 17.72.02 lists the permitted, conditionally permitted, and prohibited facilities in the M-20, M-30, and M-40 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 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	--	--	--	
One-Family Dwelling with Secondary Unit	--	--	--	17.103.080
Two-Family Dwelling	--	--	--	
Multifamily Dwelling	--	--	--	
Rooming House	--	--	--	
Mobile Home	--	--	--	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C(L1)	P(L1)	P(L1)	
Sidewalk Café	P--	--P	--P	17.103.090
Drive-In	C	P	P	
Drive-Through	C	C	C	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	C	P	P	17.128
Tower Telecommunications	--	C	C	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

Limitations on Table 17.72.02:

L1. Off-street parking facilities serving fifty (50) or more vehicles are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

17.72.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.72.03 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 17.72.03: Property Development Standards

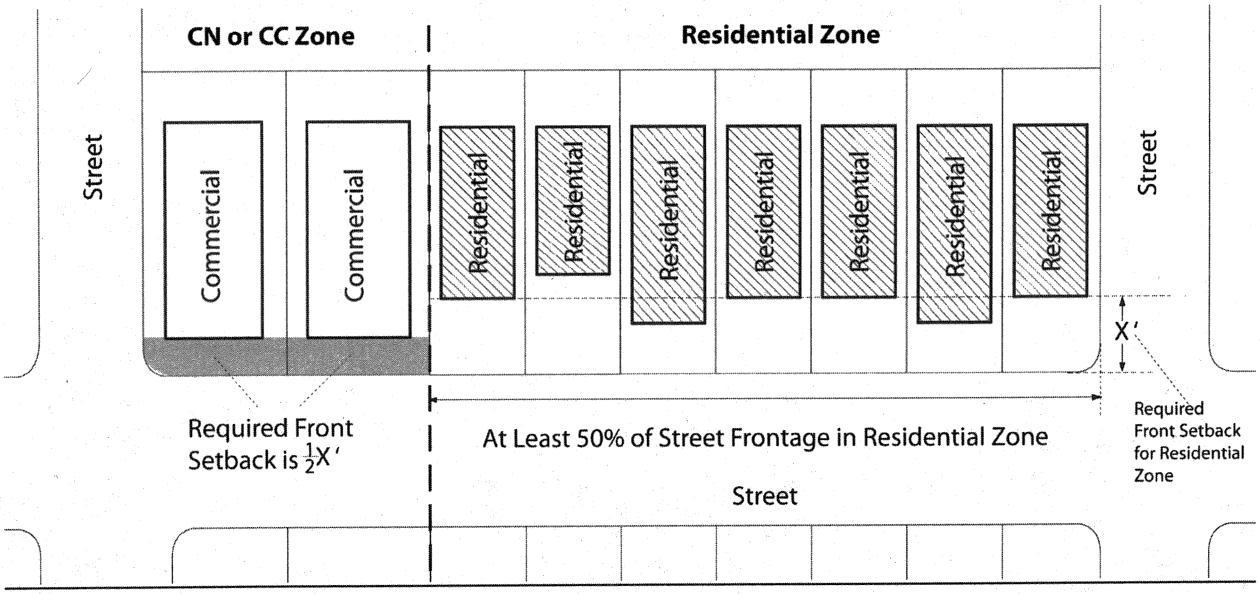
Development Standards	Zones			Additional Regulations
	M-20	M-30	M-40	
Minimum Lot Frontage	25 feet	25 feet	25 feet	1
Minimum/Maximum Setbacks				
Minimum front	5 ft	0 ft	0 ft	2, 3
Minimum interior side	0 ft	0 ft	0 ft	4
Minimum street side	0 ft	0 ft	0 ft	5
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	6, 7
Maximum Height	None	None	None	8
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 17.72.03:

1. See Section 17.106.020 for exceptions to street frontage regulations.
2. If fifty percent (50%) 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 fifty percent (50%) 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 17.72.03[Additional Regulation 8], below).
3. In the M-20 zone, this minimum front yard shall, except for accessory driveways and walkways, be developed with lawn, ground cover, harden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124.

Illustration for Table 17.72.03[Additional Regulation 8]

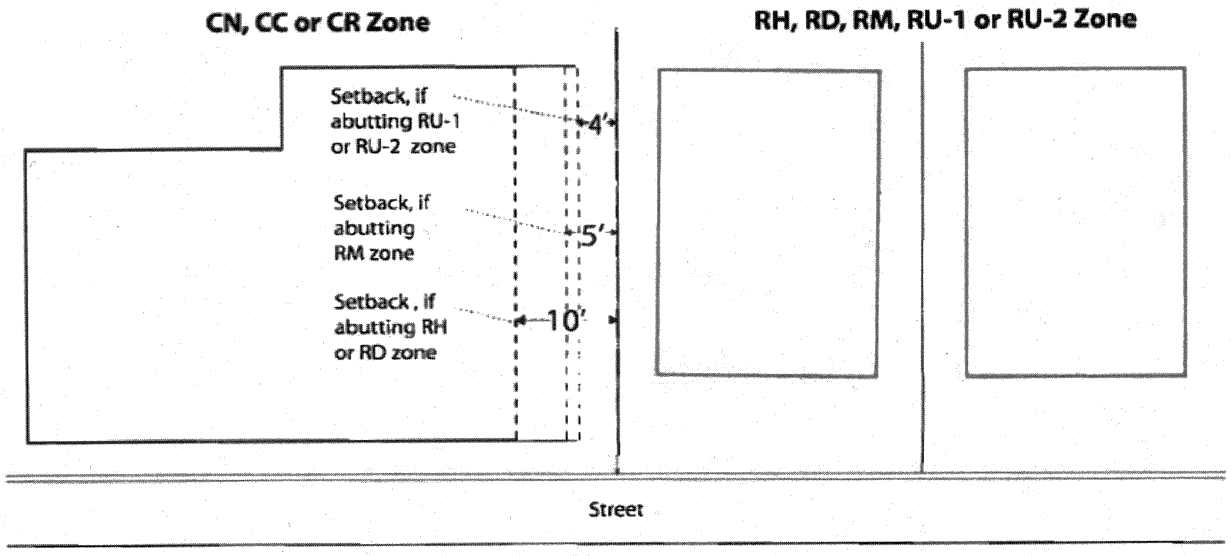
*for illustration purposes only



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 17.68.03 [Additional Regulation 9], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.72.03[Additional Regulation 9]

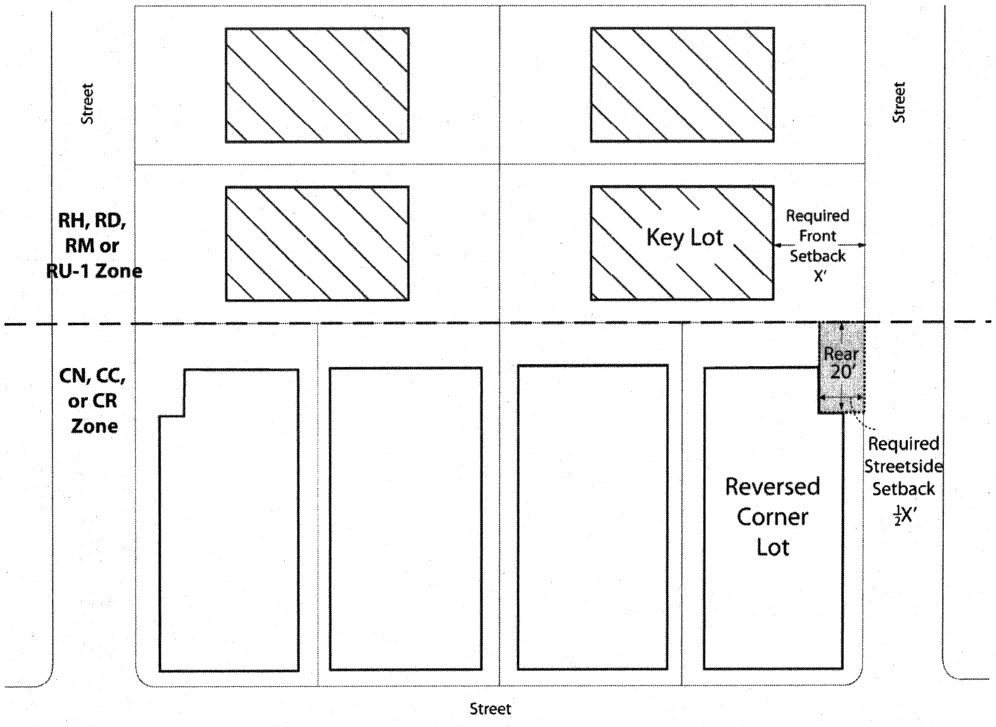
*for illustration purposes only



5. 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 11], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

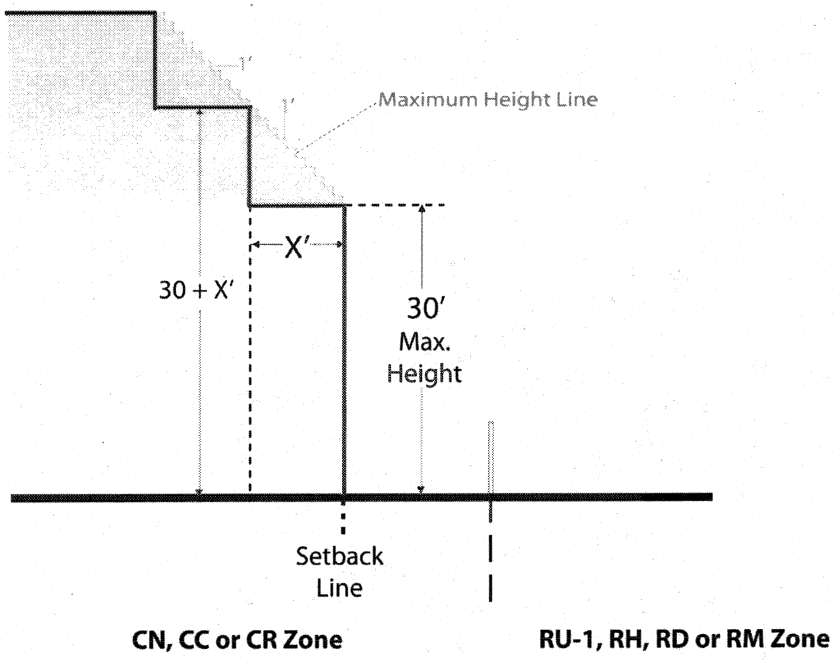
Illustration for Table 17.72.03[Additional Regulation 11]

*for illustration purposes only



6. 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.
7. 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.

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 14], 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.



17.72.060 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 M-20, M-30, and M-40 zones may be waived or modified when and as prescribed in Chapter 17.142.

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 M-20, M-30, and M-40 zones, and certain of the other regulations applying in said zone may be waived or modified.

17.72.070 Other Zoning Provisions

A. Performance Standards.

1. In the M-20 zone, all Commercial and Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

2. In the M-30 zone, all Commercial and 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.

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

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 Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the M-20, M-30, and M-40 zones.

E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-20, M-30, and M-40 zones.

F. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the M-20, M-30, and M-40 zones.

G. 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 17.68 - 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 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.

17.68.085 - Reserved.

17.68.090 - Performance standards for Commercial and 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.

17.68.010 - Title, purpose, and applicability.

The provisions of this Chapter shall be known as the M-20 light industrial zone regulations. The M-20 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 adjacent to residential communities. These regulations shall apply in the M-20 zone.

(Prior planning code § 5600)

17.68.020 - Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within 150 feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136

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 Cafe~~

~~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~~

~~Automotive Fee Parking~~

~~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~~

~~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

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

Transport and Warehousing

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

17.68.050 - 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

17.68.060 - 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

17.68.070 - Special regulations applying to certain 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, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210

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.

Editor's note—

17.68.071 - Special regulations applying to Hazardous Waste Management Activities.

A conditional use permit for a Hazardous Waste Management Activity 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 at Chapter 17.134 and to all of the following use permit criteria:

A.That the project is not detrimental to the public health, safety or general welfare of the community;

B. That the project is or will be adequately served by roads and other public or private service facilities;

C. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

D. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

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)

17.68.085 - Reserved.

Editor's note—

17.68.090 - Performance standards for Commercial and Industrial activities.

All Commercial and Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

Editor's note—

17.68.100 - Limitations on Signs.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020

17.68.110 - Minimum lot frontage.

Every lot shall have a minimum frontage of 25 feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 5614)

17.68.120 - 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 17.68.100 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

17.68.130 - 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. See also Section 17.108.020 for greater yard requirements applying to certain facilities which exceed the general maximum height prescribed in Section 17.68.120.

A. Front Yard. The minimum front yard depth on every lot shall be five 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 § 5620)

17.68.140 - 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 17.68.130A 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 § 5622)

17.68.150 - 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 M-20 zone.

E.Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in M-20 zone.

~~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.~~

~~17.70.085 - Reserved.~~

~~17.70.090 - Performance standards for Commercial and 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.~~

~~17.70.010 - Title, purpose, and applicability.~~

~~The provisions of this Chapter shall be known as the M-30 general industrial zone regulations. The M-30 zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. These regulations shall apply in the M-30 zone.~~

~~(Prior planning code § 5700)~~

~~17.70.020 - Required design review process.~~

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

~~B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within 150 feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136~~

~~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 Cafe~~

~~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~~

~~Automotive and Other Light Vehicle Repair and Cleaning~~

~~Taxi and Light Fleet-Based Service~~

~~Automotive Fee Parking~~

~~Transport and Warehousing~~

~~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.~~

~~17.70.040 - 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

Extensive Impact

Utility and Vehicular (communications equipment installations and exchanges, only)

Special Health Care Civic Activities

B. Commercial Activities:

Fast-Food Restaurant

Alcoholic Beverage Sales

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

Automobile and Other Light Vehicle

Sales and Rental

Animal Care

Animal Boarding

C. Industrial Activities:

General Manufacturing, electroplating activities 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

Industrial Transfer/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:

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

17.70.050 - Permitted facilities.

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

A. Nonresidential Facilities:

Enclosed

Open

~~Drive-In~~

~~B. Signs:~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~C. Telecommunications:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole~~

~~Tower~~

~~17.70.060 - 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~~

~~(Prior planning code § 5706)~~

~~17.70.070 - 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 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 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.Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210~~

~~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.~~

~~See Section 17.102.230.~~

~~(Prior planning code § 5709)~~

~~17.70.081 - Special regulations applying to Hazardous Waste Management Activities.~~

~~A conditional use permit for a Hazardous Waste Management Activity 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 use permit criteria:~~

A.That the project is not detrimental to the public health, safety or general welfare of the community;

B. That the project is or will be adequately served by roads and other public or private service facilities;

C. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

D. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.

17.70.085 - Reserved.

Editor's note—

17.70.090 - Performance standards for Commercial and Industrial Activities within four hundred feet of residential zone.

All Commercial and 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.

17.70.100 - Limitations on Signs.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020

17.70.110 - Minimum lot frontage.

Every lot shall have a minimum frontage of 25 feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 5714)

17.70.120 - 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 17.70.100 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

17.70.130 - 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 § 5720)

~~17.70.140 - 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 § 5722)~~

~~17.70.150 - 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 M-30 zone.~~

~~E.Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-30 zone.~~

Chapter 17.72 - M-40 HEAVY INDUSTRIAL ZONE REGULATIONS

Sections:

17.72.010 - Title, purpose, and applicability.

17.72.020 - Required design review process.

17.72.030 - Permitted activities.

17.72.040 - Conditionally permitted activities.

17.72.050 - Permitted facilities.

17.72.060 - Conditionally permitted facilities.

17.72.070 - Special regulations applying to certain Commercial and Civic Activities.

17.72.080 - Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

17.72.081 - Special regulations applying to Hazardous Waste Management Activities.

17.72.085 - Reserved.

17.72.090 - Limitations on Signs.

17.72.100 - Minimum lot frontage.

17.72.110 - Maximum height.

17.72.120 - Minimum yards.

17.72.130 - Buffering.

17.72.140 - Other zoning provisions.

17.72.010 - Title, purpose, and applicability.

The provisions of this Chapter shall be known as the M-40 heavy industrial zone regulations. The M-40 zone is intended to create, preserve, and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities. These regulations shall apply in the M-40 zone.

(Prior planning code § 5800)

17.72.020 - Required design review process.

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

B. No facility accommodating an Automotive Servicing or Automotive Repair and Cleaning Commercial Activity that is located within 150 feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136

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 installation and exchanges~~

~~B. Commercial Activities:~~

~~General Food Sales~~

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~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~~

~~Automotive Fee Parking~~

~~Transport and Warehousing~~

~~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~~

~~17.72.040 - 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~~

~~Extensive Impact~~

~~Utility and Vehicular (communications equipment installations and exchanges, only)~~

~~Special Health Care Civic Activities~~

~~B. Commercial Activities:~~

~~Fast-Food Restaurant~~

~~Alcoholic Beverage Sales~~

~~Consumer Cleaning and Repair Service~~

~~Consumer Dry Cleaning Plant~~

~~Group Assembly~~

~~Personal Instruction and Improvement and Small Scale Entertainment~~

~~Animal Care~~

~~Animal Boarding~~

~~C. Industrial Activities:~~

~~General, electroplating activities subject to the provisions of Section 17.102.340~~

~~Heavy/High Impact Manufacturing~~

~~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~~

~~Industrial Transfer/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:~~

~~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~~

~~17.72.050 - Permitted facilities.~~

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

~~A. Nonresidential Facilities:~~

~~Enclosed~~

~~Open~~

~~Drive-In~~

~~B. Signs:~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~C. Telecommunications:~~

~~Micro~~

~~Mini~~

~~Macro~~

~~Monopole Tower~~

~~17.72.060 - 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:~~

~~Nonresidential Facilities:~~

~~Drive-Through~~

~~17.72.070 - 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 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 by any single establishment shall not exceed 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.Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210~~

~~D. Scrap Operations.~~

~~1.No Scrap Operation Commercial Activity shall be located within 400 feet from the boundary of any other zone except the M-30 zone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134~~

~~2.The following regulations shall apply to all Scrap Operation Commercial Activities in the M-40 zone which are not subject to the requirement for a conditional use permit. Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed 20 feet in height.~~

~~3. See Sections 17.72.090 and 17.102.210F.~~

17.72.080 - 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 § 5809)

17.72.081 - Special regulations applying to Hazardous Waste Management Activities.

A conditional use permit for a hazardous waste management activity 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 at Chapter 17.134 and to all of the following use permit criteria:

A. That the project is not detrimental to the public health, safety or general welfare of the community;

B. That the project is or will be adequately served by roads and other public or private service facilities;

C. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

D. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.

17.72.085 - Reserved.

Editor's note—

17.72.090 - Limitations on Signs.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Sections 17.104.020 and 17.104.060

17.72.100 - Minimum lot frontage.

Every lot shall have a minimum frontage of 25 feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 5814)

17.72.110 - 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 17.72.090 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.

17.72.120 - 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 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 in Section 17.108.100, along an interior side lot line lying along a boundary of any of certain other zones.

(Prior planning code § 5820)

17.72.130 - 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. See also Section 17.72.070(D).

(Prior planning code § 5822)

17.72.140 - 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-40 zone.

E.Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in M-40 zone.

Chapter 17.73 - CIX-1, CIX-2, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.010 - Title, purpose, and applicability.

17.73.015 - Required Design Review Process

17.73.020 - Permitted and conditionally permitted uses and facilities.

17.73.030 - Property Development Standards.

17.73.035 - Special regulations for Recycling and Waste-Related Industrial Activities -- Primary Recycling Collection Centers ~~primary collection centers~~ in the CIX, IG, and IO industrial zones.

17.73.040 - Special regulations for work/live units in the CIX, IG, and IO industrial zones

17.73.050 - Parking and loading dock restrictions.

17.73.060 - Referral to other applicable regulations.

17.73.070 - Other zoning provisions.

17.73.010 - Title, purpose, and applicability.

The provisions of this chapter shall be known as the CIX, IG, and IO 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) Industrial Office.

~~These~~ CIX, IG, and IO 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:

1. Provide a diversified economic base and a wide range of employment opportunities;
2. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
3. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
4. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;
5. 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;
6. Locate high impact industrial uses away from residential areas; and
7. 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, including but not limited to ~~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 industrial areas, including but not limited to ~~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.

17.73.015 Required Design Review Process

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential 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. No facility located within one hundred fifty (150) feet of any residential zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136:

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

C. 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 Regular Design Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Section 17.73.040(D).

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~~P	~~C~~P	~~C~~P	~~C~~P	
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	—	—	See Section 17.103.020
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 Cafe	P	C(L1)	C(L1)	P(L1)	
Fast Food Restaurant	C	C	—	C	See Section ~~17.102.210~~ 17.103.030
Convenience Market	C	C	—	C	
Alcoholic Beverage Sales	L2	C	—	—	See Sections 17.103.030 and 17.114.030
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 per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P	P	—	C	See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats.
Consultative and Financial Service	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	P(L7)	C(L8)	C(L8)	C(L8)	

Scale Entertainment					
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	—	Requires Regular Design Review approval ~~if~~ located within 150 feet of any residential zone ~~boundary is pursuant to the design review procedure in~~(see Chapter 17.136 for the Design Review procedure).
Automotive and Other Light Vehicle Repair and Cleaning	L3	L3	P	—	Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure). ~~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					
A. General Warehousing, Storage and Distribution	P	P	P	P	No retail component of this use allowed in IG or IO. Also, ~~S~~see Sections 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 &and Transportation:					
A. Seaport	—	—	P	C	
B. Rail Yard	—	C	P	—	

Trucking &and Trucking- Rrelated Activities:					
A. Freight/Truck Terminal	L5	L3	P	—	The establishment of new or expanded trucking and trucking-related activities requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure). 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 &and Other Heavy Vehicle Sales, Rental &and Leasing	L6	P	P	P	
E. Truck &and Other Heavy Vehicle Service, Repair, and Refueling	L5	P	P	—	
Recycling &and Waste Waste-Related Activities					
A. Satellite Recycling Collection Centers	C	C	C	C	
B. Primary Recycling Collection Centers	L10	L10	L11	—	
Hazardous Materials Production, Storage & Wasteand Waste-Related Activities					L12 See also Health &and 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	—	See Chapter 17.155

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 17.103.090
Drive-In Nonresidential	—	—	—	—	
Drive-Through Nonresidential	C	C	C	C	See Section 17.102.290 17.103.100
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 five thousand (5,000) sf floor area requires a conditional use permit in CIX-2, IG, and IO.

L2. Prohibited within three hundred (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 three hundred (300) feet of a residential zone; Permitted if beyond three hundred (300) feet of a residential zone.

L5. Prohibited within six hundred (600) feet of a residential zone. A conditional use permit is required elsewhere throughout the zone. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L6. A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L7. A conditional use permit is required for entertainment uses. Also, No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

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

L10. Prohibited within three hundred (300) feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if beyond three hundred (300) feet of a residential zone boundary.

L11. Prohibited within three hundred (300) feet of a residential zone, permitted outright beyond three hundred (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.

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 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.

17.73.030 - Property Development Standards.

Table 17.73.030 contains the property development standards for all zones within this Chapter.

Table 17.73.030

Property Development Standards

Development Standards	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Width	25 ft	25 ft	25 ft	100 ft	1
Minimum Lot Area (square feet)	5,000 sf	10,000 sf	10,000 sf	25,000 sf	1
Floor-Area Ratio (FAR)					
Greater than 300 feet	4.0	4.0	2.0	4.0	
Within 300 feet of a residential zone boundary	2.0	2.0	1.0	2.0	2
Maximum Height	None	55 ft	None	55 ft	3,4
Minimum Front Yard Setback	0 ft	0 ft	0 ft	20 ft	5
Minimum Rear Yard Setback	0 ft				5
Minimum Interior Side Yard setback	0 ft				5
Minimum Street Side Yard Setback of a Corner Lot	10 ft	10 ft	10 ft	20 ft	5
Site Landscaping (% of lot area)	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (%of lot area)	10%	10%	10%	10%	8
Street Trees	Required	Required	See also note 10	Required	9
Site and Driveway Access - Minimum Distance from any residential or open space boundary	50 ft	50 ft	50 ft	50 ft	11
Driveway Width Maximum	35 ft	35 ft	35 ft	35 ft	12
Pedestrian Walkway	Required	Required	Required	Required	13
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft	8 ft	8 ft	8 ft	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	15 ft	15 ft	15 ft	15 ft	14, 15

Additional Regulations Noted in Table 17.73.030

2. A conditional use permit to exceed the permitted Floor Area Ratio (FAR) may be allowed, as shown in parentheses above in Table 17.73.030, 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 three hundred (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 thirty (30) feet at all required yard setbacks; and

d. All new development activities meet the Performance Standards in 17.120.

5. See Section ~~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 are ~~is~~ in ~~s~~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%) 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 Chapter 17.124 Landscaping and Screening Standards.

8. Parking Lot Landscaping applies only to lots associated with new construction with more than twenty-five thousand (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 ten ~~10~~ percent (10%) 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 the Regular Design Review process (see Chapter 17.136). 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 (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

11. Applies to new development; or expansion of industrial or commercial buildings by more than twenty ~~20~~ percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five ~~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 thirty-five ~~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 twenty ~~20~~ percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five ~~35~~ percent (35%), whichever is greater.

17.73.035 - Special regulations for Recycling and Waste-Related Industrial Activities -- Primary Recycling Collection Centers ~~primary collection centers~~ in the CIX, IG, and IO industrial zones.

A. Applicability. This Section applies to Recycling and Waste-Related Industrial Activities -- Primary Collection Centers~~, as defined in 17.10.586 "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 Recycling 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.
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.

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.

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.

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 Recycling Collection Center. In addition, the Primary Recycling 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 Recycling 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 Recycling 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 Recycling 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;

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.

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;

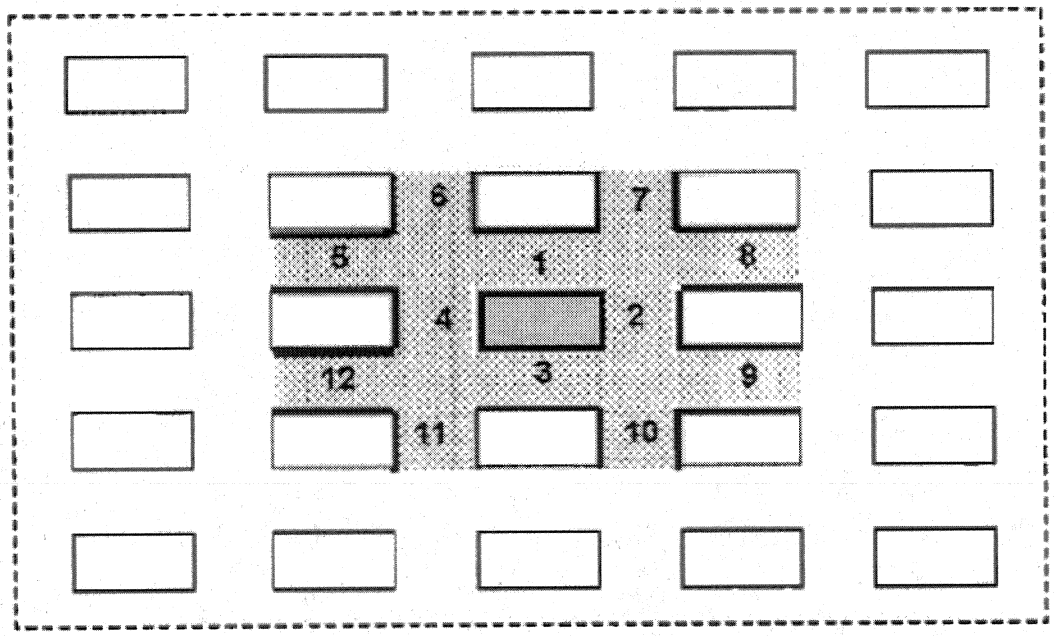
   c. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

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 Recycling 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 Pprimary Rrecycling Ceollection 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 ten (10) ~~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 CIX, IG, and IO industrial zones

C. Conditional use permit required.

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 (300) feet of a residential zone.

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).

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. ~~n~~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: Referral to Other Regulations

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.020 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 17.68.130
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	~~17.102.070~~ 17.154.060
Landmarks	17.05
~~Special Restrictions on Establishments Selling Alcoholic Beverages~~	~~17.102.210~~
Regulations applying to tobacco-oriented activities	17.102.350
Microwave dishes and energy production facilities	17.102.240
Special regulations applying to adult entertainment activities	17.102.160
Special regulations applying to massage service activities	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

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 (see Section 17.103.020)

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

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~~ 17.116.075.

E. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110.

~~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~~

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~~ 17.103.080

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 17.128.025

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

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. See also Section ~~17.102.210~~ 17.103.030.

17.74.090 - Use permit criteria for Commercial Activities.

B. That the proposed activity will not create or aggravate traffic congestion or interfere with the movement of traffic generated by permitted activities.

See also Section ~~17.102.210~~ 17.103.030.

17.74.120 - Maximum residential density.

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 (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. 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.

17.74.150 - Minimum yards and courts.

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.

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.

17.74.180 - 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 S-1 zone may be waived or modified when and as prescribed in ~~Section 17.102.320~~ Chapter 17.142.

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 Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

General Retail Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

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 (see Section 17.103.050)

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~~ 17.116.075.

E. Activities that are listed neither as permitted nor conditionally permitted but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110. ~~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~~

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~~ 17.103.080

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 17.128.025

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

17.76.090 - Special regulations applying to certain Commercial Activities.

All conditionally permitted Commercial Activities other than Automotive Fee Parking shall, except for open-air dining facilities, accessory off-street parking and loading, and maintenance of accessory landscaping and screening, be conducted entirely within enclosed buildings. See also Section ~~17.102.210~~ 17.103.030.

17.76.140 - Maximum residential density.

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 (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. 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.

17.76.200 - 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 S-2 zone may be waived or modified when and as prescribed in ~~Section 17.102.320~~ Chapter 17.142.

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 development where a valid planned unit development permit is in effect.

17.76.210 - 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.

17.78.120 - Maximum height.

Except for the projections allowed by Section 17.108.030, and except as provided in Chapter 17.128, no building shall exceed forty-five (45) feet in height unless the building, or that portion thereof which exceeds forty-five (45) feet in height, is set back from the inner line of each of the minimum side yards required by Section 17.78.130C a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it exceeds forty-five (45) feet in height. See Section 17.78.090 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards.

17.78.130 - Minimum yards.

A. Front Yard. The minimum front yard depth on every lot shall be fifty (50) feet.

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be fifty (50) feet.

C. Side Yard—Interior Lot Line. The minimum width of the side yard along any single interior side lot line of any lot shall be twenty (20) feet. The minimum combined width of both such side yards shall be fifty (50) feet.

D. Rear Yard. The minimum rear yard depth on every lot shall be thirty (30) feet, ~~except as a lesser depth is allowed by Section 17.108.110 and~~ except that the minimum rear yard depth shall be fifty (50) feet along any portion of a rear lot line which abuts a lot in any residential zone.

17.78.140 - Buffering and landscaping.

C. Landscaping Coverage. A minimum of forty ~~40~~ percent (40%) of the lot area of each lot shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening.

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 Building Facility, Designated Historic Property, Potentially Designated Historic Property, ~~Building Facility,~~ 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 (DHPs) and Potentially Designated Historic Properties (PDHPs).

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 17.142.110 and the first three sentences of subsection B of Section 17.142.110.
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~~ 17.103.080.

17.94.040 - Off-street parking regulations—Residential Activities.

A. Basic Requirement. One off-street parking space shall be provided for each three habitable rooms in the facility, as determined by the definition of "habitable rooms, number of" in ~~accordance with~~ Section ~~17.102.280~~ 17.09.040 and rounded to a whole number in accordance with the rules of Section 17.116.050, or the same number of spaces as required by the underlying base zone pursuant to Section 17.116.060 without regard to the provisions of the S-12 regulations, whichever is greater. Such parking shall be designated and permanently maintained for the use of residents of the facility.

17.94.050 - Standards for required parking facilities.

The standards for required parking and loading facilities set forth in Article IV of Chapter 17.116 of the Oakland Planning Code, and the provisions of Chapters 12.04, 12.08, and 12.52 of the Oakland Municipal Code, shall apply in the S-12 zone, except as specified in Sections 17.94.060 through 17.94.100. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be of such design and arrangement as to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

17.94.100 - On-street parking regulations.

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 (1½) 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.

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.

D. 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 17.97.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty ~~150~~ percent (150%) of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District.

17.97.040 - 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

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Medical Service

General Retail Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Consultative and Financial Service

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

17.97.050 - 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 Section 17.97.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care

Service-Enriched Permanent Housing

Transitional Housing

B. Civic Activities:

Utility and Vehicular

Extensive Impact

C. Commercial Activities:

Fast Food Restaurant

Convenience Market

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Transient Habitation and Commercial Activities (see Section 17.103.050)

Alcoholic Beverage Sales

Mechanic or Electronic Games

Animal Care

Animal Boarding

Automotive Fee Parking subject to the additional criteria contained in Subsection 17.97.100 F.

D. Industrial Activities:

Custom Manufacturing

E. Off-street parking serving nonresidential activities listed in Sections 17.97.040 and 17.97.050

F. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110.

~~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~~

17.97.080 - Special regulations applying to certain Commercial and Industrial Activities.

A. Fast-Food Restaurants. Convenience Markets, and Certain Establishments Selling Alcoholic Beverages. See Section ~~17.102.210~~ 17.103.030.

17.97.100 - Use permit criteria.

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way;~~,~~
2. That every reasonable effort has been made to share means of vehicular access with abutting properties;~~,~~
3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B.~~;~~

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;
3. The new parking structure shall represent no more than a seventy-five ~~75~~ percent (75%) increase of existing parking at the site;
4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;
5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and
6. The project shall be consistent with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.97.100(F) "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three or more streets, at least two streets shall be designated as principal streets.

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							Additional Regulations
	35	45	60	75	90	120	160	
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	110 ~~225~~	110 ~~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 17.97.01:

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 one hundred (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~~ 17.103.080. 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 three thousand (3,000) square feet.

17.97.190 - Special regulations for mini-lot developments.

In mini-lot developments, certain of the regulations otherwise applying to individual lots in the S-15 zone may be waived or modified when and as prescribed in ~~Section 17.102.320~~ Chapter 17.142.

17.97.210 - 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 S-15 zone.

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 Building Facility (see Section 17.09.040 for definition), Designated Historic Property, Potentially Designated Historic Property, ~~Building Facility, (see Section 17.09.040 for definition),~~ Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.100B.050, 17.100B.060, and 17.100B.070, the Telecommunications regulations in Chapter 17.128; or the Sign regulations in Chapter 17.104.

B. See Section 17.136.075 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.

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

Residential Activities		
	D-BR Zone	
Permanent Residential	C(L1)	
Residential Care ~~occupying a One-Family Dwelling Residential Facility~~	~~C~~P(L1)(L2)	~~17.102.212~~17.103.010
~~Residential Care not occupying a One-Family Dwelling Residential Facility~~	C(L1)	~~17.102.212~~
Service-Enriched Permanent Housing	C(L1)	~~17.102.212~~17.103.010
Transitional Housing	C(L1)	~~17.102.212~~17.103.010
Emergency Shelter	—	~~17.102.212~~17.103.010
Semi-Transient Residential	—	~~17.102.212~~17.103.010
Bed and Breakfast		
Civic Activities		
Essential Service	P	
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	—	~~17.102.390~~ 17.103.020
Utility and Vehicular	—	
Extensive Impact	—	
Commercial Activities		
General Food Sales	P	
Full Service Restaurant	P	
Limited Service Restaurant and Cafe	P	
Convenience Market	C	~~17.102.210~~ 17.103.030
Fast-Food Restaurant	C	
Alcoholic Beverage Sales	C	~~17.102.210~~ 17.103.030 and

		17.114.030
Mechanical or Electronic Games	—	~~17.102.210~~
Medical Service	P(L32)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L4)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L5)	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P(L11)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	
Research Center	—	
General Wholesale Sales	—	
Transient Habitation	—	~~17.102.370~~ 17.103.050
Building Material Sales	—	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L63)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	—(L63)	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~~ 17.116.075	C	~~17.102.100~~ 17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone ~~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:

L2. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. 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.

~~L2~~ L3. 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.

L4. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L5. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L3~~6~~. 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 may only occur no later than six (6) months after discontinuation of such a activity, per Section 17.114.050(A).

17.101D.030 - Permitted and conditionally permitted activities.

Table 17.101D.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

Activities	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~~ 17.103.010
Service-Enriched Permanent Housing	C	C	C	~~17.102.212~~ 17.103.010
Transitional Housing	C	C	C	~~17.102.212~~ 17.103.010
Emergency Shelter	C	C	C	~~17.102.212~~ 17.103.010
Semi-Transient	C	C	C	~~17.102.212~~ 17.103.010
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(L1)	C(L1)	C(L1)	~~17.102.390~~ 17.103.020
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 Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	~~17.102.210~~ 17.103.030 and 8.09
Convenience Market	P	C	C	~~17.102.210~~ 17.103.030

Alcoholic Beverage Sales	C	C	C	~~17.102.210~~ 17.103.030 and ~~17.102.040~~ 17.114.030
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(L2)	P(L2)	P(L2)	
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(L3)	C(L3)	C(L3)	
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	
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~~116.075	C	C	C	17.74.030 ~~17.102.100~~ 17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone~~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

Limitations:

L1. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or

Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L2. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L3. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

17.101D.040 - Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 zones.

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities 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.02 Permitted and Conditionally Permitted Activities

Facility Types	Zone			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Facilities				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	~~17.102.360~~ 17.103.080
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 Cafe	P	P	P	~~17.102.335~~ 17.103.090
Drive-In	C	C	C	
Drive-Through	C(L1)	~~C~~(L1)	C(L1)	~~17.102.290~~ 17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
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

Limitation:

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

17.101D.060 - Design review.

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 twenty-five thousand (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.

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 (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 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.

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.130 - Signs.

A. If a comprehensive sign program is adopted as part of the Kaiser Permanente Oakland Medical Center Master Plan, the provisions of the comprehensive sign program shall govern and shall supersede the provisions of Chapter 17.104.