

ATTACHMENT C

Exhibit 2:

Commercial Zone Code Amendments

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is proposed to be amended as follows. Additions are shown in underline and deletions are shown in ~~strike through~~. Note that only the relevant code subsections being amended are included and unamended portions of tables are omitted.

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Emergency Shelter	P(<u>L1</u>)(L3)(L5)	P(<u>L1</u>)(L3)(L5)	P(<u>L1</u>)(L3)(L5)	P (L1)(L3)(L5)	17.103.010 <u>17.103.015</u>
Semi-Transient	—	—	<u>P(L3)</u>	<u>P(L3)</u>	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
Civic Activities					

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Limited Child-Care Activities	P(L2)	P(L2)	P(L6)	P(L6)	
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Commercial Activities					
General Food Sales	P(L6) (L9)	P(L6) (L9)	P(L8) (L9)	P(L8) (L9)	
Full Service Restaurants	C(L4) <u>P(L6)</u>	P(L6)	P(L6)	P(L6)	
Limited-Service Restaurant and Cafe	C(L4) <u>P(L6)</u>	P(L6)	P(L6)	P(L6)	
Mechanical or Electronic Games	C(L4) <u>P(L6)</u>	C(L4) <u>P(L6)</u>	C(L4) <u>P(L6)</u>	C <u>P(L6)</u>	
Medical Service	P(L2) (L8)	P(L8)	P(L8)	P(L6) (L8)	
General Retail Sales	P(L6) (L9)	P(L6) (L9)	P(L9)	P(L9)	
Consumer Service	P(L6) (L10)	P(L6) (L10)	P(L6) (L10)	P(L6) (L10)	
Consultative and Financial Service	P(L2) (L11)	P(L11)	P(L6)	P(L6)	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
<u>Artisan Production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Group Assembly	C(L4)(L12) <u>P(L6)(12)</u>	C(L4)(L12) <u>P(L6)(12)</u>	C(L4)(L12) <u>P(L6)(12)</u>	C(L4)(L12) <u>P(L6)(12)</u>	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Research Service	C(L4) <u>P(L2)</u>	C(L4) <u>P(L2)</u>	P(L6)	P(L6)	
Industrial Activities					
Custom Manufacturing	C(L4)(L13)	C(L4)(L13)	C(L13)	C	

Limitations on Table 17.33.01:

L1. ~~Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities.~~

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located within thirty (30) feet of the principal street frontage on the ground floor of a ~~street-fronting~~ building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.

L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:

- a1.** That the proposal will not detract from the character desired for the area;
- b2.** That the proposal will not impair a generally continuous wall of building facades;
- c3.** That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
- d4.** That the proposal will not interfere with the movement of people along an important pedestrian street; and
- e5.** That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010. Limitations L1, L3, and L4 above.

L6. The total floor area devoted to these activities on the ground floor by any single establishment ~~may~~ shall only exceed ~~five thousand (5,000)~~ seven thousand five hundred (7,500) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L8. A Medical Service Commercial Activity that is located on the ground floor of a building and occupies either: 1) a street corner space, or 2) an interior lot space with more than thirty-five (35) linear feet of frontage facing the principal street, ~~is not only permitted except~~ upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All ground floor window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L9. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed twenty thousand (20,000) ~~fifteen thousand (15,000)~~ square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), except for grocery stores located within a food desert as defined in Section 17.09.040. Grocery stores in food deserts are not subject to Conditional Use Permit requirements and do not have a size threshold. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L10. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~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.~~

L11. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located both on the ground floor of a building and within thirty (30) feet of the principal street frontage. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are

exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation-threshold triggering the requirement for a Conditional Use Permit described in L5-L6 above, shall apply to retail bank branches.

L13. Not permitted on the ground floor.

L15. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

- a1.** 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.

L17. Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080
Rooming House	P(L2)	P(L2)	P(L3)	P(L3)	
Vehicular	P	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.33.02:

L2. Construction of new ground floor Residential Facilities is not permitted within thirty (30) feet of the principal street frontage except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L3. Ground floor construction of new Residential Facilities within thirty (30) feet of the principal street frontage is only permitted ~~on interior lots and requires~~ upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). ~~New construction of ground floor Residential Facilities is not permitted on a corner lot.~~

17.33.050 Property development standards.

A. **Zone Specific Standards.** Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone.

Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2, 15
Maximum front	10 ft.	10 ft.	10 ft.	N/A	3, 15
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4, 5, 15
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	6, 15
Rear (Residential Facilities)	40/15 ft. <u>10 ft.</u>	40/15 ft. <u>10 ft.</u>	40/15 ft. <u>10 ft.</u>	40/15 ft. <u>10 ft.</u>	7, 8, 15
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations					
Minimum separation between grade and ground floor living space	N/A	N/A	2.5 ft. <u>N/A</u>	2.5 ft. <u>N/A</u>	11

Additional Regulations for Table 17.33.03:

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~~ a side setback of

six (6) feet is required. In the case where an interior side lot line abuts an interior side lot line in a RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an interior side lot line of any lot located in an RU-1 or RU-2 lot Zone, a side setback of four (4) feet is required (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

8. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet ~~if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet.~~ When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area							Additional Regulations
	35	35*	45	<u>55</u>	60 <u>65</u>	75	90 <u>95</u>	
Maximum Height	35 ft.	35 ft.	45 ft.	<u>55</u> ft.	60 ft. <u>65</u> ft.	75 ft.	90 ft. <u>95</u> ft.	1, 2
Height Minimum								
Permitted height minimum	N/A	N/A	N/A	<u>35</u> ft.	35 ft.	35 ft.	35 ft. <u>45</u> ft.	3

Regulation	Height Area							Additional Regulations
	35	35*	45	<u>55</u>	60 <u>65</u>	75	90 <u>95</u>	
Conditionally permitted height minimum	N/A	N/A	N/A	<u>25</u> ft.	25 ft.	25 ft.	25 ft. <u>35</u> ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)								
Regular Dwelling Units	550	Same density regulations as abutting RH, RD, or RM Zone. <u>If abutting more than one zone, the zone that allows the greatest density prevails.</u>	450	<u>350</u>	375 <u>350</u>	275	225 <u>200</u>	4, 5, 6
Rooming Units	275	Same density regulations as abutting RH, RD, or RM Zone. <u>If abutting more than one zone, the zone that allows the greatest density prevails.</u>	225	<u>175</u>	185 <u>175</u>	135	110 <u>100</u>	4, 5, 6
Efficiency Dwelling Units	275	Same density regulations as abutting RH, RD, or RM Zone. <u>If abutting more than one zone,</u>	225	<u>175</u>	185 <u>175</u>	135	110 <u>100</u>	4, 5, 6

Regulation	Height Area							Additional Regulations
	35	35*	45	<u>55</u>	60 <u>65</u>	75	90 <u>95</u>	
		<u>the zone that allows the greatest density prevails.</u>						
Maximum Nonresidential FAR	2.0	NA	2.5	<u>3.0</u>	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	<u>5</u>	5 <u>6</u>	7	8	
Usable Open Space (square feet per residential unit)								
Group usable open space per Regular Dwelling Unit	450 <u>75</u>	Same open space regulations as abutting RH, RD, or RM Zone	450 <u>75</u>	<u>75</u>	450 <u>75</u>	450	450 <u>75</u>	6, 7
Group usable open space per Regular Dwelling Unit when private open space substituted	30 <u>20</u>	Same open space regulations as abutting RH, RD, or RM Zone	30 <u>20</u>	<u>20</u>	30 <u>20</u>	30	20	6, 7
Group usable open space per Rooming Unit	75 <u>38</u>	Same open space regulations as abutting RH, RD, or RM Zone	75 <u>38</u>	<u>38</u>	75 <u>38</u>	75	50 <u>38</u>	6, 7
Group usable open space per Rooming Unit when private open space is substituted	45 <u>10</u>	Same open space regulations as abutting RH,	45 <u>10</u>	<u>10</u>	45 <u>10</u>	45	10	6, 7

Regulation	Height Area							Additional Regulations
	35	35*	45	<u>55</u>	60 <u>65</u>	75	90 <u>95</u>	
		RD, or RM Zone						
Group usable open space per Efficiency Dwelling Unit	75 <u>38</u>	Same open space regulations as abutting RH, RD, or RM Zone	75 <u>38</u>	<u>38</u>	75 <u>38</u>	75	50 <u>38</u>	6, 7
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	45 <u>10</u>	Same open space regulations as abutting RH, RD, or RM Zone	45 <u>10</u>	<u>10</u>	45 <u>10</u>	45	10	6, 7

Additional Regulations for Table 17.33.04:

2. Buildings in the CN Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

5. ~~No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential Floor Area Ratio (FAR) unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

17.33.060 Special regulations for Mini-Lot and Planned Unit Developments.

A. **Mini-Lot Planned Unit Developments.** ~~In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CN Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CN Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L2)(L3)	P(L2)(L3)	C(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	C(L3)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	C(L3)	
Emergency Shelter	C(L1)(L3) P(L1)(L2)(L3)(L4)	P(L1)(L2)(L3)(L4)	P(L1)(L3)(L4)	17.103.010 17.103.015
Semi-Transient	<u>P(L2)(L3)</u>	<u>P(L2)(L3)</u>	—	
Bed and Breakfast	C	C	C(L3)	17.10.125
Commercial Activities				
Mechanical or Electronic Games	C <u>P</u>	C <u>P</u>	C <u>P</u>	
Consumer Dry Cleaning Plant	P <u>C</u>	C	P <u>C</u>	
<u>Artisan Production</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Group Assembly	C(L8) <u>P(L8)(L14)</u>	C(L8) <u>P(L8)(L14)</u>	C(L8) <u>P(L8)(L14)</u>	
Administrative	P	P	P(L15)	
Building Material Sales	—	—	P(L11)	

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)(L11)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L11)	C	P(L11)	
Industrial Activities				
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P(L11)	

Limitations on Table 17.35.01:

L1. ~~Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities.~~

L2. Except as indicated in Subsection a. below, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building and within thirty (30) feet of the principal street frontage.

- a. Buildings not located within ~~twenty (20)~~ thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this Conditional Use Permit requirement.

L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.

L4. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively and subject to the development standards

in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010. Limitations L1 and L3 above.

L6. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~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.~~

L11. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within ~~three hundred (300)~~ six hundred (600) feet of an ~~RH, RD, or RM~~ Residential Zone.

L12. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L14. The total floor area devoted to these activities on any single lot shall 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).

L15. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

17.35.040 Permitted and conditionally permitted facilities.

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L2)(L3)(L8)	P(L3)(L8)	—(L1)(L7)	17.103.080
Multifamily Dwelling	P(L2)(L3)(L8)	P(L3)(L8)	—(L1)(L7)	17.103.080

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Rooming House	P(L2)(L3)	P(L3)	—(L7)	
Vehicular	P	P	—(L7)	<u>17.103.080</u> 17.108.085

Limitations on Table 17.35.02:

L2. Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of the ground floor area devoted to Commercial Activities.

L3. Except as indicated in Subsection a. below, construction of new ground floor Residential Facilities within thirty (30) feet of the principal street frontage is not only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure):

- a. Buildings not located within ~~twenty (20)~~ thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

17.35.050 Property development standards.

A. **Zone Specific Standards.** Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Lot Width mean	50 ft. <u>25 ft.</u>	25 ft.	25 ft.	1
Frontage	50 ft. <u>25 ft.</u>	25 ft.	25 ft.	1
Lot area	7,500 sf. <u>4,000 sf.</u>	4,000 sf.	4,000 sf.	1

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum/Maximum Setbacks				
Minimum front	0 ft.	0 ft.	0 ft.	2, 14
Maximum front	N/A	10 ft.	N/A	3, 14
Minimum interior side	0 ft.	0 ft.	0 ft.	4, <u>5</u> , 14
Minimum street side	0 ft.	0 ft.	0 ft.	6, 14
Rear (Residential Facilities)	10/ 15 ft.	10/ 15 ft.	10/ 15 ft.	7, 8, 14
Rear (Nonresidential Facilities)	0/10/ 15 ft.	0/10/ 15 ft.	0/10/ 15 ft.	8
Design Regulations				
Minimum facade transparency of ground floor Nonresidential Facilities	<u>50%</u> N/A	55%	N/A	9
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements			13

Additional Regulations for Table 17.35.03:

4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, a side setback of six (6) feet is required. ~~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 interior side lot line of any lot located in an~~ RU-1 or RU-2 ~~lot~~ Zone, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the

buildable width of any corner lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

8. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet ~~if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet~~. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

10. This height is only required for new principal buildings with ground floor Nonresidential Facilities located within twenty (20) feet of the principal street frontage; and is measured from the sidewalk grade to the second story floor.

13. See Section 17.103.080 for additional parking regulations that apply to Accessory Dwelling Units.

14. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area								Additional Regulations
	35	45	55	60 <u>65</u>	75	90 <u>95</u>	120 <u>125</u>	160 <u>175</u>	
Maximum Height	35 ft.	45 ft.	55 ft.	60 ft. <u>65</u> ft.	75 ft.	90 ft. <u>95</u> ft.	120 ft. <u>125</u> ft.	160 ft. <u>175</u> ft.	1, 2
Height Minimum									
Permitted height minimum	N/A	N/A	35 ft.	35 ft.	35 ft.	35 ft. <u>45</u> ft.	35 ft. <u>55</u> ft.	35 ft. <u>55</u> ft.	3

Regulation	Height Area								Additional Regulations
	35	45	55	60 65	75	90 95	120 125	160 175	
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft. 35 ft.	25 ft. 45 ft.	25 ft. 45 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular Dwelling Units	550	450	375 350	375 350	275	225 200	225 200	225 200	4, 5
Rooming Units	275	225	185 175	185 175	135	110 100	110 100	110 100	4, 5
Efficiency Dwelling Units	275	225	185 175	185 175	135	110 100	110 100	110 100	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	5 6	7	8	11 12	15 17	
Minimum Usable Open Space (square feet per residential unit)									
Group usable open space per Regular Dwelling Unit	150 75	150 75	150 75	150 75	150	100 75	100 75	100 75	6
Group usable open space per Regular Dwelling Unit when private open space substituted	30 20	30 20	30 20	30 20	30	20	20	20	6
Group usable open space per Rooming Unit	75 38	75 38	75 38	75 38	75	50 38	50 38	50 38	6
Group usable open space per Rooming Unit when private open space is substituted	15 10	15 10	15 10	15 10	15	10	10	10	6

Regulation	Height Area								Additional Regulations
	35	45	55	60 65	75	90 95	120 125	160 175	
Group usable open space per Efficiency Dwelling Unit	75 38	75 38	75 38	75 38	75	50 38	50 38	50 38	6
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	45 10	45 10	45 10	45 10	45	10	10	10	6

Additional Regulations for Table 17.35.04:

2. Buildings in the CC Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

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. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

17.35.060 Special regulations for Mini-Lot and Planned Unit Developments.

A. ~~**Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CC Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CC Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.35.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Residential Activities			
Permanent	—	<u>P(L13)</u>	
Residential Care	—	<u>P(L1)</u>	<u>17.103.010</u>
Supportive Housing	—	<u>P</u>	
Transitional Housing	—	<u>P</u>	
Emergency Shelter	<u>CP(L1)</u>	<u>P(L1)</u>	17.103.010
Semi-Transient	C	<u>P</u>	
Bed and Breakfast	—	=	
Civic Activities			
Essential Service	P	<u>P</u>	
Limited Child-Care Activities	P	<u>P</u>	
Community Assembly	<u>CP</u>	<u>P</u>	
Recreational Assembly	P	<u>P</u>	
Community Education	C	<u>C</u>	
Nonassembly Cultural	P	<u>P</u>	
Administrative	<u>CP</u>	<u>P</u>	
Health Care	C	<u>C</u>	
Special Health Care	C(L2)	<u>C(L2)</u>	17.103.020
Utility and Vehicular	C	<u>C</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Extensive Impact	C	<u>C</u>	<u>17.102.440</u>
Commercial Activities			
General Food Sales	P	<u>P</u>	
Full Service Restaurants	P	<u>P</u>	
Limited Service Restaurant and Cafe	P	<u>P</u>	
Fast-Food Restaurant	C	<u>C</u>	17.103.030 and 8.09
Convenience Market	C	<u>C</u>	17.103.030
Alcoholic Beverage Sales	C	<u>C</u>	17.103.030 and 17.114.030
Mechanical or Electronic Games	G <u>P(L10)</u>	<u>P(L10)</u>	
Medical Service	P	<u>P</u>	
General Retail Sales	P	<u>P</u>	
Large-Scale Combined Retail and Grocery Sales	—	=	
Consumer Service	P(L3)	<u>P(L3)</u>	
Consultative and Financial Service	P	<u>P</u>	
Check Cashier and Check Cashing	—	=	
Consumer Cleaning and Repair Service	P(L4)	<u>P(L4)</u>	
Consumer Dry Cleaning Plant	C	<u>C</u>	
Group Assembly	C(L6)	<u>C(L6)</u>	
Personal Instruction and Improvement Services	P	<u>P</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Administrative	P	<u>P</u>	
Business, Communication, and Media Services	P	<u>P</u>	
Broadcasting and Recording Services	P	<u>P</u>	
Research Service	P	<u>P</u>	
General Wholesale Sales	C	<u>C</u>	
Transient Habitation	C	<u>C</u>	17.103.050
Building Material Sales	P(L4)(<u>L12</u>)	<u>C(L4)</u>	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	<u>P</u>	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	<u>P(L4)</u>	
Automobile and Other Light Vehicle Repair and Cleaning	P(L4)(<u>L12</u>)	<u>P(L4)(L12)</u>	
Taxi and Light Fleet-Based Services	P(L4)(L5)(<u>L12</u>)	<u>C(L4)(L5)</u>	
Automotive Fee Parking	—(L7)	<u>—(L7)</u>	
Animal Boarding	C	<u>C</u>	
Animal Care	P	<u>P</u>	
Undertaking Service	—	<u>=</u>	
Industrial Activities			
Custom Manufacturing	P(L4)	<u>P(L4)(L11)</u>	
Light Manufacturing	P(L4)	<u>P(L4)(L11)</u>	
General Manufacturing	C(L4)(L5)	<u>=</u>	
Heavy/High Impact	—	<u>=</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Research and Development	P	<u>P</u>	
Construction Operations	—	=	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	P(L4)(L5)(L12)	<u>P(L4)(L5)(L12)</u>	
B. General Outdoor Storage	C(L4)(L5)	=	
C. Self- or Mini-Storage	C(L4)(L5) =	=	
D. Container Storage	C(L4)(L5)	=	
E. Salvage/Junk Yards	—	=	
Regional Freight Transportation	C(L4)(L5)	=	
Trucking and Truck-Related	C(L4)(L5)	=	
Recycling and Waste-Related			
A. Satellite Recycling Collection Centers	C(L4)	<u>C(L4)</u>	
B. Primary Recycling Collection Centers	C(L4)(L5) =	=	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	=	
Agriculture and Extractive Activities			
Limited Agriculture	P(L4)(L8)	<u>P(L4)(L8)</u>	
Extensive Agriculture	C(L4)(L9)	<u>C(L4)(L9)</u>	
Plant Nursery	C(L4)	<u>C(L4)</u>	
Mining and Quarrying	—	=	

Activities	Zones		Additional Regulations
	CR-1	CR-2	
Accessory off-street parking serving prohibited activities	P	<u>P</u>	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	<u>C</u>	17.102.110

Limitations on Table 17.37.01:

L1. ~~No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other Emergency Shelter Residential Activity or Facility. See Section 17.103.010 for other regulations regarding these Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010 (see Chapter 17.134 for the CUP procedure).~~

L3. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~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.~~

L4. Except for Automobile and Other Light Vehicle Gas Station and Servicing and/or Repair and Cleaning Commercial Activities that are accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity, tThese activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.

L5. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road, Mandela Parkway, and Yerba Buena Avenue right-of-ways.

L8. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L9. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a4. 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.

L10. The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L11. The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within six hundred (600) feet of a Residential Zone.

L13. Construction of new ground floor Residential Facilities within thirty (30) feet of the principal street frontage is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Buildings not located within thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement. for the CUP procedure). Buildings not located within thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	CR-1	CR-2	
Residential Facilities			
One-Family Dwelling	—(L1)(L3)	—(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	—(L1)(L3)	P(L4)	17.103.080
Multifamily Dwelling	—(L1)(L3)	P(L4)	17.103.080
Rooming House	—(L1)(L3)	P(L4)	
Vehicular	—(L1)	P	<u>17.103.085</u>
Nonresidential Facilities			
Enclosed Nonresidential	P	P	

Facilities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Open Nonresidential	P	<u>P</u>	
Sidewalk Cafe	P	<u>P</u>	17.103.090
Drive-In	C	<u>C</u>	
Drive Through	C	<u>C</u>	
Telecommunications Facilities			
Micro Telecommunications	P(L2)	<u>P(L2)</u>	17.128
Mini Telecommunications	P(L2)	<u>P(L2)</u>	17.128
Macro Telecommunications	C	<u>C</u>	17.128
Monopole Telecommunications	C	<u>C</u>	17.128
Tower Telecommunications	—	=	17.128
Sign Facilities			
Residential Signs	P	<u>P</u>	17.104
Special Signs	P	<u>P</u>	17.104
Development Signs	P	<u>P</u>	17.104
Realty Signs	P	<u>P</u>	17.104
Civic Signs	P	<u>P</u>	17.104
Business Signs	P	<u>P</u>	17.104
Advertising Signs	—	=	17.104

Limitations on Table 17.37.02:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

L2. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

L3. All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a permitted or conditionally permitted-Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

L4. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.37.050 Property development standards.

A. **Zone Specific Standards.** Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.37.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	CR-1 Zone	<u>CR-2</u>	
Minimum Lot Dimensions			
Lot Width mean	50 ft.	<u>50 ft.</u>	1
Frontage	50 ft.	<u>50 ft.</u>	1
Lot area	7,500 sf.	<u>7,500 sf.</u>	1
Minimum/Maximum Setbacks			
Minimum front	10 ft.-20 feet on parcels facing a right-of-way of 100 ft. or more; 10 feet on parcels facing a right-of-way that is less than 100 feet wide.	<u>10 ft.</u>	2
Minimum interior side	0 ft.	<u>0 ft.</u>	3
Minimum street side	0 ft.	<u>0 ft.</u>	4
Rear	0/10/45 ft.	<u>0/10 ft.</u>	5
<u>Design Regulations</u>			
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>6</u>

Height, and Floor Area Ratio, Density, and Open Space Regulations	See Table 17.37.04	<u>See Table 17.37.04</u>	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>	

Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. ~~Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty 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 (1/2) 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 (1/2) of that required in the Residential Zone with the lesser front setback.~~
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. 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 an interior side lot line in a side yard of an RU-1 or RU-2 Zone, ~~let,~~ a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. 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 interior side lot line of any lot located in an RU-1 or RU-2 lot Zone, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

~~Illustration for Table 17.37.03 [Additional Regulation 3]~~

~~*for illustration purposes only~~

4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. (see Illustration for Table 17.37.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

~~Illustration for Table 17.37.03 [Additional Regulation 4]~~

~~*for illustration purposes only~~

5. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet ~~if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet.~~ When a rear lot line is not adjacent to an RH, RD, or RM Zone, there is no required rear setback.

6. This height is only required for new principal buildings with ground floor Nonresidential Facilities located within twenty (20) feet of the principal street; and is measured from the sidewalk grade to the second story floor.

B. **Height, and Floor Area Ratio (FAR), Density, and Open Space Regulations.** Table 17.37.04 below prescribes height, ~~and 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 17.37.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area							Additional Regulations
	35	45	60 <u>65</u>	75	90 <u>100</u>	120 <u>145</u>	160 <u>159</u>	
Maximum Height	35 feet	45 feet	<u>65</u> 60 feet	75 feet	<u>100</u> 90 feet	<u>145</u> 120 feet	<u>159</u> 160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	<u>2</u>
Maximum Number of Stories (not including underground construction)	3	4	5 <u>6</u>	7	8 <u>9</u>	11 <u>14</u>	15	<u>1</u>
<u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u>								
<u>Regular Dwelling Units</u>	<u>550</u>	<u>450</u>	<u>350</u>		<u>200</u>	<u>200</u>	<u>200</u>	<u>2, 3, 5</u>
<u>Rooming Units</u>	<u>275</u>	<u>225</u>	<u>175</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>2, 3, 5</u>

<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>225</u>	<u>175</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>2, 3, 5</u>
Minimum Usable Open Space (square feet per residential unit)								
<u>Group usable open space per Regular Dwelling Unit</u>	<u>75</u>	<u>75</u>	<u>75</u>		<u>75</u>	<u>75</u>	<u>75</u>	<u>4</u>
<u>Group usable open space per Regular Dwelling Unit when private open space substituted</u>	<u>20</u>	<u>20</u>	<u>20</u>		<u>20</u>	<u>20</u>	<u>20</u>	<u>4</u>
<u>Group usable open space per Rooming Unit</u>	<u>38</u>	<u>38</u>	<u>38</u>		<u>38</u>	<u>38</u>	<u>38</u>	<u>4</u>
<u>Group usable open space per Rooming Unit when private open space is substituted</u>	<u>10</u>	<u>10</u>	<u>10</u>		<u>10</u>	<u>10</u>	<u>10</u>	<u>4</u>
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>38</u>	<u>38</u>	<u>38</u>		<u>38</u>	<u>38</u>	<u>38</u>	<u>4</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>10</u>	<u>10</u>	<u>10</u>		<u>10</u>	<u>10</u>	<u>10</u>	<u>4</u>

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration (FAA) regulations. Also, buildings in the CR Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.37.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

~~Illustration for Table 17.37.04 [Additional Regulation 1]~~

~~*for illustration purposes only~~

2. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects in the CR-2 Zone.

3. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 (5) or more bedrooms.

4. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

5. All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a permitted or conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

17.37.060 Special regulations for Planned Unit Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CR Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CR Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.37.070 Other zoning provisions.

~~A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

~~Residential Care occupying a One-Family Dwelling Residential Facility~~

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010-)

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Medical Service

General Retail Sales

Consumer Service

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Mechanical or Electronic Games

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

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 - but only if located on the same site with, and operated as accessory to, an approved Automobile and Other Vehicle Sales and Rental Commercial Activity; conditionally permitted if located elsewhere in the zone (see Chapter 17.134 for the CUP procedure).

Automotive and Other Light Vehicle Repair and Cleaning - but only if located on the same site with, and operated as accessory to, an approved Automobile and Other Vehicle Sales and Rental Commercial Activity; conditionally permitted if located elsewhere in the zone (see Chapter 17.134 for the CUP procedure).

Automotive Fee Parking

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

F. Off-street parking serving activities other than those listed above, subject to the conditions set forth in Section 17.116.075.

17.54.060 Conditionally permitted activities.

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

~~A. Residential Activities:~~

~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~

~~Emergency Shelter~~

AB. Civic Activities:

Extensive Impact

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

Special Health Care Civic Activities

BG. Commercial Activities:

Check Cashier and Check Cashing
Fast-Food Restaurant
Convenience Market
Alcoholic Beverage Sales
~~Mechanical or Electronic Games~~
~~Group Assembly~~
~~Personal Instruction and Improvement Services~~
Transient Habitation (see Section 17.103.050)
Animal Care
Animal Boarding
Undertaking Service

CD. Industrial Activities:

Light Manufacturing

DE. Agricultural and Extractive Activities:

Plant Nursery
Extensive Agriculture (see Section 17.54.090)

EF. 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

17.54.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling
Two- to Four-Family Dwelling
Multifamily Dwelling
Rooming House
Vehicular

17.54.130 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both

Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure.

A. Permitted Density.

5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. ~~Conditionally Permitted Increased Density~~ Allowed in Certain Situations. The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty 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.

17.54.140 - Maximum nonresidential Floor-Area Ratio.

The maximum Floor-Area Ratio (FAR) of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum FAR on lots containing both Residential and Nonresidential Facilities:

A. Permitted Floor-Area Ratio. The maximum permitted Floor-Area Ratio is 3.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor-Area Ratio. The Floor-Area Ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.

C. Floor-Area Ratio for BART Owned Parcels Subject to Assembly Bill (AB) 2923 (2018). The maximum permitted Floor-Area Ratio is 7.2 for all activities.

17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such

facilities in the minimum amount of ~~one hundred fifty (15)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy-five (75)~~ thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of ~~thirty (30)~~ twenty (20) square feet per Regular Dwelling Unit plus ~~fifteen (15)~~ ten (10) square feet per Rooming Unit or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.54.190 Special regulations for Planned Unit Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-40 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

17.56.050 Permitted activities.

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

A. Residential Activities:

Permanent

~~Residential Care occupying a One-Family Dwelling Residential Facility~~

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)

B. Civic Activities:

Essential Service

Limited Child-Care

Recreational Assembly

Community 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

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Mechanical or Electronic Games

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the Activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the Activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

17.56.060 Conditionally permitted activities.

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

A. Residential Activities:

~~Residential Care, except when occupying a One Family Dwelling Residential Facility~~

~~Emergency Shelter~~

AB. Civic Activities:

Utility and Vehicular

Special Health Care Civic

Extensive Impact Civic

BG. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

~~Mechanical or Electronic Games~~

~~Group Assembly~~

~~Personal Instruction and Improvement Services~~

General Wholesale Sales

Transient Habitation (see Section 17.103.050)

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

CD. **Industrial Activities:**

Light Manufacturing

DE. **Agricultural and Extractive Activities:**

Plant Nursery

Extensive Agriculture (see Section 17.56.095)

EF. Off-street parking serving activities other than those listed above or in Section 17.56.050, subject to the conditions set forth in Section 17.116.075.

EG. 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.

17.56.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.56.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

A. Permitted Density.

5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

~~B. Conditionally Permitted Increased Density~~ Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty 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.

17.56.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~one hundred fifty (150)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy five (75)~~ thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.56.200 Special regulations for Planned Unit Developments.

~~A. Mini-Lot Planned Unit Developments.~~ In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), ~~certain of the regulations otherwise applying to individual lots in the C-45 Zone may be waived or modified when and as prescribed in Section 17.102.320.~~

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain

uses may be permitted in addition to those otherwise allowed in the C-45 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

17.58.030 Conditional use permit for large-scale developments Special regulations for Large-Scale Developments.

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~~ Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units or 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: Permitted and Conditionally Permitted Activities

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	<u>P(L2)</u>	17.103.010
Supportive Housing	P	P(L1)	P(L1)	P	
Transitional Housing	P	P(L1)	P(L1)	P	
Emergency Shelter	C <u>P</u> (L2)	C <u>P</u> (L2)	C <u>P</u> (L2)	C <u>P</u> (L2)	17.103.010 <u>17.103.015</u>
Semi-Transient	C <u>P</u>	C (L4) <u>P</u> (L1)	C (L4) <u>P</u> (L1)	C <u>P</u>	
Bed and Breakfast	P	P	P	P	17.10.125
Civic Activities					
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	<u>P</u> (L4)(L5)	P	P	
Commercial Activities					

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Mechanical or Electronic Games	—	C <u>P</u>	C <u>P</u>	C <u>P</u>	
Medical Service	P(L4)(L7)	P(L5)(L18)	P	P	
Consumer Service	P(L4)(L7)(L9)	P(L4)(L9)	P(L9)	P(L9)	
Consumer Dry Cleaning Plant	C(L7) =	C	C	C	
<u>Artisan Production</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Transient Habitation	C	C(L6)	C	C	17.103.050
Automobile and Other Light Vehicle Sales and Rental	—	—	<u>C</u>	C	
Industrial Activities					
Custom Manufacturing	<u>C(L13)</u>	<u>C(L13)</u>	<u>C(L13)</u>	C(L13)	
Light Manufacturing	=	<u>C(L13)</u>	<u>C(L13)</u>	C(L13)	
General Manufacturing	=	=	=	—	
Research and Development	—	P(L5)(L13)	C(L13) <u>P(L5)(L13)</u>	C(L13) <u>P(L5)(L13)</u>	

Limitations on Table 17.58.01:

~~L2. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See~~

Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.

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)~~ ten thousand (10,000) 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~~ With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located both on the ground floor of a building and within thirty (30) feet of the principal street frontage. 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 that are conditionally permitted must also meet each of the following additional 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-ground-floor commercial 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 both on the ground floor and within thirty (30) feet of the ~~front of the ground floor of the principal building~~ principal street frontage (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 shall only be located on or below the ground floor of a building with the following two exceptions:

- a) ~~Upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process), an activity is permitted anywhere above the ground floor if~~ The floor area devoted to the activity above the ground floor is both: 1) less than or equal to ~~two thousand (2,000)~~ three thousand (3,000) square feet; and 2) a Local Register property; and or
- b) An activity located on the ground floor may extend to the second floor of a building if ~~each:~~ 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 ~~23~~) there is a direct internal connection between the ground floor and the second story activities.

L9. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~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.~~

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.

L14. Automotive 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.

L15. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ five thousand (5,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L17. Community Gardens are permitted ~~outright~~ if they do not include ~~the livestock production or the cultivation of animals, and/or animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L18. A Medical Service Commercial Activity that is located on the ground floor of a building and occupies either: 1) a street corner space, or 2) an interior lot space with more than thirty-five (35) linear feet of frontage facing the principal street, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD 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 Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Rooming House	P	P	P	P	
Vehicular	P	P	P	P	<u>17.103.080</u> 17.103.085

17.58.070 Usable open space standards.

B. **Definitions of CBD usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:

2. "Public Ground-Floor-Level Plaza". Public ground-floor-level plazas (plazas) are group usable open space (~~see Section 17.127.030~~) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.

C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:

1. **Area.** On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of ~~seventy five (75)~~ sixty (60) square feet per Regular Dwelling Unit and ~~thirty eight (38)~~ thirty (30) square feet per Rooming Unit or Efficiency Dwelling Unit.

2. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.58.05: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor-Level Plaza	10 ft.	
Rooftop	15 ft.	1
Courtyard	15 ft.	

4. **Location.** Required usable open space may be located anywhere on the lot ~~except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.~~

5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than ~~four (4) feet high~~ the minimum height required by the Oakland Building Code.

6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot, ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line.~~ Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

D. **Landscaping requirements.** At least ~~fifty percent (50%)~~ ten percent (10%) of rooftop, or courtyard, or ground-level plaza usable open space area shall include landscaping enhancements. At least ~~thirty percent (30%)~~ of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, ~~sidewalk cafes,~~ or playground structures.

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.030 Permitted, conditionally permitted, and prohibited activities.

Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Activities					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Emergency Shelter	<u>PC(L1)(L2)(L6)</u>	<u>P(L1)(L2)(L6)</u>	<u>PC(L1)(L2)(L6)</u>	<u>PC(L1)(L2)(L6)</u>	17.103.010 <u>17.103.015</u>
Semi-Transient Residential	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	17.103.010
Bed and Breakfast	—	—	—	C	17.102.125
Civic Activities					
Nonassembly Cultural	<u>P(L3)(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	
Administrative	<u>P(L3)(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	
Health Care	C	C	C	C	
Extensive Impact	C	C	C	C	<u>17.102.440</u>
Commercial Activities					
Medical Service	<u>P(L3)(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	
General Retail Sales	<u>P(L3)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	
Consumer Service	<u>P(L3)(L7)</u>	<u>P(L7)</u>	<u>P(L7)</u>	<u>P(L7)</u>	
Consultative and Financial Service	<u>P(L3)(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	<u>P(L4)</u>	

Consumer Dry Cleaning Plant	€ =	C	C	C	
Personal Instruction and Improvement Services	C	€ P	€ P	P	
Administrative	P(L3)(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P(L5)	P	P	P	
Broadcasting and Recording Service	P(L5)	P	P	P	
Research Service	P(L3)(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L5)(L4)	P(L4)	P(L4)	P(L4)	
Building Material Sales	P(L9)(L10) =	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	€(L9) =	
Taxi and Light Fleet-Based Service	€ =	C	C	C	
Industrial Activities					
Custom Manufacturing	P(L3)(L9)(L4)(L17)	P(L3)(L9)(L4)(L17)	P(L3)(L9)(L4)(L17)	P(L4)(L9)(L17)	17.120
Light Manufacturing	P(L3)(L4)(L9)(L17)	P(L3)(L4)(L9)(L17)	P(L3)(L4)(L9)(L17)	P(L4)(L9)(L17)	17.120
General Manufacturing	—	—	—	=P(L3)(L9)	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L4)(L9)	

Construction Operations	CP(L9)(L10)	CP(L9)(L10)	CP(L9)(L10)	CP(L9)(L10)	
Warehousing, Storage and Distribution-Related					
A. General Warehousing, Storage and Distribution	CP(L3)(L9)(L10)	P(L3)(L9)	P(L3)(L9)	P(L3)(L4)(L9)	
B. General Outdoor Storage	C(L15)	C(L15)	C(L15)	C(L15)	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	

Limitations on Table 17.65.01:

L1. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. ~~Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.~~

L2. Emergency shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the East 12th Street corridor described in Section 17.103.015(A)(6) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to subject to the standards in Section 17.103.010. ~~Limitation L1 above.~~

L3. Except for the HBX-1 zoned area near Lowell Street, ~~t~~he total floor area devoted to these activities on any single lot shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). For the HBX-1 zoned area near Lowell Street, the total floor area devoted to these activities on any single lot shall only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure).

L4. The total floor area devoted to these activities on any single lot shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. ~~The total floor area devoted to a Full Service or Limited Service Restaurant Commercial Activity~~ these activities on any single lot shall only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L7. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~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.~~

L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. ~~Other outdoor principal activities shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L10. This activity shall only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). ~~if it is on a lot that is more than twenty five thousand (25,000) square feet, or covers more than twenty five thousand (25,000) square feet of lot area.~~

L11. ~~Except for the HBX-1 zoned area near 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 Chapter Section 17.114 for general regulations regarding nonconforming uses.

L12. All facilities containing Self- or Mini-Storage activities shall meet the following requirements:

a1. 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.

b2. No facility that includes a Self- or Mini-Storage Activity shall be within the front twenty (20) feet of a building.

c3. 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 commercial activities that are shall not be directly associated with the self-storage establishment at the site.

L13. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

L15. These activities are prohibited when located within six hundred (600) feet of a Residential Zone. When not within six hundred (600) feet of a Residential Zone, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), if located in the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north)

L16. Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L17. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.65.040 Permitted and conditionally permitted facilities.

Table 17.65.02: Permitted and Conditionally Permitted Facilities

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Facilities					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Rooming House	P	P	P	C	
Vehicular	P	P(L3)	P(L3)	C(L3)	<u>17.103.080</u> 17.103.085
Live/Work	P	P	P	P	17.65.160

Limitation on Table 17.65.02:

L3. In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon

the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). However, this requirement shall not apply to the expansion of the floor area or other alteration of an existing One-Family Dwelling.

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width, and frontage requirements for the zones in this Chapter.

Standard	Zones			
	HBX-1	HBX-2	HBX-3	HBX-4
Minimum lot area	<u>2,500 sf.</u> 4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	<u>3,500 sf.</u> 4,000 sf.
Minimum lot width mean	<u>25</u> 35-ft.	<u>25</u> 35-ft.	<u>25</u> 35-ft.	35 ft.
Minimum lot frontage	<u>25</u> 35-ft.	<u>25</u> 35-ft.	<u>25</u> 35-ft.	35 ft.

17.65.070 Maximum density.

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

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Regular Dwelling Unit	1,000 sf. of lot area per unit	<u>800 sf.</u> 930 sf. of lot area per unit	<u>700 sf.</u> 730 sf. of lot area per unit	<u>700 sf.</u> 800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	<u>400 sf.</u> 465 sf. of lot area per unit	<u>350 sf.</u> 365 sf. of lot area per unit	<u>350 sf.</u> 400 sf. of lot area per unit
Efficiency Dwelling Unit	500 sf. of lot area per unit	<u>400 sf.</u> 465 sf. of lot area per unit	<u>350 sf.</u> 365 sf. of lot area per unit	<u>350 sf.</u> 400 sf. of lot area per unit

17.65.080 Maximum Floor Area Ratio.

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone

	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area Ratio (FAR)	<u>1.5</u> 1.75	2.5 when the lot abuts a street right-of-way that is less than 80 ft. wide; 3.0 otherwise.	2.5 permitted; 3.0 may be allowed upon the granting of a <u>C</u> onditional <u>U</u> se <u>P</u> ermit.	2.5 permitted; 3.0 may be allowed upon the granting of a <u>C</u> onditional <u>U</u> se <u>P</u> ermit.

Notes:

3. A Conditional Use Permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 Zones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- a. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.
- b. That the additional Floor Area Ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for Nonresidential Facilities for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	<u>1.5</u> 1.75	<u>2.5</u> 3.0	<u>2.5</u> 4.0	2.5

17.65.100 Maximum height.

A. The following table contains the maximum heights for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum height	35 ft.	45 ft. when the lot abuts a street right-of-way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right-of-way that is 80 ft. wide or more.	55 ft.	55 ft.

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zone. If the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from this setback line. This increase in allowable height shall not exceed the maximum height allowed in the zone. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.

~~3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see Chapter 17.134).~~

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a ninety-five (95) ~~seventy five (75)~~ foot height limit. This additional height is permitted only upon the granting of a Conditional Use Permit (see Chapter 17.134) and approval pursuant to the Regular design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX Zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

17.65.110 Minimum yards and courts.

A. Minimum yards shall be consistent with the adopted "Design Guidelines for the HBX Zones", ~~as adopted by the City Council.~~

D. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ten (10) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. ~~When the rear yard of a reversed corner lot abuts a key lot that is in a Residential Zone, the required street side yard width of the reversed corner lot is one-half (1/2) of the minimum front yard depth required on the key lot (see illustration 1-12a).~~

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4
<u>100</u> 200 -sf./unit	<u>100</u> 150 -sf./unit	<u>100</u> 150 -sf./unit	100 sf./unit

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 any permitted Accessory Dwelling Units, and for additions to existing building facilities of over one thousand (1,000) five-hundred (500) square feet.

17.65.150 Special regulations for HBX Work/Live units.

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	In the HBX-4 Zone, all remaining floor area to be used for the primary Nonresidential Activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the ground floor units - one adjacent to the residential space and the other adjacent to the nonresidential space; the nonresidential ground floor 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	<ol style="list-style-type: none"> 1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and 2. The ground floor units must have a clearly designated business entrance. 	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

Notes:

1. In Types 1, 2, and 3, a kitchen may be open to nonresidential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. 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.

2. Except as indicated for the HBX-4 Zone, see Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to Joint Living and Working Quarters.

L. ~~**Regular Design Review requirement. Criteria.** Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional 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:~~

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

17.65.160 Special regulations for HBX Live/Work units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Activities allowed in an HBX Live/Work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a Residential Facility (See Chapter 17.112)		
Required parking	<u>See Chapter 17.116</u> One (1) parking space per unit		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4

Standard	Requirement		Note
	One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000 square feet or more — 299,999 square feet	Two (2) berths	
	300,000 square feet or more	Three (3) berths	
Permitted density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.130		

Notes:

1. See Chapter 17.116 for ~~other~~ off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of ~~Regular Design Review~~ Design Review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a ~~Conditional Use Permit~~ stated in Section 17.116.220.
4. Parking and loading standards shall apply to new construction and additions only. No additional parking or loading is required for HBX Live/Work units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking and loading is

required to at least these minimum standards. If there is more parking or loading spaces on the lot than required, then each can be reduced to the minimum required.

E. The amount of floor area in an HBX Live/Work unit designated for and devoted to residential is not restricted.

F. Any building permit plans for the construction of HBX Live/Work units shall: (1) clearly state that the proposal includes live/work facilities, and (2) label the units intended to be live/work units. This requirement is to assure the City applies building codes appropriate for a live/work facility.

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".

J. ~~**Regular-Design Review requirement. Criteria.** Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional criteria: Regular design review approval for HBX Live/Work units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

17.65.170 Special regulations for Planned Unit Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations otherwise applying to individual lots in the HBX Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments in the HBX Zones shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX Zones, and certain of the other regulations applying in said zones may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.65.180 Other zoning provisions.

C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~

Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

17.74.030 Permitted activities.

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

A. Residential Activities:

Permanent

~~Residential Care occupying a One-Family Dwelling Residential Facility~~

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section 17.103.015(A)(1)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010-)

B. Civic Activities:

Essential Service (Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit – see Chapter 17.134 for the CUP procedure)~~

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

General Retail Sales

Consumer Service - (see Section 17.102.170 for special regulations relating to massage services)

Consumer Cleaning and Repair Service

Consultative and Financial Service

Medical Service

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

Business, Communication, and Media Service

Administrative

D. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

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~~
~~Emergency Shelter~~

AB. Civic Activities:

~~Administrative~~
~~Utility and Vehicular~~
~~Community Education~~
Special Health Care Civic Activities (see Section 17.103.020)

BG. 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 Services~~

~~Administrative~~

~~Business, Communication, and Media Service~~

~~Broadcasting and Recording Service~~

~~Research Service~~

Automotive Fee Parking (see Section 17.103.055 for Automotive Fee Parking on a lot containing a principal activity in a principal facility)

Animal Care

Animal Boarding

CD. Agricultural and Extractive Activities:

Extensive Agriculture (see Section 17.74.075)

DE. Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075.

EF. 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

17.74.050 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.74.120 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both

Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

A. Permitted Density.

5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. ~~Conditionally Permitted-Increased Density Allowed in Certain Situations.~~ The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty 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.

17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy-five (75) one hundred fifty (150) square feet per Regular Dwelling Unit, plus thirty-eight (38) seventy five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.74.180 Special regulations for Planned Unit Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 S-1 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

17.76.050 Permitted activities.

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

A. Residential Activities:

Permanent

~~Residential Care occupying a One-Family Dwelling Residential Facility~~

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)

B. Civic Activities:

~~Essential Service (Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives). The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit – see Chapter 17.134 for the CUP procedure)~~

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

General Retail Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services)

Consumer Cleaning and Repair Service

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

Medical Service

Consultative and Financial Service

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

D. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

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~~

~~Emergency Shelter~~

AB. Civic Activities:

Health Care

Utility and Vehicular

Extensive Impact

BC. 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 Services~~

~~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 (see Section 17.103.055 for Automotive Fee Parking on parcels containing a principal activity in a principal facility)

CD. Agricultural and Extractive Activities:

Extensive Agriculture (see Section 17.76.095)

DE. Off-street parking serving activities other than those listed above or in Section 17.76.050, subject to the conditions set forth in Section 17.116.075.

EF. 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

17.76.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.76.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. ~~Conditionally Permitted~~ Increased Density Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty 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.

17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy-five (75) ~~one hundred fifty (150)~~ square feet per Regular Dwelling Unit, plus thirty-eight (38) ~~seventy-five (75)~~ square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.76.200 Special regulations for Planned Unit Developments and large-scale developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

BC. **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 Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134. This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units or where a valid Planned Unit Development permit is in effect.

Chapter 17.78 S-3 RESEARCH CENTER COMMERCIAL ZONE REGULATIONS

17.78.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-3 Research Center Commercial Zone Regulations. The Research Center (S-3) Zone is intended to create, preserve, and enhance areas devoted primarily to conference, research, administrative, and recreational activities in attractive surroundings conducive to such pursuits, ~~and is typically appropriate to relatively secluded locations.~~ These regulations shall apply in the S-3 Zone.

17.78.030 Permitted activities.

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

A. **Residential Activities:**

Permanent

Residential Care

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010)

BA. **Civic Activities:**

~~Essential Service (Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives). The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit – see Chapter 17.134 for the CUP procedure)~~

Nonassembly Cultural

Administrative

CB. **Commercial Activities:**

Administrative

Research Service

DC. **Agricultural and Extractive Activities:**

Limited Agriculture, permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

17.78.040 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

~~Administrative~~

Utility and Vehicular

Extensive Impact

B. Agricultural and Extractive Activities:

Extensive Agriculture (see Section 17.78.065)

17.78.050 Permitted facilities.

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

A. Nonresidential Facilities:

Enclosed

Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only

Sidewalk Cafes, subject to the provisions of Section 17.103.090

17.78.110 Maximum Floor Area Ratio.

The maximum Floor Area Ratio (FAR) of any facility shall be 1.00. ~~0.50~~.

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 sixty-five (65) ~~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 and courts, and Section 17.108.020 for increased height limits in certain situations.

17.78.130 Minimum yards.

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) 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 twenty (20) 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 twenty (20) thirty (30) feet, except that the minimum rear yard depth shall be thirty (30) 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.

- 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. Buffer Strip. A strip of dense landscaping not less than five and one-half (5½) feet high and ten (10) feet wide, and including trees, shall be provided along all lot lines which abut a lot in any Residential Zone, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- C. Landscaping Coverage. A minimum of twenty-five percent (25%) forty 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.

17.78.150 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

- A. Permitted Density.
 - 1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
 - 2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is

permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.

3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Increased Density Allowed in Certain Situations. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty 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.

17.78.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy-five (75) square feet per Regular Dwelling Unit, plus thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.78.170 Special regulations for Planned Unit Developments.

A. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 S-3 Zone, and certain of the

other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.78.180 ~~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 S-3 Zone.
- E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-3 Zone.