

OAKLAND

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PLANNING

CODE

1997

**A Codification of the General Planning Ordinances
of the City of Oakland, California**

**Beginning with Supplement No. 31,
Supplemented by Municipal Code Corporation**



**A Supplemental Document of Non-Substantive Clerical Changes to
Title 17 of the Oakland Municipal Code via Ordinance No. 13763
C.M.S., as amended and adopted on October 3, 2023**

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.050 Property development standards.

17.13.050 Property development standards.

Table 17.13.03: Property Development Standards

Additional Regulations for Table 17.13.03:

6. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback shall be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has one or more vacant parcels next to it, this same principle shall apply if the nearest non-vacant lots to each side of the corner lot, or to each side of a lot that has one or more vacant parcels next to it, have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.060 Special regulations for Planned Unit Developments.

17.17.060 Special regulations for Planned Unit Developments.

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

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

17.73.060 Referral to other applicable regulations.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

- D. **Design review required.** Establishment of a Work/Live unit **in the CIX, IG, and IO Industrial Zones** shall conform to the design review criteria set forth in the design review procedure in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional criteria:

- E. Activity, parking, loading, open space, and unit size standards for Work/Live units **in the CIX, IG, and IO Industrial Zones**. The following table contains the activities allowed in a Work/Live unit; the minimum size of an industrial Work/Live unit; and the parking, loading and open space required for each Work/Live unit:

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Work/Live units **in the CIX, IG, and IO Industrial Zones.**

Standard	Requirement		Note
Activities allowed in a Work/Live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.		
Required parking	See Chapter 17.116 for off-street parking standards.		1, 3
Required loading	Square feet of facility	Requirement	3
	Less than 50,000 square feet	No berth required	
	50,000-199,999 square feet	One (1) berth	
	200,000 square feet or more	Two (2) berths	
Required usable open space	Seventy-five (75) square feet of usable open space per unit		2, 3
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

Notes:

- I. For any Work/Live unit **in the CIX, IG, and IO Industrial Zones**, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

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- J. Each building **in the CIX, IG, and IO Industrial Zones** with a **Work/Live** unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine (9) by eleven (11) inches and lettering at least one-half (½) an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."

17.73.060 Referral to other applicable regulations.

The following table contains referrals to other regulations that may apply:

Table 17.73.050: Referral to Other Regulations

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.020 17.104.060
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.124
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120
The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	17.108.040
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.154.060
Landmarks	17.05
Regulations applying to tobacco-oriented activities	17.102.350
Microwave and satellite dishes over three (3) feet in diameter located in or near Residential Zones	17.102.240

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Subject	Section
Special regulations applying to Adult Entertainment Activities	17.102.160
Special regulations applying to massage service activities	17.102.170
Buffering regulations for lots with three (3) or more required parking space. This includes the screening of parking, loading, glare, and storage from Residential properties and Zones	17.110.030
Buffer Regulations for commercial and industrial uses next to Residential and Open Space Zones	17.110
Special regulations applying to Electroplating Activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100A

Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS

Sections:

17.88.050 Prohibited land uses.

17.88.050 Prohibited land uses.

The following land use activities or facilities are prohibited within the S-9 Fire Safety Protection Combining Zone:

- A. The following Accessory Dwelling Units (ADUs) as defined in Sections 17.09.040 and 17.103.080:
 1. One Family, **Two- to Four-Family**, and Multifamily Category One Accessory Dwelling Units that are conversions of space outside the envelope of an existing Residential Facility;
 2. More than one **Two- to Four-Family or** Multifamily Category One Accessory Dwelling Unit that is within the existing envelope of an existing Residential Facility per lot;
 3. One Family, **Two- to Four-Family**, and Multifamily Category Two Accessory Dwelling Units;
 4. **Two- to Four-Family and** Multifamily Category Three Accessory Dwelling Units.

Chapter 17.95 S-13 AFFORDABLE HOUSING COMBINING ZONE REGULATIONS

Sections:

17.95.070 Additional Incentives.

17.95.070 Additional Incentives.

In addition to the automatic relaxation of property development standards as described in **Section 17.95.060 17.95.070**, an applicant utilizing the By Right Residential Approval under this chapter for a qualifying affordable housing project may submit to the city a proposal for up to three additional development incentives that contribute significantly to the economic feasibility of the construction of affordable housing. The requested incentive(s) shall not pertain to the allowable height or setbacks of the proposal but may otherwise pertain to any applicable objective development standard in the Planning Code. The applicant must include in the incentive proposal documentation that the granting of the incentive provides identifiable and actual cost reductions to the project. Incentive requests complying with the requirements of this section shall be granted unless the City establishes that the incentive would have a specific adverse impact on public health and safety or would be contrary to state or federal law.

Chapter 17.97 S-15 TRANSIT-ORIENTED DEVELOPMENT COMMERCIAL ZONES REGULATIONS

Sections:

17.97.025 **Conditional** Use Permit Criteria

17.97.030 Special regulations for **L**arge-**S**cale **D**evelopments.

17.97.090 Special regulations for Planned Unit Developments.

17.97.025 **Conditional** Use **P**ermit criteria.

In the S-15 Zones, a Conditional Use Permit for any Activity or Facility listed in Sections 17.97.030, 17.97.040, 17.97.050, and 17.97.080, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the **C**onditional **U**se **P**ermit procedure in Chapter 17.134 and to the following additional use permit criteria:

17.97.030 Special regulations for large-scale developments.

No development which involves more than one hundred thousand (100,000) square feet of new floor area shall be permitted except upon the granting of a **C**onditional **U**se **P**ermit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97.100, or upon the granting of a Planned Unit Development approval pursuant to Chapters 17.140 and 17.142.

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Table 17.97.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Residential Facilities			
One-Family Dwelling	—(L2)	—(L2)	17.103.080
Two- to Four -Family Dwelling	C(L3)	C(L3)	17.103.080
Multifamily Dwelling	P(L3)	P(L3)	17.103.080
Rooming House	—	C	
Vehicular	P	P	17.103.085
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	C(L1)	C(L1)	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Mini Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104

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Facilities	Zones		Additional Regulations
	S-15	S-15W	
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P	P	17.104
Advertising Signs	—	—	17.104

17.97.090 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 S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142C.

Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS ^[39]

17.101C.030 - Permitted and conditionally permitted activities.

17.101C.030 - Permitted and conditionally permitted activities.

Table 17.101C.01 lists the permitted, conditionally permitted, and prohibited activities in the D-BV Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.101C.01: Permitted and Conditionally Permitted Activities

Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Residential Activities						
Permanent	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Residential Care	C(L1)(L2)(L3)	P(L1)(L3)(L4)	P(L1)(L3)(L5)	P(L1)(L3)(L6)	P(L1)(L3)(L6)	17.103.010
Supportive Housing	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Transitional Housing	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Emergency Shelter	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P(L20)	P(L20)	P(L20)	P(L23)	P(L20)	
Limited Child-Care Activities	P(L4)	P(L4)	P(L4)	P	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	P(L4)	P(L8)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	P	P(L6)	
Special Health Care	—	—	C(L9)(L10)	C(L9)	C(L9)(L10)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L11)(L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	P(L8)	P(L6)	P(L5)	P	P(L6)	
General Retail Sales	P(L12)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L11)(L13)	P(L8)(L13)	P(L13)	P(L13)(L14)	P	
Consultative and Financial Service	P(L4)	P(L6)	P	P	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L14)	P(L14)	P(L14)	P(L14)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	--	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Group Assembly	C(L4)(L12)(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Personal Instruction and Improvement Services	P(L8)	P(L8)	P	P	P(L5)	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L8)	P(L8)	P	P	P(L5)	
Broadcasting and Recording Services	P(L8)	P(L6)	P(L5)	P	P(L6)	
Research Service	P(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	C(L12)(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	
Automobile and Other Light Vehicle Repair and Cleaning	—(L17)	—(L17)	C(L5)	—(L17)(L18)	—(L17)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L19)	P(L19)	P(L19)	P(L19)	P(L19)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L10)	P(L5)	P	P(L6)	
Undertaking Service	—	—	—	—	—	
Industrial Activities						
Custom Manufacturing	C(L11)	C	P(L5)	P(L8)	C	17.120
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini- Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	—	—	—	C(L21)	—	
Extensive Agriculture	—	—	—	C(L22)	—	
Plant Nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L8)	C(L8)	C(L5)	C	C(L5)	17.116.075

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Activities that are listed as prohibited or conditionally permitted on nearby lots in an adjacent zone	C(L8)	C(L8)	C(L5)	C	C(L5)	17.102.110

*If the N Combining Zone, the N regulations supersede the base primary zone.

Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS

Sections:

17.101D.060 Design review.

17.101D.080 Master Plan amendment.

17.101D.060 Design review.

A. Design Review Application.

2. Application for Design Review: Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning and Building Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the City's Master Fee Schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

D. Regular Project Design Review. Unless determined exempt or subject to Small project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:
 - b. Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved. Notice shall also be given by e-mail,

mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning and Building Department. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.

17.101D.080 Master Plan amendment.

- E. Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning and Building Department. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

- 17.101E.050 Property development standards.
- 17.101E.070 Special regulations for D-CE Work/Live units.
- 17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

17.101E.050 Property development standards.

- A. **Zone Specific Standards.** Table 17.101E.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 the standard is not applicable to the specified zone.

Table 17.101E.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	35 ft.	35 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	35 ft.	35 ft.	1
Lot area	4,000 sf.	4,000 sf.	2,500 sf.	2,500 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
See also "Design Guidelines for the Central Estuary" Section 3.3.							

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum front	0 ft.	0 ft.	See additional regulation 2.	0/10 ft.	5 ft.	5 ft.	2, 20
Minimum interior side	0 ft.	0 ft.	See additional regulation 2.	0 ft.	0 ft.	0 ft.	2, 20
Minimum street side of a corner lot	0 ft.	0 ft.	See additional regulation 2.	4 ft. 5 ft.	5 ft.	5 ft.	2, 20
Rear (Residential Facilities)	N/A	N/A	See additional regulation 2.	10 ft.	N/A	N/A	2, 3, 20
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 20
Reduced Setbacks for Smaller Lots	See Table 17.101E.04 for reduced setbacks for smaller lots						20
Height Regulations							
See also "Design Guidelines for the Central Estuary" Section 4.2.							
Maximum height	45 ft.	95 ft.	55 ft.	95 ft.	95 ft.	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for standards applicable to fences, dense hedges, barriers, & free standing walls; and Design Guidelines for the Central Estuary Section 3.8.						
Minimum fence height in yards adjacent to Residential and Open Space Zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & freestanding walls; and "Design Guidelines for the Central Estuary" Section 3.8.				8 ft.	8 ft.	8
Maximum fence height adjacent to Residential and Open Space Zones	8 ft.	N/A	8 ft.	8 ft.	12 ft.	12 ft.	8
Maximum Residential Density (square feet of lot area required per dwelling unit)							
See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular Dwelling Units	N/A	N/A	700	500	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	250	N/A	N/A	9, 10
Efficiency Dwelling Units	N/A	N/A	350	250	N/A	N/A	9, 10

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per Regular Dwelling Unit	N/A	N/A	75 sf.	75 sf.	N/A	N/A	11
Group usable open space per Regular Dwelling Unit when private open space substituted	N/A	N/A	20 sf.	20 sf.	N/A	N/A	11
Group usable open space per Rooming Unit	N/A	N/A	38 sf.	38 sf.	N/A	N/A	11
Group usable open space per Rooming Unit when private open space is substituted	N/A	N/A	10 sf.	10 sf.	N/A	N/A	11
Group usable open space per Efficiency Dwelling Unit	N/A	N/A	38 sf.	38 sf.	N/A	N/A	11
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	N/A	N/A	10 sf.	10 sf.	N/A	N/A	11

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking requirements; Chapter 17.117 for bicycle parking requirements; and "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. For Boat, and Marine Related Sales, Rental, Repair and Servicing Activities, see Section 17.101E.110						12, 19
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations See also "Design Guidelines for the Central Estuary" Section 3.8 and 5							
Site Landscaping (including parking lot)	See Chapters 17.110, and 17.124 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, and 17.124				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, and 17.124				10%	10%	14
Driveway and Site Access Regulations See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any Residential or Open Space Zone boundary	See Section 17.116.210.				50 ft.	50 ft.	16
Driveway Width Maximum	See Section 17.116.210.				35 ft.	35 ft.	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.						

17.101E.070 Special regulations for D-CE Work/Live Units.

D. Table 17.101E.06 below prescribes special regulations for D-CE Work/Live Units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"P" designates permitted activities in the corresponding zone.

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

"N/A" designates the regulation is not applicable to the specified zone.

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

E. Table 17.101E.08 below prescribes special regulations for D-CE Live/Work units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"P" designates permitted activities in the corresponding zone.

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

"N/A" designates the regulation is not applicable to the specified zone.

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.050 Property development standards.

17.101H.090 Special regulations for Planned Unit Developments.

17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan

17.101H.100 Other zoning provisions.

17.101H.050 Property development standards.

Zone Specific Standards. Table 17.101H.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 the regulation is not applicable to the specified zone.

Table 17.101H.03 Property Development Standards

OAKLAND

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
Minimum front	0 ft.	0 ft.	10 ft.	0 ft.	10 ft.	10 ft.	2, 10
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 10
Minimum street side of a corner lot	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	2, 10
Rear (Residential Facilities)	10 ft.	10 ft.	N/A	10 ft.	N/A	N/A	2, 3, 10
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	3, 10
Height Regulations							
Maximum height	159 ft.	159 ft.	100 ft./145 ft.	100 ft.	100 ft.	100 ft.	4, 5, 6 Exceptions to the maximum height in the D-CO Zones may only be allowed pursuant to the additional regulations in this Table
Fence heights & other regulations	See Chapter 17.108.140 for standards applicable to fences, dense hedges, barriers, & free standing walls.						

OAKLAND

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Maximum fence height adjacent to Residential and Open Space Zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Dwelling Units	130	130	N/A	260	N/A	N/A	
Rooming Units	65	65	N/A	130	N/A	N/A	
Efficiency Dwelling Units	65	65	N/A	130	N/A	N/A	
Maximum Nonresidential Intensity (Floor Area Ratio)							
Maximum Nonresidential Floor Area Ratio (FAR)	8.0	8.0	6.0	5.0	4.0	4.0	
Minimum Usable Open Space							
Usable Open Space per Regular Dwelling Unit	75 sf.	75 sf.	N/A	75 sf.	N/A	N/A	
Usable open space per Rooming Unit	38 sf.	38 sf.	N/A	38 sf.	N/A	N/A	
Usable open space per Efficiency Dwelling Unit	38 sf.	38 sf.	N/A	38 sf.	N/A	N/A	
Minimum Parking and Loading Requirements	See Chapter 17.116 for automobile parking and loading regulations; and Chapter 17.117 for bicycle parking regulations						

OAKLAND

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Courtyard Regulations	See Sec. 17.108.120	See Sec. 17.108.120	N/A	See Sec. 17.108.120	N/A	N/A	
Landscaping Regulations							
Site landscaping (% of entire lot area)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	5%	See Chs.17.110 and 17.124	5%	5%	7, 8, 9
Parking lot landscaping (% of parking lot area)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	10%	See Chs.17.110 and 17.124	10%	10%	7, 8

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article I - Residential Activities

Article I Residential Activities

17.103.010 Residential Care and Emergency Shelter Residential Activities.

17.103.010 Residential Care and Emergency Shelter Residential Activities.

B. Restriction on Overconcentration of Resident Care and Emergency Shelter Residential Activities.

1. No Residential Care Residential Activity shall be located closer than three hundred (300) feet from any other Residential Care Residential Activity, except for Residential Care Facilities for foster family homes and the elderly.

Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS

Sections:

17.106.060 Increased number of living units in senior citizen housing.

17.106.060 Increased number of living units in senior citizen housing.

Wherever provided for in the applicable individual zone regulations, the number of residential living units otherwise permitted or conditionally permitted may be increased by not to exceed seventy-five percent (75%) in senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134 and upon determination that the proposal conforms to both of the following additional use permit criteria:

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.140 Fences, dense hedges, barriers, and similar freestanding walls.

17.108.150 Retaining walls.

17.108.140 Fences, dense hedges, barriers, and similar freestanding walls.

- B. Residential Zones and Residential Facilities. The provisions of this Section apply to all properties located in all Residential Zones, and to all properties located in any zone containing Residential Facilities.
1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:
 - a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty-two (42) inches, except that six (6) feet is permitted in the following cases:
 - ii. Upon the granting of ~~small project~~ design review pursuant to the ~~small project~~ design review procedure in Chapter 17.136.
- C. Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection **shall** apply to all properties located in all Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.
1. Height.
 - a. The maximum height allowed by right of any fence, dense hedge, barrier, or similar freestanding wall located within ten (10) feet of the public right-of-way or any abutting property located in a Residential or Open Space Zone is eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations if installed with additional landscape screening and upon the granting of ~~Small Project~~ Design Review pursuant to the ~~Small Project~~ Design Review procedure in Chapter 17.136

17.108.150 Retaining walls.

2. Retaining walls not flanking driveways may also exceed six (6) feet in height upon the granting of **small project** design review, pursuant to the **small project** design review procedure in **Chapter 17.136 Section 17.136.030** and if both of the following provisos are met:

Chapter 17.114 NONCONFORMING USES

Article III Nonconforming Facilities

17.114.110 Nonconforming Facility—Allowed alterations.

17.114.110 Nonconforming Facility—Allowed alterations.

- A. **When Occupied by Conforming Activity.** Except as otherwise provided in Section 17.114.120, or in Section 17.103.080 for Accessory Dwelling Units in conjunction with an existing One-Family, **Two- to Four-Family**, or Multifamily Dwelling, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconforming with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one primary dwelling unit on a lot, when located in a zone where only one primary dwelling unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions, except when permitted to remove a nonconformity, or to be wholly reconstructed with the same floor area and outside dimensions.

Chapter 17.135 SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE

Sections:

17.135.030 Procedure for consideration.

17.135.050 Special requirements for projects consistent with Park Master Plans.

17.135.030 Procedure for consideration.

- C. **Public Hearing.** A public hearing shall be required for any change in use or improvement and shall be conducted and heard by the City Planning Commission and/or the Parks and Recreation Advisory Commission, as provided by Subdivisions 1 and 2 of this Subsection.
 1. **Major Conditional Use Permits.**

- a. An application for a Major Conditional Use Permit, as required by Sections 17.11.060 and 17.11.090, shall be considered first by the Parks and Recreation Advisory Commission (PRAC) and second by the City Planning Commission. Each commission shall conduct a public hearing on the application. Notice of the PRAC hearing shall follow the procedure outlined at Section 17.135.030(C)(2). Notice of the City Planning Commission hearing shall be given by posting an enlarged notice on the premises of the subject property. At the discretion of the Director, notice of the public hearing may also be provided on utility poles within three hundred (300) feet of such park or open space land. Notice of each hearing shall also be given by mail or delivery to all persons owning real property in the city of Oakland within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. Notice shall also be provided to those community or neighborhood groups included in the Planning and Building Department database that are within the service area radius of the impacted park. Additional outreach shall be provided through press releases and other notification as warranted by the size and location of the project.

2. Minor Conditional Use Permits.

- a. An application for a Minor Conditional Use Permit, as required by Sections 17.11.060 and 17.11.090, shall be considered by the Parks and Recreation Advisory Commission prior to a final decision by the Director of City Planning. The Parks and Recreation Advisory Commission shall hold a noticed public hearing on the application and shall make a recommendation to grant or deny the application, or recommend such changes or conditions of approval as are in its judgment necessary. Notice of the public hearing shall be provided by posting an enlarged notice on the premises of the park or open space land. At the discretion of the Director, the meeting notice may also be provided on utility poles within three hundred (300) feet of such park or open space land. Notices shall also be mailed to neighborhood organizations and individuals who have expressed an interest in the subject park or project area.

17.135.050 Special requirements for projects consistent with Park Master Plans.

- B. Projects in East Bay Regional Parks. Any improvement or change in use on land owned by the East Bay Regional Park District (EBRPD) shall be subject to the development standards contained in this Chapter. However, in accordance with Section 17.11.060, such projects shall not require a Conditional Use Permit if they are park, recreational, or civic uses that are consistent with a Park Land Use Plan or equivalent land use planning document adopted by the EBRPD Board. In the event a land use plan or equivalent document does not exist or must be amended to accommodate the facility, preparation/amendment of such a plan by the EBRPD will be required prior to issuance of a building permit for future improvements. Such plans and plan amendments shall require public notice to abutting property owners and to the Oakland Parks and Recreation Advisory Commission, City Planning Commission, and City Council at least forty-five (45) days prior to adoption by the Park Board in order to ensure opportunity for public comment from Oakland residents.

Chapter 17.136 DESIGN REVIEW PROCEDURE**Sections:**

17.136.030 Small project design review.

17.136.038 Special project design review.

17.136.040 Regular design review.

17.136.080 Appeal to Planning Commission—Regular design review.

17.136.030 Small project design review.

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

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

a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One-Family or Two-to Four-Family Residential Facility or to any Building Facility in the HBX, D-CE-3, or D-CE-4 Zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Subsection 17.136.030.C.3.

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

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

b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning and Building Department, a list of names and mailing addresses of all persons shown on

the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.

- d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning and Building Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.
- e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning and Building Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project

17.136.038 Special project design review.

- C. Procedures for Consideration—Special Project Design Review. The Director of City Planning shall consider an application for Special project design review according to the following Two-Track process, or if additional consideration is required, determine that the proposal shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
 - 1. Track One Procedure—Special Project Design Review Proposals Not Involving a Local Register Property:
 - d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning and Building Department shall receive and consider comments from any interested party.
 - 2. Track Two Procedure—Special Project Design Review Proposals Involving a Local Register Property:
 - d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning and Building Department shall receive and consider comments from any interested party.

17.136.040 Regular Design Review.

- A. Applicability. "Regular Design Review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for **By-Right Residential Approval as set forth in Section 17.136.023**, a design review exemption as set forth in Section 17.136.025, Small Project Design Review as set forth in Section 17.136.030, or Special Project Design Review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular Design Review include, but are not limited to, the following types of work:
1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for **By-Right Residential Approval as set forth in Section 17.136.023**, a design review exemption as set forth in Section 17.136.025, Small Project Design Review as set forth in Section 17.136.030, or Special Project Design Review as set forth in Section 17.136.038;
- B. Pre-Application Review—Regular Design Review. Prior to application for Regular Design Review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning **and Building** Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the City representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for decision on the application by the Director. During the required noticing period, the Planning **and Building** department shall receive and consider comments from any interested party.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.

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

17.136.080 Appeal to Planning Commission—Regular design review.

Within ten (10) calendar days after the date of initial decision by the Director of City Planning on an application for regular design review under the procedure specified in Subsection 17.136.040.C, an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the case of appeals involving One-Family or Two- to Four-Family Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when City offices are closed, the next date offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning and Building Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee may seek the advice of outside design professionals. The decision of the Commission or, if applicable, the Committee on a proposal being considered under the procedure specified in Subsection 17.136.040.C. shall be final immediately and is not ultimately appealable to the City Council.

Chapter 17.138 DEVELOPMENT AGREEMENT PROCEDURE

Sections:

17.138.020 Application.

17.138.090 Periodic review.

17.138.020 Application.

Application for a development agreement shall be made by a person, or the authorized agent of a person, having a legal or equitable interest in the affected property. Application shall be made on a form prescribed by the City Planning and Building Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150 and by the proposed development agreement and any supporting material which, between them, shall include the following:

17.138.090 Periodic review.

Each development agreement shall be reviewed at least once every twelve (12) months, and the review period shall be specified in the agreement. Application for periodic review shall be made on a form prescribed by the City Planning and Building Department and shall be filed with such department. The application shall be accompanied by the fee prescribed in the city master fee schedule. Failure to file for such review within the time limits specified in the agreement shall render the agreement null and void. The applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement. If the Director of City Planning finds that such compliance has been deficient, he or she shall forward this finding and his or her recommendation to the City Council, for consideration in accordance with the enforcement procedure in Chapter 17.152.

Chapter 17.140 PLANNED UNIT DEVELOPMENT PROCEDURE

Sections:

17.140.020 Application.

17.140.020 Application.

Application for a Planned Unit Development (PUD) permit shall be made by the owner of the affected property or his or her authorized agent, or by another party described in Section 17.142.040, on a form prescribed by the City Planning and Building Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150, and by the following:

Chapter 17.144 REZONING AND LAW CHANGE PROCEDURE

Sections:

17.144.040 Private party application.

17.144.050 Review by Landmarks Board in certain cases.

17.144.055 Review by Parks and Recreation Advisory Commission in certain cases.

17.144.040 Private party application.

A private party application shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning and Building Department and shall be filed with such Department. The application shall be accompanied by a description of the property or such other information as may be required by the City Planning Commission, and by the fee prescribed in the fee schedule in Chapter 17.150.

17.144.050 Review by Landmarks Board in certain cases.

Whenever an application or proposal, other than one initiated by the Landmarks Preservation Advisory Board, is to rezone property to or from the S-7 Zone or to establish, amend, or delete a designated landmark or landmark site, the City Planning and Building Department shall promptly refer the application or proposal to said Board for its recommendations. The City Planning Commission shall not act on the application or proposal until it has first received a report from the Board or until more than thirty (30) days have elapsed since the proposal was sent to the Board, whichever is sooner. However, the thirty (30) day period may be extended by agreement between the Commission or private party applicant, as the case may be, and the Board.

17.144.055 Review by Parks and Recreation Advisory Commission in certain cases.

Whenever an application or proposal, other than one initiated by the Parks and Recreation Advisory Commission (PRAC), is made to rezone property to or from the OS Zone or to establish, amend, or delete a park category designation, the City Planning and Building Department shall promptly refer the application or proposal to the PRAC for its recommendations. The City Planning

Commission shall not act on the proposal until it has heard a report from the PRAC or until more than thirty (30) days have elapsed since the proposal was sent to the PRAC, whichever is sooner. However, the thirty (30) day period may be extended by agreement between the City Planning Commission or private party applicant, as the case may be, and the PRAC.

Chapter 17.152 ENFORCEMENT

Sections:

17.152.070 Filing and commencement of revocation complaints.

17.152.080 Investigation of revocation complaints.

17.152.200 Liens, penalties and expenses of abatement.

17.152.210 Fee schedule.

17.152.070 Filing and commencement of revocation complaints.

- A. Any member of the public, city official, including any City Councilmember, City Planning Commissioner or city employee, may file a complaint with the City Planning and Building Department and request that revocation proceedings be commenced under this Chapter to revoke or amend any land use-related approval granted, or land use permit held or issued, including subdivisions. However, this Chapter shall not apply to Deemed Approved Alcoholic Beverage Sales Regulations (Chapter 17.156) and Deemed Approved Hotel and Rooming House Regulations (Chapter 17.157) as those Chapters have specific revocation procedures.

17.152.080 Investigation of revocation complaints.

Upon receiving a revocation complaint from the public, city official, or city employee that a violation of the zoning regulations, any prescribed condition of approval or public nuisance exists on or is emanating from any property that is the subject of a zoning permit issued pursuant to one of the sections of the Zoning Regulations listed in Section 17.152.070, the City Planning Director shall cause said complaint to be reviewed by the City Attorney and investigated by a City Planner. The City Planning Director, within ten (10) days of receiving any such complaint, shall send a copy of the complaint to the property owner and permit holder, if the latter is different from the property owner. The City Planner, with advice from the City Attorney, shall determine in writing whether sufficient evidence exists to set a revocation hearing. Sufficient evidence exists if there is substantial evidence that a violation of the zoning regulations, any prescribed condition of approval or public nuisance exists on, or is emanating from any property that is the subject of a Zoning permit issued pursuant to one of the sections of the Zoning Regulations listed in Section 17.152.070. Copies of the determination shall be sent to the complainant, the property owner, permit holder, if the latter is different from the property owner, any affected neighborhood group(s) and any other person who has requested notice of any action on that complaint or that address and, as soon as the same becomes technologically feasible, posted on the city's web site.

Revocation complaints shall be reviewed, investigated and a determination regarding setting a hearing shall be made by the City Planner within twenty (20) days of the date the revocation

complaint is received by the Planning and Building Department. If no decision regarding setting a public hearing is made within the required twenty (20) day period, the complainant, within ten (10) days of the date the city's determination was required to be made, may make a written demand to the City Planning Director that a hearing be set. Upon receipt of any such demand, the City Planning Director immediately shall set the matter for hearing before a Hearing Officer at the next available date. The matter shall then be heard and decided by the Hearing Officer in the same manner and time that appeals are heard.

If a determination is made that sufficient evidence does not exist to set a revocation hearing, the complainant, within ten (10) days of the date of the City's determination, may appeal the City Planner's determination to a City Hearing Officer. If no proper appeal is made, the City Planner's decision shall be final. Upon receipt of any such appeal, the matter shall be scheduled before the Hearing Officer at the next available date and the Hearing Officer shall determine whether sufficient evidence exists to set a revocation hearing and may grant or deny the appeal. The Hearing Officer in making his/her decision on the appeal shall not be required to hear witnesses or accept new evidence not considered by the City Planner.

In all cases the Hearing Officer's decision on the appeal shall be made within twenty (20) days of the date of the appeal and shall be final. If the appeal is granted, the matter shall be returned to the City Planning Director for public hearing scheduling before a different hearing officer. The City Planning Director shall set the matter for hearing at the next available hearing date. If the appeal is denied, or the City Planner's determination is sustained, the Hearing Officer's decision shall be final and not appealable. In each instance, the Hearing Officer's determination shall be in writing and shall be supported by findings.

17.152.200 Liens, penalties and expenses of abatement.

- B. In addition, any and all reasonable expenses necessarily incurred by the City Planning and Building Department, City Building Official and/or any other City department, in abating any condition determined to be a public nuisance by a final decision of the Hearing Officer, City Planning Commission or City Council, also shall be a personal obligation of the permit holder and property owner and constitute a special assessment against the property that is the subject of the final decision.

17.152.210 Fee schedule.

Fees and regulations pertaining to fees, including fees pertaining to complaints and appeals, shall be in accordance with the city's master fee schedule, provided that no city official or employee shall be required to pay a fee to file a complaint with the City Planning and Building Department. There shall be no fee for lodging a revocation complaint with the city. To make an appeal, the property owner, permit holder and any individual or entity representing the interests of the project owner or permit holder shall pay one hundred percent (100%) of the appeal fee set by the city's master fee schedule. However, to make an appeal, the complainant, or anyone representing the complainant's interest shall pay fifty percent (50%) of the appeal fee established by the city's master fee schedule.

**Chapter 17.155 SPECIAL REGULATIONS APPLYING TO MINING AND QUARRYING
EXTRACTIVE ACTIVITIES**

Sections:

- 17.155.060 Process.
- 17.155.080 Statement of responsibility.
- 17.155.100 Financial assurances
- 17.155.110 Interim management plans.
- 17.155.120 Annual report requirements.
- 17.155.130 Inspections.

17.155.060 Process.

- B. Within thirty (30) days of the acceptance of a complete application for a Reclamation Plan or as a requirement of an Approved Plan for surface mining operations and/or a Reclamation Plan, the Planning and Building Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred (100) year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency ("FEMA"), and within one (1) mile, upstream or downstream, of any State highway bridge, the Planning and Building Department shall also notify the State Department of Transportation ("Caltrans") that the application has been received.
- C. The Planning and Building Department shall process the application(s) in accordance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.
- F. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), any amendments to the Reclamation Plan, existing financial assurances, or those financial assurances required as part of an Approved Plan, the City Council shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review.

Pursuant to PRC § 2774(d), the State Department of Conservation shall be given thirty (30) days to review and comment on the Reclamation Plan and forty-five (45) days to review and comment on the financial assurance. The Planning and Building Department shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a response describing the disposition of the major issues raised by the State for the City Council's approval. In particular, when the Planning and Building Department's position is at variance with the recommendations and objections raised in the State's comments, the response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning and Building Department shall be promptly forwarded to the operator/applicant.

- H. The Planning and Building Department shall forward a copy of each approved Use Permit for mining operations, an Approved Plan and/or approved Reclamation Plan, and a copy of the

approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning and Building Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Approved Plan, or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

17.155.080 Statement of responsibility.

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Department in the mining operation's permanent record. Prior to sale or transfer of the operation, the new operator shall submit a signed statement of responsibility as well as evidence required to demonstrate the financial assurance requirement set forth in this Section or the Planning and Building Department for placement in the permanent record.

17.155.100 Financial assurances.

- B. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if determined necessary by the Planning and Building Department to comply with the requirements of an Approved Plan.
- C. Cost estimates for the financial assurance shall be submitted to the Planning and Building Department for review and approval prior to the operator securing financial assurances. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, State regulations and any requirements of an Approved Plan.

17.155.110 Interim management plans.

- A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning and Building Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Approved Plan conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning and Building Department, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
- C. Upon receipt of a complete proposed IMP, the Planning and Building Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be

submitted to the State Department of Conservation at least thirty (30) days prior to approval by the Planning Director.

17.155.120 Annual report requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City Planning and Building Department on a date established by the State Department of Conservation, on forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

17.155.130 Inspections.

The Planning Director, through the Building Department Inspection Services Division or other agency or other designee, shall arrange for inspection of a surface mining operation within six (6) months of receipt of the Annual Report required in Section 12, to determine whether the surface mining operation is in compliance with applicable requirements, including, without limitation, the Approved Plan, Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one (1) inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning and Building Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for all costs of inspections required by the City in furtherance of this Section in accordance with the City master fee schedule or other applicable fee agreements or requirements.