

Location:	Citywide
Proposal:	Recommendation to the City Council to adopt amendments to the City's Planning Code to permit emergency homeless shelters by-right in locations recommended in this staff report, to comply with California State Law Senate Bill 2 (SB 2).
Applicant:	City Planning Commission
Case File Number:	ZT13336
Planning Permits Required:	Oakland Planning Code Amendment
General Plan:	Mixed Housing Type Residential, Neighborhood Center Mixed Use, Institutional, Community Commercial, Urban Residential, General Industrial, Housing and Business Mix, Estuary Policy Plan (Light Industry 1)
Zoning:	RU-3, RM-2, CN-3, S-1, CC-2, CN-3, RU-5, CC-3, I-G, CIX-1, M-30, C-40, CIX-2, HBX-2, RU-4, RU-5, CN-1, CN-2
Environmental Determination:	The proposed emergency shelter location and development standards would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
Service Delivery District:	1, 2, 3, 4, 5
City Council District:	1, 2, 3, 4, 5, 6
Status:	A meeting of the City Planning Commission Zoning Update Committee was held on December 11, 2013.
Action to be Taken:	Discuss and make recommendation to the City Council
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

SUMMARY

The City of Oakland is updating its Planning Code to comply with California State Law Senate Bill 2 (SB 2), which requires cities to permit emergency shelters in at least one zoning district without a conditional use permit or other discretionary action. Over the past several months, City staff has met with local homeless shelter operators and social service providers to develop policy options related to appropriate locations in Oakland for emergency shelters. City staff has also developed emergency shelter performance and development standards.

As required by SB 2, this zoning amendment would change the Planning Code to permit shelters by-right in certain zoning district(s), thus streamlining the approval process for the establishment of future shelters. This staff report provides background information on SB 2, and the regulatory and policy framework surrounding homelessness and emergency shelters, including Alameda County's EveryOne Home plan and Oakland's Permanent Access to Housing (PATH) Strategy. The city's current requirements for city-funded shelters are summarized, as are the Planning Code sections dealing with shelters. The Key Issues section highlights the results of Alameda County's 2013 homeless survey, for context on the homeless issues, and presents an inventory of emergency shelters in the City of Oakland. Possible locations for permitting emergency shelters by-right are listed, as well as options for emergency shelter development standards. Finally, proposed amendments to the Oakland Planning Code use classifications for transitional and supportive housing are presented.

Planning staff requests that the Planning Commission review and provide feedback on the options for permitting emergency shelters by-right in certain zoning districts, development standards applicable to emergency shelters, and land use classification edits, and make recommendations to the City Council.

BACKGROUND

SB 2 is a California State law that clarifies and strengthens existing housing element requirements to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. Under SB 2, all cities must identify at least one zoning district that allows emergency shelters as a permitted use (i.e., without a conditional use permit or other discretionary action). The identified zone(s) shall include sufficient capacity to accommodate the need for emergency shelters identified in the housing element and must in any case accommodate at least one year-round emergency shelter. Additionally, SB 2 specifies that emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses within the same zone, and that transitional and supportive housing shall be considered a residential use of the property, and subject only to those restrictions that apply to other residential uses of the same type in the same zone.

To meet the requirements of SB 2, the City will be updating the Oakland Planning Code to permit emergency shelters in at least one zone without a conditional use permit or other discretionary permit, and adopting related development standards. Additionally, the City will be modifying the definitions for transitional and supportive housing. A stakeholder group of homeless shelter operators and social service providers has been established to help develop draft proposals with City staff.

Compliance with SB 2 is a requirement of the City of Oakland's 2007-2014 General Plan Housing Element. The Housing Element is one of seven mandated elements of the Oakland General Plan; State law requires every jurisdiction to update its Housing Element every five years. The preparation of the 2015-2023 Housing Element update is now underway; however, the SB 2 Zoning update must be adopted prior to adopting the next Housing Element update. Without a State-adopted Housing Element, the City may lose opportunities for certain grant funding which the State has set aside for jurisdictions with adopted Housing Elements.

REGULATORY AND POLICY FRAMEWORK

EveryOne Home

EveryOne Home, Alameda County's Ten Year Plan to End Homelessness, was adopted in 2006 by Oakland and other cities in the County. *EveryOne Home* is a collaborative plan between community stakeholders, cities and Alameda County government agencies representing three key services: homeless services, HIV/AIDS services, and mental health services, all of which are aligned around a mutual recognition that stable housing is a critical cornerstone to ending homelessness in Alameda County. The adoption of *EveryOne Home* signaled a shift in homeless policy from emergency and transitional housing programs to a "housing first" policy. The housing first policy focuses resources on the development of permanent rental housing units, supportive services, and tenant based rent subsidies for extremely low income persons.

Oakland PATH Strategy

As a companion to EveryOne Home, Oakland's Permanent Access to Housing (PATH) Strategy is a roadmap for ending homelessness in the city over the next 15 years. Both EveryOne Home and PATH emphasize greater coordination and mutual accountability among all the systems (homeless services, HIV/AIDS, and mental health services) by broadening the population whose needs are addressed to include those who are homeless or most at-risk of homelessness due to poverty or disability. Key elements of the strategy include development and operation of permanent affordable and supportive housing, restructuring homeless prevention activities, and ensuring that people who do become homeless are re-housed as rapidly as possible. Under the housing first approach of PATH, homeless people are moved directly from the streets or shelter into permanent housing. Supportive services (for mental health and substance use) are designed to meet the client "where they are", providing only those services needed by the housed client.

Current Requirements for City of Oakland-Funded Emergency Shelters

The following information is a summary of the requirements set forth in a "Standard Contract – Service Agreement" that would govern the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.

- Monthly reports – service providers must provide a description of activities, program components, service area, goals, number of beneficiaries and demographics.
- Accounting and record-keeping – City-funded shelters must be fiscally monitored (fiscal accountability).
- Annual reports – service providers combine information from monthly reports into annual report.
- On-site monitoring – representatives of the City perform on-site monitoring; any observed issues must be resolved by a specified deadline.
- Non-discrimination requirements – shelter operator uses equal employment practices.
- Drug-free workplace – shelter operator posts notification that drug use/distribution is prohibited, that drug free awareness program is available to employees, that employees should notify employer of any drug violations, and that City is notified of any drug violations.
- Shelter Operation and Maintenance Standards:
 1. A shelter shall provide a clean, safe and healthy environment that is consistent with conventional social services practices and which respects individual needs and human dignity.
 2. A shelter shall meet all City health and safety codes, building codes and inspection requirements, including disabled access regulations.
 3. The physical layout of a shelter shall provide living, kitchen and dining facilities separate from sleeping areas, if such facilities are provided on a congregate basis. Telephone service for residents shall be provided separately from the office telephone in order to allow privacy.
 4. A shelter's physical equipment shall be appropriate to meet the needs of residents and to provide an attractive and pleasant atmosphere.
 5. The shelter shall ensure an adequate supply of linens for each bed, including bath towels, pillowcases, sheets, blankets and waterproof mattress covers, if the shelter provides these. Bed linens shall be changed with change of resident and, if occupied continuously by one person, changed at least once per week. If the shelter provides only a bed, mat or cot, and residents are permitted to use their own bedding, sleeping bag or bedroll, the shelter shall

implement routine procedures for disinfecting the bed, mat or cot and its cover with each change of resident.

6. Residents shall not be locked in any portion of the shelter without means of exit.
7. The physical condition of the shelter's plant and equipment shall be maintained on a regular basis.
8. A shelter shall provide appropriate measures to safeguard and account for personal articles of residents that are brought to the shelter and any cash entrusted to the care or control of the shelter operator.
9. A shelter shall provide separate male and female sleeping quarters. If the shelter houses children under eighteen (18) years of age, the shelter operator shall provide the City with written regulations subject to the City's approval, which shall provide for the health, safety, and welfare of the children. The written regulations shall include, but not be limited to, provisions for sleeping quarters, bathroom facilities, day care, and school attendance.

Existing Oakland Planning Code

The City of Oakland Planning Code currently contains rules for regulating emergency shelters within various Zoning districts through the Conditional Use Permit procedure. Base Zoning districts that currently conditionally permit emergency shelters include:

- Urban Residential Zones RU-2 through RU-5
- Community Commercial Zones CC-1 through CC-3 (new residential facilities not allowed on ground floor)
- Neighborhood Center Commercial Zones CN-1 through CN-4 (limitation on new ground floor residential, additional conditional use permit findings: area's character upheld, proposal will not weaken continuous building facades and retail facilities, proposal will not interfere with movement of people along important pedestrian street, proposal conforms to any applicable district plan)
- Regional Commercial Zone CR-1
- Housing and Business Mix Commercial Zones HBX-1 through HBX-3
- Central Business District Zones CBD-R, CBD-P, CBD-C, CBD-X,
- Kaiser Permanente Oakland Medical Center District Zones D-KP-1 through D-KP-3
- Central Estuary District Zones D-CE-3 and D-CE-4

The above Zones conditionally permit emergency shelters subject to the general Conditional Use Permit (CUP) criteria and criteria specific to emergency shelters and transitional housing. These criteria are summarized as follows:

- I. Planning Code Section 17.134.050 (General Use Permit Criteria). Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:
 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the

availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;
3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;
4. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;
5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

II. Planning Code Section 17.103.010 (Special Regulations and Findings Applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities)

A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity 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, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That staffing of the facility is in compliance with any State Licensing Agency requirements;
2. That if located in a residential zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area;
3. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities;
4. That if located in a residential zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
5. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.

B. Restriction on Overconcentration of Resident Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

KEY ISSUES**I. Oakland's Homeless Population and Emergency Shelter Inventory****A. Oakland's Homeless Population**

The Alameda Countywide Homeless Count and Survey Report, which conducted a point-in-time homeless count and survey on January 30, 2013, provides data on the homeless population at the county level. A summary of the major findings of that report is included here for context on the issue of homelessness in Alameda County.

The 2013 Alameda Countywide Homeless Count found:

- From 2003 to 2013, homelessness decreased from .35% to .27% of the Alameda County population, a period in which the overall County population increased by 8%.
- The total homeless population decreased from 4,838 in 2007 to 4,178 in 2011. Since 2011, there has been a slight increase in the homeless population to 4,264, however, this increase is not statistically significant.
- Alameda County has the second highest poverty rate (12%) and lowest median income (just over \$70,000) compared with surrounding Bay Area counties. Despite these statistics, Alameda's 2013 homeless population is equal to or less than neighboring, more affluent counties.
- While the percent of unsheltered persons as a portion of the homeless population has remained constant (around 50%) since 2003, there has been a relative decrease in shelter capacity and increase in permanent supportive housing stock, simultaneous to a reduction in the sheltered homeless count (from 2,459 to 1,927). This evolving set of programs is by definition related to a change in population dynamics.

Trends for some homeless subpopulations are encouraging:

- 22% of homeless individuals are chronically homeless - this population has fluctuated slightly as a percentage of the homeless population over the last ten years; 2013's rate is the lowest recorded level.
- The number of homeless veterans has remained fairly consistent since 2007, but has declined since the first two counts in 2003 and 2005 by more than 200 people.
- Homelessness for unsheltered women is declining. In 2009, females made up 24% of the unsheltered homeless population; in 2013, women constituted just over 13% of the unsheltered homeless population.
- Homeless families with children make up 32% of the overall homeless population, down from 56% in 2003.

For the most part, results for homeless subpopulations are static or concerning:

- The proportion of homeless people living with chronic substance abuse issues has remained roughly the same over the last 10 years (in 2003, 28% and in 2013, 30%).
- Although the total sub-population of homeless people living with HIV/AIDS is small, the proportion has remained fairly consistent since 2011, at just above 2% of the homeless population.
- The number of people with severe mental illness, entirely in the unsheltered population, has substantially increased since 2011.

- Domestic violence has increased from a low of 9% in 2005 to a high of 25% of homeless people in 2013. Rates of surviving domestic violence have varied widely across the six counts; 2013 reflects the highest rate to date.
- 10% of unsheltered homeless people are 61 years or older.

The 2013 Homeless Count also included data for understanding the context for homelessness in Alameda County, as follows:

- The fair market rent for a two bedroom apartment in Alameda County and the Oakland metropolitan area is the 17th most expensive in the nation. At \$1,361 per month (although rents are much higher lately), the fair market rent in Oakland is well above the \$977 national average and has risen steeply over the last year, making it unaffordable to someone working full-time at a minimum-wage job.
- Even the fair market rent of an efficiency/studio apartment is \$892, exceeding the Supplemental Security Income benefits of \$866 for someone who is disabled.
- Job growth has primarily been in higher wage sectors, creating competition for increasingly expensive rental units.
- Housing development continues to grow at an insufficient pace – and lack the affordability – to meet the housing needs of all Alameda County residents.

As previously noted, homelessness in Alameda County has remained essentially the same since 2011. These relatively static results are encouraging given global economic trends during that time period - including the severe effects of recession, its impact on the housing and job market, as well as local trends such as the increase in the population of Alameda County, and its rate of poverty.

Recent legislative decisions have impacted the rate of implementation of Oakland's PATH Strategy. The dissolution of redevelopment agencies, and the subsequent loss of redevelopment funds targeted towards affordable housing, coupled with Federal cuts to housing programs, have severely hindered the production of new affordable housing in Oakland, bringing production to a near standstill. The loss of redevelopment blight abatement funding has also impacted homeless outreach activities and the abatement of homeless encampments. Budget cuts to the Federal HOME program for affordable housing, and for the Community Development Block Grant (CDBG) program has likewise impacted housing activities. Similarly, on the homeless services side, a reduction of 5% in the Emergency Solutions Grant (ESG), CDBG, and Housing Opportunities to Persons with AIDS (HOPWA) in 2013 is projected to result in cuts to services provided under PATH, and for provision of housing and services to persons living with AIDS. ESG and CDBG funding make up approximately 64% of the City's PATH Strategy funding. These budget cuts will lead to severely reduced services provided under PATH, and stalled affordable housing production for extremely low and very low income people.

The Affordable Care Act and the Public Safety Realignment Act (AB 109) offer new systems for the health of homeless people and people at-risk of becoming homeless. Under the Affordable Care Act ("Obama Care"), many low income persons currently without healthcare will become insured, and some supportive housing services may be eligible for Medicare funding. However, the type of services eligible for Medicare funding is limited, continuing challenges with ongoing funding for supportive housing services. The Public Safety Realignment Act focuses on alleviating overcrowding in the California State prisons and reducing the corrections budget by transferring responsibility for incarceration and supervision of many low-level inmates and parolees to the county. These non-violent, non-serious, non-high risk offenders are being released to local supervision, not state parole. The county has established a housing first program (similar to the PATH housing first policy) that provides permanent housing for this population.

B. Emergency Shelter Inventory

The County of Alameda prepares inventories of emergency shelters, transitional housing and permanent supportive housing. Although Oakland's 2007 PATH Strategy promotes a housing first policy, emergency shelters still provide a key link in the care for homeless people, particularly due to budget cuts negatively impacting the production of new affordable housing. The City's Department of Human Services provided the following Oakland-specific list of shelters (based on the County inventory) for the 2012-2013 period.

The inventory includes 12 emergency shelter facilities housing a variety of households: single women with children, households with children, youth (male and female), single males and females, and single males. The emergency shelters in Oakland have a combined 403 beds. The average utilization rate across the shelters is approximately 80%.

Facility Type	Target Population	Year-Round Beds	Total Seasonal Beds	Total Beds	Utilization Rate
ES	SFHC	17	0	17	71%
ES	HC	20	0	20	100%
ES	YMF	8	0	8	100%
ES	HC	20	0	20	50%
ES	SFHC	19		19	95%
ES	SM	50	0	50	92%
ES	SMF	18	0	18	83%
ES	SMF	N/A	40	40	0%
ES	SMF+HC	100	N/A	100	98%
ES	SMF	8	0	8	100%
ES	SMF+HC	76	0	76	67%
ES	SMF		25	27	100%
12 Emergency Shelters				403 total beds	

Acronyms Defined:

Target Population

SFHC – Single female in household with children

HC – Households with children

YMF – Youth, Male & Female

SMF – Single males and females

SM – Single males

Program Type

ES – Emergency Shelter

Analysis

According to the 2013 Homeless Count, the unsheltered homeless population is 55% of the general homeless population. The 2013 Count found 4,264 homeless people. Therefore, in 2013, there are approximately 2,345 unsheltered homeless people in the County. Oakland has assumed 52% of the

County's homeless population is in Oakland. This is based on findings from the 2009 Homeless Count (the last count with regional data), as well as analysis of data in the Homeless Management Information System (HMIS). Approximately 2,217 individuals are homeless at any point in time in Oakland. Minorities make up a disproportionate share of this total¹. As many homeless persons have mental or chemical dependency problems, supportive services are important. This results in a current unsheltered homeless population in Oakland of 1,109. The County inventory of emergency shelters in Oakland yields 403 shelter beds. Subtracting the unsheltered homeless need for Oakland from the emergency shelter supply (number of beds) results in approximately 706 unsheltered homeless people in Oakland. This need is important to establish when determining the overall area to dedicate, through zoning, to this type of activity.

Due to ongoing budget cuts to social safety net programs and the cost of living in Oakland, there is expected to be an ongoing need to continue to house sheltered homeless people and to prevent low income people from becoming homeless.

II. Emergency Shelter Siting Criteria and Location Options

In order to provide adequate sites to meet the shelter needs of the unsheltered homeless population, staff analyzed a number of factors including:

- Location of sensitive uses citywide (i.e., public schools, parks, and emergency shelters and transitional housing) (see **Attachment A**);
- Location of zoning districts that currently conditionally permit emergency shelters (see **Attachment B**);
- Location of sensitive uses (mapped homeless encampments, emergency shelters and transitional housing facilities) and support services (food pantries and AC transit routes) (see **Attachment C**).
- Presence of large floor plate buildings suitable for conversion to shelters; and
- Compatibility with surrounding uses.

A working group of emergency shelter operators and social service providers met on September 24, 2013, and October 18, 2013, to discuss options related to zoning for emergency shelters. Staff presented two possible options to the working group (based loosely on the 2007-2014 Housing Element Action 1.1.5, which included four options for permitting emergency shelters by-right). The first option included permitting emergency shelters in certain industrial areas zoned CIX-1 or CIX-2. These zoning districts are likely to have existing large floor plate facilities that can be converted to shelter space, and are generally accessible by public transportation. The second option involved permitting emergency shelters in one or more zones that currently conditionally permit emergency shelters. Zoning districts that conditionally permit emergency shelters (shown on **Attachment B**) are typically downtown and along the City's major corridors.

Service providers generally agreed that shelters should be permitted on San Pablo Avenue, International Boulevard, and Hegenberger Road. Service providers expressed concern that some of these corridors, such as International Boulevard, may be considered "saturated" by the community. The service providers also recommended that three distinct populations should be considered: families, single individuals and

¹ This estimate is consistent with the estimate of Oakland's share of the homeless population that Alameda County produced using data from the Homeless Management Information System (HMIS).

290/290r (sex offenders/registered sex offenders), and that locations for sheltering each population should be identified.

On December 11, 2013, Planning staff presented the draft location proposals, based on feedback from the service providers, to the Zoning Update Committee (ZUC) of the City's Planning Commission. Staff presented a map of proposed options (generally supported by stakeholders) (see **Attachment D**) and recommendations for shelter development standards. The consensus among the Commissioners was that the locations should be spread throughout the City to: be close to job centers and schools (for families experiencing momentary lapse of housing) and be near hospitals (for mentally unstable).

After the ZUC meeting, City staff from the Planning and Building Department, Department of Human Services, Office of Neighborhood Investment, and the Department of Housing and Community Development convened to refine the location proposals based on the following objectives (substantially consistent with the ZUC recommendations):

- dispersing shelter permitting zones throughout the City;
- locating proposed shelter permitting zones near AC Transit bus lines;
- locating proposed shelter permitting zones in close proximity to support services (such as hospitals and other support services); and
- encapsulating both commercial and industrial areas.

Planning staff revised the map of proposed locations for permitting emergency shelters by-right based on the above objectives, which is included as **Attachment E**. A table summarizing the rationale, existing base zoning and General Plan designation, as well as City Council districts for the proposed segments is included as **Attachment F**. Planning staff requests that the Planning Commissioners review **Attachments E and F** and provide feedback and make a recommendation to City Council identifying of at least one zone where emergency shelters are permitted without a conditional use permit or other discretionary action.

III. Emergency Shelter Development Standards to Address in the Planning Code

In addition to identifying suitable sites for permitting emergency shelters, the City is permitted to determine appropriate development standards to apply to emergency shelters permitted by-right. Under SB 2, emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone. However, SB 2 allows flexibility for the City to apply the following written, objective development and management standards:

- i. The maximum number of beds or persons permitted to be served nightly by the facility
- ii. Off-street parking based upon demonstrated need (not more than for other residential or commercial uses in the same zone)
- iii. Size and location of exterior and interior onsite waiting and client intake areas
- iv. Provision of onsite management
- v. Proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart
- vi. Length of stay
- vii. Lighting

- viii. Security (during hours the emergency shelter is in operation)

Generally, service providers felt that the City should not regulate the size and location of exterior and interior onsite waiting and client intake areas, nor the provision of on-site management. Rather, the service providers felt that the City's current shelter service agreement requirements for grant funding are sufficient to address positive outcomes for these topics. Also, since shelters have different client populations, it would be difficult to write Zoning regulations to address each scenario. Omitting such detailed requirements from the Zoning ordinance provides the service providers with flexibility to develop standards appropriate to the needs of their clients and the surrounding community.

Given this feedback, Planning staff has proposed development standards to apply to emergency shelters permitted by-right. The proposed draft development standards are included in Planning Code Chapter 17.102 Regulations Applicable to Certain Activities and Facilities, in the proposed new Section 17.102.460 Standards Applicable to Emergency Shelters Permitted "By-Right" (see **Attachment G** for the Planning Code text edits). Part "A" of this proposed new section describes the proposed location of emergency shelters permitted by-right. Part "B" includes proposed development standards applicable to emergency shelters permitted by-right. The proposed standards stipulate that emergency shelters must comply with the development standards of the underlying zone and to additional standards, specific to emergency shelters, including number of beds, off-street parking, distance separation requirements from similar facilities, length of stay, lighting and security. Proposed performance standards include requirements to comply with all State, County and City licenses, permits, and approvals and compliance with the "Standard Contract – Service Agreement" for shelters receiving funding from the City Department of Human Services.

Planning staff requests that the Planning Commissioners review **Attachment G** and provide feedback and make a recommendation to City Council to consider adoption of the proposed written objective standards.

IV. Proposed Text Amendments to the Planning Code to Address SB 2 Transitional/Supportive Housing

The proposed text amendments to the Oakland Planning Code presented below in strikethrough (deleted text) and underline (added text) address the requirements in SB 2, including revised use classifications for permanent residential, residential care, transitional housing and service-enriched housing consistent with those provided in the California Health and Safety Code. Any facilities serving six (6) or fewer persons are currently permitted and comply with State Law. The primary change is a text amendment that will make explicit how the Planning Code treats transitional housing and supportive housing as residential uses thus demonstrating compliance with SB 2.

Chapter 17.10 Use Classifications

17.10.110 – Permanent Residential Activities

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other

than state-licensed residential care facilities for six (6) or fewer residents including family foster care homes; service-enriched permanent housing facilities for six (6) or fewer residents; and transitional housing facilities for six (6) or fewer residents. However, such state-licensed residential care facilities, service-enriched permanent housing facilities and transitional housing facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.112 Residential Care Residential Activities

Residential Care Residential Activities include all residential care facilities that require a state license or are state licensed for seven or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections; or service-enriched permanent housing facilities for six (6) or fewer residents; or transitional housing facilities for six (6) or fewer residents, are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

17.10.114 - Service-Enriched Permanent Housing Residential Activities

Service-Enriched Permanent Housing Residential Activities, for seven (7) or more residents, include permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as, health, mental health, education and employment/training services. These services may be provided on-site and/or off-site. If support services are also offered to on-site and/or off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Service-Enriched Permanent Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

17.10.116 - Transitional Housing Residential Activities

Transitional Housing Residential Activities, for seven (7) or more residents include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

- A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.
- B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.
- C. Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. A rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months.

If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

Planning staff requests that the Planning Commissioners review the proposed text amendments to the Planning Code, above, and provide feedback and make a recommendation to City Council to consider adoption of the amendments.

ENVIRONMENTAL REVIEW

The proposed amendments to the Oakland Planning Code rely on the previously certified 2007-2014 Housing Element Final EIR (2010), which provides analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments. The proposed amendments to the Oakland Planning Code would not result in any significant effect that has not already been analyzed in the EIR, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIR. The proposed amendments are also categorically exempt from CEQA under CEQA Guidelines sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis.

RECOMMENDATION

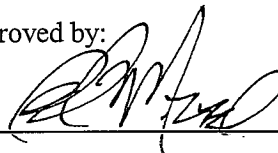
Staff recommends that the Planning Commission review the draft map of proposed locations to permit emergency shelters by-right, the proposed Planning Code Chapter 17.102 Regulations Applicable to Certain Activities and Facilities, in the proposed new Section 17.102.460 Standards Applicable to Emergency Shelters Permitted "By-Right", and proposed text amendments to the Planning Code to address transitional/supportive housing, described above, provide feedback and recommendations, and forward the item to the City Council.

Prepared by:



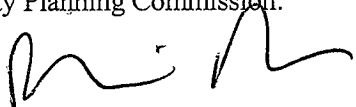
Alicia Parker
Planner II

Approved by:



ED MANASSE
Strategic Planning Manager

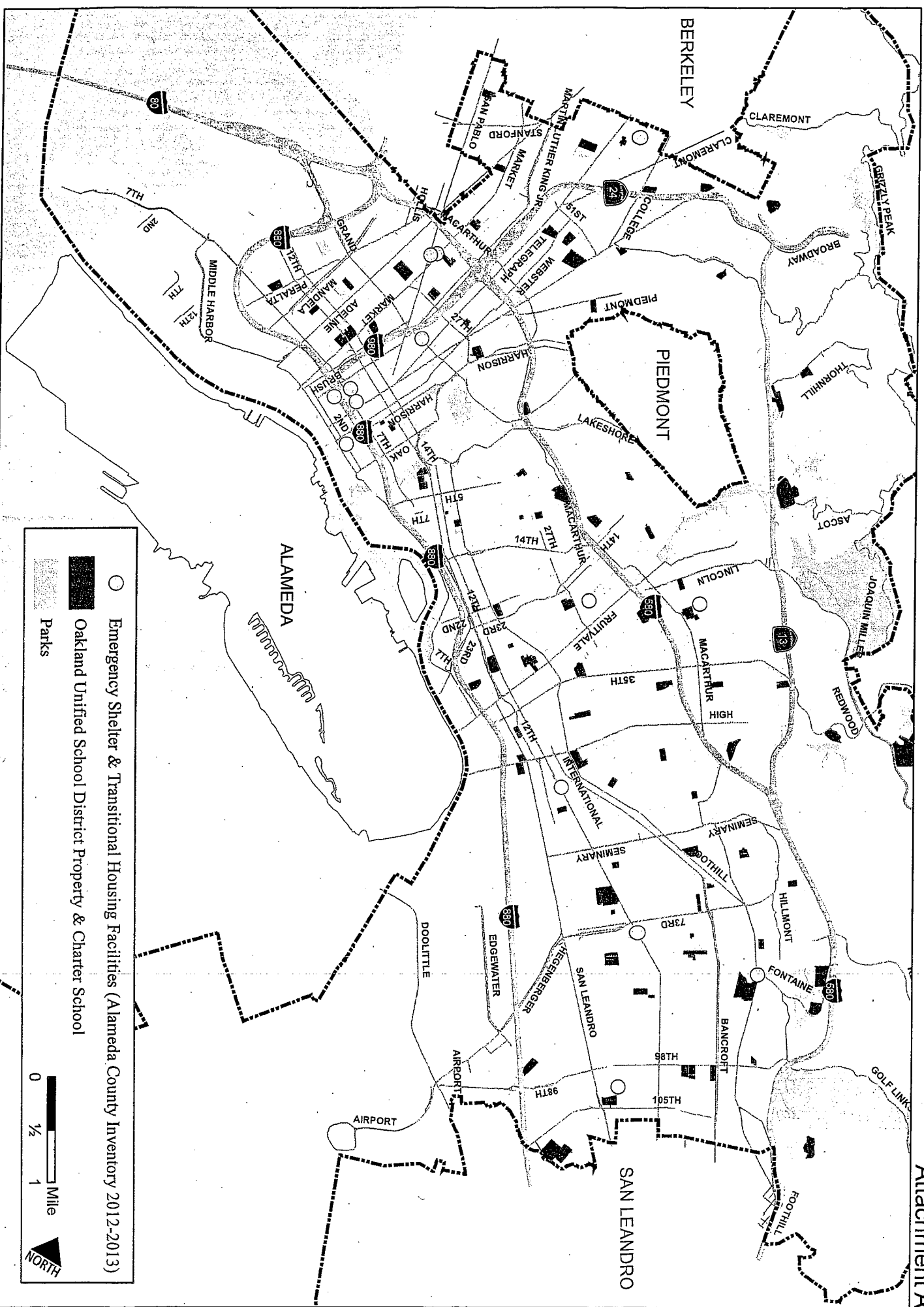
Approved for forwarding to the
City Planning Commission:



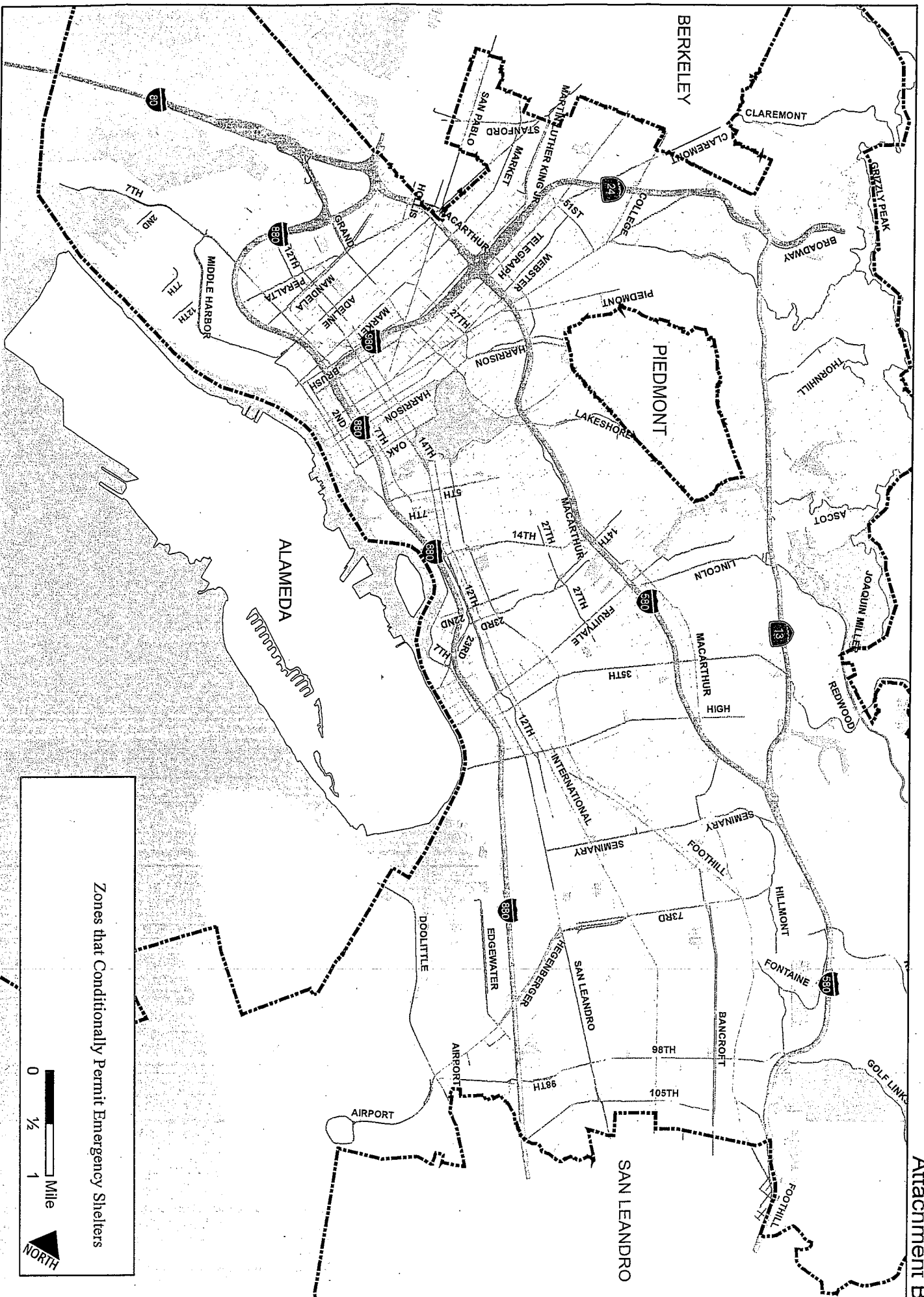
DARIN RANELLETTI
Deputy Director, Bureau of Planning

Attachments:

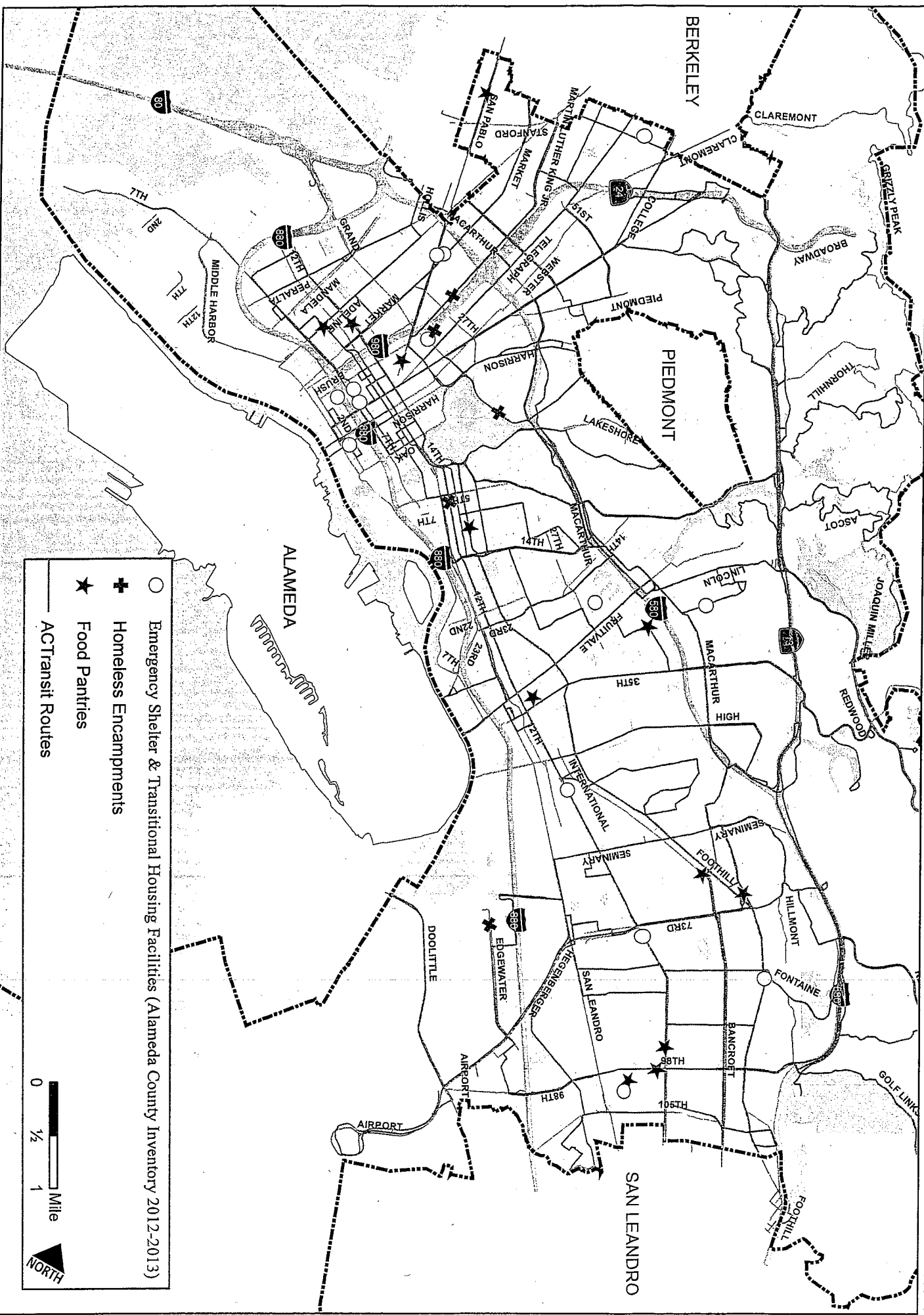
- A. Location of sensitive uses citywide
- B. Location of zoning districts that currently conditionally permit emergency shelters
- C. Location of sensitive uses (mapped homeless encampments, emergency shelters and transitional housing facilities) and support services (food pantries and AC transit routes)
- D. December 11, 2013, map of proposed options for permitting emergency shelters by-right (presented to the Zoning Update Committee)
- E. Revised map of proposed locations for permitting emergency shelters by-right
- F. A table summarizing the rationale, existing base zoning and General Plan designation, as well as City Council districts for the proposed segments from the map in Attachment E
- G. Oakland Planning Code Text Edits



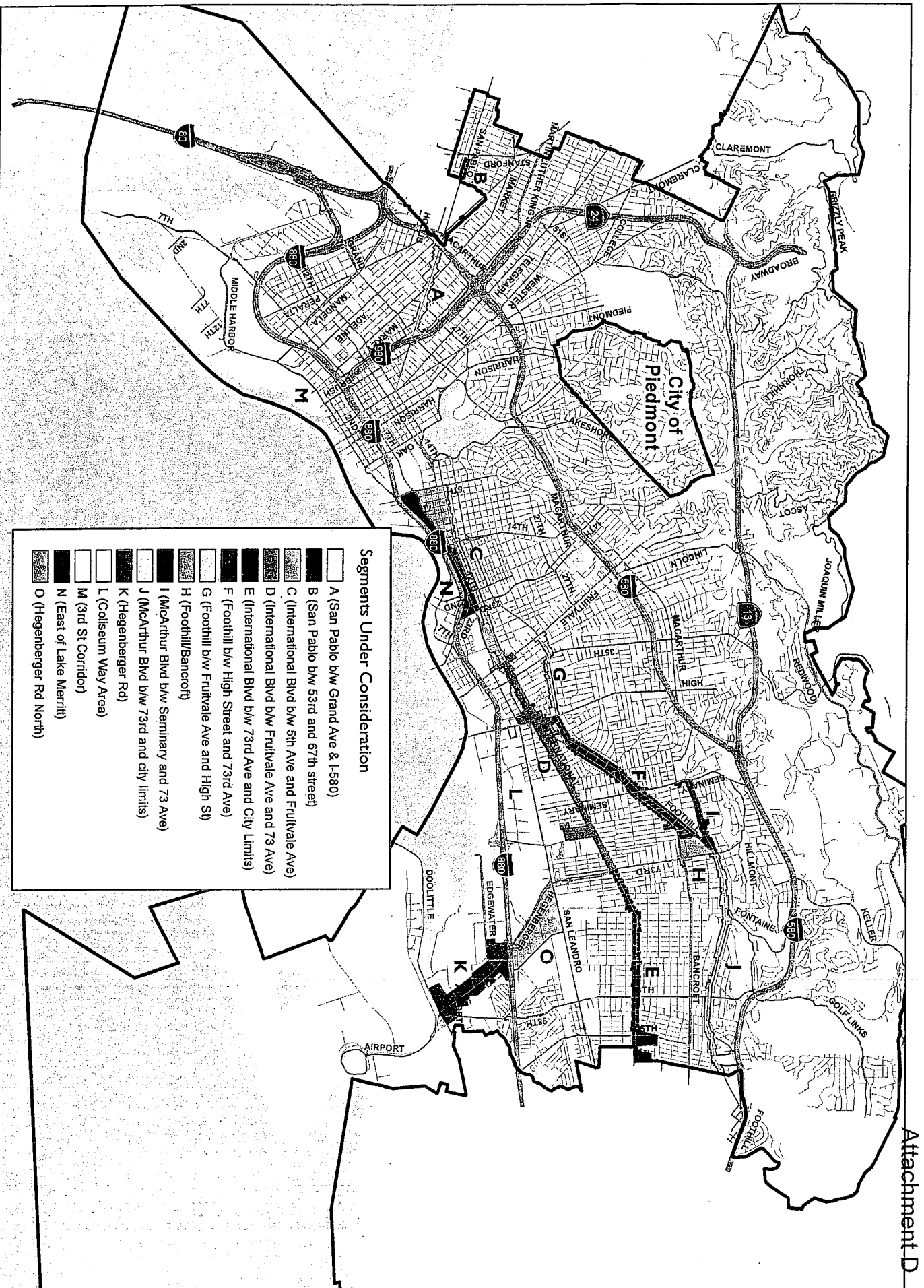
Location of Sensitive Uses Citywide

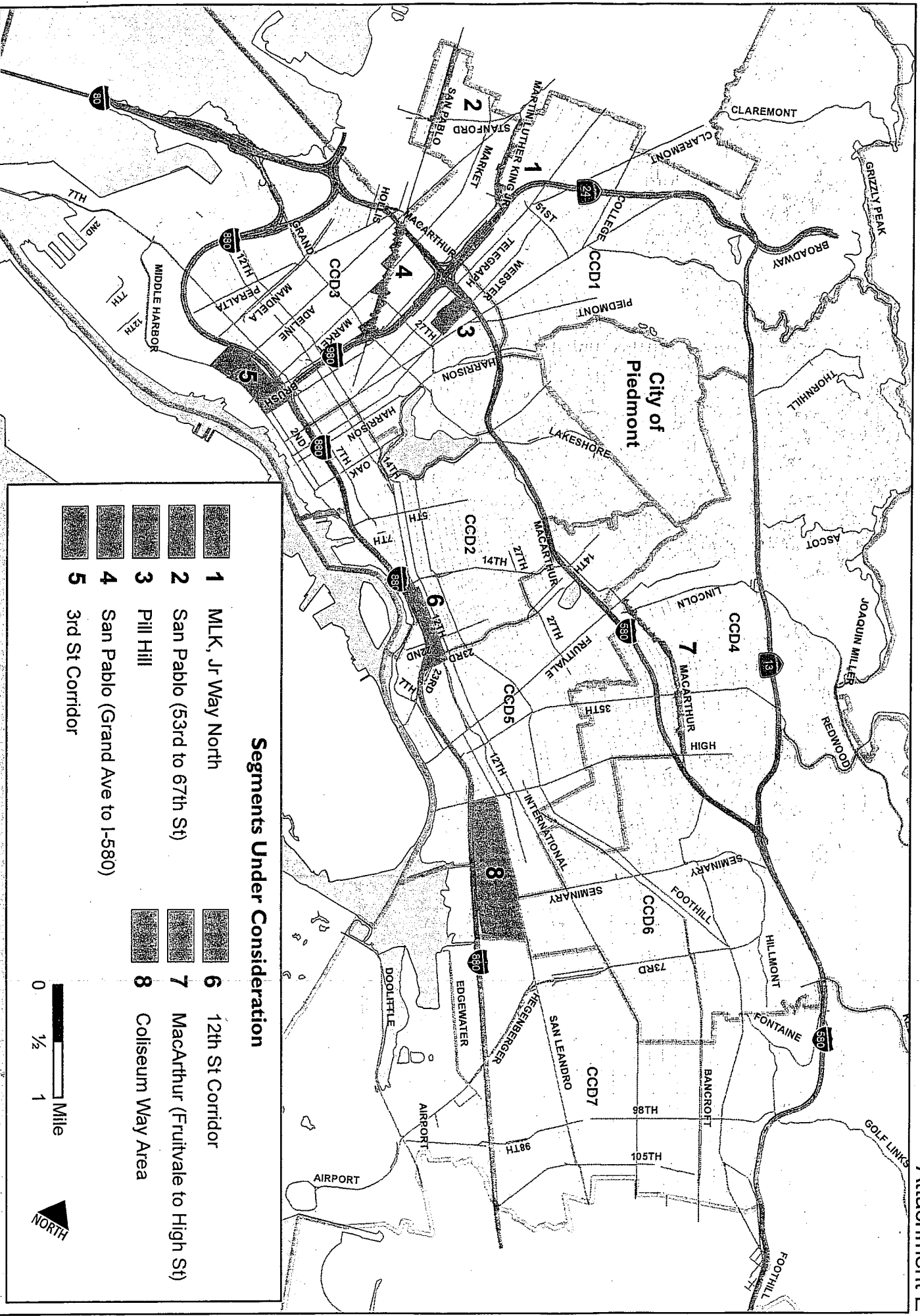


Zones Conditionally Permitting Emergency Shelters



Location of Sensitive Uses and Support Services Citywide





Possible Locations for Permitting Emergency Homeless Shelters By-Right

Attachment F

Proposed Segment	Location	General Plan Designation	Zoning Districts	Council District	Rationale
1	MLK, Jr Way North	Mixed Housing Type Residential, Neighborhood Center Mixed Use and Institutional	RU-3, RM-2, CN-3 and S-1	1	<ul style="list-style-type: none"> Nearby support services (Children's Hospital, North Oakland Senior Center, Medical dental clinic) Near AC Transit bus line Near commercial areas
2	San Pablo (53rd to 67th St)	Community Commercial, Mixed Housing Type Residential, Neighborhood Center Mixed Use and Institutional	CC-2 and CN-3	1	<ul style="list-style-type: none"> Near commercial areas Near AC Transit bus line Near food pantry
3	Pill Hill	Community Commercial and Institutional	S-1 and CC-2, CC-2/D-BR	3	<ul style="list-style-type: none"> Near health services Near AC Transit bus line Near commercial areas
4	San Pablo (Grand Ave to I-580)	Community Commercial, Mixed Housing Type Residential and Urban Residential	RU-5, CC-2 and CC-3	3	<ul style="list-style-type: none"> Near AC Transit bus line Near commercial areas Nearby support services (Society of St. Vincent de Paul, Causa Justicia) Within West Oakland Specific Plan area
5	3rd Street Corridor	General Industry & Transportation, Estuary Policy Plan Area, Business Mix and Community Commercial	I-G, CIX-1, M-30, and C-40	3	<ul style="list-style-type: none"> Near West Oakland BART Station Relatively near downtown social services Warehouse buildings that could convert to homeless shelters
6	12th Street Corridor	Business Mix, Housing & Business Mix and Community Commercial	CIX-2, CIX-2/S-19, and HBX-2	2 and 5	<ul style="list-style-type: none"> Near AC Transit bus line Mixed use (somewhat semi-industrial nature) Commercial uses nearby Near food pantry
7	MacArthur (Fruitvale to High St)	Neighborhood Center Mixed Use and Urban Residential	RU-4, RU-5, CN-1 and CN-2	4	<ul style="list-style-type: none"> Near commercial areas Near AC Transit bus line
8	Coliseum Way Area	General Industry & Transportation and Business Mix	I-G and CIX-2	6 and 5	<ul style="list-style-type: none"> These zones permit a wide variety of businesses, generally of a heavy commercial or industrial character; greater off-site impacts may be permitted. Near AC Transit bus line and relatively close to the Coliseum BART station Large floor plate buildings that could convert to homeless shelters

Edits to the Oakland Planning Code

deletions are shown in strikethrough, additions are shown in underline

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS**17.17.030 Permitted and conditionally permitted activities.**

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulation s
	RM-1	RM-2	RM-3	RM-4	C	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Emergency Shelter	—	—P (L2)	—	—	—	
Semi-	—	—	—	—	—	

Transient						
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly Cultural	C	C	C	C	C	
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Full Service Restaurants	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	

Limited Service Restaurant and Cafe	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Fast-Food Restaurant	—	—	—	—	—	
Convenience Market	—	—	—	—	—	
Alcoholic Beverage Sales	—(L5L6)	—(L5L6)	—(L5L6)	—(L5L6)	—(L5L6)	
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L6L7)	
General Retail Sales	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L6L7)	
Consultative and Financial Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	

Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	—	—	—	—	C(L6L7)(L7L8))	
Personal Instruction and Improvement Services	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Administrative	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L2L3)(L3L4)) (L8L9)	P(L4L5)	
Business, Communication, and Media Services	—	—	C(L2L3)(L3L4))	C(L2L3)(L3L4))	P(L4L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	—	—	
Research Service	—	—	—	—	—	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light	—	—	—	—	—	

Vehicle Gas Station and Servicing						
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
Agriculture and Extractive Activities						
Crop and animal raising	C(L9L10)	C(L9L10)	C(L9L10)	C(L9L10)	C(L9L10)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	17.116.075

Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110
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Limitations on Table 17.17.01:

* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C combining zone, the C regulations supersede the base zone.

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

L2. Emergency shelters are permitted by-right within that portion of the Martin Luther King Jr. Way corridor described in Section 17.102.460(A)(1) and subject to the development standards in Section 17.102.460(B).

L2L3. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L34. The overall outside dimensions of an existing nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L4L5. These activities may only be located on the ground floor of an existing or new nonresidential facility and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L5L6. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity [in] Subsection 17.114.080.A.1.

L6L7. These activities may only be located on the ground floor of an existing or new nonresidential facility and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L7L8. Adult entertainment activities are prohibited.

L8L9. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 15, 2011) and not original used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor nonresidential facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L9L10. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

17.19.030 Permitted and conditionally permitted activities.

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Transitional Housing	C(L1)	C(L1)	C(L1)	C(L1)	C(L1)	17.103.010
Emergency Shelter	—	C(L1)	C(L1) P(L2)	C(L1) P(L2)	C(L1) P(L2)	17.103.010
Semi-Transient	—	—	—	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	

Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L2L3)	P(L2L3)	
Nonassembly Cultural	P(L2L3)	P(L2L3)	P(L2L3)	P(L2L3)	P(L2L3)	
Administrative	C	C	C	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Health Care	C	C	C	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Full Service Restaurants	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Limited Service Restaurant and Cafe	C(L5L6)(L6L7)	C(L5L6)(L6L7)	C(L5L6)(L6L7)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Fast-Food Restaurant	—	—	—	—	C(L4L5)	17.103.030
Convenience Market	—	—	—	—	C(L4L5)	17.103.030

Alcoholic Beverage Sales	—(L7L8)	— (L7L8)	—(L7L8)	C(L3L4)	C(L4L5)	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	C(L4)	
Medical Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
General Retail Sales	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L5L6)(L6L7) (L9L10)	P(L6L7)(L8L9) (L9L10)	P(L6L7)(L8L9) (L9L10)	P(L2L3)(L3L4) (L9L10)	P(L2L3)(L4L5) (L9L10)	
Consultative and Financial Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	
Consumer Dry Cleaning Plant	—	—	—	C(L3L4)	C(L4L5)	
Group Assembly	—	—	C(L5L6) (L6L7) (L10L11)	C(L3L4) (L10L11)	C(L4L5) (L4L11)	
Personal Instruction and Improvement Services	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L6L7)(L8L9)	P(L2L3)(L3L4)	P(L2L3)(L4L5)	

Crop and animal raising	C(L12L13)	C(L12L13)	C(L12L13)	C(L12L13)	C(L12L13)	
Plant nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations on Table 17.19.01:

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CLIP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

L2. Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.102.460(A)(1)(4)(7) respectively and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L2L3. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3L4. In the RU-4 zone, these activities may only be located either on the ground floor of a corner parcel or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L4L5. In the RU-5 zone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this chapter (April 14, 2011) or in an existing nonresidential facility that was built prior to the effective date of this chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L5.6 In the RU-1, RU-2, and RU-3 zones, these activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L6L7. In the RU-1, RU-2, and RU-3 zones, the overall outside dimensions of a nonresidential facility built prior to the effective date of this chapter (April 14, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or

increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L7L8. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

L8L9. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L9L10. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L40L11. Adult entertainment activities are prohibited.

L44L12. These activities may only be located in an existing ground floor of nonresidential facility that was both built prior to the effective date of this chapter (April 14, 2011) and not originally used for a Civic Activity. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit is required if the facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L42L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.33.01: Permitted and Conditionally Permitted Activities

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

Limited Child-Care Activities	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L5L6)	P(L5L6)	P(L5L6)	P(L5L6)	
Administrative	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L6L7)	C(L4)(L6L7)	C(L4)(L6L7)	C(L6L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
Commercial Activities					
General Food Sales	P(L5L6)	P(L5L6)	P(L7L8)	P(L7L8)	
Full Service Restaurants	C(L4)	P(L5L6)	P(L5L6)	P(L5L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L5L6)	P(L5L6)	P(L5L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and 17.114.030

Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L7L8)	P(L7L8)	P(L5L6)	
General Retail Sales	P(L5L6)	P(L5L6)	P(L8L9)	P(L8L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L5L6)(L9L10)	P(L5L6)(L9L10)	P(L5L6)(L9L10)	P(L5L6)(L9L10)	
Consultative and Financial Service	P(L2)	P(L10L11)	P(L5L6)	P(L5L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L5L6)	P(L5L6)	P(L5L6)	P(L5L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L11L12)	C(L4)(L11L12)	C(L4)(L11L12)	C(L11L12)	
Personal Instruction and Improvement Services	P(L2)	P(L5L6)	P(L5L6)	P(L5L6)	
Administrative	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L5L6)	P(L5L6)	
Research Service	C(L4)	C(L4)	P(L5L6)	P(L5L6)	
General Wholesale	—	—	—	—	

Sales					
Transient Habitation	—	—	—	—	
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L5L6)	P(L5L6)	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	C(L4)(L42L13)	C(L4)(L42L13)	C(L424L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	

Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste	—	—	—	—	

Management					
Agriculture and Extractive Activities					
Crop and animal raising	C(L43L14)	C(L43L14)	C(L43L14)	C(L43L14)	
Plant nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

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

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

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

1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;

3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.102.460(A)(1)(2)(7) respectively and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1, L3, and L4 above.

L5L6. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L6L7. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing. Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L7L8. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L8L9. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CLIP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L9L10. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10L11. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.

L11L12. 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.

L12L13. Not permitted on the ground floor.

L13L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Transitional Housing	C(L1)(L3)	C(L1)(L3)	C(L1)(L3)	17.103.010
Emergency Shelter	C(L1)(L3)	C(L1)(L3) P(L4)	C(L1)(L3) P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	

Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L4L5)	C(L4L5)	C(L4L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17. 17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L5L6)	P(L5L6)	P(L5L6)	

Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L6L7)	C(L6L7)	C(L6L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L7L8)	C(L7L8)	C(L7L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L8L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L9L10)	C(L9L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	

Animal Care	P	P	P	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L10L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P	
B. General Outdoor Storage	—	—	—	
C. Self-or Mini Storage	—	—	—	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	

Hazardous Materials Production, Storage, and Waste Management	—	—	—	
Agriculture and Extractive Activities				
Crop and animal raising	C(L14L12)	C(L14L12)	C(L14L12)	
Plant nursery	C	C	C	
Mining and Quarrying	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

Limitations on Table 17.35.01:

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

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

L4. Emergency shelters are permitted by-right within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.102.460(A)(2)(3) respectively and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L3 above.

L4L5. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L5L6. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L6L7. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any

Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L7L8. 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.

L8L9. Automobile and Other Light Vehicle Sales and Rental is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on Telegraph Avenue between 28th Street and 1-580.

L9L10. This Conditional Use Permit may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

1. That all repair and servicing is performed in an enclosed building;
2. That a minimum six (6) foot tall masonry or decorative screening wall is provided at all parcels lines adjacent to an RH, RD or RM Zone;
3. That a landscape buffering is at all parcels lines adjacent to an RH, RD or RM Zone; and
4. That no auto repair activities shall be conducted before 7:00 a.m. or after 9:00 p.m. on any day of the week.

L10L11. 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) feet of an RH, RD, or RM Zone.

L11L12. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within the area surrounding the Third Street corridor described in Section 17.102.460(A)(5) and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.030 Permitted, conditionally permitted, and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX, zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

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

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

Activity	Regulations			Additional Regulations
	HBX-1	HBX-2	HBX-3	
Residential Activities				
Permanent Residential	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Housing	C	C	C	17.103.010
Transitional Housing	C	C	C	17.103.010
Emergency Shelter	C	CP(L2)	C	17.103.010
Semi-Transient Residential	C	C	C	17.103.010
Bed and Breakfast	—	—	—	17.12.125
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care	P	P	P	
Community Assembly	P(L2L3)	P(L2L3)	P(L2L3)	
Recreational Assembly	P(L2L3)	P(L3L4)	P(L4L5)	

Community Education	C	C	C	
Nonassembly Cultural	P(L3L4)	P(L3L4)	P(L3L4)	
Administrative	P(L3L4)	P(L3L4)	P(L3L4)	
Health Care	C	C	C	
Special Health Care	C(L5L6)	C(L5L6)	C(L5L6)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P(L3L4)	P(L3L4)	P(L3L4)	
Full Service Restaurant	P(L4L5)	P(L4L5)	P(L4L5)	
Limited Service Restaurant and Cafe	P(L4L5)	P(L4L5)	P(L4L5)	
Fast-Food Restaurant	—	—	—	17.103.030
Convenience Market	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P(L3L4)	P(L3L4)	P(L3L4)	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6L7)	P(L6L7)	P(L6L7)	
Consultative and Financial Service	P(L3L4)	P(L3L4)	P(L3L4)	
Check Cashier and Check Cashing	—	—	—	17.103.040

Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L7L8)	C(L7L8)	C(L7L8)	
Personal Instruction and Improvement and Small Scale Entertainment	C	C	C	
Administrative	P(L3L4)	P(L3L4)	P(L3L4)	
Business, Communication, and Media Service	P	P	P	
Broadcasting and Recording Service	P	P	P	
Research Service	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	
General Wholesale Sales	P(L3L4)	P(L3L4)	P(L3L4)	
Transient Habitation	—	—	—	17.103.050
Building Material Sales	P(L9L10)	P(L9L10)	P(L9L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L10L11)	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L10L11)	—	—	
Taxi and Light Fleet-Based Service	P(L3L4)	P(L3L4)	P(L3L4)	
Automotive Fee Parking	—	—	—	
Animal Boarding	—	—	—	
Animal Care	C	C	C	
Undertaking Service	—	—	—	

Industrial Activities				
Custom Manufacturing	P(L3L4)	P(L3L4)	P(L3L4)	17.120
Light Manufacturing	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	17.120
General Manufacturing	—	—	—	
Heavy/High Impact Manufacturing	—	—	—	
Research and Development	P(L3L4)(L8L9)	P(L3L4)(L8L9)	P(L3L4)(L8L9)	
Construction Operations	P(L9L10)	P(L9L10)	P(L9L10)	
Warehousing, Storage and Distribution				
A. General Warehousing, Storage and Distribution	P(L3L4)	P(L3L4)	P(L3L4)	
B. General Outdoor Storage	C	C	C	
C. Self- or Mini-Storage	C(L11L12)	C(L11L12)	C(L11L12)	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	
Agricultural and Extractive Activities				
Plant Nursery	C	C	C	

Crop and Animal Raising	—C(L12L13)	—C(L13L14)	—C(L12L13)	
Mining and Quarrying Extractive	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.175
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations:

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L2. Emergency shelters are permitted by-right within the portion of the East 12th Street corridor described in Section 17.102.460(A)(6) and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L2L3. The total floor area devoted to these activities shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L3L4. The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L4L5. The total floor area devoted to a Full-Service or Limited-Service Restaurant Commercial Activity shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L5L6. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L6L7. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L7L8. 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.

L8L9. Outdoor principal activities, are only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

L9L10. This activity shall is only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is twenty-five thousand (25,000) square feet or larger or covers twenty-five thousand (25,000) square feet or more of lot area.

L40L11. Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding residential activities through landscaping and fencing. See Section 17.114 for general regulations regarding nonconforming uses.

L44L12. All facilities containing Self- or Mini Storage activities shall meet the following requirements:

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.
2. No facility that includes a Self- or Mini-Storage activity shall be within the front twenty (20) feet of a building.
3. Projects that include self storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor. These ground floor activities shall not be directly associated with the self storage establishment at the site.

L42L13. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01 lists the permitted, conditionally permitted, and prohibited activities in the M-20, M-30, and M-40 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Service-Enriched Permanent Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	—	— <u>P(L1)</u>	—	
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	P	

Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	—	P	
Administrative	P(L4L2)	P(L4L2)	P(L4L2)	
Health Care	C	—	—	
Special Health Care	C(L2L3)	C(L2L3)	C(L2L3)	17.103.020
Utility and Vehicular	C	P(L3L4)	P(L3L4)	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L4L2)	P	P	
General Retail Sales	P(L4L5)	P(L4L5)	P(L4L5)	

Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L4L5)(L5L6)	P(L4L5)(L5L6)	P(L4L5)(L5L6)	
Consultative and Financial Service	P(L4L2)	P(L4L2)	P(L4L2)	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L6L7)	C(L6L7)	
Personal Instruction and Improvement Services	—	C	C	
Administrative	P(L4L2)	P(L4L2)	P(L4L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L7L8)	P(L7L8)	P(L7L8)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L7L8)	P(L7L8)	P(L7L8)	

Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	P(L8L9)	P	P	
Light Manufacturing	P(L9L10)	P	P	
General Manufacturing	C(L9L10)	C(L9L10)	C(L9L10)	
Heavy/High Impact	—	—	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L10L11)	
Regional Freight Transportation	C	C	C	
Trucking and Truck-Related				
A. Freight/Truck Terminal	C	P(L7L8)(L14L12)	P(L7L8)(L14L12)	

B. Truck Yard	C	P(L7L8)(L14L12)	P(L7L8)(L14L12)	
C. Truck Weigh Stations	C	P(L7L8)(L14L12)	P(L7L8)(L14L12)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L7L9)(L14L13)	P(L7L9)(L14L13)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L7L8)(L14L12)	P(L7L8)(L14L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management	C(L12L13)	C(L12L13)	C(L12L13)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Crop and Animal Raising	C(L13L14)	C(L13L14)	C(L13L14)	
Mining and Quarrying	C	C	C	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations on Table 17.72.01:

L1. Emergency shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.102.460(A)(5) and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L4L2. The total floor area devoted to these activities on any single lot may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2L3. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L3L4. Communications equipment installation and exchanges are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4L5. The total floor area devoted to these activities on any single lot may only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5L6. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L6L7. 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.

L7L8. No facility accommodating either of these activities that is located within one hundred fifty (150) feet of any residential zone boundary shall be constructed, established, or altered in exterior appearance, unless the proposal have been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

L8L9. These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a residential zone (see Chapter 17.134 for the CUP procedure).

L9L10. Electroplating activities are prohibited.

L10L11. Salvage/Junk Yards Industrial Activities in the M-40 Zone are only permitted upon the granting of a Conditional Use Permit if located within four hundred (400) feet of any zone except the M-30 Zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 Zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed twenty (20) feet in height.

L11L12. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.

L12L13. These activities are prohibited when located within two thousand (2,000) feet from a residential facility. When not within two thousand (2,000) feet of a residential facility, Hazardous Materials

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

1. That the project is not detrimental to the public health, safety or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

L43L14. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

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

17.73.020 Permitted and conditionally permitted uses and facilities.

The following table lists the permitted, conditionally permitted, and prohibited uses and facilities in the CIX-1, CIX-2, IG and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

"P" designates permitted uses and facilities in the corresponding zone.

"C" designates uses and facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

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

"—" designates uses and facilities that are prohibited in the corresponding zone.

Table 17.73.020: Permitted and Conditionally Permitted Uses and Facilities

Uses	Zones				Additional Regulations
	CIX-1	CIX-2	IG	IO	
<u>Emergency Shelter</u>	<u>P(L1)</u>	<u>P(L1)</u>	=	=	
<u>All Other Residential Uses</u>	All <u>other</u> residential uses prohibited in each zone				
Civic Uses					
Essential Service	P	P	P	P	
Limited Child-Care	—	—	—	—	
Community Assembly	P	C	—	C	
Recreational Assembly	P	C	—	C	
Community Education	P	C	—	C	
Nonassembly Cultural	P	C	—	C	
Administrative	P	C	—	C	
Health Care	P	—	—	—	
Special Health Care	C	C	—	—	See Section 17.103.020

Utility and Vehicular	P	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Uses					
General Food Sales	P	C(L4L2)	C(L4L2)	P(L4L2)	
Full Service Restaurant	P	C(L4L2)	C(L4L2)	P(L4L2)	
Limited Service Restaurant and Cafe	P	C(L4L2)	C(L4L2)	P(L4L2)	
Fast Food Restaurant	C	C	—	C	See Section 17.103.030
Convenience Market	C	C	—	C	
Alcoholic Beverage Sales	L2L3	C	—	—	See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	L3L4	—	—	—	
Medical Service	P	C	—	C	
General Retail Sales	P	—	—	—	In the CIX-2 and IO Zones. Retail allowed as an accessory use only per Section 17.10.040
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P	P	—	C	See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats.
Consultative and Financial Service	P	—	—	—	
Check Cashier and Check Cashing	—	—	—	—	

Consumer Cleaning and Repair Service	P	C	—	—	
Consumer Dry Cleaning Plant	P	C	—	—	
Group Assembly	P(L7L8)	C(L8L9)	C(L8L9)	C(L8L9)	
Personal Instruction and Improvement and Small Scale Entertainment	P(L7L8)	C(L8L9)	C(L8L9)	C(L8L9)	
Administrative	P	P	L9L10	P	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P	P	C	P	
General Wholesale Sales	P	P	P	P	No retail ancillary activities for this use allowed in IG or IO.
Transient Habitation	—	—	—	—	
Building Material Sales	L3L4	L3L4	—	—	
Automobile and Other Light Vehicle Sales and Rental	P	C	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	P	P	P	—	Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
Automotive and Other Light Vehicle Repair and Cleaning	L3L4	L3L4	P	—	Requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
Automotive Fee Parking	L3L4	P	P	P	

Animal Care	<u>L4L5</u>	C	C	—	
Animal Boarding	<u>L4L5</u>	C	C	—	
Undertaking Service	P	C	C	—	
Industrial Uses					
Custom Manufacturing	P	P	P	P	
Light Manufacturing	P	P	P	P	
General Manufacturing	<u>L3L4</u>	<u>L3L4</u>	P	—	
Heavy Manufacturing	—	—	C	—	
Research and Development	P	P	P	P	
Construction Operations	<u>L3L4</u>	<u>L3L4</u>	<u>L3L4</u>	C	
Warehousing, Storage and Distribution					
A. General Warehousing, Storage and Distribution	P	P	P	P	No retail component of this use allowed in IG or IO. Also, see Section 17.73.060
B. General Outdoor Storage	C	<u>L3L4</u>	P	P	
C. Self or Mini Storage	C	C	—	C	
D. Container Storage	—	<u>L3L4</u>	P	—	
E. Automotive Salvage and Junk Yards	—	—	<u>L3L4</u>	—	
Regional Freight and Transportation:					
A. Seaport	—	—	P	C	
B. Rail Yard	—	C	P	—	
Trucking and Truck Related:					

A. Freight/Truck Terminal	L5L6	L3L4	P	—	The establishment of new or expanded trucking and trucking-related activities requires Regular Design Review approval if located within 150 feet of any residential zone (see Chapter 17.136 for the Design Review procedure).
B. Truck Yard	L5L6	C	P	C	
C. Truck Weigh Stations	—	P	P	—	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	L6L7	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	L5L6	P	P	—	
Recycling and Waste-Related Activities					
A. Satellite Recycling Collection Centers	C	C	C	C	
B. Primary Recycling Collection Centers	L10L1 1	L10L1 1	L11L12	—	
Hazardous Materials Production, Storage & and Waste-Related Activities					L12 See also Health and Safety Protection Zone (S-19)
A. Small Scale Transfer and Storage	—	C	C	—	
B. Industrial Transfer/Storage	—	—	C	—	
C. Residuals Repositories	—	—	C	—	
D. Oil and Gas Storage	—	—	L2L3	—	
Agricultural and Extractive uses					
Plant nursery	P	P	P	—	
Crop and animal raising	— C(L13 L14)	— C(L13 L14)	C(L13L14)	—	
Mining and Quarrying Extractive	—	—	C	—	See Chapter 17.155

Limitations:

L1. Emergency shelters are permitted by-right within those portions of the Third Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.102.460(A)(5)(6)(8) respectively and subject to the development standards in Section 17.102.460(B).

- | **L4L2.** Limited to location on a ground floor in CIX-2, IG and IO. Over five thousand (5,000) sf floor area requires a conditional use permit in CIX-2, IG, and IO.
- | **L2L3.** Prohibited within three hundred (300) feet of a residential zone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in CIX-2).
- | **L3L4.** A conditional use permit is required if within three hundred (300) feet of a residential zone; Permitted if beyond three hundred (300) feet of a residential zone.
- | **L4L5.** A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.
- | **L5L6.** Prohibited within six hundred (600) feet of a residential zone. A conditional use permit is required elsewhere throughout the zone. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.
- | **L6L7.** A conditional use permit is required: a) if within three hundred (300) feet of a residential zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area. Also, only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the West Oakland Community Development District, defined to include all areas between Interstate 980 to the east, 3rd Street to the south, Interstate 880 to the west, and Interstate 580 to the north.
- | **L7L8.** A conditional use permit is required for entertainment uses. Also, no new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.
- | **L8L9.** Entertainment, educational and athletic services are not permitted.
- | **L9L10.** Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in IG.
- | **L10L11.** Prohibited within three hundred (300) feet of a residential zone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if beyond three hundred (300) feet of a residential zone boundary.
- | **L11L12.** Prohibited within three hundred (300) feet of a residential zone, permitted outright beyond three hundred (300) feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.
- | **L12L13.** A conditional use permit is required for electroplating activities.
- | **L13L14.** Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:
 - 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 - 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
 - 3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

Chapter 17.74 S-1 MEDICAL CENTER 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

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section 17.102.460(A)(1)(3) respectively and subject to the development standards in Section 17.102.460(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

Chapter 17.101C D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE REGULATIONS

17.101C.060 Permitted and conditionally permitted activities.

Table 17.101C.01 lists activities permitted, conditionally permitted, and prohibited in the D-BR Zone. The descriptions of these activities are contained in Chapter 17.10. 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	D-BR Zone	Additional Regulations
Residential Activities		
Permanent Residential	C(L1)	
Residential Care	P(L1)(L2)	17.103.010
Service-Enriched Permanent Housing	C(L1)	17.103.010
Transitional Housing	C(L1)	17.103.010
Emergency Shelter	—P(L3)	17.103.010
Semi-Transient Residential	—	17.103.010
Bed and Breakfast		
Civic Activities		
Essential Service	P	
Limited Child-Care	C(L1)	
Community Assembly	C(L1)	

Recreational Assembly	C(L1)	
Community Education	P(L1)	
Nonassembly Cultural	P	
Administrative	P(L1)	
Health Care	C	
Special Health Care	—	17.103.020
Utility and Vehicular	—	
Extensive Impact	—	
Commercial Activities		
General Food Sales	P	
Full Service Restaurant	P	
Limited Service Restaurant and Cafe	P	
Convenience Market	C	17.103.030
Fast-Food Restaurant	C	
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	
Medical Service	P(L3L4)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L4L5)	
Consultative and Financial Service	P	

Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L5L6)	
Personal Instruction and Improvement and Small Scale Entertainment	C	
Administrative	P(L1)	
Business, Communication, and Media Service	P	
Broadcasting and Recording Service	P	
Retail Business Activity	C	
Research Center	—	
General Wholesale Sales	—	
Transient Habitation	—	17.103.050
Building Material Sales	—	
Automobile and Other Light Vehicle Sales and Rental	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L6L7)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	—(L76)	17.114.050 (A)
Taxi and Light Fleet-Based Service	—	
Automotive Fee Parking	C	
Animal Care	C	
Animal Boarding	C	
Undertaking Service	—	
Scrap Operation	—	

Industrial Activities	All Industrial Activities prohibited in these zones	
Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	17.102.110

Limitations:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L3. Emergency shelters are permitted by-right within the portion of the Webster Street area described in Section 17.102.460(A)(3) and subject to the development standards in Section 17.102.460(B).

L3L4. These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27th Street right-of-way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit.

L4L5. See Section 17.102.170 for special regulations relating to massage services. Also no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L5L6. 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.

L6L7. Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Subsection 17.114.050.A.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.010 Title, purpose, and applicability.

17.102.020—17.102.080 Reserved.

17.102.090 Shared access facilities.

17.102.100 Reserved.

17.102.110 Expansion of use into adjacent zones.

17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS Zones.

17.102.130 Reserved.

17.102.140 Private stables and corrals.

17.102.160 Adult entertainment activities.

17.102.170 Massage activities.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial zones.

17.102.190 Joint Living and Work Quarters.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

17.102.200 Pedestrian bridges constructed over City streets.

17.102.210—17.102.220 Reserved.

17.102.230 Demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential zones.

17.102.240 Microwave and satellite dishes over three (3) feet in diameter located in or near residential zones.

17.102.250—17.102.265 Reserved.

17.102.270 An additional kitchen for a single dwelling unit.

17.102.280, 17.102.290 Reserved.

17.102.300 Dwelling units with five (5) or more bedrooms.

17.102.310—17.102.335 Reserved.

17.102.340 Electroplating activities in the Industrial Zones.

17.102.350 Tobacco-oriented activities.

17.102.360—17.102.390 Reserved.

17.102.400 Exterior security bars and related devices.

17.102.420—17.102.440 Reserved.

17.102.450 Laundromats.

17.102.460 Standards applicable to emergency shelters permitted "by-right".

17.102.460 Standards applicable to emergency shelters permitted "by-right".

A. Emergency shelters shall be permitted by-right within the following areas, identified street corridors, and portions of street corridors (see Zoning Code Bulletin on *Emergency Shelters Permitted By-right* for a map of the following locations):

1. That portion of Martin Luther King Jr. Way lying between the 51st Street and the City of Oakland City Limits (Segment A on map in Zoning Code Bulletin).
2. That portion of San Pablo Boulevard lying between 53rd Street and the City of Oakland City Limits (Segment B on map in Zoning Code Bulletin).
3. That portion of the area surrounding Webster Street bounded by 29th Street to the south, the I-580 overpass to the north and Elm Street to the west and Webster Street (parcels fronting Webster Street) to the east (Segment C on map in Zoning Code Bulletin).
4. That portion of San Pablo Boulevard lying between Grand Avenue and I-580 (Segment D on map in Zoning Code Bulletin).
5. That area surrounding Third Street bounded by Martin Luther King Jr. Way to the east, Fifth Street to the north, Embarcadero West to the south and Union Street to the west (Segment E on map in Zoning Code Bulletin).
6. That portion of E. 12th Street between 14th Avenue and 23rd Avenue (Segment F on map in Zoning Code Bulletin).
7. That portion of Macarthur Boulevard between Fruitvale Avenue and High Street (Segment G on map in Zoning Code Bulletin).
8. That area of Coliseum Way bounded by San Leandro Street to the north, I-880 to the south, 66th Avenue to the east and High Street to the west (Segment H on map in Zoning Code Bulletin).

B. Where permitted by-right, Emergency shelters shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:

1. **Compliance with required licenses, permits, and approvals.** An emergency shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable building and fire codes. An emergency shelter residential facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
2. **Number of beds.** A maximum of number of 100 beds or persons are permitted to be served nightly by the facility.
3. **Off Street Parking.** See Sections 17.116.060(B) and 17.103.010(A) for parking-related requirements for emergency shelters.
4. **Size and location of exterior onsite waiting and client intake areas.** Exterior waiting areas must comply with the Small Project Design Review Checklist Criteria for Facilities with 3 or More Dwelling Units.
5. **Location criteria.** See Section 17.103.010(B) for location requirements for Emergency Shelter Residential Activities.
6. **Length of stay.** No individual or family shall reside in an emergency shelter for more than 180 consecutive days.
7. **External Lighting and Security.** Satisfactory completion of the City of Oakland's "Crime Prevention Through Environmental Design (CPTED) Checklist for Residential Projects" is required for all emergency shelters permitted by-right.
- 4-8. **Additional Requirements.** For City of Oakland funded shelters refer to the current "Standard Contract – Service Agreement" that governs the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.