

December 2008 Planning Code Amendments—Summary

On November 3, 2008 the City Council adopted the proposed Planning Code amendments summarized in this document. With the exception of one item, codifying the Standard Conditions of Approval, these changes will go into effect on December 1, 2008. Typically, the changes apply citywide, and are intended to update references, improve consistency among chapters, reduce redundancy, and clarify language.

The substantive changes made by the amendments are discussed here. These changes supersede the current online version of the Planning Code and will not be represented in the online Planning Code (Lexis-Nexis) for 3-6 months. Therefore, use the following link to view the zoning text amendments enacting Ordinance and the updated Planning Code (located on the Planning and Zoning website):

<http://www.oaklandnet.com/government/ceda/revised/planning.html>

Projects *not* affected by these code amendments include:

- building/construction related permits already issued and not yet expired
- zoning applications approved by the City and not yet expired
- complete zoning applications
- zoning applications that would otherwise be considered complete except for an environmental determination, as of the date of final passage

Changes found in multiple zones:

- Signs: anywhere signs had been conditionally permitted facilities, they are now prohibited. This will mean that an application for a sign variance will need to make the findings in Section 17.148.050.
- Secondary units: permits One-Family Dwelling with Secondary Unit (subject to the provisions specified in Section 17.102.360) in any commercial zone.
- Corrected text: “manufacturing” changed to “industrial” throughout.

17.09 Definitions

17.09.040 Definitions.

- “Alteration” includes demolition and removal of structures. This means demolition permits now require Planning division design review, if the zoning requires design review, or if the structure is in S-4 Zone.
- “Footprint” now means the total land area covered by all of the structures on a lot, with specific exceptions (i.e. unenclosed decks and balconies).
- “Lot coverage” means the total land area covered by all of the structures on a lot measured from outside of all exterior walls and supporting columns, with some exceptions.

17.10 Use Classifications

17.10.030 Listing of activity classifications (Industrial)

- Added new activities which were inadvertently left out of the creation of the new industrial zones: Research and Development; Construction Operations; Warehousing, Storage, and Distribution; Regional Freight Transportation; Trucking and Truck-Related; Recycling and Waste-Related; Hazardous Materials Production, Storage and Waste Management

17.10.040 (N) Accessory activities.

- Added Car-sharing services and parking spaces as accessory to all activities, as long as required parking space for that activity is not taken by car-sharing trucks and automobiles. Limitations apply.

17.10.050 (D) Classification of combinations of principal activities.

- Limits the types of activities which can co-locate with gas stations without the approval of a Conditional Use Permit.

17.10.730 Open Nonresidential Facilities.

- Specifically excludes Drive-in Nonresidential, Sidewalk Cafes and Drive-through Nonresidential facilities from this definition.

17.52 C-36 Gateway Boulevard Service Commercial Zone

17.52.050 Permitted activities.

- Corrected errors in text, and in section of activity and facility types

17.52.060 Conditionally permitted activities.

- Animal Care Commercial is now a conditionally permitted activity. Made other corrections to the errors in the text.

17.52.070 Permitted facilities.

- Telecommunications facilities—mini and micro added back as permitted.

17.52.080 Conditionally permitted facilities.

- Telecommunications facilities—macro and monopole added back as conditionally permitted.

17.56 C-45 Community Shopping Commercial Zone

17.56.060 Conditionally permitted activities.

- Extensive Impact Civic Activities is now conditionally permitted.

17.62 C-55 Central Core Commercial Zone

17.62.060 Conditionally permitted activities.

- Extensive Impact Civic Activities is now conditionally permitted.

17.65 HBX Housing and Business Mix Commercial Zone

17.65.150 (D) Special regulations for HBX work/live Facilities.

- Added bicycle parking regulations.

17.81 S-5 Broadway Retail Frontage Interim Combining Zone

17.81.060 Permitted and conditionally permitted activities.

- In Broadway Auto Row and in neighboring blocks, Automotive Servicing activities and Automotive Repair and Cleaning activities remain prohibited in the S-5 Zone. Adopted amendment now gives legal, non-conforming activities six months to be reestablished without a conditional use permit, from the previous regulation of one year. However, standard procedures in Section 17.114.050 (A) allow for the application of a conditional use permit to reestablish these activities, after the six months have elapsed.

17.100A S-19 Health and Safety Protection Overlay zone

- Due to an error, two different Chapters 17.100 were created. Amended code to create a new chapter, 17.100A.

17.100B S-20 Historic Preservation District Combining zone.

- Due to an error, two different Chapters 17.100 were created. Amended code to create a new chapter, 17.100B.

17.102 General Regulations applicable to all or several zones

17.102.150 Conditional use permit requirement for accessory heliports and other flying fields.

- Removed this section.

17.102.240 Special regulations applying to microwave dishes in or near residential zones.

- Amended section to clarify that regulation applies to microwave dishes over one (1) meter in diameter; and removes “energy production facilities

such as solar panels and wind activated power generating equipment” from regulation.

17.102.390 Parking accommodation requirements for One- and Two-Family Residential Facilities.

- Moved entire section, without edits, to 17.116.300.

17.108 General Height, Yard and Court regulations

17.108.130 Exceptions to required openness of minimum yards and courts.

- Added “wheelchair ramps” to 17.108.130 (F) and (G)

Chapter 17.114 NONCONFORMING USES

17.114.50 Nonconforming activity--Discontinuance.

- Limits amount of time a non-conforming auto servicing and auto repair & cleaning activities can be reactivated –from one year to six months—on Broadway Auto Row (S-5 zone). Same regulation as Section 17.81, above.

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

17.117.120 Required Bicycle Parking – Manufacturing and Other Activities

- Adds new bicycle parking regs for industrial activities

Chapter 17.130 ADMINISTRATIVE PROCEDURES GENERALLY

17.130.60 Obligation of applicant to defend, indemnify, and hold harmless

- Edited language in this section

17.130.070 Uniformly Applied Development Standards automatically Imposed as Standard Conditions of Approval for Development Projects

- Codifies the Standard Conditions of Approval, under CEQA.

17.130.80 City Council consideration of legislative and adjudicatory actions

- Gives City Council final deliberation of certain applications.