

## **Chapter 17.100 S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS**

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### **17.100.010 Title, purpose, and applicability.**

The provisions of this chapter shall be known as the S-15 transit oriented development zone regulations. The S-15 zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit (BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 zone. (Ord. 11892 § 4 (part), 1996: prior planning code § 6850)

### **17.100.020 Design review for construction or alteration.**

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and

periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996; Ord. 11892 § 4 (part), 1996; prior planning code § 6851)

**17.100.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.**

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.122 and 17.140, and shall be subject to the following special regulations:

A. Intermodal Activities and Pedestrian Plaza. Developments should incorporate multiple forms of public transportation and a pedestrian plaza.

B. Professional Design. The application shall certify that talents of the following professionals will be utilized at some stage in the design process for the development:

1. An architect licensed by the state of California; and

2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.

C. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer as required by the city. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.100.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty (150) percent of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District. (Ord. 11892 § 4 (part), 1996; prior planning code § 6852)

**17.100.040 Permitted activities.**

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

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service

Limited Child Care

Community Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

Telecommunications

C. Commercial Activities:

General Food Sales

Convenience Sales and Service

Medical Service

General Retail Sales  
General Personal Service  
Consultative and Financial Service  
Administrative  
Business and Communication Service  
Group Assembly  
(Ord. 11904 § 5.78, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6853)

**17.100.050 Conditionally permitted activities.**

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

- A. Residential Activities:
  - Residential Care
  - Service-Enriched Permanent Housing
  - Transitional Housing
- B. Civic Activities:
  - Utility and Vehicular
  - Extensive Impact
- C. Commercial Activities:
  - Fast Food Restaurant
  - Convenience Market
  - Consumer Laundry and Repair Service
  - Transient Habitation and Commercial Activities
  - Alcoholic Beverage Sales
  - Mechanic or Electronic Games
  - Animal Care
- D. Manufacturing Activities:
  - Custom
- E. Off-street parking serving nonresidential activities listed in Sections 17.100.040 and 17.100.050.
- F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; Ord. 11892 § 4 (part), 1996: prior planning code § 6854)

**17.100.060 Permitted facilities.**

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

- A. Residential Facilities:
  - Multifamily Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Sidewalk Cafe
- C. Signs:
  - Residential
  - Special
  - Development
  - Realty
  - Civic
  - Business
- D. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)  
(Ord. 11904 § 5.82, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6855)

**17.100.070 Conditionally permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

B. Nonresidential Facilities

Open Facilities

C. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Macro

Monopole

(Ord. 11904 § 5.86, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6856)

**17.100.080 Special regulations applying to certain Commercial and Manufacturing Activities.**

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

B. Manufacturing Activities. All accessory manufacturing activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility. (Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

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

See Sections 17.100.100 and 17.102.230. (Ord. 11892 § 4 (part), 1996: prior planning code § 6859)

**17.100.100 Use permit criteria.**

A conditional use permit for any use or facility listed in Sections 17.100.030, 17.100.050, 17.100.070 and 17.100.200, may be granted only 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 use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

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

1. That vehicular access cannot reasonably be provided from a different street or other way,

2. That every reasonable effort has been made to share means of vehicular access with abutting properties,

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B;

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement. (Ord. 11892 § 4 (part), 1996: prior planning code § 6860)

**17.100.110 Limitations on Signs, marquees, awnings.**

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

B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot, or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.100.020, upon determination that the signage will be of a quality and character which harmonizes with the visual character of the surrounding area. The aggregate area shall include only one face of double-faced signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.

C. Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than seventy-five (75) square feet on any one face.

D. Prohibition of Signs Above Roof Line. No sign, other than a Special Sign, which is attached to a building shall extend above the roof line or parapet wall thereof.

E. Maximum Projection Over Sidewalk.

1. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy-five (75) percent of the distance from the lot line to the curb.

2. No other Sign shall project more than four feet beyond any street line.

F. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty (30) feet above finished grade.

G. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.

H. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.

I. Realty Signs. All Realty signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. (Ord. 11892 § 4 (part), 1996: prior planning code § 6863)

**17.100.120 Minimum lot area, width, and frontage.**

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Ord. 11892 § 4 (part), 1996: prior planning code § 6864)

**17.100.130 Maximum residential density.**

A. Permitted Density. Residential uses shall be subject to the same maximum density, and other, related regulations as set forth in Section 17.28.120 for the R-70 zone.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by up to twenty-five (25) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and subject to the

criteria listed in Section 17.100.100. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 11892 § 4 (part), 1996: prior planning code § 6865)

**17.100.140 Maximum nonresidential floor area ratio.**

The maximum nonresidential floor area ratio of any facility shall be as set forth below.

A. Permitted Floor Area Ratio. The maximum permitted floor area ratio shall be 4.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by up to one hundred fifty (150) percent upon the granting of a conditional use permit, pursuant to Section 17.100.100 and the provisions set forth in the conditional use permit procedure in Chapter 17.134, and provided that it is a mixed use development containing residential and commercial activities and as defined as a project including at least twenty-five (25) percent of the number of residential units that would be permitted if the project were solely residential. (Ord. 11892 § 4 (part), 1996: prior planning code § 6867)

**17.100.150 Maximum height.**

Except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, the maximum height of all buildings and other facilities shall be forty-five feet. This maximum height may be extended up to fifty-five (55) feet provided that the following criteria is met:

A. One foot of building setback is provided for each additional foot of building height above forty-five feet. The height of facilities, however, shall be further limited, in that any portion of a building located within ten feet of the rear property line shall not exceed a height of thirty (30) feet and, as applicable, by the provisions of Section 17.108.010A for lots lying along a boundary of a residential zone. (Ord. 11904 § 5.90, 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6869)

**17.100.160 Minimum yards and courts.**

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130:

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard.

1. A rear yard with a minimum depth of ten feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Ord. 11892 § 4 (part), 1996: prior planning code § 6870)

**17.100.170 Minimum usable open space.**

Minimum usable open space.

A. Group Usable Open Space for Residential Facilities. On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit. All required group usable open space shall conform with the standards set forth in Chapter 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

B. Private Usable Open Space for Residential Facilities. Private usable open space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit and twenty (20) square feet per efficiency unit. All required space shall conform to the standards for required private usable open space in Section 17.126.040. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall be provided in the minimum amount of seventy-five (75) square feet per regular dwelling unit and fifty (50) square feet per efficiency unit. (Ord. 11892 § 4 (part), 1996: prior planning code § 6871)

**17.100.180 Buffering and landscaping.**

A. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein. (Ord. 11892 § 4 (part), 1996: prior planning code § 6872)

**17.100.190 Special regulations for mini-lot developments.**

In mini-lot developments, certain of the regulations otherwise applying to individual lots in the S-15 zone may be waived or modified when and as prescribed in Section 17.102.320. (Ord. 11892 § 4 (part), 1996: prior planning code § 6873)

**17.100.200 Special regulations for large scale developments.**

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.100.100, or upon the granting of a planned unit development approval pursuant to Chapters 17.122 and 17.140. (Ord. 11892 § 4 (part), 1996: prior planning code § 6875)

**17.100.210 Other zoning provisions.**

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

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

C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 zone. (Amended during 1997 codification; prior code § 6876)