



CITY OF OAKLAND

EXPANSION OF USE INTO ADJACENT ZONES

CONDITIONAL USE PERMIT FINDINGS

The Zoning Ordinance describes two different types of uses in each zoning district: 1) permitted uses; and 2) conditional uses. Conditional uses are those which require special consideration from the City. The Conditional Use Permit (CUP) process provides the City with the flexibility to determine if a specific use at a certain location will be compatible with the neighborhood. Conditional Use Permits can only be granted if all of the following findings can be made.

The Zoning Regulations for many of the zoning districts within the City of Oakland allow for an expansion of a use that is located in an adjacent zoning district, upon the granting of a Conditional Use Permit (for example an expansion of a commercial use onto an adjacent residentially zoned parcel).

Please indicate the way in which the proposal meets the following required criteria. Attach additional sheets if necessary.

1. Substantial Improvement in, or Superior, Environment. The location, size, design, and other characteristics of the entire use as proposed will substantially improve or provide superior environmental relationships among all uses in the immediate vicinity:

2. Preservation of Privacy. The design and site planning of all buildings, open areas, parking, service areas, paths, stairways, accessways, corridors, and balconies will be so designed as to not adversely affect the privacy, safety, or environmental amenities of adjacent properties:

3. Retention of Natural and Topographic Features. Within the expansion area every reasonable effort will be undertaken to preserve natural grades, topographic features, watercourses, and significant landscape features:

4. Expansion of Use on Abutting Lot. Such uses shall be allowed only when they constitute an expansion of or are a part of an existing or proposed activity or facility which is located in or partially located in the adjacent zone, and is permitted or conditionally permitted therein. Such uses shall be allowed only on a lot, or one of a series of lots under one ownership, directly contiguous to the lot in the adjacent zone, with no intervening streets:

5. Maximum Distance from Zone Boundary. Such uses shall not extend more than one hundred fifty (150) feet into the zone, as measured perpendicularly from the zone boundary at any point:

6. Increased Off-Street Parking. Off-street parking shall be provided for the proposed development in an amount at least one hundred fifty (150) percent of that required by the off-street parking requirements in Chapter 17.116:

7. Height. Within the area of the allowed expansion, the maximum height of any building or facility shall not exceed the maximum height permitted on abutting lots:

8. Increased Yard Areas. The minimum yard depth or width, as the case may be, for buildings within the expansion area shall be no less than one hundred fifty (150) percent of the yard depth or width, if any, required for uses on those properties abutting the expansion area:

9. Screening and Buffering. The exterior perimeter of the expansion area shall be provided with screening and buffering devices including, but not limited to, established trees:

10. Maximum Density. The number of living units on any lot or series of lots involved in the expansion of use shall be calculated separately on the basis of the amount of lot area and the density ratio applying in each of the affected zones. The maximum number of living units allowed in the proposed development shall not exceed the accumulative total resulting from adding the density calculations for each of the lot areas and zones involved in the expansion:
