

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

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17.65.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the HBX Housing and Business Mix Commercial Zones Regulations. This Chapter establishes land use regulations for the HBX-1, HBX-2, HBX-3, and HBX-4 Zones.

The purposes of the Housing and Business Mix (HBX) Zones are to:

- A. Allow for mixed use districts that recognize both residential and business activities;
- B. Establish development standards that allow residential and business activities to compatibly co-exist;
- C. Provide a transition between industrial areas and residential neighborhoods;
- D. Encourage development that respects environmental quality and historic patterns of development;
 - 1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

Housing and Business Mix - 1 (HBX-1) Commercial Zone. The HBX-1 Commercial Zone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix - 2 (HBX-2) Commercial Zone. The HBX-2 Commercial Zone is intended to provide development standards for areas that have a mix of industrial, certain commercial and medium to high density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix - 3 (HBX-3) Commercial Zone. The HBX-3 Commercial Zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

Housing and Business Mix - 4 (HBX-4) Commercial Zone. The HBX-4 Commercial Zone is intended to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.020 Required design review process.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX Zones.
- C. Where there is a conflict between the design review criteria specified in Chapter 17.136 and the design objectives contained in the "HBX Design Guideline Manual", the design objectives in the "HBX Design Guideline Manual" shall prevail.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12772 § 1 (part), 2006)

* Editor's Note— The "HBX Design Guidelines Manual," referred to in this Chapter, is incorporated by reference as if fully set forth herein by Section 2 of Ordinance 12772. A copy of this manual is kept on file in the Oakland City Hall.

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.

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"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.

Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Activities					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Emergency Shelter	P(L1)(L2)(L6)	P(L1)(L2)(L6)	P(L1)(L2)(L6)	P(L1)(L2)(L6)	17.103.010 17.103.015
Semi-Transient Residential	P	P	P	P	17.103.010
Bed and Breakfast	—	—	—	C	17.10.125
Civic Activities					
Essential Service	P(L16)	P(L16)	P(L16)	P(L16)	
Limited Child-Care	P	P	P	P	
Community Assembly	P(L3)	P(L3)	P(L3)	P(L3)	
Recreational Assembly	P(L3)	P(L4)	P(L4)	P(L4)	
Community Education	C	C	C	C	
Nonassembly Cultural	P(L3)	P(L4)	P(L4)	P(L4)	
Administrative	P(L3)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Special Health Care	C(L6)	C(L6)	C(L6)	C(L6)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	17.102.440
Commercial Activities					
General Food Sales	P(L3)	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L5)	P(L5)	P(L5)	P(L3)	
Limited Service Restaurant and Cafe	P(L5)	P(L5)	P(L5)	P(L3)	
Fast-Food Restaurant	—	—	—	—	17.103.030
Convenience Market	C	C	C	C	17.103.030

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Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Alcoholic Beverage Sales	C	C	C	C	17.103.030
Mechanical or Electronic Games	C	C	C	C	
Medical Service	P(L3)	P(L4)	P(L4)	P(L4)	
General Retail Sales	P(L3)	P(L4)	P(L4)	P(L4)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L3)(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L3)	P(L4)	P(L4)	P(L4)	
Check Cashier and Check Cashing	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	C	C	C	
Consumer Dry Cleaning Plant	—	C	C	C	
Group Assembly	C(L8)	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	C	P	P	P	
Administrative	P(L3)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P(L5)	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P(L3)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L5)	P(L4)	P(L4)	P(L4)	
Transient Habitation	—	—	—	C	17.103.050
Building Material Sales	—	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L11)	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	—	
Taxi and Light Fleet-Based Service	—	C	C	C	
Automotive Fee Parking	—	—	—	—	
Animal Boarding	C(L15)	C(L15)	C(L15)	C(L15)	
Animal Care	C	C	C	C	

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Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	P(L3)(L9)(L17)	P(L3)(L9)(L17)	P(L3)(L9)(L17)	P(L4)(L9)(L17)	17.120
Light Manufacturing	P(L3)(L9)(L17)	P(L3)(L9)(L17)	P(L3)(L9)(L17)	P(L4)(L9)(L17)	17.120
General Manufacturing	—	—	—	—	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L3)(L9)	P(L3)(L9)	P(L3)(L9)	P(L4)(L9)	
Construction Operations	—	C(L9)(L10)	C(L9)(L10)	C(L9)(L10)	
Warehousing, Storage and Distribution-Related					
A. General Warehousing, Storage and Distribution	C(L9)(L10)	P(L3)(L9)	P(L3)(L9)	P(L3)(L9)	
B. General Outdoor Storage	—	C(L15)	C(L15)	C(L15)	
C. Self- or Mini-Storage	—	C(L12)	C(L12)	C(L12)	
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-Related	—	—	—	—	
Agricultural and Extractive Activities					
Plant Nursery	C	C	C	C	
Limited Agriculture	P(L13)	P(L13)	P(L13)	P(L13)	
Extensive Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	
Mining and Quarrying Extractive	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.116.175

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Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	17.102.110

Limitations on Table 17.65.01:

L1. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities.

L2. Emergency shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the East 12th Street corridor described in Section 17.103.015(A)(6) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.

L3. Except for the HBX-1 zoned area near Lowell Street, the total floor area devoted to these activities on any single lot shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). For the HBX-1 zoned area near Lowell Street, the total floor area devoted to these activities on any single lot shall only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure).

L4. The total floor area devoted to these activities on any single lot shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. The total floor area devoted to these activities on any single lot shall only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. 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 Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L7. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats.

L8. 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.

L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor principal activities shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L10. This activity shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L11. Except for the HBX-1 zoned area near 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 Chapter 17.114 for general regulations regarding nonconforming uses.

L12. All facilities containing Self- or Mini-Storage activities shall meet the following requirements:

- a.** 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.
- b.** No facility that includes a Self- or Mini-Storage Activity shall be within the front twenty (20) feet of a building.
- c.** Projects that include self-storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by ground floor commercial activities that are not directly associated with the self-storage establishment at the site.

L13. Limited Agriculture is permitted if the activity occupies less than twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

L14. Extensive Agriculture 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.

L15. These activities are prohibited when located within six hundred (600) feet of a Residential Zone. When not within six hundred (600) feet of a Residential Zone, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L16. Community Gardens are permitted if they do not include any livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives.

L17. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12872 § 4 (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12772 § 1 (part), 2006)

17.65.040 Permitted and conditionally permitted facilities.

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in the table below are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

1. **"Live/Work"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both Residential and Nonresidential Activities.
2. **"Work/Live"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary Nonresidential Activity with an accessory residential component.

The following table lists regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

"P" indicates that the facility is permitted in the corresponding zone.

"C" indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

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

Table 17.65.02: Permitted and Conditionally Permitted Facilities

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Facilities					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	17.103.080
Two- to Four-Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Rooming House	P	P	P	C	

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Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Vehicular	P	P(L3)	P(L3)	C(L3)	17.103.080 17.103.085
Live/Work	P	P	P	P	17.65.160
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L2)	C(L2)	C(L2)	C(L2)	
Work/Live	P	P	P	P	17.65.150
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitation on Table 17.65.02:

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L2. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

L3. In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). However, this requirement shall not apply to the expansion of the floor area or other alteration of an existing One-Family Dwelling.

L4. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.050 Reserved.

Editor's note—

Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, repealed the former Section 17.65.050 in its entirety, which pertained to special regulations for self storage facilities, and derived from Ord. No. 12772, § 1(part), adopted 2006; Ord. No. 12939, § 4(Exh. A), 6-16-2009, and Ord. No. 13064, § 2(Exh. A), adopted March 15, 2011.

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width, and frontage requirements for the zones in this Chapter.

Standard	Zones			
	HBX-1	HBX-2	HBX-3	HBX-4
Minimum lot area	2,500 sf.	2,500 sf.	2,500 sf.	3,500 sf.
Minimum lot width mean	25 ft.	25 ft.	25 ft.	35 ft.
Minimum lot frontage	25 ft.	25 ft.	25 ft.	35 ft.

Note:

See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard regulations. Lots that do not meet the standards described above may be developed if they meet the requirements described in Subsection 17.106.010.A and all other applicable requirements.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872, § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.070 Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4

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Regular Dwelling Unit	1,000 sf. of lot area per unit	800 sf. of lot area per unit	700 sf. of lot area per unit	700 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	400 sf. of lot area per unit	350 sf. of lot area per unit	350 sf. of lot area per unit
Efficiency Dwelling Unit	500 sf. of lot area per unit	400 sf. of lot area per unit	350 sf. of lot area per unit	350 sf. of lot area per unit

Notes:

1. See Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units; Chapter 17.107 for affordable housing density incentives; and Section 17.106.060 for increased density for senior housing.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.080 Maximum Floor Area Ratio.

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area Ratio (FAR)	1.5	2.5 when the lot abuts a street right-of-way that is less than 80 ft. wide; 3.0 otherwise.	2.5 permitted; 3.0 may be allowed upon the granting of a Conditional Use Permit.	2.5 permitted; 3.0 may be allowed upon the granting of a Conditional Use Permit.

Notes:

1. Under no circumstances shall a project exceed the maximum FARs for all structures listed in this table or the Nonresidential FARs listed in Subsection B.

2. See Section 17.65.090 for how to calculate Floor Area Ratio (FAR) in mixed use projects.

3. A Conditional Use Permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 Zones 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:

a. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.

b. That the additional Floor Area Ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for Nonresidential Facilities for the zones in this Chapter.

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Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	1.5	2.5	2.5	2.5

Notes:

1. Under no circumstances shall a project exceed the maximum Nonresidential FARs listed in this table or the FARs for all structures listed in Subsection A.

2. See Section 17.65.090 for how to calculate FAR in mixed use projects.

(Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.090 Maximum density and Floor-Area Ratio for mixed use projects.

A. This Section shall only apply to the following two (2) types of mixed use projects:

1. Projects that have at least twenty percent (20%) of its total floor area devoted to Nonresidential Facilities or
2. Projects that:
 - a. Are on lots that are fifty (50) feet wide or less and
 - b. Have a minimum fifty percent (50%) of lot frontage occupied by Ground Floor Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities. This commercial floor area must be at least twenty (20) feet deep measured from the building frontage and be within an enclosed building. Projects on through lots require this minimum fifty percent (50%) on only the longest lot frontage to qualify as a mixed use project for this Section.

B. For projects described in Subsection A, the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. For projects described in Subsection A, this Subsection supersedes the requirements in Section 17.106.030

C. Section 17.106.030.B describes how to calculate maximum density and floor-area ratio for mixed use projects not included in Subsection A.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12772 § 1 (part), 2006)

17.65.100 Maximum height.

A. The following table contains the maximum heights for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4

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Maximum height	35 ft.	45 ft. when the lot abuts a street right-of-way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right-of-way that is 80 ft. wide or more.	55 ft.	55 ft.
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Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zone. If the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from this setback line. This increase in allowable height shall not exceed the maximum height allowed in the zone. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a ninety-five (95) foot height limit. This additional height is permitted only upon the granting of a Conditional Use Permit (see Chapter 17.134) and approval pursuant to the design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX Zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.110 Minimum yards and courts.

A. Minimum yards shall be consistent with the adopted "Design Guidelines for the HBX Zones".

B. A minimum ten (10) foot rear yard depth is required when a rear lot line abuts any portion of a lot in a Residential Zone. Also, see Section 17.108.110 for reduced required rear yard depth next to an alley.

C. See Section 17.108.080 for the required interior side yard width on a lot containing two (2) or more living units and opposite a legally required living room window.

D. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ten (10) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

- F. This section shall not apply to Vehicular Residential Facilities, which shall comply with the standards contained in Section 17.103.085.

(Ord. 12872 § 4 (part), 2008)

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4
100-sf./unit	100 sf./unit	100 sf./unit	100 sf./unit

Notes:

Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

(Ord. 12872 § 4 (part), 2008)

17.65.130 Landscaping, paving, and buffering.

- A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding any permitted Accessory Dwelling Units, and for additions to existing building facilities of over one thousand (1,000) square feet.
1. Landscaping and buffering that is consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council;
 2. An automatic system of irrigation for all landscaping shown in the plan;
 3. A minimum of one (1) 15-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.
 4. At least one (1) 15-gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
 5. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required area, the width of the required landscaping area shall be increased by two (2) feet unless wheel stops are installed.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.140 Outdoor storage.

The outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: 1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Activities, and 2) the storage faces any windows of a Residential Facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance with the adopted "Design Guidelines for the HBX Zones".

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

17.65.150 Special regulations for HBX Work/Live units.

A. Definitions. The following definitions apply to this Chapter only:

1. In the HBX-4 Zone, an **"HBX Work/Live unit"** shall be considered a Commercially/ Industrially Oriented Joint Living and Working Quarter under the Building Code. Any building permit plans for the construction or establishment of HBX Work/Live units in the HBX-4 Zone shall: (a) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (b) label such units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow a certain level of industrial activities in HBX-4 Work/Live units.
2. In the HBX-1, HBX-2, and HBX-3 Zones, an **"HBX Work/Live unit"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX Work/Live unit in the HBX-1, HBX-2, and HBX-3 Zones accommodates both Residential and Nonresidential Activities, but emphasizes the accommodation of commercial activities. Such HBX Work/Live units shall meet all applicable regulations contained in this Section.

B. The establishment of an HBX Work/Live unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.

C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX Work/Live units shall supersede the regulations contained in Section 17.102.190.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Work/Live unit; the minimum size of an HBX Work/Live unit; and the parking, loading, and open space required for each HBX Work/Live unit:

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Standard	Requirement		Note
Activities allowed in an HBX Work/Live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a Residential Facility (See Chapter 17.112)		
Required parking	One (1) parking space per unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	4
	Less than 50,000 square feet	No berth required	
	50,000-149,999 square feet	One (1) berth	
	150,000 square feet or more	Two (2) berths	
Residential Density	Not applicable because HBX Work/Live units are Nonresidential Facilities.		
Required usable open space	75 square feet of usable open space per unit		3
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

Notes:

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. No additional open space is required for newly established HBX Work/Live units located entirely within an existing facility. However, if the amount of open space on the lot equals or is less than required, then that existing amount must be preserved with the establishment of new HBX Work/Live units. If there is more open space on the lot than required, then the amount of open space can be reduced to the minimum required. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. Also, all required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for HBX Work/Live units may be provided above ground.
4. Parking and loading standards apply to new construction and additions only. For conversion of existing buildings, maintaining existing parking and loading is required to at least these minimum standards.

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E. Each new HBX Work/Live unit shall qualify as at least one of the following Unit Types:

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area
Type 1	One-third	In the HBX-4 Zone, all remaining floor area to be used for the primary Nonresidential Activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the ground floor units - one adjacent to the residential space and the other adjacent to the nonresidential space; the nonresidential ground floor entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and 2. The ground floor units must have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

Notes:

1. In Types 1, 2, and 3, a kitchen may be open to nonresidential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.

2. Except as indicated for the HBX-4 Zone, see Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to Joint Living and Working Quarters.

F. For HBX Work/Live units, residential and nonresidential floor areas shall be designated according to the following standards:

1. Residential floor area shall be considered areas containing bedrooms, sleeping areas,

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- and kitchens (not including kitchenettes).
2. Nonresidential floor area shall include floor areas designated for working.
 3. The floor area of stairs and balconies shall not be considered floor area for the purpose of this Subsection.
 4. The floor area between residential rooms that will commonly be used for residential activities and foot traffic such as the corridors and areas between bedrooms, kitchens, residentially designated bathrooms, and other similar areas shall be considered residential floor area.
 5. The floor area of bathrooms shall be counted as residential or nonresidential based on whether it is most conveniently accessed from the residential or nonresidential portion of the unit. If there is only one (1) bathroom in the unit, one-half ($\frac{1}{2}$) of the bathroom shall be considered residential floor area and one-half ($\frac{1}{2}$) shall be considered nonresidential floor area;
 6. In kitchens open to non-residential floor area, counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
 7. If any part of a loft or mezzanine is designated as residential space, then the entire loft or mezzanine space shall be considered residential floor area.
 8. The Planning Director shall determine the floor area designation when the above standards do not clearly apply.
- G. Each ground floor HBX Work/Live unit shall have at least one (1) public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.
- H. Each unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
- I. For any HBX Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold; and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
1. The unit is in a Nonresidential Facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.
- J. Each building with an HBX Work/Live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine (9) by eleven (11) inches and lettering at least one-half ($\frac{1}{2}$) an inch tall. This sign shall contain the following language; "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing." Further, City of Oakland regulations require that each unit have a tenant that: (1) operates a business from that unit, and (2) possesses an active City of Oakland Business Tax Certificate for this business.

- K. HBX Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.
- L. **Design Review requirement.** Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and to all of the following additional criteria:
 - 1. That the exterior of a new building containing primarily HBX Work/Live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
 - 2. That a building containing HBX Work/Live units has Nonresidential Activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
 - 3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
 - 4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
 - 5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
 - 6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.
 - 7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.160 Special regulations for HBX Live/Work units.

- A. **Definition.** "HBX Live/Work unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX Live/Work unit accommodates both Residential and Nonresidential Activities. An HBX Live/Work unit meets all applicable regulations contained in this Section.
- B. The establishment of an HBX Live/Work unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.

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- C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX Live/Work units shall supersede the regulations contained in Section 17.102.190.
- D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Activities allowed in an HBX Live/Work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a Residential Facility (See Chapter 17.112)		
Required parking	One (1) parking space per unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code. See Chapter 17.116 for other off-street parking standards.		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000 square feet or more	Two (2) berths	
Permitted density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.120		

Notes:

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of Design Review approval (see Chapter 17.136), and upon

determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement stated in Section 17.116.220.

4. Parking and loading standards shall apply to new construction and additions only. No additional parking or loading is required for HBX Live/Work units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking and loading is required to at least these minimum standards. If there is more parking or loading spaces on the lot than required, then each can be reduced to the minimum required.
- E. The amount of floor area in an HBX Live/Work unit designated for and devoted to residential is not restricted.
 - F. Any building permit plans for the construction of HBX Live/Work units shall: (1) clearly state that the proposal includes live/work facilities, and (2) label the units intended to be live/work units. This requirement is to assure the City applies building codes appropriate for a live/work facility.
 - G. For any HBX Live/Work Facility a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 - H. Each building with an HBX Live/Work unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains Live/Work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing".
 - I. HBX Live/Work units are Residential Facilities, shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to HBX Live/Work units.
 - J. **Design Review requirement.** Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and to all of the following additional criteria:
 1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
 2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.170 Special regulations for Planned Unit Developments.

- A. **Planned Unit Developments.** Large integrated developments in the HBX Zones shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX Zones, and certain of the other regulations applying in said zones may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.180 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. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the HBX Zones.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the HBX Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

Chapter 17.66 RESERVED ^[29]

FOOTNOTE(S):

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Editor's note— Ord. No. 13064, § 2(Exh. A), adopted March 15, 2011, repealed the former Chapter 17.66, §§ 17.66.010—17.66.160 in its entirety, which pertained to M-10 special industrial zone regulations and derived from the prior planning code, §§ 5400, 5402—5406, 5408—5410, 5413, 5414, 5417, 5419, 5420, 5422, 5424; Ord. No. 11807, § 4, adopted 1995; Ord. No. 11904, §§ 5.64, 5.66, 5.68, 5.69, 5.73, adopted 1996; Ord. No. 11956, § 4, 1996; Ord. No. 12072, § 6, adopted 1998; Ord. No. 12147, § 3, adopted 1999; Ord. No. 12450, § 14, adopted 2002; Ord. No. 12606, Att. A, adopted 2004; Ord. No. 12776, § 3(Exh. A), adopted 2006; Ord. No. 12884, § 2, adopted 2008; Ord. No. 12899, § 4(Exh. A), adopted 2008; Ord. No. 12939, § 4(Exh. A), adopted June 16, 2009; Ord. No. 12999, § 4(Exh. A), adopted March 16, 2010, and Ord. No. 13028, § 2(Exh. A), adopted July 20, 2010. (Back)