

17.101C.020 - Required design review process.

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.

17.101C.030 - Permitted and conditionally permitted activities.

Table 17.101C.01 lists the permitted, conditionally permitted, and prohibited activities in the D-BV 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 17.101C.01: Permitted and Conditionally Permitted Activities

Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Residential Activities						
Permanent	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Residential Care	C(L1)(L2)(L3)	P(L1)(L3)(L4)	P(L1)(L3)(L5)	P(L1)(L3)(L6)	P(L1)(L3)(L6)	17.103.010
Supportive Housing	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Transitional Housing	C(L2)(L3)	P(L3)(L4)	P(L3)(L5)	P(L3)(L6)	P(L3)(L6)	
Emergency Shelter	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	P(L1)(L7)	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P(L20)	P(L20)	P(L20)	P	P(L20)	
Limited Child-Care Activities	P(L4)	P(L4)	P(L4)	P	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Community Education	P(L4)	P(L5)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	P	P(L6)	
Special Health Care	—	—	C(L9)(L10)	C(L9)	C(L9)(L10)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)(L24)	C(L24)	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P(L12)	P	P	P	P	
Medical Service	P(L12)(L25)	P(L25)	P(L25)	P	P(L25)	
General Retail Sales	P(L12)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	C	
Consumer Service	P(L12)(L13)	P(L13)	P(L13)	P(L13)	P	
Consultative and Financial Service	P(L12)	P	P	P	P	
Check Cashier and Check Cashing	—	—	—	—	—	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Consumer Cleaning and Repair Service	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Artisan Production	P(L12)(L26)	P(L26)	P(L26)	P(L26)	P(L26)	
Group Assembly	P(L12)(L14)(L15)	P(L14)(L15)	P(L14)(L15)	P(L14)(L15)	P(L14)(L15)	
Personal Instruction and Improvement Services	P(L12)	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L12)	P	P	P	P	
Broadcasting and Recording Services	P(L5)	P(L5)	P(L5)	P	P(L5)	
Research Service	P(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	P(L12)(L16)	P(L16)	P(L16)	P(L16)	P(L16)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L17)	—(L17)	—(L17)	—(L17)	—(L17)	
Automobile and Other Light Vehicle Repair and Cleaning	—(L17)	—(L17)(L18)	C(L5)	—(L17)(L18)	—(L17)(L18)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L19)	P(L19)	P(L19)	P(L19)	P(L19)	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4		
Animal Boarding	—	—	—	C	—	
Animal Care	P(L25)	P(L25)	P(L25)	P	P(L25)	
Undertaking Service	—	—	—	—	—	
Industrial Activities						
Custom Manufacturing	C(L11)	C	C(L5)	C(L5)	C	17.120
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
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	—	—	—	—	—	

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Activities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	—	—	—	C(L21)	—	
Extensive Agriculture	—	—	—	C(L22)	—	
Plant Nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L5)	C(L5)	C(L5)	C	C(L5)	
Activities that are listed as prohibited or conditionally permitted on nearby lots in an adjacent zone	C(L5)	C(L5)	C(L5)	C	C(L5)	17.102.110

*If the N Combining Zone, the N regulations supersede the base zone.

Limitations on Table 17.101C.01:

L1. Except in the D-BV-1 Zone, Residential Care is permitted if located in a One-Family Dwelling Residential Facility. Residential Care is conditionally permitted if located anywhere in the D-BV-1 Zone; or if located anywhere other than a One-Family Dwelling Residential Facility in the D-BV-2, D-BV-3, or D-BV-4 Zones (see Chapter 17.134 for the CUP procedure). See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

L2. These activities are 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 these activities must meet each of the following additional criteria:

- A minimum square footage of retail area is part of the overall project, in accordance with Section 17.101C.050C and Section 17.101C.050D; and
- The retail area encompasses a significant portion of the first floor but can also be part of the second floor and third floor. Incidental pedestrian entrances that lead to other activities in the building are permitted.

L3. See Section 17.101C.040 for limitations on the construction of certain types of new Residential Facilities.

L4. These activities are not permitted if located on the ground floor of a building and within thirty (30) feet of the principal street frontage; incidental pedestrian entrances that lead to one of these

activities elsewhere in the building are exempted from this restriction.

L5. If located on the ground floor of a building and within thirty (30) feet from any street-abutting property line facing 23rd Street, 24th Street, 27th Street, Broadway, Piedmont Avenue, or Valdez Street, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). 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 ground-floor activities must also meet each of the following additional criteria:

1. The proposal will not impair a generally continuous wall of building facades;
2. 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;
3. The proposal will not interfere with the movement of people along an important pedestrian street;
4. The proposal will conform to the Design Guidelines for the Broadway Valdez Specific Plan Area; and
5. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L6. These activities are prohibited if located on the ground floor of a building and within thirty (30) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L7. 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 Webster Street area described in Section 17.103.015(A)(3) and subject to the development standards in Sections 17.103.010 and 17.103.015; prohibited if located elsewhere in the zone.

L9. These activities are limited to areas north of Hawthorne Street and west of Broadway. 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.

L10. These activities are prohibited if located on the ground floor of a building and within thirty (30) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction. If these activities are located above the ground floor or beyond thirty (30) feet of Broadway they are only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050.

L11. If greater than five thousand (5,000) square feet of floor area, these activities are not allowed in new construction unless combined within a retail project that meets the requirements of Section 17.101C.050C and Section 17.101C.050D.

L12. Only these activities can be counted towards the minimum retail floor area that is required to develop Residential Facilities pursuant to Sections 17.101C.050C and 17.101C.050D. For Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair,

interior/outdoor inventory storage, and outdoor sales is not included).

L13. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats.

L14. With the exception of parcels facing Broadway, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). However, the total floor area devoted to Consumer Cleaning and Repair on the ground floor 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 additional criteria contained in L5.

L15. 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.

L16. Showrooms associated with these activities must be enclosed. Auto service is only allowed as an accessory activity. These Automobile and Other Light Vehicle Sales and Rental activities must meet each of the following additional criteria:

1. That there will be no outside inventory lots;
2. That auto inventory will be stored either:
 - a. inside or on top of the dealership building; or
 - b. located at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 Zones; or
 - c. within an existing structured parking facility that is within the D-BV-1, D-BV-2, or D-BV-3 Zones; or within a new structured parking facility that is within the D-BV-3 Zone;
3. That the proposal will not impair a generally continuous wall of building facades;
4. 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;
5. That the proposal will not interfere with the movement of people along an important pedestrian street; and
6. The proposal will conform to the Design Guidelines for the Broadway Valdez Specific Plan Area; and
7. That the proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L17. Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing and/or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity may only occur no later than six (6) months after discontinuation of such an activity, per Section 17.114.050(A).

L18. The auto showroom for an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity and its accessory Automotive and Other Light Vehicle Repair and Cleaning activity are permitted to be on separate lots 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, the project must also meet each of the following criteria:

1. The auto repair facility is at, or between 24th Street and I-580, and the auto showroom is on Broadway;
2. With the exception of the building addition described in criteria 3 below, the auto repair activity is within an existing Nonresidential Facility;
3. The amount of added floor area devoted to the auto repair activity does not exceed twenty percent (20%) of that already existing on the affected lot; and
4. All overnight storage (including inoperable vehicle storage) and auto repair takes place indoors.

L19. Automotive Fee Parking is permitted when located on a lot containing a principal facility or in a multi-story parking garage to serve nearby businesses 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 each of the additional criteria contained in L5.

L20. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L21. Limited Agriculture 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.

L22. 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.

L24. Any on-sale and/or off-sale of alcoholic beverages in conjunction with an approved arts, entertainment, or cultural use in these zones does not require a Conditional Use Permit (CUP), but instead shall obtain a Central District Entertainment Venue Permit as described in Oakland Municipal Code Chapter 5.12. Arts, entertainment, and cultural uses include, but are not limited to: bars, cabarets, night clubs, pool halls, bowling alleys, mini-golf, mechanical or electronic games, museums, art galleries, barber shops or salons, nail salons, performing arts centers, auditoriums, theaters, and other similar venues. Any alcoholic beverages sales in conjunction with an approved arts, entertainment, or cultural use must conform to all applicable regulations, including but not limited to, Oakland Municipal Code Chapter 5.12.

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L25. 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 additional criteria contained in L5. See Table 17.101C.03, additional regulation 15, for regulations regarding special ground floor transparency requirements for Medical Service and Animal Care Commercial Activities.

L26. During operating hours, ground floor Artisan Production Commercial Activities shall be open to the public to purchase and view items produced on site. On other floors, these activities shall either be open to the public during operating hours or available by appointment to view and purchase items produced on site.

17.101C.040 - Permitted and conditionally permitted facilities.

Table 17.101C.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities 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 facilities subject to certain limitations listed at the bottom of the Table.

"—" designates facilities that are prohibited.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

Facilities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- to Four-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L11)	—(L1)	17.103.080
Multifamily Dwelling	C(L2)(L11)	P(L3)(L11)	P(L4)(L11)	P(L11)	P(L5)(L11)	17.103.080
Rooming House	C(L2)	P(L3)	P(L4)	P	P(L5)	
Micro Living Quarters	—	C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Vehicular	C(L2)	C(L3)	C(L4)	P	P(L5)	17.103.080 17.103.085
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In	—	—	—	—	—	
Drive-Through	—	—	C(L9)	—	—	17.103.100
Telecommunications Facilities						
Micro Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Mini Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	—	—	17.128