

<b>Location:</b>	Citywide
<b>Proposal:</b>	Amend the Oakland Planning Code regulations related to Accessory Dwelling Units (ADUs) – currently termed “Secondary Units” in the Oakland Planning Code – to bring the local ordinance into compliance with recent State legislation. The major proposed amendments include: 1) new standards for the processing, number, size, height, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, duplexes, and multi-family buildings; 2) establishment of regulations for Junior Accessory Dwelling Units (JADUs) within single-family homes; 3) introduction of objective standards to streamline approval of ADUs; 4) objective standards for the design and location of ADUs; 5) regulations for ADUs in mini-lot developments; and 6) the prohibition of all ADUs and JADUs within the S-9 Fire Safety Protection Combining Zone.
<b>Applicant:</b>	City of Oakland, Planning and Building Department
<b>Case File Number:</b>	ZA21006
<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1999); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
<b>City Council District:</b>	All districts
<b>For Further Information:</b>	Contact case planner <b>Ruslan Filipau</b> at <b>510-238-3491</b> or <b><a href="mailto:rfilipau@oaklandca.gov">rfilipau@oaklandca.gov</a></b>

**SUMMARY**

On January 1, 2020 and January 1, 2021, several new California State laws and amendments went into effect to encourage the construction of Accessory Dwelling Units (ADUs), which are currently termed “Secondary Units” in the Oakland Planning Code. Pursuant to Government Code Section 65852.2(a)(4), until the City adopts an ordinance that complies with State law, the City’s existing ADU regulations are null and void and only State standards may be enforced. This report describes proposed amendments to align City ADU Planning Code regulations with State law and introduce other changes that help clarify the ADU regulations. The proposed Planning Code amendments encourage ADUs by reducing regulatory barriers in the City’s Planning Code, while introducing objective development standards consistent with State law.

**BACKGROUND**

On February 16, 2016, the City Council adopted Ordinance No. 13357 C.M.S., which revised the City’s Secondary Unit regulations. The purpose of the regulation changes was to encourage construction of more Secondary Units and thereby help address the City’s housing shortages and escalating costs (“City Secondary Unit Ordinance”).

On January 1, 2017, California Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 went into effect with a similar intent as the City’s February 16, 2016 changes - to streamline housing production and encourage the construction of more Secondary Units. In response to the new legislation, the City Council adopted Ordinance No. 13435 C.M.S on May 2, 2017, which again revised the City’s Secondary Unit Regulations primarily with respect to types and sizes of ADUs, parking requirements in transit-accessible and historic areas, approval processes and timelines, and establishing a new Zoning Overlay Map that identified areas within the “Very High Fire Hazard Severity Zone” where Category-2 ADUs are not permitted. These amendments brought the City’s Secondary Unit Ordinance into compliance with the State laws that were in effect at the time.

On January 1, 2020 and January 1, 2021, a number of amendments to State law, specifically to Government Code §65852.2 and §65852.22, went into effect to encourage Statewide production of ADUs even further by developing a ministerial approval process for certain types of ADUs. California Assembly Bills (AB) 3182 (2020), AB 68, AB 881, AB 578, AB 670, AB 671, and California State Bill (SB) 13 (collectively passed in 2019) introduced several important changes and limitations regarding how local governments can regulate ADUs. As before, if a municipality does not update its ordinance to be consistent with the newly adopted State requirements, the local ordinance is superseded by State standards. In the meantime, the City is currently implementing State law through administrative guidance documents and handouts that include a checklist of what is allowed by State law.

In response to this inconsistency between the City’s Secondary Unit Ordinance and State law, staff has prepared proposed amendments to the Oakland Planning Code regulations related to “Secondary Units” (to be renamed “Accessory Dwelling Units” or “ADUs” throughout the Code). These proposed amendments are attached hereto at **Attachment A**. After the Zoning Update Committee (ZUC) and Planning Commission review and make recommendations, the proposed Planning Code amendments will be considered by the City Council at a public hearing and second reading for final legislative review and adoption.

**ANALYSIS**

Below is a summary of recent changes in State ADU laws relevant to the proposed Planning Code amendments.

*Table 1: 2020 State Law Amendments Summary*

State Laws	Code Sections	Summary	Status
AB 3182	Combined into Sections:	Introduced significant changes to ADU permit processing (60-day ministerial approval process), number of ADUs for lots with single-family and multi-family structures, size, height, setbacks, location, parking, impacts on historic resources, owner occupancy, and certain other design, development and use standards.	Amendments will be incorporated into the language of various Title 17 Sections.
AB 881	§65852.2 and §65852.22 Accessory Dwelling Units		
AB 68	§4740 and §4741 Civil Code		
SB 13	§17980.12 Health and Safety		

**KEY ISSUES AND IMPACTS**

Overview of Proposal

The following section summarizes the proposed changes to the Oakland Planning Code. As mentioned, **Attachment A** contains the proposed Citywide text amendments to the Planning Code.

The new State legislation mandates that local governments comply with a number of new ADU regulations. The most important new regulations are:

- Required ministerial approval for one interior, attached or detached ADU (and one Junior ADU or JADU<sup>1</sup> per one single-family lot. If a detached, Category 2 ADU is proposed, the City must ministerially approve an ADU that is up to 800 sf, 16-ft in height, and maintains 4-ft rear and side setbacks.
- Required ministerial approval of at least one interior ADU on multifamily lots, up to a number equally 25% of the existing units, that involve conversion of non-habitable space within the existing structure; no more than two detached ADUs.
- Allowance for conversion of existing accessory buildings such as carports and garages into ADUs with no parking replacement requirement if the parcel is within ½-mile walking distance of public transit.
- New standards for the processing, size, height, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, and multi-family buildings.

---

<sup>1</sup> JADUs are a type of ADU that are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and a separate entrance to the JADU from the outside. The JADU must have an efficiency kitchen, including a sink, but is not required to have a private bathroom.

Once the proposed amendments are adopted, the Oakland Planning Code will be in compliance with State law. Please refer to Section 17.103.080, Tables 17.103.01 and 17.103.02 in **Attachment A** for summaries of the proposed development standards for developing and processing ADUs.

**In addition, Staff requests the ZUC provide input regarding the following issues:**

ADU Regulations for Two-Family and Multi-Family Residential Facilities

State law allows at least one interior ADU or up to 25% of the existing number of units, whichever is greater, for a two-family or multi-family facility by converting portions of non-habitable space such as boiler rooms, attics, basements or garages within multifamily buildings. In addition, State law allows no more than two (2) detached ADUs per two-family or multifamily lot. One of these detached ADUs is allowed regardless of its impact on lot coverage or usable open space. However, State law allows a city to limit the construction of the second ADU if it reduces the amount of usable open space to below that allowed by the local ordinance by virtue of the fact the legislation states “not more” than 2 ADUs. Allowing both ADUs to reduce the usable open space to below that required by the Planning Code would take away a portion or all available open space from existing two-family or multi-family facility tenants. Therefore, staff recommends allowing one or two detached ADUs per two-family or multifamily lot regardless of its impact on usable open space or lot coverage as long as the total ADU footprint does not exceed 800 sf.

Mini-Lot Planned Unit Developments (Mini-Lot PUDs) ADU Regulations

Section 17.142.010 of the Planning Code defines a Mini-Lot Planned Unit Development as “a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.” In other words, Mini-Lot Planned Unit Developments allow a developer to subdivide a parcel into lots smaller than normally permitted so long as the resulting overall development meets all open space, setback, density, parking and other development standards for a single lot. Mini-Lot PUDs are only allowed after the granting of a Conditional Use Permit and Regular Design Review approval.

The State ADU laws do not provide specific regulations for Mini-Lot PUDs because they are a type of development that is unique to Oakland. Therefore, regulation of ADUs proposed for Mini-Lot PUDs require a local approach, especially since they create what would otherwise be substandard lots and were meant to facilitate development of infill parcels. Planning staff recommends the following amendments to the Planning Code for ADUs on Mini-Lot PUDs:

- a. ADUs in existing Mini-Lot PUDs (entitled before approval and adoption of this ordinance amendment):
  - The addition of an ADU to an existing Mini-Lot PUD would require the revision of the existing Conditional Use Permit (CUP), and possibly revisions to the Tentative Parcel Map if a Final Map has not been obtained.
  - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs,
- b. ADUs in proposed Mini-Lot PUDs after the effective date of these Planning Code amendments:
  - Require the project site plan to show the location for all proposed ADUs.
  - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs,
  - After the Mini-Lot PUD has been entitled, any proposed additional ADUs shall seek a revision of the original Conditional Use Permit.

S-9 Fire Safety Protection Combining Zone (S-9 Zone) ADU Regulations

The S-9 Fire Safety Protection Combining Zone Map Overlay (“Overlay Zone”) was created to identify areas where the street pavement width is less than 20 feet and/or a cul-de-sac length is over 600 feet; and where the area is located, in whole or part, in a “Very High Fire Hazard Severity Zone,” as designated by CAL FIRE. The Overlay Zone was mapped according to the following criteria:

- Areas accessed by streets with a pavement width of less than 20 feet. Oakland Fire Code (OMC Chapter 15.12) states that: “Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet...”
- Areas accessed by cul-de-sacs (blind streets) with a length over 600 feet. OMC Section 16.16.025(D) states: “Blind streets shall not be over 600 feet in length unless it includes means of a secondary access...;” and
- Areas designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a “Very High Fire Hazard Severity Zone”.

The purpose of this Overlay Zone is to protect the public health, safety and welfare of Oakland residents by limiting ADUs in areas susceptible to fires and limited accessibility. The Overlay Zone within which new ADUs are prohibited was adopted by the City Council as a legislative amendment to the Planning Code in 2017. State law allows for cities to enact laws in order to protect health, safety, and welfare of their residents. Based on findings being developed with the expertise of the Oakland Fire Department (OFD) and Oakland Department of Transportation (OAKDOT), Staff recommends that the City continue enforcing the Overlay Zone regulations that will prohibit all new ADUs and JADUs within the S-9 Zone. As each season passes, California’s fire risk appears to grow. Further, State law permits local agencies to regulate ADUs to address concerns regarding public safety and traffic flow.

Within the S-9 Overlay Zone, the streets are very narrow and often have long dead ends that only allow for one route of escape in the event of an emergency such as a wildfire. In addition, street parking is prohibited along many streets, or if parking is allowed, there is even more limited space for cars to escape quickly if the street is partially blocked. If cars are parked on the narrow street, they can also block access for emergency vehicles to access homes in emergencies such as a fire, natural disaster, or a health crisis, where it can mean the difference between life and death if the emergency vehicle cannot arrive in time. Many homes within the S-9 Overlay Zone are built on steep slopes and do not have off-street parking or have nowhere to build additional off-street parking on the lot.

With an increase in living units in the S-9 Overlay Zone, Fire Department operations are impacted because additional units means an increase in the number of people that may need assistance in the event of an emergency, the number of people susceptible to risk and accident, and an increase in the number of cars trying to evacuate narrow and winding roads during an emergency. Oakland does not want a repeat of what happened in the Oakland firestorm of 1991.

With assistance of available software and mapping tools that show existing number of people, cars, structures, and available escape routes in high fire hazard zones around the City, the Fire Department and Department of Transportation are already seeing that the current road capacity is not adequate for the existing population in the events of mass emergency evacuations, let alone if the number of units within the S-9 Overlay Zone were to substantially increase. In addition, recent inventory of existing streets in the city’s “Very High Fire Hazard Severity Zone” identified multiple “choke points” where it is difficult for a fire engine to get through. Accessibility/egress issues will be exacerbated by increased units because new residents will own cars and likely park on the street. This is a foreseeable outcome, as off-street parking is not required for ADUs, and replacement off-street parking for primary dwelling units is not required pursuant to the recently passed State law. Any additional cars parked on the street would cause extra blocking of narrow streets, and further slowing/blocking of both (1) traffic trying to escape quickly in the

event of a wildfire or other emergency, and (2) emergency vehicles trying to respond to health emergencies.

In light of the devastating historic and recent fires across California cities, including the Oakland Hills Fire in 1991, and recent PG&E Public Safety Power Shutoff events, Planning Staff and the Oakland Wildfire Prevention Group that includes, but not limited to staff from the Fire Department, Department of Transportation, and City Administrator's Office, strongly recommend maintaining the S-9 Overlay Zone and to continue the prohibition of ADUs and JADUs in this zone.

In addition, for the similar purposes of emergency access discussed above, the Staff recommends prohibiting any new ADUs and JADUs on lots that are accessed by streets with less than 20 feet of continuous pavement width Citywide. For more details, please refer to Section 17.103.080A7c.

*Letters of support from the Fire Chief, the Department of Transportation Director, and the Director of Interdepartmental Operations, Office of the City Administrator are attached hereto in Attachments C, D and E.*

In addition to the above findings from City Staff, the California Attorney General Xavier Becerra filed motions to intervene in recent lawsuits over a development that was approved in a High Fire Severity Zone in San Diego County. According to Attorney General Becerra, “[o]n the heels of another dry winter, Californians are looking toward wildfire season with a familiar pit of dread in their stomachs. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole towns forced to evacuate. That’s why local governments must address the wildfire risks associated with new developments at the front end. It is imperative for public safety – and required by the law.”<sup>2</sup>

Given the above evidence and based on findings that are still being developed and drafted, City Staff understands the need and importance of adding more housing units to the City, but not at the risk of public health and safety. There are appropriate areas for new growth and ministerial residential project approvals, and most of the City of Oakland falls within those areas. However, the S-9 Overlay Zone, with its severe high fire and access risks, is not an appropriate area for increased density that it cannot serve with its limited infrastructure and fire risk.

### Historic Resources

Preservation of historic resources has been a priority for the City. The Oakland Planning Code includes special regulations for properties on National, California, and Local Historic Registers, as well as properties located in designated historic districts through the Design Review process (Code Section 17.136). The new ADU legislation continues the established protections for historic resources. State ADU law allows local agencies to impose objective standards and regulations that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources (Gov. Code §65852.2).

While in most cases ADUs are placed behind main structures and away from public view, sometimes ADUs are proposed in front of a primary structure if the primary structure is set back significantly from the street, or on the side of a primary structure on a corner lot, in which case an ADU might be highly visible from the public right-of-way. These examples of ADU placements may cover, obscure or modify prominent features of protected historic resources.

Therefore, City Staff recommends requiring consultation with Historic Preservation Staff for ADU applications involving construction of a new structure, or an addition to the footprint or building envelope

---

<sup>2</sup> <https://oag.ca.gov/news/press-releases/attorney-general-becerra-seeks-intervene-litigation-over-wildfire-risk-san-diego>

of an existing structure for properties in the Local Historic Register. This review is in compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* to ensure the ADU proposal would not cause a substantial adverse effect to the significance of the resource. Such consultation would need to occur within the 60-day ministerial approval timeline for ADU approvals subject to Government Code Section 65852.2(e).

### Objective Design Standards

The State law allows local governments to establish a limited set of objective design requirements that can be reviewed and approved ministerially. City Staff recommends a number of straightforward and objective design requirements for ministerial review along with the option for an alternative path through Small Project Design Review for ADU application varying from the objective standards.

Similarly, State law allows municipalities to establish objective controls for ADU elements like balconies, rooftop decks, exterior staircases, as well as allowing to set standards for landscaping. As a result of increased construction of detached ADUs, City Staff recognizes the inevitable loss of permeable surface and potential loss of vegetation. Therefore, City Staff recommends amending the Planning Code to require at least one tree per every 500 sf. of new ADU floor area.

## **ENVIRONMENTAL DETERMINATION**

The proposed amendments to the Planning Code will rely on the previous set of applicable CEQA documents including: the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Oakland Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

**ACTION REQUESTED OF THE ZONING UPDATE COMMITTEE**

Staff requests that the Zoning Update Committee provide comments regarding the proposed Planning Code amendments and forward the proposal to the Planning Commission.


Prepared by:

  
Ruslan Filipau (Apr 8, 2021 19:44 PDT)

---

Ruslan Filipau, Planner III

Reviewed by:

  
Laura Kaminski (Apr 8, 2021 19:34 PDT)

---

Laura Kaminski, Acting Strategic Planning Manager

Approved for forwarding to the City Planning Commission by:

  
Edward Manasse (Apr 8, 2021 19:37 PDT)

---

Ed Manasse, Deputy Director of Planning

**ATTACHMENTS:**

- A. Proposed Planning Code amendments.
- B. S-9 Combining Zone Map Set (“S-9 Overlay Zone”).
- C. Letter from Fire Chief.
- D. Letter from Department of Transportation (DOT) Director.
- E. Letter from Director of Interdepartmental Operations, Office of the City Administrator



**Chapter 17.09 DEFINITIONS**

**Sections:**

17.09.040 Definitions.

**"Mini-lot Planned Unit Development" or "Mini-Lot PUD"** means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

**"Secondary Accessory Dwelling Unit" or "ADU"** means an attached or detached accessory dwelling unit that is accessory to a proposed or existing primary Residential Facility located on the same lot; provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; meets the standards and criteria of Section 17.103.080 and Chapter 17.88; and conforms to one or more of the following permitted ADU types:

- A. "Junior Accessory Dwelling Unit" or "JADU"** means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. No expansion of building envelope is allowed except for an expansion of up to one hundred fifty (150) square feet for the exclusive purpose of ingress and egress to the JADU. Owner occupancy is required in the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth these requirements.
- B. "One-Family Category One ADU"** means an Accessory Dwelling Unit that is a conversion of space within a One-Family Residential Facility or an associated accessory structure, legally existing as of January 1, 2020, or an associated accessory structure that is rebuilt in the same location and to the same dimension as an accessory structure, legally existing as of January 1, 2020. No expansion of building envelope except for an expansion of up to one hundred fifty (150) square feet- is permitted for the exclusive purpose of ingress and egress to the ADU.
- C. "One-Family Category Two ADU"** means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.
- D. "Multifamily Category One ADU"** means an Accessory Dwelling Unit that is a conversion of existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements or garages located within portions of Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.
- E. "Multifamily Category Two ADU"** means a newly constructed detached Accessory Dwelling Unit, or a conversion of an existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. The converted detached Category Two ADU(s) is either: (a) within the building

envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

**F. "Junior Accessory Dwelling Unit"**, see Accessory Dwelling Unit.

**"Regular Dwelling Unit"** means any dwelling unit other than an Efficiency Dwelling Unit, Rooming Unit, or Secondary Accessory Dwelling Unit.

**Chapter 17.10 USE CLASSIFICATIONS**  
**Sections:**

**Article I - General Classification Rules**

**Article II - Activity Types**

Part 1 - Residential Activity Types

**Article III - Facility Types**

Part 1 - Residential Facility Types

**Article I General Classification Rules**

17.10.060 Listing of facility classifications.

**17.10.060 Listing of facility classifications.**

All facilities are classified into the following facility types, which are described in [Section Article III](#) of this Chapter. (See Section 17.10.080 for classification of combinations of facilities resembling different types.) The names of these facility types start with capital letters throughout the zoning regulations.

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit~~

**Article II Activity Types**

**Part 1 Residential Activity Types**

17.10.125 Bed and Breakfast Residential Activities.

**17.10.125 Bed and Breakfast Residential Activities.**

A. The activity occupies a One-Family Dwelling Residential Facility, ~~One-Family Dwelling with Secondary Unit Residential Facility,~~ or a Two-Family Dwelling Residential Facility;

**Article III Facility Types**

**Part 1 Residential Facility Types**

17.10.640 One-Family Dwelling Residential Facilities.

~~17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.~~

17.10.670 Two-Family Dwelling Residential Facilities.

17.10.680 Multifamily Dwelling Residential Facilities.

17.10.690 Rooming House Residential Facilities.

**17.10.640 One-Family Dwelling Residential Facilities.**

One-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains one [Regular Dwelling Unit on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88.](#) They also include certain facilities accessory to the above, as specified in Section 17.10.070.

~~**17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.**~~

~~One-Family Dwelling with Secondary Unit Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities, which contains one primary dwelling unit and one Secondary Unit. They also include certain facilities accessory to the above, as specified in Section 17.10.070.~~

**17.10.670 Two-Family Dwelling Residential Facilities.**

Two-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains two (2) [Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88.](#) ; ~~but excludethe One-Family Dwelling with Secondary Unit Residential Facilities described in Section 17.10.650.~~ They also include certain facilities accessory to the above, as specified in Section 17.10.070.

**17.10.680 Multifamily Dwelling Residential Facilities.**

Multifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains three (3) or more [Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88.](#) They also include certain facilities accessory to the above, as specified in Section 17.10.070.

**Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS**

**Sections:**

Article VI - Residential Facilities

**Article VI Residential Facilities**

17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit Residential Facilities.

17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit Residential Facilities.

The following regulations shall apply to the construction, establishment, or alteration of Secondary Accessory Dwelling Units (ADUs), as those dwelling unit types are defined in Chapter 17.09 wherever permitted, as specified in each individual zone:

**A. Regulations Applying to All Secondary Accessory Dwelling Units.**

- 1. **Ministerial Approval.** An application for an ADU Secondary Unit shall be granted ministerial approval when it complies with all applicable zoning regulations, including but not limited to all provisions in this Section (17.103.080) and in O.M.C. Chapter 17.88, unless the application is part of a proposal that separately requires discretionary review; in which case, the review time for the ADU application can be extended to coincide with the review time of the associated discretionary permit.
- 2. **No Short-Term Rental.** Rental of an ADU shall only be for terms of longer than thirty (30) consecutive days.
- 3. **Sale of Unit.** An Accessory Dwelling Unit shall not be sold separately from the primary Residential Facility on the same lot.
- 4. **Replacement Parking Configuration.** If a covered parking space is removed to construct an Accessory Dwelling Unit, no replacement parking is required. The applicable covered parking structure must have a solid roof, supported with columns; and must have been legally existing as of January 1, 2020. Uncovered parking spaces that are required for the primary Residential Facility in the underlying zone must be maintained or replaced, subject to the location and paving restrictions set forth in the Oakland Planning Code.
- 5. **Compliance with Building and Fire Codes.** Unless specified otherwise in local code or State law, an Accessory Dwelling Unit shall comply with all code and permit requirements imposed by other affected departments, including but not limited to the requirement for a building permit.
- 6. **Permitted Locations for ADUs.** Subject to restrictions set forth in Chapter 17.88 and Section 17.103.080(A)(8) of this Chapter, ADUs are allowed on lots in zoning districts that permit Permanent Residential Activities without the need for a Conditional Use Permit, and in conjunction with an existing or proposed primary Residential Facility.
- 7. **Restriction of ADUs in Certain Locations for Life Safety Reasons.** In order to promote public health, safety and welfare, new ADUs and Junior Accessory Dwelling Units (JADUs)

are not allowed in locations that do not meet the following minimum emergency access standards related to public safety and traffic flow:-

a. S-9 Fire Safety Protection Combining Zone. As set forth in Chapter 17.88, new ADUs and JADUs are prohibited within the S-9 Fire Safety Protection Combining Zone.

b. Emergency Access—Multiple Vehicular Outlets. New Accessory Dwelling Units and JADUs shall only be permitted on a lot which has frontage on a through street, or a dead-end street that has a total length of less than six hundred (600) feet from the nearest intersection. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the shared access facility/private access easement is connected to said dead-end street. Furthermore, if a dead-end street has a total length of more than one hundred fifty (150) feet, there must be an approved turnaround.

c. Emergency Access—Minimum Pavement Width. New ADUs and JADUs shall only be permitted if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum continuous pavement width of at least twenty (20) feet.

**8. Kitchens.** Each ADU and JADU shall have ~~has~~ a kitchen that is independent from the primary Residential Facility, and includes all of the following: a sink, cooking facility with appliances, a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the dwelling unit. A JADU is required to contain at least an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

**9. Entrance for ADU and JADU.** A separate exterior entrance that is independent from the primary Residential Facility is required for each ADU and JADU. An exterior stairway proposed to serve an ADU or JADU on a second story or higher shall not be visible from the front public right-of-way.

**10. Objective Design Standards:**

a. Attached and detached Category Two and/or converted Category One ADUs located at the front or side of a main building and visible from the front public right-of-way shall incorporate the same roof pitch, visually similar exterior wall material, and predominant door and window trim, sill, recess and style as the primary dwelling structure, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. ADUs of these types that are located to the rear of a main building are not subject to this design standard or alternative review process.

b. Attached or detached garages located to the front or side of a main building and converted to ADUs shall replace the garage doors with visually similar exterior wall materials, building color(s), and door and window trim as the primary Residential Facility, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. Attached or detached garages located to the rear of a main building and converted to ADUs are not subject to this design standard or alternative review process.

11. **Balconies and Decks.** Category Two ADUs shall not contain upper story balconies, decks, or rooftop terraces if the proposed elements do not meet the established requirements of the underlying zone.

12. **Landscaping Standards.** One (1) new tree of fifteen (15) gallon or larger root ball size shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between five hundred (500) square feet and nine hundred ninety-nine (999) square feet. Two (2) new trees of fifteen (15) gallon or larger root ball size each shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between one thousand (1,000) square feet and twelve hundred (1,200) square feet. For trees outside the right-of-way, the tree must be a drought tolerant species. Trees within the right of way must meet the City’s Frequently Planted Tree Species List as provided in Section 17.124.110.

13. **Local or California Register Properties.** For ADUs proposed for a Local or California Register Property as defined in Section 17.09.040, the following shall apply:

a. Placement of an ADU in front of a main building on a Local or California Register Property is only allowed if the lot conditions or requirements preclude an ADU of a minimum allowed size (established by Tables 17.103.01 and 17.103.02) anywhere else on the lot.

b. Any new attached or detached ADU on a Local or California Register Property shall be located in the following order of preference:

- i. First, behind the main structure;
- ii. Next, to the side of the main structure;
- iii. Last, in front of the main building.

c. A consultation with Historic Preservation Staff is required for Category One and/or Category Two ADUs on a Local or California Register Property visible from the public right-of-way. Such consultation shall not preclude the need for ministerial approval of an ADU that meets the standards of Government Code section 65852.2(e). The City Administrator or his or her designee is authorized to develop objective design standards for the development of ADUs in historic districts or on a Local or California Register Property to ensure preservation of historic resources.

14. **Mini-Lot Planned Unit Developments (Mini-Lot PUDs).** For ADUs proposed in Mini-Lot PUDs pursuant to Planning Code Chapter 17.142, the following regulations shall apply:

a. All Category Two ADUs in Mini-Lot PUDs -must meet the normally required four (4)-foot side and rear setbacks along the perimeter of the project adjacent to neighboring parcels that are not part of the Mini-Lot Development. ADUs are not allowed on parcels with Two-Family Dwelling Residential Facilities or Multifamily Dwelling Residential Facilities built January 1, 2020 or later.



a. For existing Mini-Lot PUDs that were entitled prior to the effective date of this Section, ADUs are only allowed upon the revision of the existing Conditional Use Permit that originally entitled the Mini-Lot PUD and, if necessary, revisions to the Tentative Parcel Map. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations. Elements of the original Mini-Lot PUD, and Tentative Parcel Map if applicable, that may require revision, include but are not limited to:

b.

- i. Private Access Easements (Chapter 16.32);
- ii. Shared Access Facilities (Section 17.102.090)
- iii. Shared open space;
- iv. Shared parking spaces;
- v. Other shared amenities; and
- vi. Separation between structures within the Mini-Lot PUD;

The applicant must provide each Mini-Lot PUD owner’s written consent to the proposed revision.

c. New Mini-Lot PUDs that are entitled after the effective date of this Section- and propose ADUs with Mini-Lot PUD shall include the ADUs with the proposal of the newly created parcels that contain new or existing One-Family Dwelling Residential Facilities on each parcel. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations. All requirements shall be met for a new Mini-Lot PUD that may include, but are not limited to:

- i. Private Access Easements (Chapter 16.32);
- ii. Shared Access Facilities (Section 17.102.090)
- iii. Open space;
- iv. Parking spaces for the non-ADUs; and
- v. Separation between structures within the Mini-Lot PUD.

Any revisions to add additional ADUs after the Mini-Lot PUD has been approved will require the revision of the original Conditional Use Permit and must follow the provisions of Section 17.103.080A14b.

—

**B. Property Development Standards applying to One-Family ADUs**

Table 17.103.01 below, describes the property development standards, which apply to the specified types of One-Family ADUs. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

**Table 17.103.01: Property Development Standards applying to One-Family ADUs**



	<u>Types of One-Family ADUs</u>			<u>Notes</u>
<u>Development Standards</u>	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Maximum Number</u>	<u>1 per lot</u>	<u>1 per lot</u>		<u>1</u>
<u>Minimum Size (in square feet [sf.])</u>	<u>150 sf.</u>	<u>150 sf.</u>	<u>150 sf.</u>	<u>2</u>
<u>Maximum Size</u>	<u>500 sf.</u>	<u>50% of floor area of primary residence or 850 sf., whichever is greater, but shall not exceed 1,200 sf.</u>	<u>For detached:</u> <u>850 sf. for studio or 1-bedroom;</u> <u>1,000 sf. for 2-bedroom or more</u> <u>For attached:</u> <u>Whichever is greater:</u> <u>(A) 850 sf. for studio or 1-bedroom, and 1,000 sf. for 2-bedroom or more; or</u> <u>(B) 50% of floor area of primary residence, but not to exceed 1,200 sf.</u>	<u>3</u>
<u>Expansion for Egress and Ingress</u>	<u>Maximum allowed = 150 sf.</u>		<u>N/A</u>	<u>4</u>
<u>Maximum Height</u>	<u>N/A</u>	<u>Established by the development standards of the underlying zoning district</u>	<u>16 ft. or higher if it complies with all of the development standards of the underlying zoning district</u>	<u>5, 6, 7</u>
<u>Side and Rear Setbacks</u>	<u>N/A</u>	<u>N/A</u>	<u>4ft. or the regularly required setback, whichever is less, but in no case shall the setback be less than 3 feet from the side or rear lot line;</u>	<u>6, 7</u>
<u>Front Setback</u>	<u>Established by the development standards of the underlying zoning district</u>			<u>6, 7</u>

<u>Development Standards</u>	<u>Types of One-Family ADUs</u>			<u>Notes</u>
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)</u>	<p><u>Established by development standards of the underlying zoning district, but those standards- may be waived to the extent necessary to allow the following per lot:</u></p> <p>(A) <u>One JADU</u></p> <p style="text-align: center;"><b>AND</b></p> <p>(B) <u>One ADU of no more than 800 sf. that is no more than 16 feet in height with at least 4-foot side and rear yard setbacks</u></p>			<u>6, 7</u>
<u>Open Space</u>	<u>No new open space required-</u>			<u>6, 7</u>
<u>Parking for ADU</u>	<u>None Required</u>	<p><u>None required if located within ½-mile walking distance of public transit; any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; locations where parking permits are required but not offered to occupants of ADUs; or locations where there is a carshare vehicle within one block of the ADU.</u></p> <p><u>Otherwise: One (1) space per ADU, which can be tandem</u></p>		<u>7, 8</u>
<u>Owner Occupancy</u>	<u>Owner must occupy the JADU or the primary residence</u>	<u>N/A</u>	<u>N/A</u>	
<u>Bathroom</u>	<u>May have private bathroom; or bathroom facilities may be shared with the primary Residential Facility.</u>	<u>Must contain their own private bathroom facilities.</u>		<u>9</u>

**Notes for Table 17.103.01:**

1. —A Category 1 or Category 2 ADU may be combined on the lot with one JADU. However, a lot may not contain both a Category 2 ADU and a Category 1 ADU. If a One-Family lot contains two ADUs, one must be a JADU.
2. –At least a minimum square-footage that permits an Efficiency Dwelling Unit.
3. The maximum size is inclusive of any allowed expansion of existing building envelope of up to 150 sf. for the purpose of ingress and egress.
4. –If the –JADU/ADU requires an expansion of up to 150 square feet for the exclusive purpose of accommodating ingress and egress to the ADU, such expansion may not (a) encroach on front setbacks established by the underlying zone; (b) encroach within 4-foot side and rear setbacks.

except in certain circumstances, as described in Note #5## for Table 17.103.01; and (c) exceed a height of 16 feet, except the underlying zone permits, as described in Note #5 and #6# for Table 17.103.01.

- 5. If the Category 2 ADU meets all the underlying zone setbacks requirements, then the maximum height is controlled by the underlying zoning district regulations.
- 6. For an ADU/JADU expansion for ingress and egress, such expansion shall comply with the existing zoning district setback and height requirements unless the ADU is a Category Two ADU that meets: a) the required side and rear setbacks of 4 ft or the regularly required setback, whichever is less, but in no case shall be less than 3 feet from the side or rear lot line, b) a height of maximum height is 16 ft, and c) floor area is 800 sf.
- 7. One-Family Category 1 ADUs and JADUs are allowed even if the existing facility to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks.
- 8. For replacement parking regulations, see 17.103.080(A)(4).]
- 9. If JADU shares bathroom with the primary Residential Facility, an internal connection must be provided.

**C. Property Development Standards applying to ADUs for Two-Family and Multifamily Facilities**

Table 17.103.02 below, describes the property development standards, -which apply to the types of ADUs permitted with Two-Family and Multifamily Facilities. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

**Table 17.103.02: Property Development Standards Regulations applying to Two-Family and Multifamily ADUs**

	<u>Types of Two-Family and Multifamily ADUs</u>		<u>Notes</u>
<u>Development Standards</u>	<u>Two-Family and Multifamily ADU Category 1</u>	<u>Two-Family and Multifamily ADU Category 2</u>	
<u>Maximum Number</u>	<u>1 or up to 25% of existing units per lot, whichever is greater</u>	<u>At least one<sup>1</sup> per lot, but no more than two<sup>2</sup> per lot as long the two ADUs do not exceed 800 sf. in total footprint</u>	<u>1, 6</u>
<u>Minimum Size</u>	<u>150 sf.</u>		<u>2</u>
<u>Maximum Size</u>	<u>850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more</u>		
<u>Maximum Height</u>	<u>Established by base zone</u>	<u>16 ft. or higher if it complies with all of the standards of the underlying zone</u>	<u>3</u>

	<u>Types of Two-Family and Multifamily ADUs</u>		<u>Notes</u>
<u>Side and Rear Setbacks</u>	<u>N/A</u>	<u>4ft, or the regularly required setback, whichever is less, but in no case shall be less than 3 feet, from the side or rear lot line</u>	<u>3</u>
<u>Lot Coverage, Rear Setback Coverage</u>	<u>N/A</u>	<u>Established by the underlying zone, and can only be waived if necessary to achieve one or two ADUs that do not exceed 800 sf. in total footprint.</u>	<u>3</u>
<u>Front Setback</u>	<u>Established by base zone.</u>		
<u>Floor Area Ratio (FAR)</u>	<u>Established by the regulations in the underlying zoning district, but those may be waived to the extent necessary to allow -one or two Category Two -ADUs of no more than 800 sf in total footprint</u>		<u>3</u>
<u>Open Space</u>	<u>N/A</u>	<u>No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, and can only be waived to the extent necessary to allow one or two ADUs of no more than 800 sf. in total footprint.</u>	
<u>Parking for ADU</u>	<u>One (1) space; OR none if located within ½-mile walking distance of public transit; any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; locations where parking permits are required but not offered to occupants of ADUs; or locations where there is a carshare vehicle within one block of the ADU.</u>		<u>4, 5</u>
<u>Owner Occupancy</u>	<u>Not required</u>		
<u>Bathroom</u>	<u>Each unit must have a private bathroom.</u>		

Notes for Table 17.103.02:

1. All calculations that result in a fractional number shall be rounded up to the nearest whole number. A lot -may contain both Category One and Category Two ADUs.

2. At least a minimum square-footage that permits an Efficiency Dwelling Unit.
3. Two-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks. If the Category Two- ADU meets the 4-foot setback requirement, or meets the underlying zone setbacks requirements, then the maximum height is controlled by the underlying zoning district regulations, but in no event shall be less than 16 feet.
4. The "No Parking for ADUs" area includes all lots within ½ mile walking distance of public transit; any lot within a City of Oakland Area of Primary or Secondary Importance, as defined in the General Plan's Historic Preservation Element; locations where parking permits are required but not offered to occupants of ADUs; or locations where there is a carshare vehicle within one block of the ADU
5. For replacement parking regulations, see 17.103.080(A)(4).
6. non-habitable or non-livable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any other finished spaces that are meant to be occupied by people and used communally.

**Title 17 PLANNING**

**Chapter 17.140 - PLANNED UNIT DEVELOPMENT PROCEDURE**

**Chapter 17.142 - ~~MINI-LOT AND~~ PLANNED UNIT DEVELOPMENT REGULATIONS<sup>[51]</sup>**

**Part 2 of 2**

**Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.13.040 Permitted and conditionally permitted facilities.

17.13.050 Property development standards.

17.13.040 Permitted and conditionally permitted facilities.

**Table 17.13.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Facilities</b>					
One-Family Dwelling	P	P(L1)	P(L1)	P(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<a href="#">17.103.080</a>
Multifamily Dwelling	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<a href="#">17.103.080</a>
<b>Telecommunications Facilities</b>					
Monopole Telecommunications	C(L2+)	C(L2+)	C(L2+)	C(L2+)	17.128

**Limitations on Table 17.13.01:**

[L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)

[L2.L1.](#) Monopole Telecommunications Facilities 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, the proposal must meet the following use permit criterion:

- [a1.](#) There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

**17.13.050 Property development standards.**

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

**Table 17.13.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Minimum Lot Dimensions</b>					
<b>Maximum Density</b>	1 primary dwelling unit per lot				4
<b>Minimum Setbacks</b>					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	<a href="#">4</a> , 5, 6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	<a href="#">4</a> , 5, 6, 7
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	<a href="#">4</a> , 8, 9
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	<a href="#">4</a> , 8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	<a href="#">4</a> , 5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	<a href="#">4</a> , 7, 10, 11
<b>Maximum Lot Coverage and Floor Area Ratio (FAR)</b>	See Table 17.13.04				
<b>Height Regulations for All Lots with a Footprint Slope of ≤20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	<a href="#">4</a> , 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	<a href="#">4</a> , 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	<a href="#">4</a> , 13, 14



Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Height Regulations for all Lots with a Footprint Slope of &gt;20%</b>	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				<a href="#">4</a>
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	40 ft.	40 ft.	<a href="#">4</a> , 15
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<a href="#">4</a> , <del>16</del> , <del>17</del>

**Additional Regulations for Table 17.13.03:**

- ~~4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.~~
- ~~17. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.~~

**17.13.060 Special regulations for Planned Unit Developments.**

**Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development 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 RH zones, and certain of the other regulations applying in said zone 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)

**Editor's note—**

Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, changed the title of Section 17.13.060 from "Special regulations for mini-lot and planned unit developments" to "Special regulations for planned unit developments." The historical notation has been preserved for reference purposes.

**Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS**

**Sections:**

- 17.15.040 Permitted and conditionally permitted facilities.
- 17.15.050 Property development standards.
- 17.15.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.15.040 Permitted and conditionally permitted facilities.**

**Table 17.15.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
<b>Residential Facilities</b>			
One-Family Dwelling	P(L1)	P(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	P	P	<a href="#">17.103.080</a>
Two-Family Dwelling	<del>(L1)</del>	C(L1)	<a href="#">17.103.080</a>
Multifamily Dwelling	<del>(L1)</del>	<del>(L1)</del>	<a href="#">17.103.080</a>

**Limitations on Table 17.15.02:**

**L1.** [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, s](#)See Table 17.15.03, Property Development Standards, for additional regulations on ~~the this~~ conditionally permitted density [in the RD-2 Zone](#).

**17.15.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Maximum Density</b>			
Permitted density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	3, 4
Conditionally permitted density	N/A	2 units on lots 6,000 sf or greater	3, 5

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Minimum Setbacks</b>			
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11
Minimum street side	5 ft.	5 ft.	8, 9, 12
Rear	20 ft.	15 ft.	9, 13, 14
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.15.04 for reduced setbacks for smaller lots		
<b>Floor Area Ratio (FAR) and Lot Coverage</b>	See Table 17.15.05		
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>			
Maximum wall height primary building	25 ft.	25 ft.	14, 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, 16
Maximum height for accessory structures	15 ft.	15 ft.	14, 16
<b>Height Regulations for all Lots with a Footprint Slope of &gt;20%</b>	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	17

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		<a href="#">3, 18, 19</a>
<b>Minimum Open Space</b>			
Group open space per Primary Unit	N/A	300 sf	20
Group open space per Primary Unit when private open space substituted	N/A	100 sf	20

**Additional Regulations for Table 17.15.03:**

3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

4. [See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#)

~~19. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.~~

C. **Floor Area Ratio (FAR) and Lot Coverage.** Table 17.15.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.15.05 Floor Area Ratio (FAR) and Lot Coverage**

**17.15.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

A. **Mini-Lot [Planned Unit](#) Developments.** In Mini-Lot [Planned Unit](#) Developments ([Mini-Lot PUDs](#)), certain regulations that otherwise apply to individual lots in the RD-~~4~~ Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments 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 RD Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS**

**Sections:**

- 17.17.040 Permitted and conditionally permitted facilities.
- 17.17.050 Property development standards.
- 17.17.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.17.040 Permitted and conditionally permitted facilities.**

**Table 17.17.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
<b>Residential Facilities</b>						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del><a href="#">17.103.080</a></del>
Two-Family Dwelling	C(L1)	P(L1)	P(L1)	P(L1)	Same as underlying zone	<a href="#">17.103.080</a>
Multifamily Dwelling	<del>(L1)</del>	C(L1)	C(L1)	P(L1)	Same as underlying zone	<a href="#">17.103.080</a>

**Limitations on Table 17.17.02:**

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C Combining Zone, the C regulations supersede the base zone.

**L1.** [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, sSee Table 17.17.03, Property Development Standards, for additional regulations on this density.](#)

**17.17.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.17.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Minimum Setbacks for Lots Equal to or Greater than <del>Four Thousand (4,000)</del> Square Feet</b>					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, <u>7</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, <u>7</u>
<b>Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units</b>	See Table 17.17.05 for <del>FAR and</del> maximum <u>FAR and</u> lot coverage for <u>one+</u> or <u>two</u> <u>dwelling</u> units, <u>excluding any permitted Accessory Dwelling Units</u>				<u>19, 20</u>
<b>Maximum Lot Coverage for 3 or More Units</b>	N/A	40%	50%	N/A	<u>19, 20</u>
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, <del>14</del>
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, <del>14</del>
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>21</u>
<b>Height Regulations for all Lots</b>	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>with a Footprint Slope of &gt; 20%</b>					
<b>Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of &gt; 20%</b>	40 ft.	40 ft.	40 ft.	40 ft.	<a href="#">1415</a>
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<a href="#">15, 16, 17</a>
<b>Minimum Open Space</b>					
Group open space per <a href="#">Regular Unit</a>	300 sf.	300 sf.	200 sf.	175 sf.	<a href="#">1849</a>
Group open space per <a href="#">Regular Unit</a> when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	<a href="#">1849</a>

**Additional Regulations for Table 17.17.03:**

2. See Chapter 17.107 for affordable and senior housing incentives; ~~and Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.~~ Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

~~17. In the RM-2 Zone, when the lot is less than four thousand (4,000) square feet in size or forty-five (45) feet in width, only one (1) parking space is required per unit. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between~~



~~Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum parking requirement shall be only one (1) space per unit regardless of lot size or width.~~

~~17.18. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units, are provided in Section 17.103.080.~~

~~18.19. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.~~

~~19. This regulation does not apply in the C Combining Zone.~~

~~20. Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.~~

~~21. This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor. If the Nonresidential Facility is to be located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), this height shall also be the maximum allowed for a Nonresidential Facility in the area between the front property line and the front building elevation of the existing historic structure.~~

C. **Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only.** Table 17.17.05 below prescribes FAR and lot coverage standards for one or two dwelling units associated with the lot sizes listed, excluding any permitted Accessory Dwelling Units. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One- and Two-Family Dwelling Units Only**

**Additional Regulations for Table 17.17.05:**

1. Maximum Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than five thousand (5,000) square feet may have ~~a dwelling with~~ a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.

**17.17.060 Special regulations for ~~Mini-Lot and~~Planned Unit Developments.**

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that otherwise apply to individual lots in the RM Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments 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 RM Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS**

**Sections:**

- 17.19.030 Permitted and conditionally permitted activities.
- 17.19.040 Permitted and conditionally permitted facilities.
- 17.19.050 Property development standards.
- 17.19.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.19.040 Permitted and conditionally permitted facilities.**

**Table 17.19.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Residential Facilities</b>						
One-Family Dwelling	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One Family Dwelling with Secondary Unit</del>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	—(L1)	—(L1)	<a href="#">17.103.080</a>
Two-Family Dwelling	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">17.103.080</a>
Multifamily Dwelling	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">P(L1)</a>	<a href="#">17.103.080</a>

**Limitations on Table 17.19.02:**

**L1.** [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of See](#) Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, [provided, however, that](#) ~~—i~~ [In the RU-4 and RU-5 Zones, Accessory Dwelling Units are a Secondary Unit is](#) permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 [and Chapter 17.88.](#)

**17.19.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.19.03: Property Development Standards**

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Maximum <u>Residential</u> Density</b>						
Permitted density for <u>R</u> egular <u>D</u> welling <u>U</u> nits	1 unit per 1,100 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
<b>Height Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	<del>15 ft.</del> 12 ft.	<del>15 ft.</del> 12 ft.	12

**Additional Regulations for Table 17.19.03:**

2. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

17. ~~Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for a~~Additional parking regulations that apply to ~~Secondary~~Accessory Dwelling Units. ~~are provided in Section 17.103.080.~~

19. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.**

**Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only**

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Height Minimum</b>							
<u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u>							
<u>Regular Dwelling Units</u> <u>Maximum Residential Density</u> <u>(square feet of lot area</u> <u>required per unit)</u>	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
<u>Rooming Units</u>	<u>550</u> <u>sf.</u>	<u>450 sf</u>	<u>375</u> <u>sf.</u>	<u>275</u> <u>sf.</u>	<u>225 sf.</u>	<u>225 sf.</u>	<u>4, 5</u>
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
<b>Minimum Usable Open Space</b>							
Group usable open space per <u>R</u> egular <u>U</u> nit	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per <u>R</u> egular <u>U</u> nit when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6

**Additional Regulations for Table 17.19.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.19.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that apply to individual lots in the RU Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 RU Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS**

**Sections:**

- 17.30.070 Permitted facilities.
- 17.30.090 Special regulations applying to certain Commercial Aactivities.
- 17.30.100 Performance standards for Commercial Aactivities.
- 17.30.110 Use permit criteria for Commercial Aactivities.
- 17.30.140 Maximum residential density.
- 17.30.180 Minimum usable open space.
- 17.30.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and Large-Scale Developments.

**17.30.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

**17.30.140 Maximum residential density.**

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Subsection 17.102.270.B and an Accessory Dwelling Secondary Unit.

A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after

division of the lot area by three hundred (300) square feet. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)

- 2. [Efficiency Dwelling Units.](#) One (1) [Efficiency Dwelling Unit](#) is permitted for each two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
- 3. [Rooming Units.](#) One (1) [Rooming Unit](#) is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
- 4. [Combination of different types of living units.](#) For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- 5. [One-Family Dwelling.](#) A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)

B. Conditionally Permitted Density. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a [Conditional Use Permit](#) pursuant to the [Conditional Use Permit](#) procedure in Chapter 17.134, in each of the following situations:

- 1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
- 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

**17.30.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more [dwelling living units](#), [excluding any permitted Accessory Dwelling 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](#) plus seventy-five (75) square feet per [Rooming Unit](#). Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.



17.30.200 Special regulations for ~~Mini-Lot Developments~~, Planned Unit Developments, and ~~Large-Sscale D~~developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the R-80 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 R-80 Zone, and certain of the other regulations applying in said zone 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.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid Planned Unit Development permit is in effect.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.33.040 Permitted and conditionally permitted facilities.
- 17.33.050 Property development standards.
- 17.33.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.33.040 Permitted and conditionally permitted facilities.**

**Table 17.33.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<a href="#">17.103.080</a>

**Limitations on Table 17.33.02:**

**L1.** ~~See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that: Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

**17.33.050 Property development standards.**

**Table 17.33.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Design Regulations</b>					

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum <del>ground floor nonresidential</del> facade transparency for <a href="#">ground floor Nonresidential Facilities</a>	65%	65%	65%	N/A	9
Minimum height of ground floor Nonresidential Facilities	<del>15 ft. 12 ft.</del>	<del>15 ft. 12 ft.</del>	<del>15 ft. 12 ft.</del>	<del>15 ft. 12 ft.</del>	10
<b>Minimum required parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking <a href="#">requirements</a>				14

**Additional Regulations for Table 17.33.03:**

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, nonreflective windows that allow views out of indoor [activity commercial space](#), [residential space](#), or lobbies (see Illustration for Table 17.33.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see [Additional Regulation Note-12](#) for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

10. This height is only required for new principal buildings [that include ground floor Nonresidential Facilities](#), and is measured from the sidewalk grade to the [second story floor ground floor ceiling](#).

13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet ~~of from~~ the front of the principal building, except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by [Additional Regulation Note-12](#), above.

14. ~~Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for a~~Additional [parking](#) regulations that apply to [Secondary Accessory Dwelling Units](#). ~~are provided in Section 17.103.080.~~

**B. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>							
Regular <u>U</u> nits	550	Same density regulations as abutting RH, RD, or RM Zone	450	375	275	225	4, 5, 6
Rooming <u>U</u> nits	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6
<b>Usable Open Space (square feet per residential unit)</b>							
Group usable open space per <u>R</u> egular <u>U</u> nit	150	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per <u>R</u> egular <u>U</u> nit when private open space substituted	30	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming <u>U</u> nit	75	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7

**Additional Regulations for Table 17.33.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.~~](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. In the 35\* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM Zone, except that One-Family Dwellings, along with one or more Accessory Dwelling Units as specified in Section 17.103.080, are permitted in the 35\* height area regardless of the residential density regulations in the adjacent Zone (see also Table 17.33.02). When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.

7. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.33.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CN Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments 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 CN Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.35.040 Permitted and conditionally permitted facilities.
- 17.35.050 Property development standards.
- 17.35.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.35.040 Permitted and conditionally permitted facilities.**

**Table 17.35.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Facilities</b>				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)(L7)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L2)(L8)	P(L3)(L8)	—(L1)(L7)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L2)(L8)	P(L3)(L8)	—(L1)(L7)	<a href="#">17.103.080</a>

**Limitations on Table 17.35.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, ~~provided, however, that Accessory Dwelling Units are permitted in the CC-1 and CC-2 Zones when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

**L2.** Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of the ground floor area ~~is~~ devoted to Commercial Aactivities.

**L7.** All new Residential Facilities are prohibited in the CC-3 Zone, except for ~~Secondary Units that meet all requirements set forth in Section 17.103.080 and are located on a lot with an existing One-Family Dwelling, as indicated in Limitation L1 above, and for~~ those facilities approved in conjunction with serving a permitted or conditionally permitted Emergency Shelter Activity, as indicated in Table 17.35.01.

**L8.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.35.050 Property development standards.

A. Zone Specific Standards.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Design Regulations</b>				
Minimum <del>ground floor nonresidential</del> facade transparency <del>of ground floor</del> <u>Nonresidential Facilities</u>	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	<u>15 ft. N/A</u>	<u>15 ft. 12 ft.</u>	<u>15 ft. N/A</u>	10

Additional Regulations for Table 17.35.03:

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity commercial space, ~~residential space~~, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Additional Regulation Note-12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

10. This height is only required for new principal buildings with ground floor Nonresidential Facilities located within twenty (20) feet of the principal street; and is measured from the sidewalk grade to the second story floor. ~~frontage and is measured from the sidewalk grade to the ground floor ceiling.~~

12. For the construction of new principal buildings in the CC-2 Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the front of the principal building, ~~of the principal street~~ except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Additional Regulation Note-11, above.

13. ~~Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for a~~Additional parking regulations that apply to Secondary/Accessory Dwelling Units. ~~are provided in Section 17.103.080.~~

C. Height, Floor Area Ratio (FAR), Density, and Open Space.

Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area								Additional Regulations
	35	45	<u>55</u>	60	75	90	120	160	
<b>Maximum Height</b>	35 ft.	45 ft.	<u>55 ft.</u>	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
<b>Height Minimum</b>									
Permitted height minimum	N/A	N/A	<u>35 ft.</u>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	<u>25 ft.</u>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular <u>U</u> nits	550	450	<u>375</u>	375	275	225	225	225	4, 5
Rooming <u>U</u> nits	275	225	<u>185</u>	185	135	110	110	110	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	<u>3.0</u>	3.0	4.0	4.5	5.0	5.0	4, 5
<b>Maximum number of stories (not including underground construction)</b>	3	4	<u>5</u>	5	7	8	11	15	
<b>Minimum Usable Open Space</b>									
Group usable open space per <u>R</u> egular <u>U</u> nit	150	150	<u>150</u>	150	150	100	100	100	6
Group usable open space per <u>R</u> egular <u>U</u> nit when private open space substituted	30	30	<u>30</u>	30	30	20	20	20	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75	75	<u>75</u>	75	75	50	50	50	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15	15	<u>15</u>	15	15	10	10	10	6

**Additional Regulations for Table 17.35.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary](#)



~~Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.~~ Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.35.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CC Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 CC Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.37.030 Permitted and conditionally permitted activities.
- 17.37.040 Permitted and conditionally permitted facilities.
- 17.37.050 Property development standards.
- 17.37.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.37.030 Permitted and conditionally permitted activities.**

**Table 17.37.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	CR-1	
<b>Residential Activities</b>		
Residential Care	—	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	<del>C(L1)</del>	

**Limitations on Table 17.37.01:**

**L1.** No ~~Residential Care or~~ Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other ~~such Emergency Shelter Residential~~ Activity or Facility. See Section 17.103.010 for other regulations regarding these Activities.

**17.37.040 Permitted and conditionally permitted facilities.**

**Table 17.37.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	CR-1	
<b>Residential Facilities</b>		
One-Family Dwelling	—(L1)(L3)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	
Two-Family Dwelling	—(L1)(L3)	<u>17.103.080</u>
Multifamily Dwelling	—(L1)(L3)	<u>17.103.080</u>

Facilities	Zone	Additional Regulations
	<b>CR-1</b>	
Rooming House	—(L1)( <a href="#">L3</a> )	

**Limitations on ~~for~~ Table 17.37.02:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**[L3.](#)** All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

**17.37.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CR Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 CR Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS  
Sections:**

- 17.54.070 Permitted facilities.
- 17.54.130 Maximum residential density.
- 17.54.170 Minimum usable open space.
- 17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.54.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

**17.54.130 Maximum residential density.**

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and an Accessory Dwelling Secondary Unit.

A. Permitted Basic Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

- 2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
- 3. Rooming Units. ~~One (1) Rooming Unit is permitted~~ ~~The maximum number of rooming units shall be one~~ for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet.
- 4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- 5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

- B. Conditionally Permitted Density. ~~Bonuses.~~—The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:
  - 1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
  - 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

**17.54.170 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling 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, plus seventy-five (75) square feet per Rooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per Regular Dwelling Unit, plus twenty (20) square feet per Efficiency Dwelling Unit, plus fifteen (15) square feet per Rooming Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-40 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 C-40 Zone, and certain of the other regulations applying in said zone 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. 12872 § 4 (part), 2008; prior planning code § 4573)

**Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS**

**Sections:**

- 17.56.070 Permitted facilities.
- 17.56.140 Maximum residential density.
- 17.56.180 Minimum usable open space.
- 17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.56.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:](#)

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

**17.56.140 Maximum residential density.**

A. Permitted Density.

1. [Regular Dwelling Units.](#) One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)
2. [Efficiency Dwelling Units.](#) One (1) ~~E~~efficiency ~~D~~dwelling ~~U~~unit is permitted for each two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
3. [Rooming Units.](#) One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. [Combination of different types of living units.](#) For a combination of different types of living units, the total required lot area shall be the sum of the above requirements

for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Conditionally Permitted Density. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a ~~C~~onditional ~~U~~se ~~P~~ermit pursuant to the ~~C~~onditional ~~U~~se ~~P~~ermit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

**17.56.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling 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, plus seventy-five (75) square feet per Rooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-45 Zone may be waived or modified when and as prescribed in Section 17.102.320.

B. **Planned Unit Developments.** Large integrated developments 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 C-45 Zone, and certain of the other regulations applying in said zone 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. 12872 § 4 (part), 2008; prior planning code § 4623)



Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

**Sections:**

17.58.050 Permitted and conditionally permitted facilities.

17.58.070 Usable open space standards.

**17.58.050 Permitted and conditionally permitted facilities.**

**Table 17.58.02: Permitted and Conditionally Permitted Facilities**

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	<a href="#">17.103.080</a>

**Limitations [on Table 17.58.02:](#)**

**L1.** [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#) See [also](#) Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, [provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.](#) ~~A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

17.58.060 Property development standards.

**A. Zone Specific Standards.**

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Design Regulations</b>					
<del>Minimum Ground floor commercial</del> facade transparency <a href="#">of ground floor Nonresidential Facilities</a>	55%	65%	55%	55%	6

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7

**Additional Regulations [for Table 17.58.03:](#)**

7. This height is required for new principal buildings [that include ground floor Nonresidential Facilities](#), and is measured from the sidewalk grade to the second story floor.

**17.58.070 Usable open space standards.**

C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:

1. Area. On each lot containing Residential Facilities with a total of two or more [dwelling living](#) units, [excluding any permitted Accessory Dwelling Units](#), usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per [Regular Dwelling Unit](#) and thirty-eight (38) square feet per [Rooming Unit](#).
2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

**Table 17.58.05: Required Dimensions of Usable Open Space**

**Notes [for Table 17.58.05:](#)**

**Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS**  
**Sections:**

- 17.65.030 Permitted, conditionally permitted, and prohibited activities.
- 17.65.040 Permitted and conditionally permitted facilities.
- 17.65.070 Maximum density.
- 17.65.120 Minimum usable open space.
- 17.65.130 Landscaping, paving, and buffering.
- 17.65.170 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**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.

**Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities**

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	

**Limitations on Table 17.65.01:**

**17.65.040 Permitted and conditionally permitted facilities.**

**Table 17.65.02: Permitted and Conditionally Permitted Facilities**

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Facilities</b>					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	P	P	P	C	<a href="#">17.103.080</a>

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Two-Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<a href="#">17.103.080</a>

**Limitation on Table 17.65.02:**

[L4.](#) See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**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

**Notes:**

1. See (1) Section 17.103.080 for regulations regarding permitted Secondary Accessory Dwelling Units; (2) Chapter 17.107 for affordable housing density incentives; and (3) Section 17.106.060 for increased density for senior housing.

**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

**Notes:**

Usable open space is only required on lots with two (2) or more dwelling units, ~~excluding and not required for a One-Family Dwelling with Secondary~~ 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.

**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 [Secondaryany permitted Accessory Dwelling](#) Units, and for additions to existing building facilities of over five hundred (500) square feet.

**17.65.170 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot [Planned Unit](#) Developments.** In Mini-Lot [Planned Unit](#) Developments ([Mini-Lot PUDs](#)), certain regulations otherwise applying to individual lots in the HBX Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **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)

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

Sections:

17.72.040 Permitted and conditionally permitted facilities.

17.72.060 Special Regulations for [Mini-Lot and](#) Planned Unit Developments.

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Residential Facilities</b>				
One-Family Dwelling	—	—(L4)	—	17.103.015
<del>One-Family Dwelling with Secondary Unit</del>	<del>—</del>	<del>—(L4)</del>	<del>—</del>	<del>17.103.080</del>
Two-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015

17.72.060 Special Regulations for [Mini-Lot and](#) Planned Unit Developments.

- A. **Mini-lot [Planned Unit Developments](#).** In Mini-Lot [Planned Unit Developments \(Mini-Lot PUDs\)](#), certain regulations that apply to individual lots in the M-20, M-30, and M-40 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 M-20, M-30, and M-40 Zones, and certain of the other regulations applying in said zone 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)

**Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS**

**Sections:**

- 17.74.050 Permitted facilities.
- 17.74.120 Maximum residential density.
- 17.74.160 Minimum usable open space.
- 17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.74.050 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:](#)

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

**17.74.120 Maximum residential density.**

A. Permitted Density.

1. [Regular Dwelling Units.](#) One (1) ~~R~~egular ~~D~~welling ~~U~~nit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)
2. [Efficiency Dwelling Units.](#) One (1) ~~E~~fficiency ~~D~~welling ~~U~~nit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
3. [Rooming Units.](#) One (1) ~~R~~ooming ~~U~~nit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. [Combination of different types of living units.](#) For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for

each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.74.160 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more ~~dwelling living~~ units, excluding any permitted Accessory Dwelling 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~~, plus seventy-five (75) square feet per ~~Rooming Unit~~. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 S-1 Zone, and certain of the other regulations applying in said zone 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. 12872 § 4 (part), 2008; prior planning code § 6123)



**Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS**

**Sections:**

- 17.76.070 Permitted facilities.
- 17.76.140 Maximum residential density.
- 17.76.180 Minimum usable open space.

**17.76.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)

**A. Residential Facilities:**

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

**17.76.140 Maximum residential density.**

**A. Permitted Density.**

1. [Regular Dwelling Units.](#) One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. [See Section 17.103.080 and Chapter 17.88 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)
2. [Efficiency Dwelling Units.](#) One (1) Efficiency Dwelling Unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
3. [Rooming Units.](#) One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. [Combination of different types of living units.](#) For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.76.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more ~~dwelling living~~ units, excluding any permitted Accessory Dwelling 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,~~ plus seventy-five (75) square feet per ~~Rooming Unit.~~ Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.76.200 Special regulations for ~~Mini-Lot Developments,~~ Planned Unit Developments, and large-scale developments.**

- A. **Mini-Lot ~~Planned Unit~~ Developments.** In Mini-Lot ~~Planned Unit~~ Developments (~~Mini-Lot PUDs~~), certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 S-2 Zone, and certain of the other regulations applying in said zone 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.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to development where a valid Planned Unit Development permit is in effect.

**Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS**

**Sections:**

17.88.010 Title, Purpose and Applicability.

17.88.040 Prohibited land uses.

**17.88.010 Title, Purpose and Applicability.**

The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities [and facilities](#) that are located, in whole or part, within Very High Fire Hazard Severity Zones, and accessed from streets or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety.

**17.88.040 Prohibited land uses.**

The following land use activities or facilities are prohibited within the S-9 Fire Safety Protection Combining Zone:

- A. ~~Category Two Secondary~~[Accessory Dwelling](#) Units [and JADUs](#), as defined in Sections [17.09.040](#) and [17.103.080](#).

**Chapter 17.92 S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS**

**Sections:**

17.92.060 Limitations on residential density.

**17.92.060 Limitations on residential density.**

- A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:
  - 1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A. of Section 17.142.110 and the first three sentences of Subsection B. of Section 17.142.110.
  - 2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.
  - 3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:
    - a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and
    - b. Counting the number of legally platted lots within the proposed development area; and
    - c. Analyzing the project under the Regular Design Review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional Secondary Accessory Dwelling Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080 and Chapter 17.88.

**Chapter 17.97 S-15 TRANSIT-ORIENTED DEVELOPMENT COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.97.050 Permitted and conditionally permitted facilities.

17.97.070 Height, floor area ratio (FAR), density, and open space.

17.97.050 Permitted and conditionally permitted facilities.

**Table 17.97.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	S-15	S-15W	
<b>Residential Facilities</b>			
One-Family Dwelling	<del>—(L2)€</del>	—(L2)	<a href="#">17.103.080</a>
<del>One Family Dwelling with Secondary Unit</del>	<del>—(L3)</del>	<del>—(L3)</del>	<a href="#">17.103.080</a>
Two-Family Dwelling	C(L3)	C(L3)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L3)	P(L3)	<a href="#">17.103.080</a>

**Limitations on Table 17.97.02:**

**L1.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

**L2.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling in the S-15 and S-15W Zones, or conditionally permitted in conjunction with a new One-Family Dwelling in the S-15 Zone.

17.97.070 Height, floor area ratio (FAR), density, and open space.

Table ~~17.97.04~~ [17.97.04](#) below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

**Table [17.97.04](#) ~~17.97.04~~ Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area										Additional Regulations	
	35	45	55	60	75	90	100	120	140	160		
<b>Minimum Usable Open Space</b>												
Group usable open space per <a href="#">Regular Unit</a>	150	150	150	150	100	100	75	75	75	75	6	
Group usable open space per <a href="#">Regular Unit</a> when private open space substituted	30	30	30	30	20	20	15	15	15	15	6	
Group usable open space per <a href="#">Rooming Unit</a>	75	75	75	75	50	50	38	38	38	38	6	
Group usable open space per <a href="#">Rooming Unit</a> when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6	

**Additional Regulations for Table [17.97.04](#) ~~17.97.04~~:**

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table [17.97.04](#) ~~17.97.04~~ [Additional Regulation 1], below).

Illustration for Table [17.97.04](#) ~~17.97.04~~ [Additional Regulation 1]  
\*for illustration purposes only

2. 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 an RH, RD, or RM Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table [17.97.04](#) ~~17.35.04~~ [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table [17.97.04](#) ~~17.35.04~~ [Additional Regulation 2]  
\*for illustration purposes only

4. See Chapter 17.107 for affordable and senior housing incentives, ~~and~~ [Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of ~~Section 17.102.300~~ with respect to dwelling units with five (5) or more bedrooms.

6. 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, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.97.090 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 S-15 Zones, and certain of the other regulations applying in said zone 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.

**Chapter 17.99 S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS**

**Sections:**

17.99.050 Usable open space standards for residential development.

**17.99.050 Usable open space standards for residential development.**

All required usable open space shall be permanently maintained and shall conform to the following standards:

- A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular Dwelling Unit, ~~standard unit,~~ fifty (50) square feet per Efficiency Dwelling Unit, and thirty-eight (38) square feet per Rooming Unit.



**Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.101C.050 - Property development standards.

17.101C.040 - Permitted and conditionally permitted facilities.

**Table 17.101C.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Residential Facilities</b>						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)( <u>L11</u> )	—(L1)	<a href="#">17.103.080</a>
Multifamily Dwelling	C(L2)( <u>L11</u> )	P(L3)( <u>L11</u> )	P(L4)( <u>L11</u> )	P( <u>L11</u> )	P(L5)( <u>L11</u> )	<a href="#">17.103.080</a>

**Limitations on Table 17.101C.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

**L11.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.101C.050 - Property development standards.

**A. Zone Specific Standards.**

**Table 17.101C.03: Property Development Standards**

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Design Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	11

**Additional Regulations for Table 17.101C.03:**

11. This height is required for new principal buildings [that include ground floor Nonresidential Facilities](#), and is measured from the sidewalk grade to the second story floor.

**B. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular <a href="#">Units</a>	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming <a href="#">Units</a>	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6

**Additional Regulations for Table 17.101C.04:**

5. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zone, and N Combining Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet ~~of from~~ the front of the principal building, except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by [Additional Regulation Note-12](#), above.

**D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.** Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified retail percentage category.

**Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space**

**Additional Regulations for Table 17.101C.06:**

3. See Chapter 17.107 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

**17.101C.060 - Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. Mini-Lot [Planned Unit](#) Developments.** In Mini-Lot [Planned Unit](#) Developments ([Mini-Lot PUDs](#)), certain regulations that apply to individual lots in the D-BV Zones may be waived or modified when and as prescribed in Section 17.142.
- B. [Planned Unit](#) Developments.** Large integrated developments 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 D-BV Zones, and certain of the other regulations applying in said zone 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. 13064, § 2(Exh. A), 3-15-2011)

**Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS**

**Sections:**

[17.101D.040 Permitted and conditionally permitted facilities.](#)

**17.101D.040 Permitted and conditionally permitted facilities.**

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities**

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P(L3)	P(L3)	P(L3)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del><a href="#">17.103.080</a></del>
Two-Family Dwelling	P(L3)	P(L3)	P(L3)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L3)	P(L3)	P(L3)	<a href="#">17.103.080</a>

**Limitations on Table 17.101D.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, seasonal sales, or special events.

**L3.** [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.](#)

**Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS**

**Sections:**

17.101E.040 Permitted and conditionally permitted facilities.

17.101E.050 Property development standards.

**17.101E.040 Permitted and conditionally permitted facilities.**

**Table 17.101E.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Residential Facilities</b>							
One-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>P</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
Multifamily Dwelling	—(L1)	—(L1)	P(L5)	P(L5)	—(L1)	—(L1)	<a href="#">17.103.080</a>

**Limitations on Table 17.101E.02:**

**L1.** See Chapter 17.114 - Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted in the D-CE-4 Zone when there is an existing primary applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.101E.050 Property development standards.

**A. Zone Specific Standards.**

**Table 17.101E.03 Property Development Standards**

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	

**Additional Regulations for Table 17.101E.03:**

3. In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more [dwelling living units, excluding any permitted Accessory Dwelling Units](#), and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

9. In the D-CE-3 and D-CE-4 Zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. [See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one \(1\) Primary Unit on a lot, subject to the provisions of Section 17.103.080.](#) Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a [primary](#) dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. In the D-CE-3 Zone, 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 [Conditional Use Permit](#) process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

11. In the D-CE-3 and D-CE-4 Zones, usable open space is not required for Work/Live, and is only required on lots with two (2) [or more](#) Residential or Live/Work units, [excluding any permitted Accessory Dwelling Units.](#) ~~or more, and not required for a One-Family Dwelling with Secondary Unit.~~ 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, provided the Frontage Type design guidelines are followed (see Section 4.1 of the "Design Guidelines for the Central Estuary").

13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding [any permitted Accessory Dwelling Secondary](#) Units. The landscaping and buffering plan shall contain the following:

19. ~~Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for a~~Additional [parking](#) regulations that apply to [Secondary Accessory Dwelling Units.](#) ~~are provided in Section 17.103.080.~~

**17.101E.090 Special Regulations for [Mini-lot and Planned Unit Developments](#).**

A. **Mini-lot [Planned Unit Developments](#).** In Mini-Lot [Planned Unit](#) Developments ([Mini-Lot PUDs](#)), certain regulations that apply to individual lots in the D-CE-3 and D-CE-4 Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments 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 D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone 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. 13168, § 5(Exh. A), 6-18-2013)

**Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS**

**Sections:**

17.101F.040 Permitted and conditionally permitted facilities.

**17.101F.040 Permitted and conditionally permitted facilities.**

**Table 17.101F.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	<b>D-GI</b>	
<b>Residential Facilities</b>		
One-Family Dwelling	—	
<del>One Family Dwelling with Secondary Unit</del>	—	
Two-Family Dwelling	—	
Multifamily Dwelling	—	



**Chapter 17.101G D-LM LAKE MERRITT STATION AREA DISTRICT ZONES REGULATIONS  
Sections:**

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.050 Property development standards.

**17.101G.040 Permitted and conditionally permitted facilities.**

**Table 17.101G.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Residential Facilities</b>						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L5)</del>	<del>—(L5)</del>	<del>—(L5)</del>	<del>—(L5)</del>	<del>—(L5)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	<a href="#">17.103.080</a>
Multifamily Dwelling	P(L6)	P(L6)	P(L6)	P(L6)	P(L6)	<a href="#">17.103.080</a>

**Limitations [on Table 17.101G.02:](#)**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, [provided, however, that Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.](#)

**L5.** ~~A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling. Also, a~~ A Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is permitted if it is the result of an approved conversion of an existing One-Family Dwelling.

**L6.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.101G.050 Property development standards.

A. Zone Specific Standards.

Table 17.101G.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Design Regulations</b>						
<del>Minimum Ground floor commercial facade transparency of ground floor Nonresidential Facilities</del>	55%	65%	55%	55%	55%	5
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	6

**Additional Regulations for Table 17.101G.03:**

5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (1/2) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor ~~activity commercial~~ space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

6. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.040 Permitted and conditionally permitted facilities.

17.101H.040 Permitted and conditionally permitted facilities.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
<b>Residential Facilities</b>							
One-Family Dwelling	— <a href="#">(L4)</a>	— <a href="#">(L4)</a>	—	—	—	—	<a href="#">17.103.080</a>
<del>One-Family Dwelling with Secondary Unit</del>	—	—	—	—	—	—	<a href="#">17.103.080</a>
Two-Family Dwelling	<a href="#">P(L5)</a>	<a href="#">P(L5)</a>	—	<a href="#">C(L5)</a>	—	—	<a href="#">17.103.080</a>
Multifamily Dwelling	<a href="#">P(L5)</a>	<a href="#">P(L5)</a>	—	<a href="#">C(L5)</a>	—	—	<a href="#">17.103.080</a>

Limitations on Table 17.101H.02:

[L4. See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.](#)

[L5. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units Dwellings.](#)

17.101H.090 Special regulations for ~~Mini-lot and~~ Planned Unit Developments.

- A. **Mini-lot [Planned Unit](#) Developments.** In Mini-Lot [Planned Unit](#) Developments ([Mini-Lot PUDs](#)), certain regulations that apply to individual lots in the D-CO Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments 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 D-CO 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.

**Chapter 17.101J - D-OK OAK KNOLL DISTRICT ZONES REGULATIONS**

**Sections:**

17.101J.040 - Permitted and conditionally permitted facilities.

17.101J.050 - Property development standards.

**17.101J.040 – Permitted and conditionally permitted facilities.**

**Table 17.101J.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Residential Facilities</b>								
One-Family Dwelling	P(L5)	P(L5)	C(L5)	—	—	—	—	<a href="#">17.103.080</a>
One-Family Dwelling with Secondary Unit	P	P	C	—	—	—	—	<a href="#">17.103.080</a>
Two-Family Dwelling	—	—	P(L5)	—	—	—	—	<a href="#">17.103.080</a>
Multifamily Dwelling	—	—	P(L5)	—	—	—	—	

**Limitations on Table 17.101J.02:**

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101J.050 – Property development standards.**

A. **Zone Specific Standards.** Table 17.101J.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

**Table 17.101J.03: Property Development Standards**

**Additional Regulations for Table 17.101J.03:**

**11.** ~~Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. Where a Secondary Unit is permitted in the D-OK Zones (i.e., on a residential lot with only one (1) single family dwelling unit), the requirements in Section 17.103.080 shall apply.~~

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.270 An additional kitchen for a single dwelling unit.

**17.102.270 An additional kitchen for a single dwelling unit.**

No Residential Facility shall be permitted to have both an additional kitchen as provided for in this section and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. An additional kitchen for a single primary dwelling unit in any Residential Facility may be permitted, without thereby creating an additional dwelling unit, upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, and upon determination that all of the following conditions set forth below exist:

- A. That the additional kitchen will be located within the same residential structure as the existing kitchen and solely constitute an additional service facility for the resident household, family or its temporary guests,
- B. That the additional kitchen will not serve as a basis for permanent habitation of an extra household or family on the premises, or the creation of an additional dwelling unit on the premises.
- C. That the additional kitchen is necessary to render habitable a living area occupied by one or more persons related by blood, marriage, or adoption to the resident family or collective household occupying the main portion of the dwelling unit.
- D. There is no Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure along with the proposed additional kitchen.

However, a Conditional Use Permit under this Subsection shall not be granted in the RH Zones or the RD-1 Zone if the lot contains two (2) or more dwelling units.

**Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS**

**Sections:**

**17.108.080 Minimum side yard opposite living room windows.**

On each lot containing Residential Facilities with a total of two (2) or more [dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One-Family Dwelling with Secondary Unit](#), a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other Zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

**17.108.120 Minimum court between opposite walls on same lot.**

On each lot containing Residential Facilities with a total of two (2) or more [dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One-Family Dwelling with Secondary Unit](#), courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within eight (8) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this Section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than eight (8) feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

**17.108.130 Exceptions to required openness of minimum yards and courts.**

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table.

Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees [and Accessory Dwelling Units in conformance with all requirements in Section 17.103.080](#), which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable exceptions allowed for [Nonconforming Uses in Chapter 17.114](#), [Secondary Accessory Dwelling](#) Units in Section 17.103.080, and screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110, or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.



**Chapter 17.110 BUFFERING REGULATIONS**

**Sections:**

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.

**17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.**

The following regulations shall apply in all Residential Zones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS Zones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with [Accessory Dwelling Secondary Units](#), and to all open off-street loading areas on any lot:
- C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with [Accessory Dwelling Secondary Units](#), shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

**Chapter 17.114 NONCONFORMING USES**

**Sections:**

**Article III Nonconforming Facilities**

**17.114.110 Nonconforming Facility—Allowed alterations.**

- A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, or in Section 17.103.080 for Accessory Dwelling Units in conjunction with an existing One-Family, Two-Family, or Multifamily Dwelling, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconforming with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one primary dwelling living-unit on a lot, when located in a zone where only one primary dwelling living is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions<sub>;</sub> ~~relocated,~~ except when permitted to remove a nonconformity<sub>;</sub> or to be wholly reconstructed with the same floor area and outside dimensions.

**Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Sections:**

- Article I - General Provisions
- Article II - Off-Street Parking Requirements
- Article III – Reductions in Required Parking
- Article IV - Off-Street Loading Requirements

**Article I General Provisions**

**17.116.020 Effect on new and existing uses.**

C. **New Parking and Loading Provided for New Dwelling Units in Existing Facilities.** Except as provided for [Accessory Dwelling Units in Section 17.103.080](#), the conversion of historic facilities in Section 17.116.110(F), additions to historic facilities in Section 17.116.110(G), and ~~for the conversion of a building into Residentially Oriented Joint Living and Working Quarters, as specified~~ in Section 17.102.195, the parking and loading requirements of this Chapter apply to newly established dwelling units. However, additional parking only needs to be provided to the extent that the existing parking does not meet the new total parking requirement.

**Article II Off-Street Parking Requirements**

**17.116.060 Off-street parking—Residential Activities.**

A. **Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.**

1. **Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One Family Dwelling with Secondary Unit.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No additional space required for the Secondary Unit.
	Any other zone, except when combined with the S-11 or S-12 Zone.	One (1) space for the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.

Residential Facility Type	Zone	Total Required Parking
	<del>Any zone combined with the S-11 Zone.</del>	<del>One (1) space for each bedroom in the Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
	<del>Any zone combined with the S-12 Zone.</del>	<del>One (1) space for each bedroom in the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
Two-Family Dwelling.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
Multifamily Dwelling.	D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit.
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (¾) space for each dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
<u>Accessory Dwelling Unit (in conjunction with One-Family, Two-Family, or Multifamily Dwelling).</u>	<u>CBD, S-2, and D-LM Zones, except when combined with the S-11 or S-12 Zone.</u>	<u>No additional spaces required for the Accessory Dwelling Unit.</u>
	<u>Any other zone (including any zone combined with the S-11 or S-12 Zone).</u>	<u>One (1) space for each Accessory Dwelling Unit, except that no parking shall be required if located as specified in Section 17.103.080.</u>

- 2. **Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent

and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Maximum Number of Parking Spaces
One-Family Dwelling. <del>One-Family Dwelling with Secondary Unit.</del>	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per dwelling unit.
Two-Family Dwelling.  Multifamily Dwelling.  Mobile Home.	All other zones.	No maximum parking requirement.

**Article III - Exemptions and Reductions in Required Parking**

**17.116.110 Special parking exemptions and reductions.**

The provisions of this Section apply to all facilities and zones in all or specified zones, except One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

- J. Secondary Accessory Dwelling Units. No additional parking shall be required for an Accessory Dwelling Secondary Unit if located as specified in Section 17.103.080.

**Article IV Off-Street Loading Requirements**

**17.116.240 Tandem spaces and berths.**

No required loading berths shall be tandem. One required parking space on any lot containing both one (1) unit and fewer than three (3) required off-street parking spaces may be tandem. On any lot containing three (3) or more required off-street parking spaces, or containing required spaces for two (2) or more dwelling units, required parking spaces shall not be tandem, except that:

- A. In any zone, tandem parking may be permitted for a One-Family or Two-Family Dwelling Facility with Accessory Dwelling Units, Secondary Unit Residential Facility, unless the City finds that tandem parking is not feasible due to specific topographical conditions.

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

The provisions of this Section apply to lots containing One-Family Dwelling ~~or, One-Family Dwelling with Secondary Unit, and~~ Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the ~~Regular~~ Design Review procedure in Chapter 17.136.

**Chapter 17.117 BICYCLE PARKING REQUIREMENTS**

**Sections:**

**Article III. Minimum Number of Required Bicycle Parking Spaces**

17.117.090 Required bicycle parking—Residential Activities.

17.117.090 Required bicycle parking—Residential Activities.

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</b>		
1) One-Family Dwelling.	No spaces required.	No spaces required.
<del>2) One-Family Dwelling with Secondary Unit.</del>	<del>No spaces required.</del>	<del>No spaces required.</del>

**Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS**

**Sections:**

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

**17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.**

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding ~~Secondary permitted Accessory Dwelling Units, of five hundred (500) square feet or less,~~ and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces, and the following:



**Chapter 17.136 DESIGN REVIEW PROCEDURE**

**Sections:**

17.136.025 Exemptions from design review.

17.136.040 Regular design review.

**17.136.025 Exemptions from design review.**

B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):

- 1. Additions or Alterations.
  - d. [Accessory Dwelling Secondary](#) Units, pursuant to all regulations in Section 17.103.080 [and Chapter 17.88](#);

**17.136.030 Small project design review.**

B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

- 1. Additions or Alterations.

[e. Accessory Dwelling Units that do not conform with objective design standards specified in Section 17.103.080. A.11 proposed in front or on a side of the primary structure.](#)

**17.136.040 Regular design review.**

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, Small project design review as set forth in Section 17.136.030, or Special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular design review include, but are not limited to, the following types of work:

- 3. New construction of one (1) or two (2) dwelling units, [excluding other than any permitted Accessory Dwelling Units; a Secondary Unit](#);
- 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site, [excluding any permitted Accessory Dwelling Units](#);
- 8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section [17.116.300](#); ~~17.116.075~~;

**Chapter 17.142 ~~MINI-LOT AND~~ PLANNED UNIT DEVELOPMENT REGULATIONS**

**Sections:**

Article I - Title, Purposes and Applicability

Article II - Mini-Lot Planned Unit Developments

Article III - Planned Unit Developments

**Article I Title, Purposes and Applicability**

17.142.002 Title and purposes.

17.142.004 Applicability.

**17.142.002 Title and purposes.**

The provisions of this Chapter shall be known as the Mini-Lot and Planned Unit Development Regulations. The purposes of these regulations are to:

- A. Encourage the comprehensive planning of tracts of land;
- B. Provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations; and
- C. Promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.142.004 Applicability.**

These regulations shall apply to all:

- A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and
- B. Planned Unit Developments (PUDs) located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**Article II Mini-Lot Planned Unit Developments**

17.142.010 Definition of Mini-Lot Planned Unit Development.

17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.

17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.

17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.

**17.142.010 Definition of Mini-Lot Planned Unit Development.**

A Mini-Lot Planned Unit Development (Mini-Lot PUD) is a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.**

See Section 17.103A18 for requirements for ADUs within Mini-Lot Planned Unit Developments (Mini-lot PUDs). Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mini-Lot DevelopmentPUD, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a Ceonditional Use Permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
  - a. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
    - i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

3. That, in exchange for the flexibility of development standards resulting from the Mini-Lot PUD, the applicant voluntarily agrees to be subject to Planning Code Section 17.103.080 requirements relating to ADUs in Mini-Lot PUDs.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.**

A Conditional Use Permit pursuant to Section 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any Residential or Commercial Zone other than RH or RD Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.**

Maximum Size for Which Requirements May Be Waived. A Conditional Use Permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the Mini-Lot Planned Unit Development is less than sixty thousand (60,000) square feet.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**Article III Planned Unit Developments**

**17.142.100 Bonuses.**

**17.142.100 Bonuses.**

For Planned Unit Developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140:

- C. Additional Permitted Facilities in RH-4 and RD-1 Zones. In the RH-4 and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:
  - 1. Residential Facilities:
    - ~~One-Family Dwelling with Secondary Unit~~
    - Two-Family Dwelling
    - Multifamily Dwelling

D. Additional Permitted Facilities in Other Zones. Except in the RH, and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:

1. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit~~

Two-Family Dwelling

Multifamily Dwelling

Rooming House

2. Nonresidential Facilities:

Open

Drive-In

3. Signs:

Residential

Business

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the RH<sub>7</sub> and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

- a. Detached buildings each containing only one living unit;
- b. Town house or similar One-Family semi-detached or attached buildings each containing only one (1) living unit;
- c. Buildings each containing two (2) living units;
- d. Buildings each containing more than two (2) living units.

2. Except in the RH<sub>7</sub> and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.

**Chapter 17.148 VARIANCE PROCEDURE**

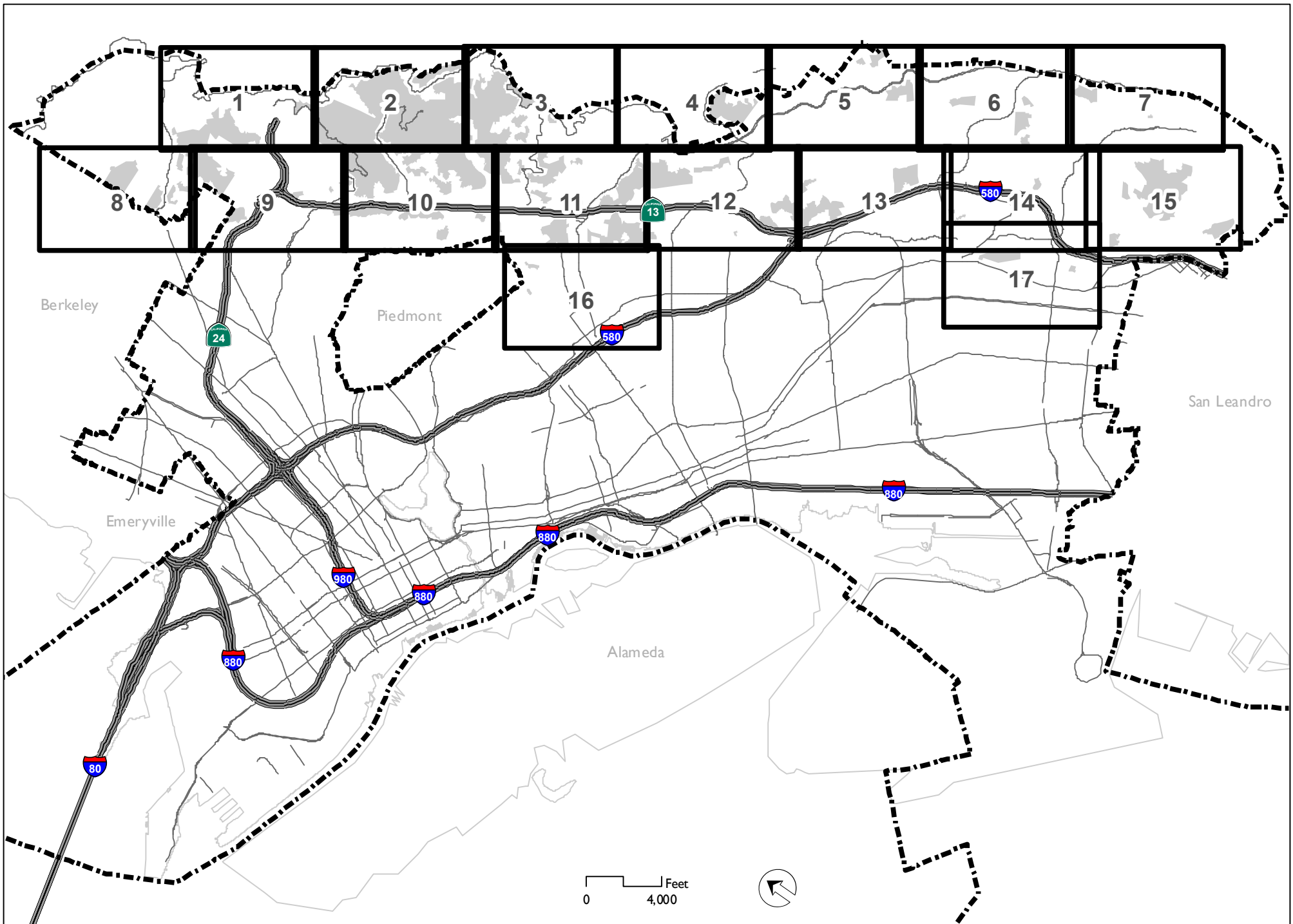
**Sections:**

17.148.020 Definition of Major and Minor Variances.




**17.148.020 Definition of Major and Minor Variances.**

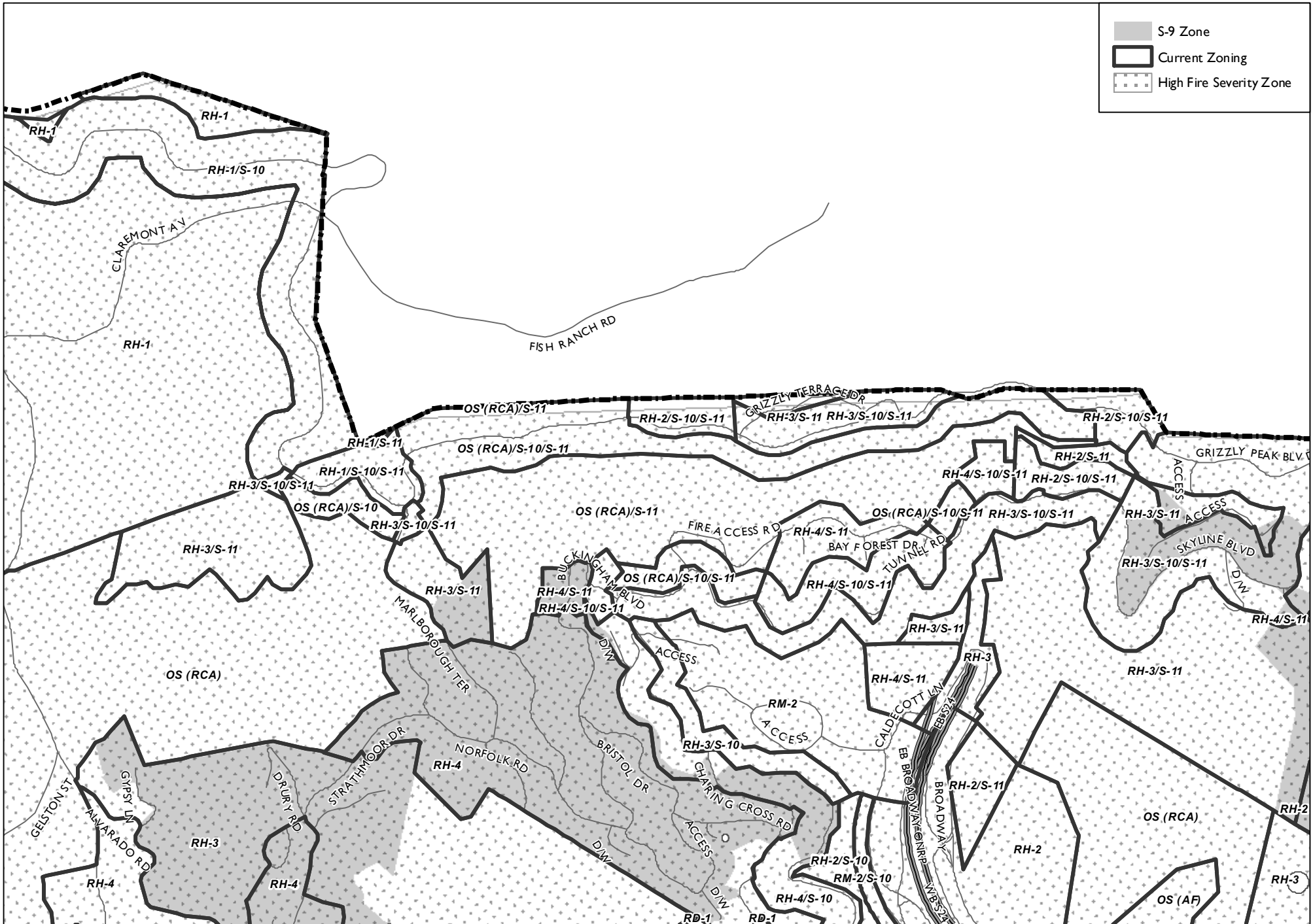
A. **Major Variance.** A "Major Variance" is a variance which involves any of the following provisions:

4. Maximum Floor-Area Ratio (FAR), except for One-Family Dwellings, ~~One-Family Dwellings with Secondary Unit~~, and Two-Family Dwellings;



**Proposed S-9 Zone**

-  S-9 Zone
-  Current Zoning
-  High Fire Severity Zone



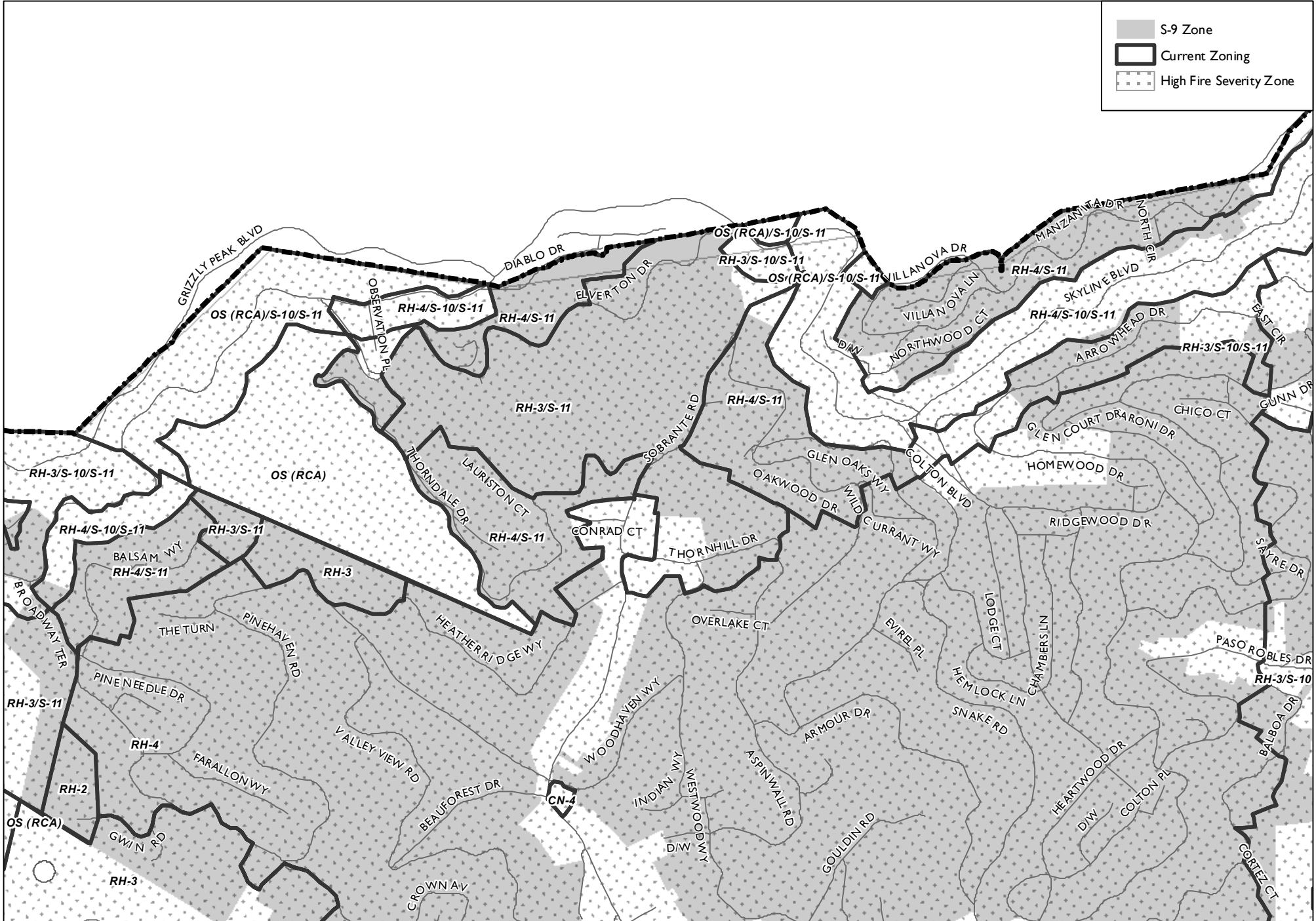
# Proposed S-9 Zone

104 of 124 Feet 500





S-9 Zone  
Current Zoning  
High Fire Severity Zone






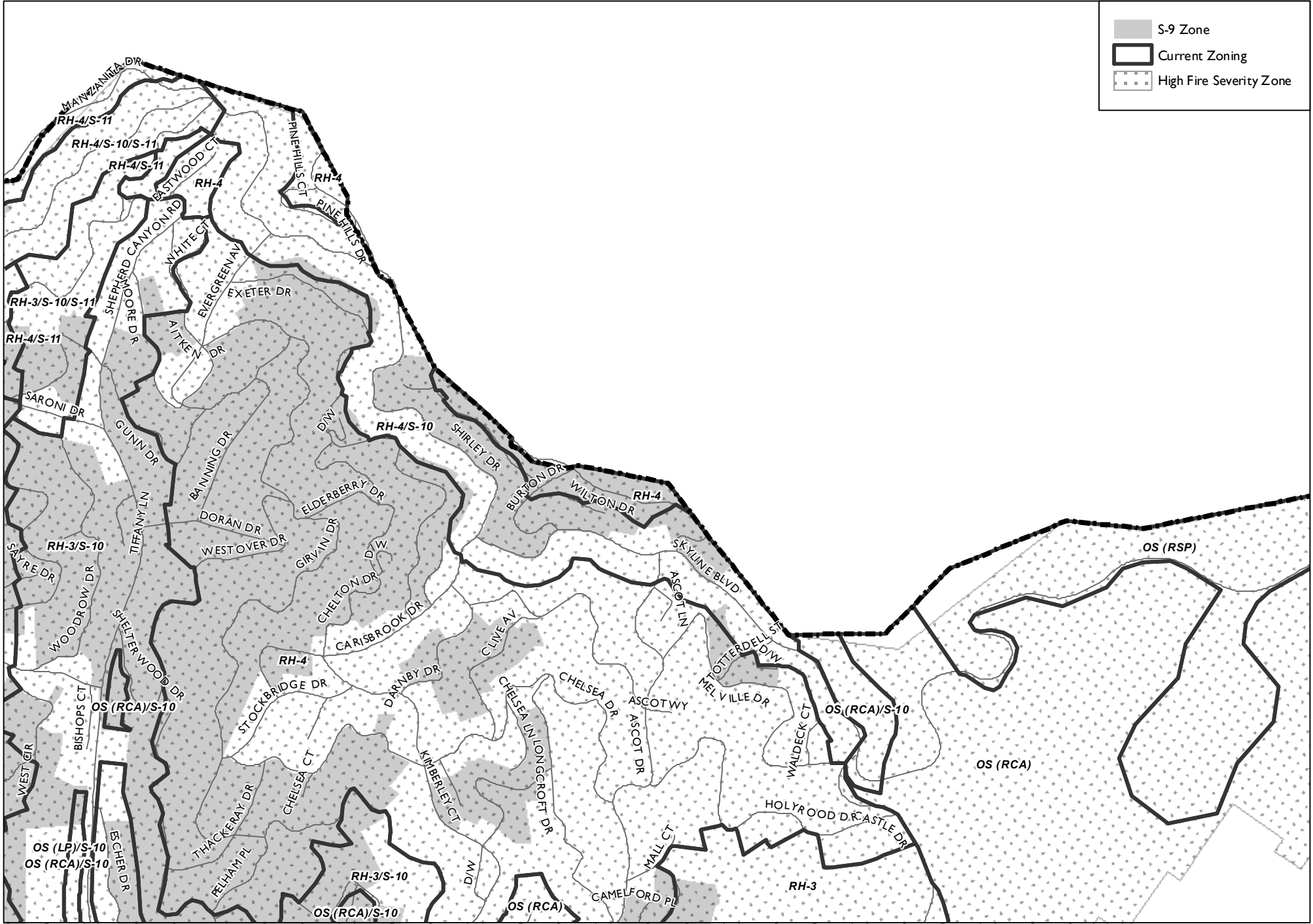
### Proposed S-9 Zone

105 of 124 Feet 500



Planning and Building Department  
March 2017




 S-9 Zone  
 Current Zoning  
 High Fire Severity Zone



# Proposed S-9 Zone

106 of 124 Feet 500

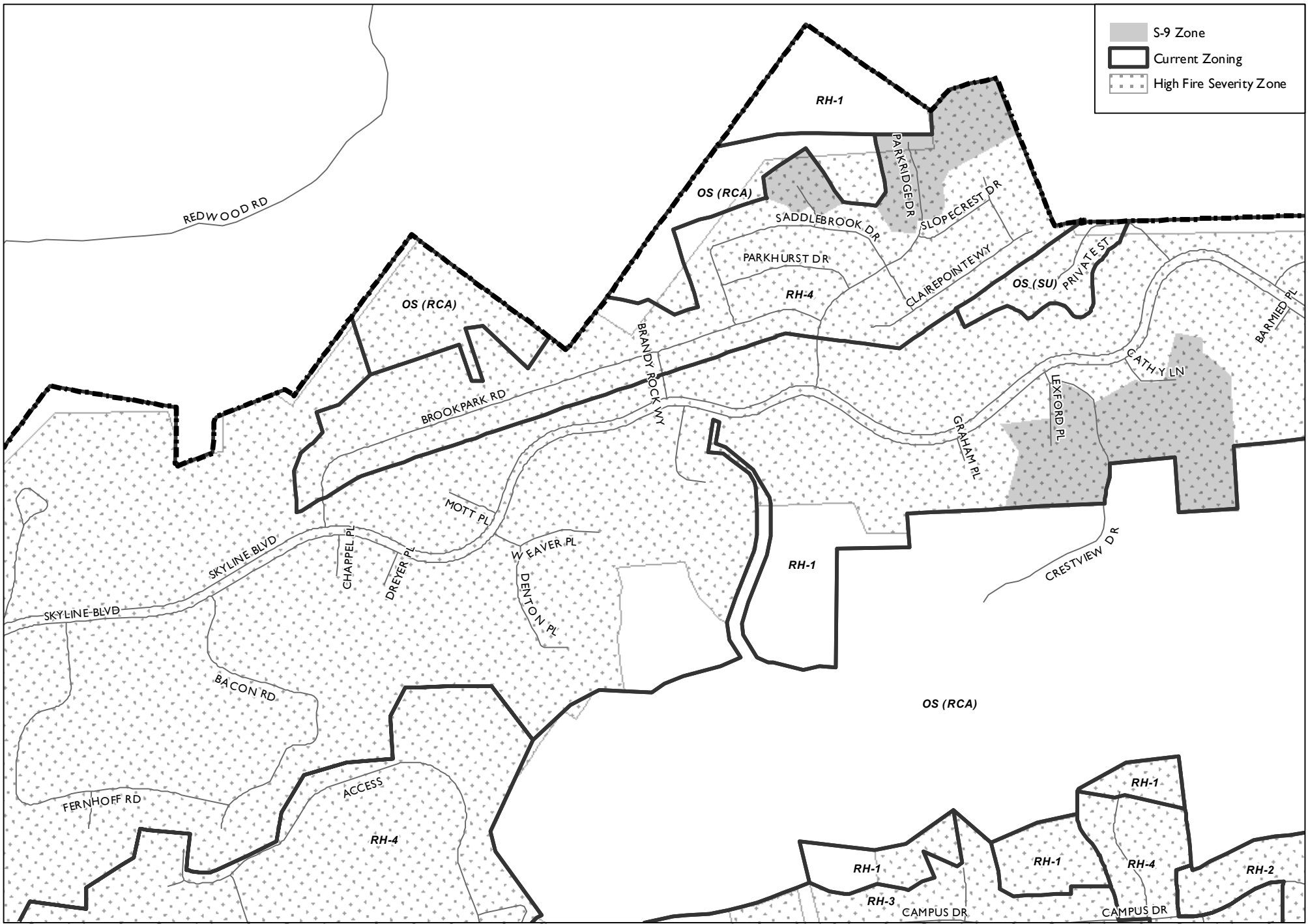


 S-9 Zone  
 Current Zoning  
 High Fire Severity Zone



**Proposed S-9 Zone**








**Proposed S-9 Zone**

108 of 124 Feet 500






 S-9 Zone  
 Current Zoning  
 High Fire Severity Zone

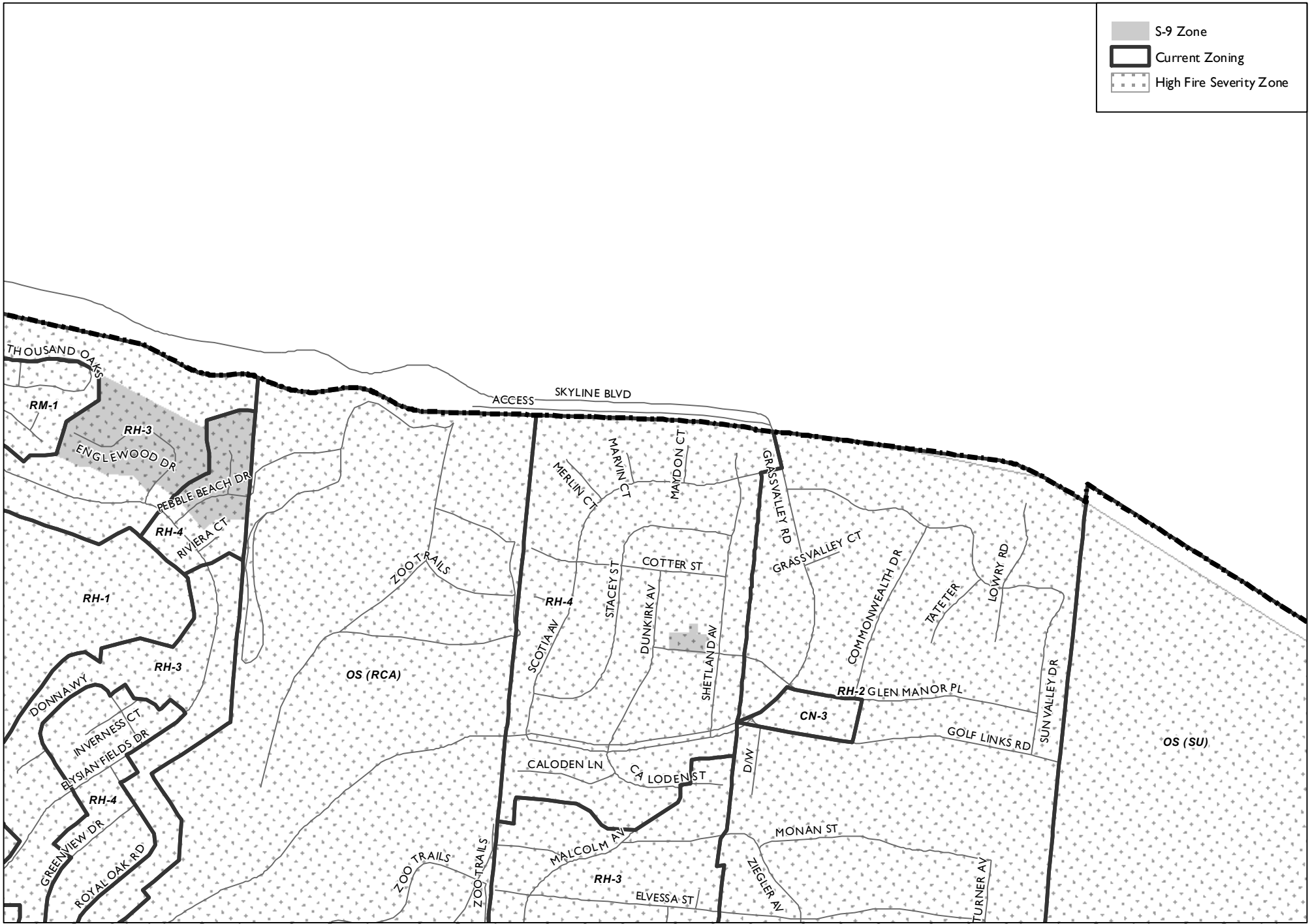


**Proposed S-9 Zone**

109 of 124 Feet 500



 S-9 Zone  
 Current Zoning  
 High Fire Severity Zone






**Proposed S-9 Zone**

110 of 124 Feet 500



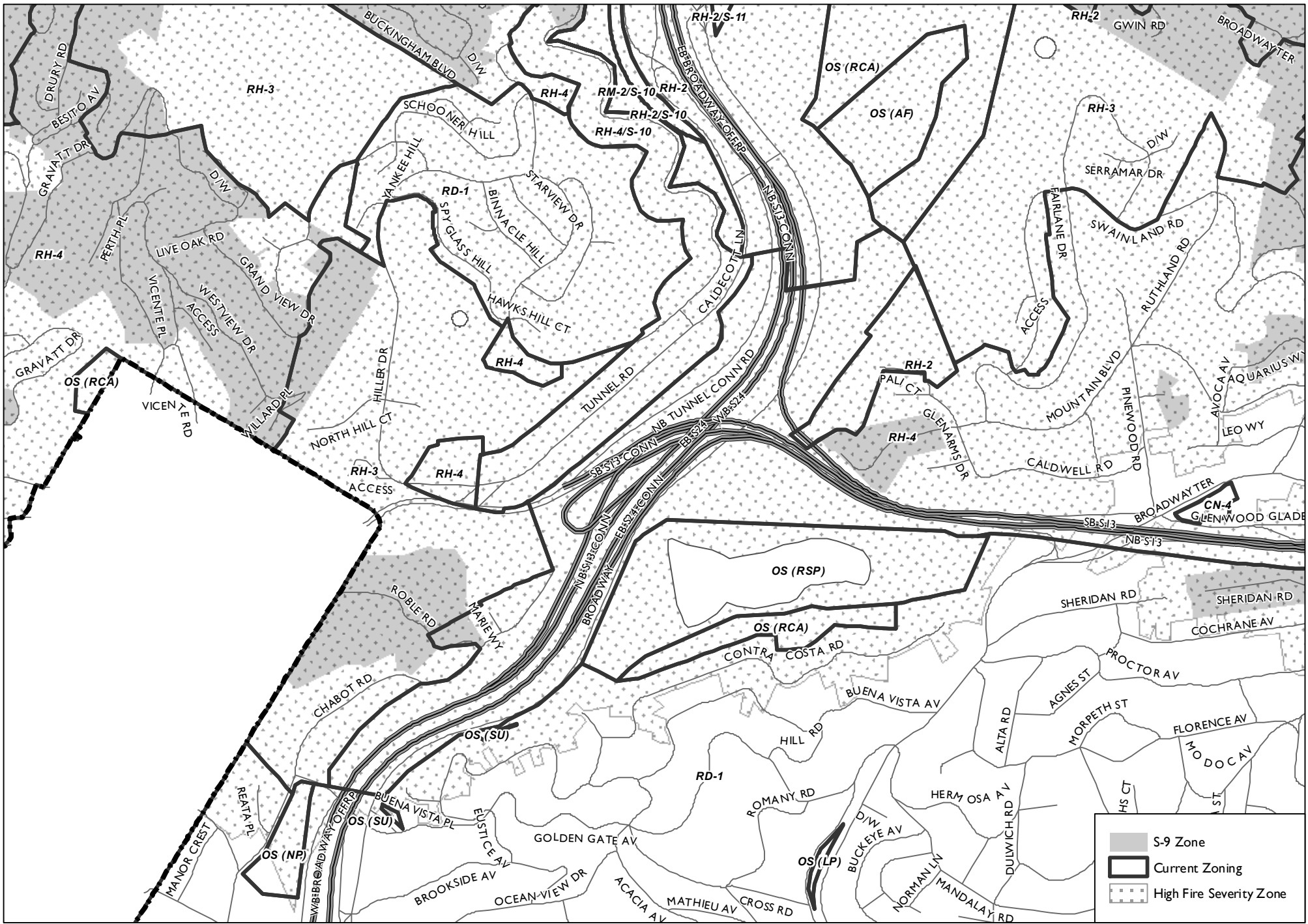


-  S-9 Zone
-  Current Zoning
-  High Fire Severity Zone



# Proposed S-9 Zone








	S-9 Zone
	Current Zoning
	High Fire Severity Zone








	S-9 Zone
	Current Zoning
	High Fire Severity Zone



# Proposed S-9 Zone

113 of 124  Feet





S-9 Zone  
 Current Zoning  
 High Fire Severity Zone



# Proposed S-9 Zone

114 of 124 Feet 500



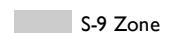
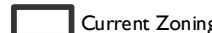
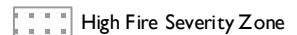


# Proposed S-9 Zone

115 of 124 Feet 500





	S-9 Zone
	Current Zoning
	High Fire Severity Zone

Planning and Building Department  
March 2017



# Proposed S-9 Zone

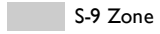
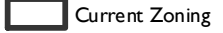
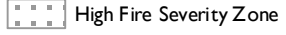
116 of 124 Feet 500



Map 13





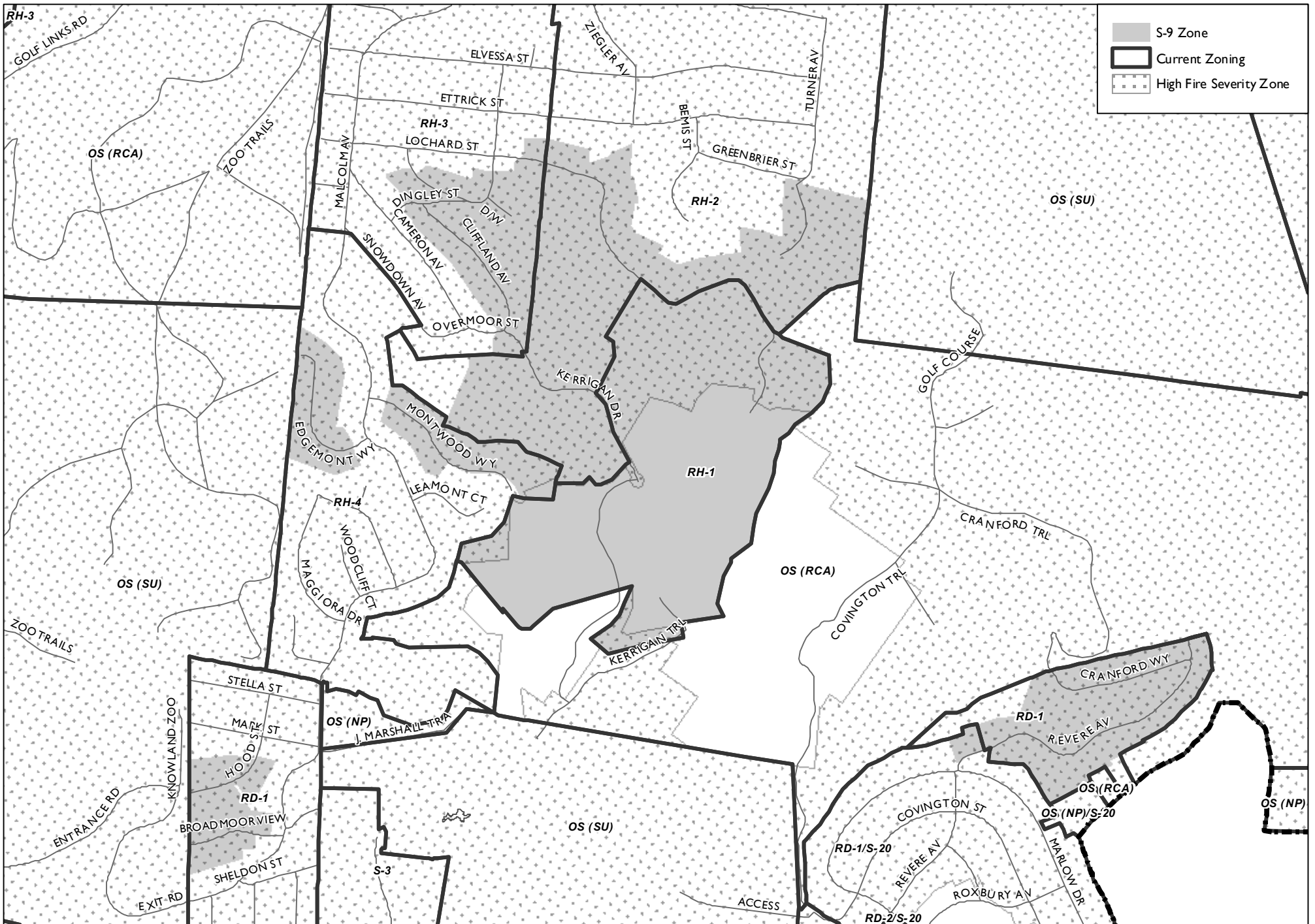
 S-9 Zone  
 Current Zoning  
 High Fire Severity Zone



# Proposed S-9 Zone

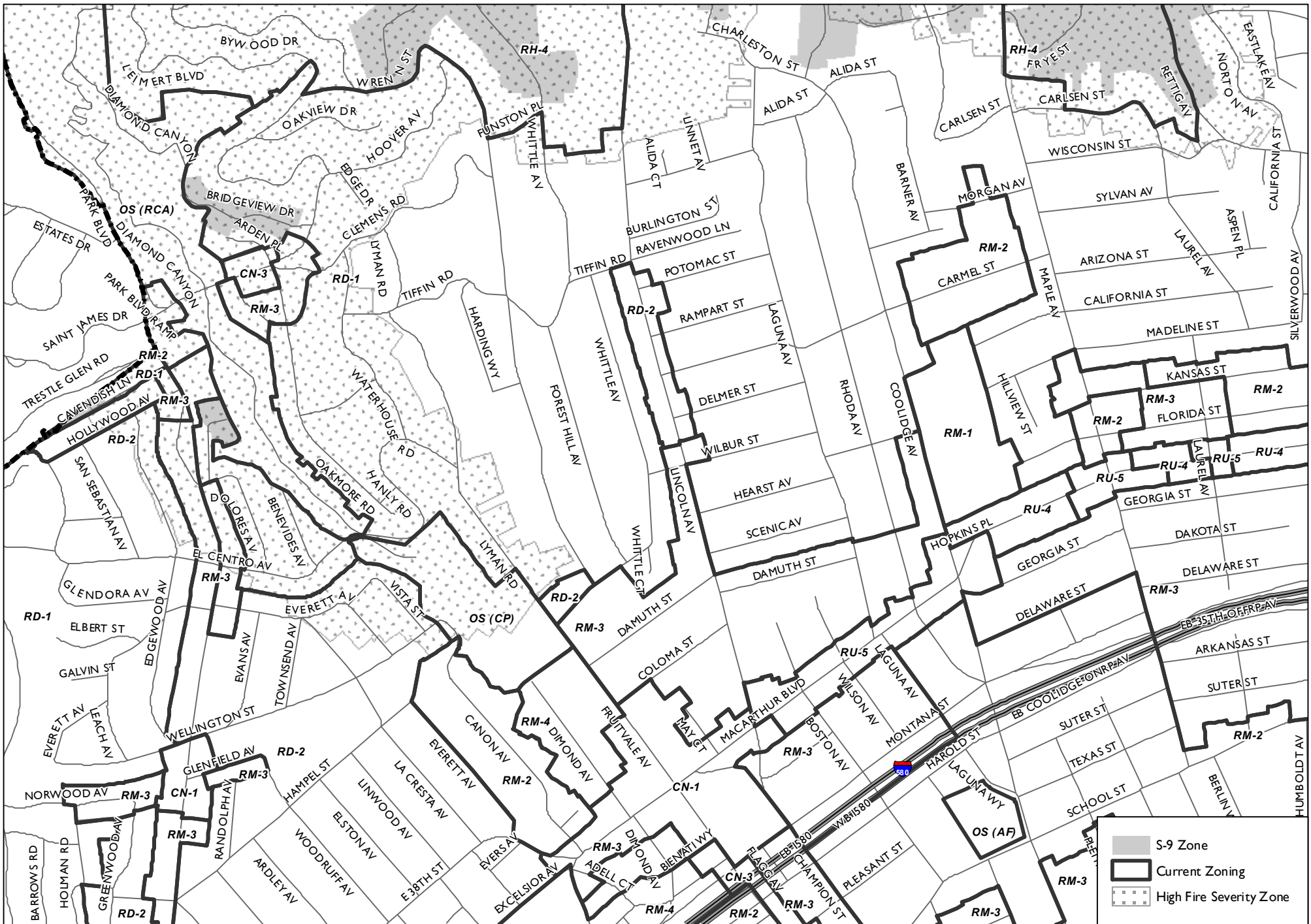
117 of 124 Feet 500





# Proposed S-9 Zone





# Proposed S-9 Zone

119 of 124 Feet 500



Planning and Building Department  
March 2017

Map 16



# Proposed S-9 Zone

120 of 124 Feet 500



Planning and Building Department  
March 2017

Map 17



## CITY OF OAKLAND



LIONEL J. WILSON BUILDING • 150 FRANK H. OGAWA PLAZA, SUITE 3354 • OAKLAND, CA 94612

Office of the Fire Chief  
Melinda Drayton

(510) 238-4084

April 6, 2021

Re: ADU Planning Code Amendments and Restrictions on Parcels Located in the S-9 Fire Safety Protection Combining Zone

Director Gilchrist,

I am offering this letter of support for the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the S-9 Fire Safety Protection Combining Zone.

Wildfires are a natural part of California's landscape and the potential risk of wildfires impacting communities in, and adjacent to, forested areas are at an all-time high. In the last few years, California has experienced the deadliest and most destructive wildfires in its history. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole communities forced to evacuate on a moment's notice. That is why local governments must address the wildfire risks associated with building and construction at the front end.

Oakland's history of wildfires is no secret in California, the Oakland firestorm of 1991 was one of the largest urban wildfires in history. The fire started on the border of Oakland and spread throughout the Berkeley hills. Ultimately 25 lives were lost, 150 people were injured, 1,520 acres of land was burned, and thousands of homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

The City Council adopted Resolution No. 87940 C.M.S. in response to the increased concerns of the past few seasons. As a response to this concern, the City established a Wildfire Prevention Working Group that meets regularly to both address short term needs and to continue the various long-term strategy planning and implementation. The Wildfire Prevention Working Group consists of the following Departments: Oakland Fire Department (OFD), Oakland Public Works (OPW), Department of Transportation (OakDOT), Bureau of Planning and Building (P&B), Oakland Police Department (OPD), and the City Administrator's Office as convener. The meetings cover a range of issues related to immediate fire safety challenges, ongoing hazard mitigation, with a strong emphasis on coordination between departments and nearby jurisdictions, as well as the

Oakland community members likely to be most directly impacted by a wildfire in the very high fire hazard severity zone.

In recent years, the Fire Department and Department of Transportation conducted an inventory of streets in the High Fire Severity Zone and identified multiple “choke points” where it is very difficult for a fire engine to get through. Although the City has placed parking restrictions in these areas, it is not possible to have an enforcement presence at all times and we never know when a fire or other emergency will strike. Adding ADUs and creating a higher level of density would be dangerous to everyone in those communities, including the very people the new ADUs are designed to serve. Current State law allows garages to be converted into ADUs without any off-street parking replacement. If that were to happen in these zones, it would push even more vehicles onto already crowded streets. As the Fire Department partners with the County using new technology, Zonehaven, to map evacuation routes for these zones, reducing congestion is of utmost importance.

Zonehaven will provide access to cutting-edge technology that allows emergency planners and local officials to better understand a community’s risk and plan safe evacuation routes. This new Evacuation Management Platform (EMP) ensures that emergency responders throughout the county can quickly and efficiently call for evacuations and that the community can be proactive in preparing and planning for evacuations in their neighborhood. But the reality is that the more cars and people you add to the hills, the greater the challenge it poses to firefighters and other first responders expected to lead evacuations during a major emergency.

The Working Group is sensitive to California’s housing crisis and supports the increases in density that ADUs can achieve. However, there is a need to balance that with the very real increase in wildfires that are destroying thousands of housing units each year across California. Your recommendations to create reasonable restrictions on ADUs in the High Fire Severity Zone is a great example of establishing that balance. Now more than ever, Oakland residents and communities throughout the region are looking for their government to take proactive steps to increase public safety and promote emergency preparedness. A surge in ADUs in the High Fire Severity Zone project will put new and existing residents at risk and may worsen the climate crisis.

The Oakland Fire Department is fortunate to have built proactive relationships with our partnering agencies who recognize that strategic and sustained action is necessary to protect the City’s infrastructure, preserve life and property and enable the City to prosper without catastrophic loss due to wildfire.

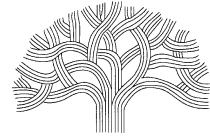
Now more than ever, Oakland residents and communities throughout the region are looking for their government to take proactive steps to increase and promote public safety preparedness. A surge in ADUs in the High Fire Severity Zone project put new and existing residents at risk and may worsen the climate crisis.

Thank you for your consideration,



Melinda Drayton  
Interim Chief, Oakland Fire Department

## CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 4344 • OAKLAND, CA 94612-2033

Oakland Department of Transportation (OakDOT)

(510) 238-6104  
 FAX (510) 238-7415  
 TDD (510) 238-6451

April 5, 2021

William A. Gilchrist  
 Director, Planning and Building Department  
 250 Frank H. Ogawa Plaza, Suite 2114  
 Oakland, CA 94612

Re: Accessory Dwelling Unit (ADU) Planning Code Amendments and Its Application to the City's S-9 Fire Safety Protection Combining Zone

Director Gilchrist,

I am writing on behalf of OakDOT in support of the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the S-9 Fire Safety Protection Combining Zone. The Oakland Department of Transportation is a member of the City's Wildfire Prevention Working Group, established in response to City Council Resolution 87940 C.M.S. (2019), working to ensure Oakland takes a comprehensive approach to prevention. This inter-departmental effort has elevated the importance of the Planning Department's work to restrict new ADUs and JADUs in locations that do not meet minimum emergency access standards in order to promote public health, safety and welfare.

In recent years, the Department of Transportation worked with the Fire Department to conduct an inventory of streets with limited width and identified multiple "choke points" where it is very difficult for a fire engine to get through. Although the City has placed parking restrictions in these areas, it is not possible to have a parking enforcement presence at all times. Current State law allows garages to be converted into ADUs without any off-street parking replacement. Adding ADUs and new residents in these locations, many with narrow streets not well-served by public transit, also predictably adds more private vehicles (and the need to park them) on streets where emergency access, escape routes and carrying capacity for fire and other emergencies are already a serious concern for resident health and safety.

OakDOT understands the critical role that ADUs play in increasing housing access and affordability, as well as the increase in wildfires and their severity in recent years in California, leading to the loss of life and housing across the state. We support the Planning Department's recommendations to create reasonable restrictions on ADUs in the High Fire Hazard Severity Zone in the interest of health and safety.

Sincerely,

Ryan Russo  
 Director, Department of Transportation



**CITY OF OAKLAND**  
**Office of the City Administrator**

---

1 Frank H. Ogawa Plaza, 11<sup>th</sup> Floor • Oakland, CA 94612

Joe DeVries, Director, Interdepartmental Operations  
Email: [jdevries@oaklandca.gov](mailto:jdevries@oaklandca.gov)

Phone: 510-238-3083  
Fax: 510-238-7084

To: William A. Gilchrist, Director, Planning and Building Department  
Re: Accessory Dwelling Unit (ADU) Planning Code Amendments and its Application to the City's S-9 Fire Safety Protection Combining Zone  
Date: April 2, 2021

Director Gilchrist,

I am offering this letter of support for the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the S-9 Fire Safety Protection Combining Zone. As you know, the City Council adopted Resolution 87940 C.M.S. in 2019 declaring Wildfire Prevention as a top priority for the city and this led to the creation of the Wildfire Prevention Working Group. The Working Group includes several departments to ensure we take a comprehensive approach to prevention and that has lifted up the importance of the Planning Department's contribution to prevention through appropriate zoning restrictions.

In recent years, the Fire Department and Department of Transportation conducted an inventory of streets in the High Fire Severity Zone and identified multiple "choke points" where it is very difficult for a fire engine to get through. Although the City has placed parking restrictions in these areas, it is not possible to have an enforcement presence at all times and we never know when a fire or other emergency will strike. Adding ADUs and creating a higher level of density would be dangerous to everyone in those communities, including the very people the new ADUs are designed to serve. Current State law allows garages to be converted into ADUs without any off-street parking replacement. If that were to happen in these zones, it would push even more vehicles onto already crowded streets. As the Fire Department partners with the County using new technology to map evacuation routes for these zones, reducing congestion is of utmost importance.

The Working Group is sensitive to California's housing crisis and supports the increases in density that ADUs can achieve. However, there is a need to balance that with the very real increase in wildfires that are destroying thousands of housing units each year across California. Your recommendations to create reasonable restrictions on ADUs in the High Fire Severity Zone is a great example of establishing that balance.

In partnership,

A handwritten signature in black ink, appearing to read "Joe DeVries".

Joe DeVries, Director, Interdepartmental Operations  
Office of the City Administrator










# ZUC Staff Report

Final Audit Report

2021-04-09

Created:	2021-04-09
By:	Laura Kaminski (LKaminski@oaklandca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAUgNOsNbKNtKoVni_Zy-mrZUHMzINyBgH

## "ZUC Staff Report" History

-  Document created by Laura Kaminski (LKaminski@oaklandca.gov)  
2021-04-09 - 2:30:15 AM GMT- IP address: 71.198.249.82
-  Document e-signed by Laura Kaminski (LKaminski@oaklandca.gov)  
Signature Date: 2021-04-09 - 2:34:33 AM GMT - Time Source: server- IP address: 71.198.249.82
-  Document emailed to Edward Manasse (EManasse@oaklandca.gov) for signature  
2021-04-09 - 2:34:35 AM GMT
-  Email viewed by Edward Manasse (EManasse@oaklandca.gov)  
2021-04-09 - 2:36:29 AM GMT- IP address: 50.1.57.83
-  Document e-signed by Edward Manasse (EManasse@oaklandca.gov)  
Signature Date: 2021-04-09 - 2:37:03 AM GMT - Time Source: server- IP address: 50.1.57.83
-  Document emailed to Ruslan Filipau (rfilipau@oaklandca.gov) for signature  
2021-04-09 - 2:37:06 AM GMT
-  Email viewed by Ruslan Filipau (rfilipau@oaklandca.gov)  
2021-04-09 - 2:37:41 AM GMT- IP address: 8.44.165.132
-  Document e-signed by Ruslan Filipau (rfilipau@oaklandca.gov)  
Signature Date: 2021-04-09 - 2:44:06 AM GMT - Time Source: server- IP address: 8.44.165.132- Signature captured from device with phone number XXXXXXXX1767
-  Agreement completed.  
2021-04-09 - 2:44:06 AM GMT