

Title:	Construction Innovation and Expanded Housing Options, Including Recreational Vehicles
Location:	Citywide
Proposal:	Amend the Planning Code to promote cost-efficient housing construction and increased housing affordability. The amendments would (1) allow residential occupancy of recreational vehicles in all zoning districts where residential uses are permitted (2); allow mobile homes and manufactured homes in all zoning districts where residential uses are permitted; (3) establish density and open space regulations for efficiency dwelling units; and (4) establish special height regulations for modular construction.
Applicant:	City of Oakland
Environmental Determination:	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); 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); 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 15303 (new construction or conversion of small structures).
City Council District:	All districts
Status:	Pending
Action to be Taken:	Recommendation to City Council
Recommendation:	Recommendation for approval to City Council
Finality of Decision:	Final decision by City Council
For Further Information:	Contact Darin Ranelletti, Policy Director for Housing Security, Office of the Mayor, at 510-238-3460 or dranelletti@oaklandca.gov.

SUMMARY

Mayor Libby Schaaf and City Councilmembers Dan Kalb (District 1) and Sheng Thao (District 4) are proposing an ordinance to amend the Oakland Planning Code. The ordinance would update the City’s zoning regulations to:

1. Allow residential occupancy of recreational vehicles and tiny homes on wheels on private property subject to certain health and safety standards;
2. Allow mobile homes and manufactured homes in all zoning districts where residential uses are permitted;
3. Establish density and open space regulations for efficiency dwelling units; and
4. Establish height regulations for modular construction.

The ordinance would also include amendments to the City's building code regulations to establish flexible requirements for "tiny houses" on permanent foundations and certain alternative building materials. These amendments to the building code regulations are outside of the Planning Code so the Planning Commission will not be taking action on those amendments. However, they are being presented to the Planning Commission for informational purposes.

The ordinance sponsors seek the Planning Commission's recommendation for approval of the proposed Planning Code amendments to the City Council because the amendments would promote construction innovation in Oakland, expand the types of cost-effective housing options available to residents, and ultimately reduce the cost of housing in the city.

BACKGROUND

Housing Costs

Oakland has a housing affordability crisis. Since 2011, apartment rents in the city have increased 72 percent while median incomes have remained relatively unchanged.¹ High construction costs contribute to the high cost of housing in the Bay Area. Construction costs in the Bay Area have risen 119 percent in the past decade.² Innovative and alternative forms of housing construction have the potential to reduce construction costs so that housing can be provided at a lower cost.

Relevant City Policies

In 2014, the City Council adopted the 2015-2023 Housing Element of the Oakland General Plan which contained strategies to improve housing affordability including supporting manufactured and factory-built housing.

In 2016, the Oakland Housing Cabinet, a task force comprised of the Mayor, City Councilmembers, affordable and market-rate housing developers, housing policy experts, community advocacy organizations, and City staff, released the report *Oakland At Home*. The report contained recommended strategies to improve housing affordability including promoting innovative forms of cost-saving construction.

In 2018, the City Council passed Resolution No. 87129 C.M.S. to encourage development of expanded housing options such as tiny homes, shipping container homes, manufactured housing, recreational vehicles, and trailers.

Research

In 2018, the City received technical assistance from the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) to promote the use of innovative forms of cost-saving construction. The work, lead by consultant Urban Planning Partners, resulted in a [research report issued in March 2020](#) that identified barriers and solutions to utilizing innovative construction. The report recommended, among other things, that the City update its zoning and building regulations to increase flexibility and encourage innovative and alternative forms of construction. The research won an

¹ Bay Area Equity Atlas. <https://bayareaequityatlas.org/>

² Turner Center for Housing Innovation, UC Berkeley. The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California (March 2020). <https://turnercenter.berkeley.edu/hard-construction-costs-apartments-california>

[Award of Excellence from the Northern California Chapter of the American Planning Association](#) and informed the proposed ordinance.



PROPOSAL DESCRIPTION

The proposed amendments to the Planning Code are attached (see Attachment A) and summarized below.

1. Residential occupancy of recreational vehicles

Issue: Residential facilities built on a vehicle chassis, such as recreational vehicles and tiny homes on wheels, can be a lower-cost housing option because they tend to be smaller than other forms of housing and are often built in factories. The zoning regulations of the Planning Code currently require all residential facilities to be installed on a permanent foundation. Structures on a vehicle chassis are currently prohibited for residential purposes unless they are on property owned or leased by the City for emergency housing for the homeless or comply with the RV Pilot Program created by the City in 2020 to allow no more than one recreational vehicle on vacant land.

Proposal: The ordinance would amend the Planning Code and various other related City codes to allow residential occupancy of recreational vehicles and tiny homes on wheels on private property. This would be accomplished by creating a new facility type in the zoning regulations called “Vehicular Residential Facilities.” A new section pertaining to Vehicular Residential Facilities would be added to the Planning Code (Section 17.103.085) (beginning on page A-182 in Attachment A), accompanied by various amendments throughout the Planning Code. See Table 1 below for a summary of the proposal for Vehicular Residential Facilities.

Table 1: Summary of New Regulations Pertaining to Vehicular Residential Facilities	
Topic	Proposal
Overview	Allow residential occupancy of one or more recreational vehicles or tiny homes on wheels on vacant or developed private property (not currently allowed).
Zoning category	Create a new facility type in the zoning regulations for “Vehicular Residential Facilities.”
Types of structures included	Recreational vehicles: motorhomes and trailers (representative photos)   Tiny homes on wheels (representative photo) 

Definition	Recreational vehicles and tiny homes on wheels would be defined as recreational vehicles under State law. Recreational vehicles are defined in California Health and Safety Code Section 18010 .
Where allowed	Vehicular Residential Facilities would be allowed in all zoning districts where residential facilities are currently allowed.
Density	Each Vehicular Residential Facility would be considered 1 residential unit and would be subject to the same density restrictions of the underlying zone.
Relationship to Accessory Dwelling Units (ADUs)	<p>Vehicular Residential Facilities would not be subject to the State Accessory Dwelling Unit (ADU) laws because State law does not consider them ADUs. However, if a Vehicular Residential Facility meets the applicable requirements for ADUs, it may be considered an ADU under Oakland’s ADU rules. To be considered an ADU, Vehicular Residential Facilities must contain complete living facilities, including an in-unit bathroom and kitchen.</p> <p>Vehicular Residential Facilities would be exempt from certain ADU rules including architectural design standards and certain property development standards (e.g., size, setbacks, lot coverage, parking) because they would be subject to special development standards more applicable to Vehicular Residential Facilities (as described in this table).</p> <p>Oakland’s ADU rules prohibit ADUs in the S-9 Combining Zone (Very High Fire Hazard Severity Zone in the Oakland Hills) so in situations where a Vehicular Residential Facility is considered an ADU, it would not be allowed in the S-9 Combining Zone.</p>
Minimum required setbacks	No requirement for front, side, or rear setback. Vehicular Residential Facilities located within the normally required front yard setback must be located on an existing driveway and not extend over the property line or adjacent sidewalk. (See also separation and site design requirements below.)
Minimum required separation	6 feet minimum required between one Vehicular Residential Facility and another Vehicular Residential Facility or a building on the same lot or adjacent lot.
Site design requirements	<p>No special site design requirements in residential zones.</p> <p>In commercial zones and special districts, Vehicular Residential Facilities must be set back 30 feet from the street or located behind a building.</p>
Ground surface	All-weather surface required (e.g., asphalt, concrete, pavers, decomposed granite, gravel)
Off-Street Parking	<p>Self-propelled Vehicular Residential Facilities (e.g., motorhome): No requirement</p> <p>Other Vehicular Residential Facilities (e.g., trailer, tiny home on wheels): Same requirement as ADUs (not required within ½-mile of a transit stop)</p>
Habitability	Vehicular Residential Facilities must comply with State and local habitability and tenantability standards related to dwelling units including California Civil Code Section 1941.1 . Among other things, the facilities must be structurally sound, protect occupants against the weather, include permanent provisions for living and sleeping, include heating and lighting, and provide occupants with 24-hour access to potable water, a kitchen, and clean, lighted, code-compliant toilet, bathing facilities, and lavatory sink under the occupants’ control. For Vehicular

	Residential Facilities not containing in-unit toilets, bathing facilities, or lavatory sinks, a minimum of 1 toilet, 1 bathing facility, and 1 lavatory sink is required for every 5 Vehicular Residential Facilities.
Utility connections	<p>1 Vehicular Residential Facility: Connections to municipal utilities, with the necessary permits, are required unless the applicant demonstrates adequate access to code-compliant on-site alternatives. Examples of allowable on-site alternatives include solar and wind power and access to a bathroom in an on-site building that is connected to the municipal water and sewer systems. Access to off-site utilities, or on-site facilities serviced by off-site companies (e.g., water delivery service, sewage pumping service for on-site tanks, sewage dumping off-site), is not allowed. Fuel-powered generators are not allowed.</p> <p>2+ Vehicular Residential Facilities: Connections to municipal utilities, with the necessary permits, are required.</p>
Health and safety certification	Vehicular Residential Facilities must comply with State-required health and safety certification standards. The structure can be built in a certified factory or certified by a third-party inspector and must bear a label or insignia indicating compliance with American National Standards Institute (ANSI) A119.2 or A119.5 standards or National Fire Protection Association (NFPA) 1192 standards.
Fire safety	In addition to the above health and safety standards, Vehicular Residential Facilities would be subject to fire safety requirements related to heating systems and propane storage and require smoke detectors and street numbers visible from the street to identify the property address.
Refuse and trash	Properties containing Vehicular Residential Facilities would be subject to all applicable laws regarding blight, odors, and trash. Refuse collection service would be required.
Zoning approval process	<p>1-4 Vehicular Residential Units: Design review exemption – no public notice, over-the-counter staff approval (similar to an ADU)</p> <p>5+ Vehicular Residential Units: Regular Design Review – discretionary review, public notice, staff approval, appealable to the Planning Commission (similar to a new house)</p>
Building permit	Vehicular Residential Facilities are considered vehicles, not buildings, and are not regulated under the Building Code. No building permit would be required.
Utility permits	Electrical and plumbing permits would be required for utility connections.
Inspections	All Vehicular Residential Facilities would require an initial inspection upon installation by the Zoning Inspection Unit of the Building Bureau in the Planning and Building Department. Vehicular Residential Facilities with utility connections would also require an inspection under the utility permits.
Approximate City approval/permitting fees	<p>1 Vehicular Residential Facility without utility connections:</p> <p>\$294 zoning approval (design review exemption)</p> <p>\$324 installation inspection</p> <p><u>\$56 address fee</u></p> <p>\$674 approximate total</p>

	<p>1 Vehicular Residential Facility with utility connections: \$294 zoning approval (design review exemption) \$217 plumbing permit \$217 electrical permit \$324 installation inspection <u>\$56 address fee</u> \$1,108 approximate total</p> <p>2-4 Vehicular Residential Facility (utility connections required): \$294 zoning approval (design review exemption) \$217 plumbing permit \$217 electrical permit \$324 installation inspection <u>\$56 address fee</u> \$1,108 approximate total</p> <p>5+ Vehicular Residential Facilities (utility connections required): \$3,549 zoning approval (regular design review) \$(varies) plumbing permit (depends on number of connections) \$(varies) electrical permit (depends on number of connections) \$465 installation inspection <u>\$56 address fee</u> \$4,070 approximate total + plumbing & electrical permits</p> <p><i>Note: Additional City permits/fees may apply depending on the site and project. The fees above do not include fees that may be charged by other agencies.</i></p>
<p>Recreational vehicle parks</p>	<p>Two or more Vehicular Residential Facilities on a site would be considered a “Special Occupancy Park” under State law and would need to comply with the State RV park rules contained in the Special Occupancy Parks Act and the Special Occupancy Park Regulations. New parks would be required to obtain a permit from the State to construct and operate after obtaining approval from the City of Oakland. Sites with only one Vehicular Residential Facility, and sites with two or more Vehicular Residential Facilities where no rent is paid to occupy the space, are not subject to the state requirements for parks. Pursuant to California Health and Safety Code Section 18865.4, the proposed ordinance would also exempt RV parks operated by nonprofit entities from the State requirements for parks. More information about State RV park rules can be found at: https://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/laws-and-regulations.shtml</p>
<p>Blight, nuisance, and maintenance standards</p>	<p>The Oakland blight, nuisance, and maintenance standards would apply. The blight standards would change to allow residential occupancy of a recreational vehicle (which is currently prohibited). The maintenance standards regarding room dimensions would be removed for Vehicular Residential Facilities.</p>

Development impact fees	Vehicular Residential Facilities would not be subject to the Affordable Housing Impact Fee, Transportation Impact Fee, or Capital Improvements Impact Fee.
Tenant protections	Vehicular Residential Facilities would be covered by the Tenant Protection Ordinance. The applicability of the City’s Rent Adjustment Ordinance and Just Cause for Eviction Ordinance is still being investigated.
Existing RV Pilot Program	The existing RV Pilot Program, created in 2020, allows 1 recreational vehicle on a vacant lot with an annual permit. That program would remain unchanged.
Existing emergency housing standards	Vehicular Residential Facilities are currently allowed for emergency housing for the homeless on City-owned or leased property under the City and State Emergency Housing Standards. Those standards would remain in effect.
Relationship to streets and the public right-of-way	The proposed amendments only address Vehicular Residential Facilities on parcels of land; they would not alter any laws or regulations regarding recreational vehicles located on the street or public right-of-way.

2. Mobile homes and manufactured homes

Issue: Mobile homes (built prior to 1976) and manufactured homes (built since 1976) can be a lower-cost housing option because they are constructed in factories. There is an existing facility classification in the Planning Code for Mobile Home Residential Facilities, but this classification is prohibited in all zoning districts. Most contemporary manufactured homes are installed on permanent foundations and classified as One-Family Dwelling Residential Facilities by the Planning Code so the existing prohibition on Mobile Home Residential Facilities is confusing and out-of-date and should be updated to reflect modern practices.

Proposal: The ordinance would update the Planning Code to clarify that mobile homes and manufactured homes are allowed in all zoning districts where residential uses are allowed. Specifically, the definition of One-Family Dwelling Residential Facilities in Section 17.10.640 would be modified to explicitly include manufactured homes and mobile homes as defined under State law (see page A-3 in Attachment A). They would be treated the same as single-family homes and be subject to the same zoning and design standards as other single-family homes.

3. Efficiency dwelling units

Issue: The zoning regulations of the Planning Code currently distinguish different types of living units, e.g., regular dwelling units (standard units with a kitchen), efficiency dwelling units (studio units with a kitchen and under 500 square feet in area), and rooming units (units without kitchens, such as those found in a single-room occupancy [SRO] hotel). Smaller units, including efficiency dwelling units, typically cost less to build and are more likely to be provided at a lower cost. The Planning Code sets limits on the allowable residential density by zoning district, but only contains regulations for regular dwelling units and rooming units; there are no density or open space standards for efficiency dwelling units, which discourages their use.

Proposal: The proposed ordinance would amend the Oakland Planning Code to establish density and open space standards for efficiency dwelling units. The amendments would be located throughout the Planning Code in the various applicable zoning chapters. The standard would vary by zoning district and be equal to the existing density and open space standard for rooming units. The maximum size of efficiency dwelling units would be reduced from 500 square feet to 400 square feet to align them with the smaller sizes of rooming units.

4. Height limit for modular construction

Issue: The zoning regulations of the Planning Code set the height limits for new construction by zoning district. These limits are based on typical floor-to-floor height measurements of conventional buildings constructed on-site. Volumetric modular housing constructed off-site in a factory typically contains stacked six-sided modules resulting in a greater floor-to-floor measurement compared to conventional on-site construction, but is subject to the same height limits as conventional buildings.

Proposal: The ordinance would amend the Planning Code to increase the height limit for volumetric modular buildings by one foot per story. Specifically, Subsection 17.108.020(B) would be added to the Planning Code (see page A-184 in Attachment A).

Other non-Planning Code amendments - special standards for tiny houses (on foundations) and alternative building materials in the Building Code

The ordinance to be considered by the City Council will also include proposed amendments to the Oakland Building Construction Code to adopt special standards for tiny houses on permanent foundations and certain alternative building materials. These amendments are outside of the purview of the Planning Commission so the Planning Commission will not be taking action on those amendments. However, they are described here for informational purposes.

Issue: The California Building Standards Code contains the construction codes and standards for the State of California and applies to all jurisdictions in the state, which adopt the State code locally. Oakland adopted the State code locally as the Oakland Building Construction Code. The State code contains various appendices – some are mandatory for local jurisdictions and some are voluntary. Some of these appendices contain standards to enable innovative construction and expanded housing options, however, they have not been adopted locally by the City.

Proposal: The ordinance would amend the Oakland Building Construction Code to incorporate the following state code appendices:

Appendix	Title	Mandatory Adoption	Voluntary Adoption	Notes
Q	Tiny Houses	X		Applies to tiny houses (400 sq. ft. or less) on permanent foundations.
R	Straw-Clay Construction		X	Applies to residential construction using light straw-clay (“adobe”).
S	Strawbale Construction	X		Applies to residential construction using strawbales.

KEY ISSUES

The following key issues warrant special consideration by the Planning Commission and the public.

Recreational vehicles – habitability and utilities versus cost

The proposed amendments would authorize residential occupancy of recreational vehicles on private property on an indefinite basis; occupants could reside in an approved Vehicular Residential Facility on a temporary, long-term, or permanent basis. By authorizing residential occupancy subject to special standards related to health, safety, and quality of life, the ordinance is intended to provide additional lower-cost housing options to increase housing affordability in the city and ultimately decrease housing insecurity, displacement, and homelessness.

Habitability

At a minimum, as residential units, Vehicular Residential Facilities must comply with State and local habitability and tenantability standards related to dwellings, such as being structurally sound, protecting occupants against the weather, including permanent provisions for living and sleeping, including heating and lighting, and providing occupants with 24-hour access to potable water, a kitchen, and clean, lighted, code-compliant toilet, bathing facilities, and sink under the occupants' control.

Access to potable water, a kitchen, and a bathroom could be provided within the unit or within a building located on the site. This flexibility would enable more cost-effective housing options, such as sharing an existing kitchen and bathroom in an existing building on the property or creating a shared community kitchen and bathhouse for a village of multiple recreational vehicles. Vehicular Residential Facilities without an in-unit kitchen and bathroom would be less convenient for the occupants, but would function like rooming units within single-room occupancy (SRO) residential hotels. The standards could be modified to require in-unit kitchens and bathrooms, but this would increase cost. It is expected that most retail recreational vehicles would contain in-unit kitchens and bathrooms but some tiny homes on wheels may not. The ordinance sponsors are interested in the Planning Commission's recommendation on this issue and identify a potential alternative for the Commission's consideration below:

- Alternative 1: Require in-unit kitchens and bathrooms for all Vehicular Residential Facilities.

Utility Connections

More rigorous standards related to utility connections – for water, power, and sewage – could increase the quality of life for occupants and better protect public health and the environment. However, higher standards for utilities would lead to higher installation costs and decrease the ability for lower-income residents to access these housing options. Based on staff research, in addition to the estimated City permit fees described above in Table 1 and other permitting and connection fees from other agencies, the cost to connect one Vehicular Residential Facility to existing utilities on already-developed property is estimated to cost roughly \$5,000 to \$7,000 (parts and labor) and the estimated cost to install new utilities and connections on undeveloped property is roughly \$15,000 to \$30,000 (parts and labor).

The City's existing RV Pilot Program adopted in 2020 outside of the Planning Code allows one recreational vehicle on vacant land with an annual permit from the City. The pilot program does not require connection to municipal utilities (which can be particularly expensive for undeveloped sites) but requires the applicant to provide evidence of adequate water, power, and sewage disposal, which could

include contracts for water delivery and sanitation services and on-site solar power generation. Despite some interest from applicants, to date no permits have been issued under the program.

The current proposed amendments to the Planning Code try to strike an appropriate balance between habitability, public health, environmental protection on one hand and cost on the other hand. The following utility connections would be required:

- **One Vehicular Residential Facility:** Connections to municipal utilities, with the necessary permits, would be required unless the applicant demonstrates adequate access to code-compliant on-site alternatives. Examples of allowable on-site alternatives include solar and wind power and access to a bathroom in an on-site building that is connected to the municipal water and sewer systems. Access to off-site utilities, or on-site facilities serviced by off-site companies (e.g., water delivery service, sewage pumping service for on-site tanks, sewage dumping off-site), would not be allowed. Fuel-powered generators (e.g., diesel generators) would also not be allowed in order to reduce potential odor and sound impacts. These requirements are similar to the existing RV Pilot Program except that off-site alternatives would not be allowed so that the site could function as a self-contained unit.
- **Two or more Vehicular Residential Facilities:** Connections to municipal utilities, with the necessary permits, would be required. As more facilities are added to a site, the potential for inadequate, improper, or accidental handling of utilities increases which has the potential to impact public and environmental health.

There is a small number of cities in California that have adopted new regulations to allow residential occupancy of tiny homes on wheels, including San Jose, San Diego, Los Angeles, and San Luis Obispo. All of these cities require connections to municipal utilities, except the City of San Luis Obispo allows off-grid alternatives if approved by the Planning Director and Building Official on a case-by-case basis. Since adopting the ordinance in 2019, the city has approved four applications but has not approved any with off-grid alternatives.

The ordinance sponsors are interested in the Planning Commission's recommendation on this issue and identify potential alternatives for the Commission's consideration below:

- Alternative 2 (more restrictive than current proposal): Require connections to municipal utilities for all Vehicular Residential Facilities.
- Alternative 3 (less restrictive than current proposal): Allow access to code-compliant on-site and off-site alternatives. Examples of allowable on-site alternatives include solar and wind power and access to a bathroom in an on-site building that is connected to the municipal water and sewer systems. Access to off-site utilities and on-site facilities serviced by off-site companies (e.g., water delivery service, sewage pumping service for on-site tanks, sewage dumping off-site), would be allowed.

Recreational vehicles – residential front yards

The proposed amendments do not include minimum yard setbacks for Vehicular Residential Facilities because they are vehicles and not buildings. To promote fire safety, the proposal would require at least six feet of separation between one Vehicular Residential Facility and another Vehicular Residential Facility or a building on the same lot or adjacent lot. In certain commercial and special district zones, Vehicular Residential Facilities would have to meet special site design standards requiring them to be located 30 feet from the street or behind a building to be consistent with the commercial nature or special use intent of the zone. This requirement would not apply in residential zones.

Although there are no proposed minimum yard setbacks for Vehicular Residential Facilities in residential zones, the proposed amendments specify that Vehicular Residential Facilities located within the normally required front yard setback must be located on an existing driveway and not extend over the property line or adjacent sidewalk. Although vehicles, Vehicular Residential Facilities would typically be larger than passenger vehicles and contain living quarters, potentially resulting in visual and other impacts to neighborhoods. However, not allowing Vehicular Residential Facilities in front yards could remove many suitable front driveway locations resulting in fewer housing units provided.

The ordinance sponsors are interested in the Planning Commission’s recommendation on this issue and identify potential alternatives for the Commission’s consideration below:

- Alternative 4 (somewhat more restrictive than current proposal): Require a Conditional Use Permit to allow Vehicular Residential Facilities in the front yard setback. This would enable a case-by-case examination of each proposal but could represent an undue burden for applicants in terms of time and expense to go through the approval process.
- Alternative 5 (much more restrictive than current proposal): Prohibit Vehicular Residential Facilities in the front yard setback.

ZONING ANALYSIS

Recreational vehicles

The proposed code amendments would allow the new land use facility type proposed for recreational vehicles – Vehicular Residential Facilities – in all zoning districts where residential facilities are currently permitted. Each Vehicular Residential Facility would be considered one residential unit for density purposes so the proposed amendments are consistent with the existing density regulations for each zone. In certain commercial and special district zones, Vehicular Residential Facilities would have to comply with special site design standards requiring Vehicular Residential Facilities to be located 30 feet from the street or behind a building to be consistent with the commercial nature or special use intent of the zone. Vehicular Residential Facilities would not be allowed in zoning districts where residential facilities are currently prohibited. The list below indicates how Vehicular Residential Facilities would be regulated as a land use facility type in each zoning district.

Zones where residential facilities are currently allowed – Vehicular Residential Facilities (VRFs) would be allowed:

- Hillside Residential Zones: RH-1; RH-2; RH-3; RH-4 (only one primary dwelling unit allowed per lot)
- Detached Unit Residential Zones: RD-1; RD-2

- Mixed Housing Type Residential Zones: RM-1; RM-2; RM-3; RM-4
- Urban Residential Zones: RU-1; RU-2; RU-3; RU-4; RU-5
- High-Rise Residential Zone: R-80
- Housing and Business Mix Zones: HBX-1; HBX-2; HBX-3; HBX-4 (HBX-4: Residential facilities and VRFs would require a Conditional Use Permit)
- Wood Street District Zones: D-WS-1; D-WS-2; D-WS-3; D-WS-4; D-WS-5; D-WS-6; D-WS-7; D-WS-8; D-WS-9 (Facilities currently not separately regulated in D-WS zones. VRFs would be treated the same as residential facilities.)
- Kaiser Permanente Oakland Medical Center District Zones: D-KP-1; D-KP-2; D-KP-3 (Development must conform to Kaiser Master Plan.)
- Oak to Ninth District Zone: D-OTN (Facilities currently not separately regulated in the D-OTN zone. Development must conform to the development standards of the master plan.)
- Central Estuary District Zone: D-CE-3
- Coliseum Area District Zones: D-CO-1; D-CO-2; D-CO-4 (D-CO-4: Residential facilities and VRFs would require a Conditional Use Permit)
- Oak Knoll District Zones: D-OK-1; D-OK-2; D-OK-3

Commercial and special district zones where residential facilities are currently allowed, some with special restrictions – Special site design requirements would require Vehicular Residential Facilities (VRFs) to be set back 30 feet from the street or behind a building:

- Neighborhood Center Commercial Zones: CN-1; CN-2; CN-3; CN-4
- Community Commercial Zones: CC-1; CC-2
- Central Business District Zones: CBD-R; CBD-P; CBD-C; CBD-X
- Community Thoroughfare Commercial Zone: C-40
- Community Shopping Commercial Zone: C-45
- Medical Center Zone: S-1
- Civic Center Zone: S-2
- Transit-Oriented Development Zones: S-15; S-15W
- Broadway Valdez District Zones: D-BV-1; D-BV-2; D-BV-3; D-BV-4 (Residential facilities and VRFs would require a Conditional Use Permit in certain circumstances)
- Lake Merritt Station Area District Zones: D-LM-1; D-LM-2; D-LM-3; D-LM-4; D-LM-5

Zones where residential facilities are currently prohibited – Vehicular Residential Facilities (VRFs) would not be allowed:

- Community Commercial Zone: CC-3
- Regional Commercial Zone: CR-1
- Manufacturing Zones: M-20; M-30; M-40
- Industrial Zones: CIX-1A; CIX-1B; CIX-1C; CIX-1D; CIX-1; CIX-2; IG; IO
- Research Center Zone: S-3
- Central Estuary District Zones: D-CE-1; D-CE-2; D-CE-4; D-CE-5; D-CE-6
- Gateway District Zone: D-GI
- Coliseum Area District Zones: D-CO-3; D-CO-5; D-CO-6
- Oak Knoll District Zones: D-OK-4; D-OK-5; D-OK-6; D-OK-7

Mobile homes and manufactured homes

The proposed code amendments would clarify that mobile homes and manufactured homes are treated the same as One-Family Dwellings. They would be regulated in the Planning Code the same as single-family homes and be subject to the same development and design standards as single-family homes. Therefore, the proposed amendments are consistent with existing density regulations for each zone.

Efficiency dwelling units

Efficiency dwelling units are currently defined as a separate unit type in the Planning Code but there are no applicable density or open space standards in each zone. The proposed code amendments would establish density and open space standards for efficiency dwelling units. These new standards would only apply in zones with existing density and open space standards for rooming units, which are smaller units like efficiency dwelling units (but without kitchens), and the standards for efficiency dwelling units would match the standards for rooming units. In that way, the proposed amendments are consistent with existing density regulations for each zone.

Height limit for modular construction

The proposed code amendments would increase the height limit for volumetric modular buildings by one foot per story. This change would apply in all zones. The Planning Code currently has special exceptions from the applicable height limit for a variety of special circumstances. Therefore, the proposed amendments are largely consistent with the intent of the existing code.

PLAN AND POLICY ANALYSIS

The proposed code amendments are consistent with the Oakland General Plan, area plans, specific plans, and other City plans and policies. The amendments would promote construction innovation in Oakland and expand the types of cost-effective housing options available thereby facilitating housing construction, encouraging a mixture of different housing types, promoting flexible standards, supporting small-format, energy-efficient, compact homes, improving housing affordability, and reducing displacement. The code amendments are consistent with the density and height standards of the zoning regulations and would be consistent with the intent of commercial districts and special zones due to special site design restrictions on Vehicular Residential Facilities to promote compatibility. The amendments are consistent with the following City plans and policies:

General Plan – Land Use and Transportation Element

- Consistent with the land use plan and objectives.
- Consistent with the following specific policies:
 - Policy N3.1 – Facilitating Housing Construction
 - Policy N3.2 – Encouraging Infill Development
 - Policy N3.3 – Facilitating Development of Second Units
 - Policy N3.4 – Constructing Housing on Orphan Lots
 - Policy N3.5 – Encouraging Housing Development
 - Policy N6.1 – Mixing Housing Types

General Plan – Housing Element

- Consistent with efforts to meet housing needs and provide more affordable housing.
- Consistent with the following specific policies:
 - Policy 1.4 – Secondary Units

- Policy 1.5 – Manufactured Housing
- Policy 3.2 – Flexible Zoning Standards
- Policy 7.2 – Minimize Energy and Water Consumption
- Policy 7.3 – Encourage Development That Reduces Carbon Emissions
- Policy 7.4 – Minimize Environmental Impacts from New Housing

Estuary Policy Plan

- Consistent with the land use plan and objectives.

Coliseum Area Specific Plan

- Consistent with the land use plan and objectives.

Broadway Valdez Specific Plan

- Consistent with the land use plan and objectives.
- Consistent with the following specific policies:
 - Policy LU-5.2 – Encourage housing that addresses the needs of a diverse population, including age, household composition, and income.
 - Policy LU-5.4 – Encourage the provision of new housing affordable to low- and moderate-income households within the Plan Area through a menu of creative options.

West Oakland Specific Plan

- Consistent with the land use plan and objectives.
- Consistent with the following specific policies:
 - Policy AH-1 – Prepare to accommodate existing residents in the West Oakland Specific Plan.
 - Policy AH-3 – In addition to providing market-rate new units, expand, stabilize, and improve affordable housing opportunities for extremely low to moderate income renters and homebuyers.
 - Policy AH-5 – Expand opportunities for affordable homeownership and rentals, while balancing the needs for both additional market rate and affordable housing.
 - Policy AH-6 – Ensure continued availability of safe and affordable housing options for lower income and moderate income households.

Central Estuary Area Plan

- Consistent with the land use plan and objectives.

Lake Merritt Station Area Plan

- LU-2 – High intensity development potential
- LU-3 – Ground floor commercial uses
- LU-4 – Active ground floor uses
- LU-5 – Flexibility in active ground floor uses
- LU-7 – Diverse housing types

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); 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); and various Redevelopment Plan Final EIRs (collectively, “EIRs”).

The proposed amendments 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). Therefore, 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 15303 (new construction or conversion of small structures).

CONCLUSION

The proposed amendments to the Planning Code are consistent with City plans and policies and would promote construction innovation in Oakland, expand the types of cost-effective housing options available to residents, and ultimately reduce the cost of housing in the city.

RECOMMENDATIONS:

1. Affirm the environmental determination.
2. Recommend to the City Council approval of the proposed amendments to the Oakland Planning Code (Attachment A).

Prepared by:

Darin Ranelletti, Policy Director for Housing Security
Office of the Mayor

Approved for forwarding to the
City Planning Commission:



Libby Schaaf, Mayor

Co-sponsor with Councilmember Dan Kalb (District 1) and Council President Pro Tempore Sheng Thao (District 4)

ATTACHMENT:

- A. Proposed Amendments to the Oakland Planning Code

ATTACHMENT A
PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE

The following amendments are proposed to the Oakland Planning Code (Title 17 of the Oakland Municipal Code). Additions are shown in double-underline and deletions are shown in ~~strike-through~~. For context purposes, the entire section is presented for each amendment. For the proposed ordinance, only the subsection containing each proposed amendment will be included.

Chapter 17.09 DEFINITIONS

17.09.040 Definitions.

"**Efficiency dWelling unit**" means a dwelling unit containing only a single habitable room other than a kitchen, ~~or containing a total of less than five hundred (500) square feet of floor area~~ and containing a total floor area of four hundred (400) square feet or less.

**ATTACHMENT A
PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE**

Chapter 17.10 USE 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
 - Two-Family Dwelling
 - Multifamily Dwelling
 - Rooming House
 - ~~Mobile Home~~ Vehicular
- B. Nonresidential Facilities:
 - Enclosed
 - Open
 - Drive-in
 - Sidewalk Cafe
 - Drive-Through
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
 - Business
 - Advertising
- D. Telecommunications Facilities:
 - Micro Telecommunications
 - Mini Telecommunications

**ATTACHMENT A
PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE**

Macro Telecommunications

Monopole Telecommunications

Tower Telecommunications

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 11904 § 5.03, 1996; prior planning code § 2220)

Article III Facility Types

Part 1 Residential Facility Types

17.10.630 General description of Residential Facilities.

17.10.640 One-Family Dwelling Residential Facilities.

17.10.670 Two-Family Dwelling Residential Facilities.

17.10.680 Multifamily Dwelling Residential Facilities.

17.10.690 Rooming House Residential Facilities.

17.10.700 ~~Mobile Home~~ Vehicular 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 dwelling unit. One-Family Dwelling Residential Facilities also include manufactured homes, as defined in Health and Safety Code Section 18007, and mobile homes, as defined in Health and Safety Code Section 18008. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

(Prior planning code § 2560)

17.10.700 ~~Mobile Home~~ Vehicular Residential Facilities.

~~Mobile Home~~ Vehicular Residential Facilities include ~~vehicular facilities which accommodate or are intended to accommodate Residential Activities and each of which contains a living unit.~~ recreational vehicles as defined in Health and Safety Code Section 18010. They do not include manufactured homes, as defined in Health and Safety Code Section 18007; mobile homes, as defined in Health and Safety Code Section 18008; or structures installed on a permanent foundation. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

(Ord. 12872 § 4 (part), 2008; prior planning code § 2567)

**ATTACHMENT A
PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE**

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

17.13.040 Permitted and conditionally permitted facilities.

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH Zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwelling	P	P	P	P	
Two-Family Dwelling	—	—	—	—	
Multifamily Dwelling	—	—	—	—	
Rooming House	—	—	—	—	
Mobile Home Vehicular	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	—	—	—	—	
Drive-In Nonresidential	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128

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PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE**

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Monopole Telecommunications	C(L1)	C(L1)	C(L1)	C(L1)	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	—	—	—	—	17.104
Advertising Signs	—	—	—	—	17.104

Limitations on Table 17.13.01:

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:

1. 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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	
Minimum Lot Dimensions					
Lot Width mean	100 ft.	100 ft.	90 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1

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Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Lot area	43,560 sf.	25,000 sf.	12,000 sf.	6,500 sf. or 8,000 sf	1, 2, 3
Maximum Density	1 primary dwelling unit per lot				4
Minimum Setbacks					
Minimum front ($\leq 20\%$ street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	5, 6, <u>18</u>
Minimum front ($> 20\%$ street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	5, 6, 7, <u>18</u>
Minimum interior side $\leq 20\%$ footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	8, 9, <u>18</u>
Minimum interior side $> 20\%$ footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	8, 9, <u>18</u>
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	5, 10, <u>18</u>
Rear	35 ft.	35 ft.	25 ft.	20 ft.	7, 10, 11, <u>18</u>
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	13, 14
Height Regulations for all Lots with a Footprint Slope of $> 20\%$	See Table 17.13.05 for Height regulations for all lots with a footprint slope of $> 20\%$				
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	40 ft.	40 ft.	15
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17

Additional Regulations for Table 17.13.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. In the RH-3 Zone, the minimum average lot width of all lots within a subdivision shall be ninety (90) feet, and the minimum lot width of any individual lot within such subdivision shall be seventy-five (75) feet.
2. In the RH-4 Zone, for Subdivision Maps of four (4) or fewer lots where each lot created has a buildable area slope of less than or equal to twenty percent (20%), the minimum lot size is six thousand five hundred (6,500) square feet. For Subdivision Maps where any one lot buildable area slope is greater

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than twenty percent (20%) or for Subdivision Maps of five (5) or more lots, the minimum lot size is increased to eight thousand (8,000) square feet.

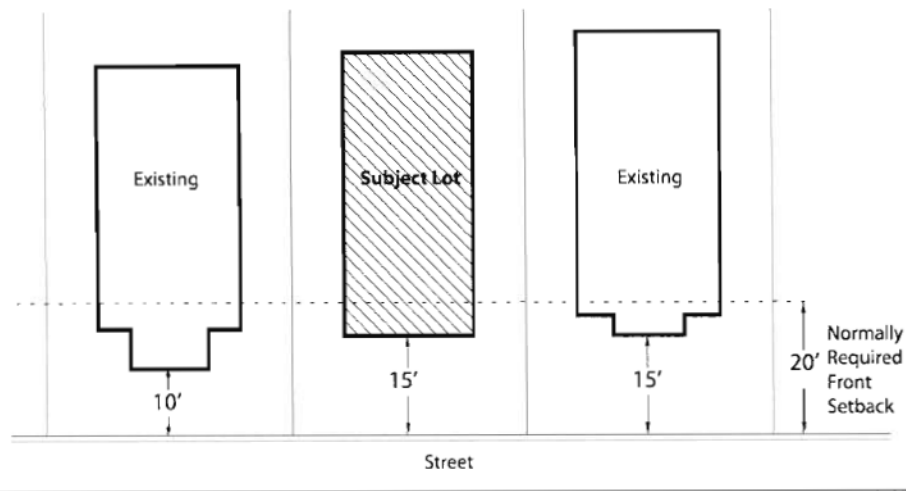
- a. In order to determine buildable area slope of a subdivision, each lot shown on the Subdivision Map shall indicate the buildable area in dashed lines. The buildable area slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
3. See Subsection 16.16.170.F in the Subdivision regulations for additional regulations regarding minimum lot size. In the RH-3 Zone, the minimum average lot area of all lots within a subdivision shall be twelve thousand (12,000) square feet, and the minimum lot area of any individual lot within such subdivision shall be ten thousand (10,000) square feet.
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
 - a. Roadway construction or widening;
 - b. Sidewalk construction or widening; and
 - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

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- In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

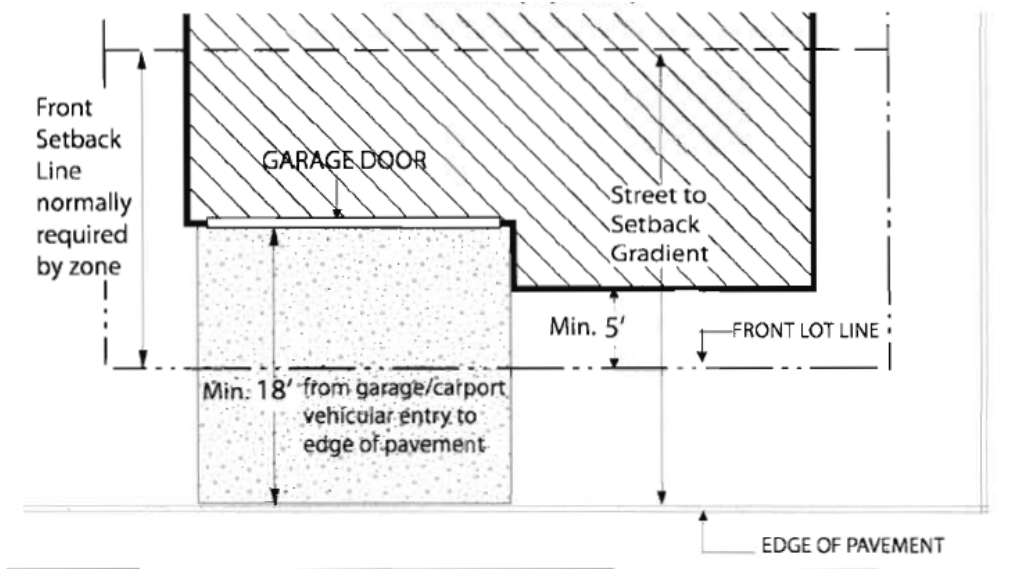
Illustration for Table 17.13.03 [Additional Regulation 6
*for illustration purposes only



- The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 7], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 7]
*for illustration purposes only

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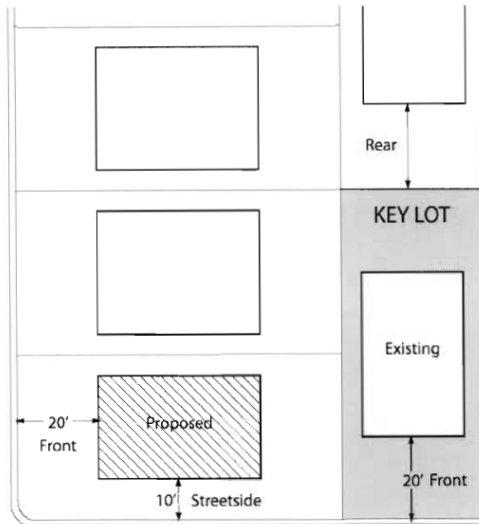


8. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
9. The minimum interior side setback is the greater of the two (2) listed setbacks. Also, see Section 17.108.130 for allowed projections into setbacks.
10. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 10]

*for illustration purposes only

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11. Wherever a rear lot line abuts an alley, one-half (½) 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 depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
12. For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
13. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings in certain situations.
14. If at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any Variance, Conditional Use Permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
15. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk and context standards.
16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Additional parking standards apply within the S-11 Zone, as prescribed in Chapter 17.92.
18. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

B. Floor Area Ratio (FAR) and Lot Coverage. Table 17.13.04 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 17.13.04 Floor Area Ratio (FAR) and Lot Coverage

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Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	≥5,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	
Maximum FAR	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.13.04:

1. Lots with less than five thousand (5,000) square feet in area may have a dwelling with at least two thousand (2,000) square feet, regardless of FAR listed.
 2. Lots with less than five thousand (5,000) square feet in area may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.
- C. Height. Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and ≤40%	>40% and ≤60%	>60%	>20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

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Additional Regulations for Table 17.13.05:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings~~ in certain situations.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

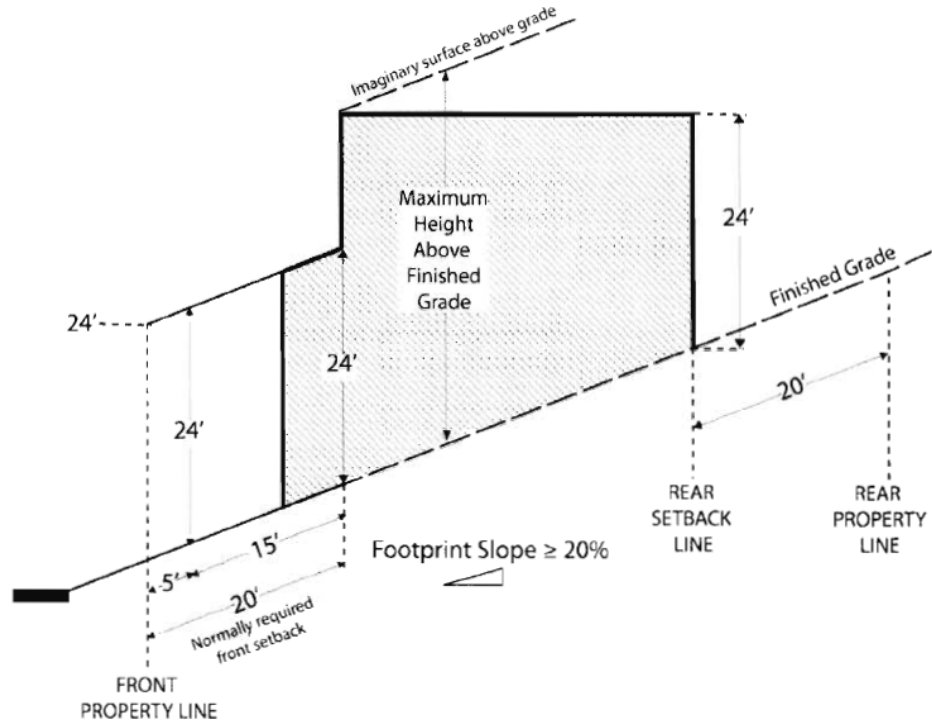
See Illustration for Table 17.13.05 [Additional Regulation 2], below.

3. The building height is measured from finished or existing grade, whichever is lower.

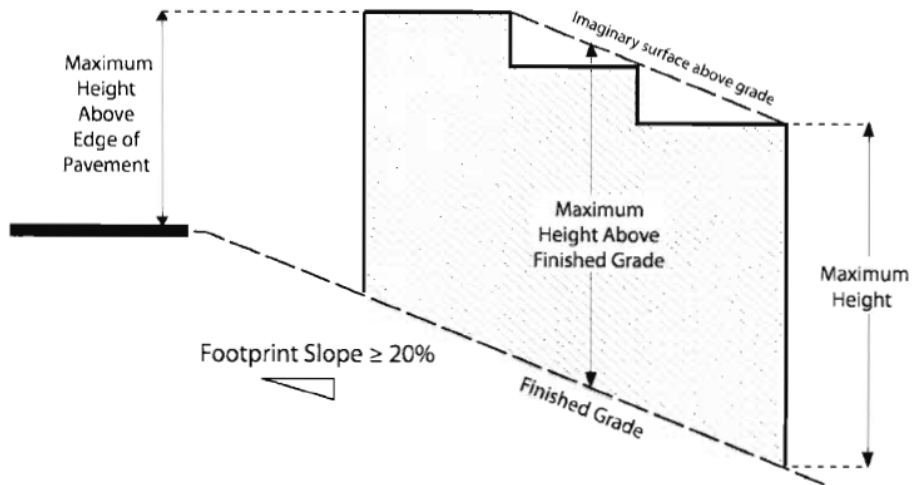
**ATTACHMENT A
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Illustration for Table 17.13.05 [Additional Regulation 2]
*for illustration purposes only

Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

17.15.040 Permitted and conditionally permitted facilities.

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Facilities			
One-Family Dwelling	P	P	
Two-Family Dwelling	—	C(L1)	
Multifamily Dwelling	—	—	
Rooming House	—	—	
Mobile Home Vehicular	—P	—P	<u>17.103.085</u>
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	
Sidewalk Cafe	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	C	C	17.128
Mini Telecommunications	C	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	C	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104

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Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P(L3)	P(L3)	17.104
Advertising Signs	—	—	17.104

Limitations on Table 17.15.02:

- L1. See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.
- L2. Sidewalk cafes are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.
- L3. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.
- L4. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity Section 17.114.080(A)1.
- L5. These activities may only be located in an existing ground floor of a Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).
- L6. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

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L7. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.15.050 Property development standards.

- A. Zone Specific Standards. Table 17.15.03 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. "N/A" indicates that a standard is not applicable in the specified zone.

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Lot Dimensions			
Lot Width mean	45 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	1
Lot area	5,000 sf.	5,000 sf.	1, 2
Maximum Density			
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
Minimum Setbacks			
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6, <u>21</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8, <u>21</u>
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10, <u>21</u>
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11, <u>21</u>
Minimum street side	5 ft.	5 ft.	8, 9, 12, <u>21</u>
Rear	20 ft.	15 ft.	9, 13, 14, <u>21</u>

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Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Reduced Setbacks for Smaller Lots	See Table 17.15.04 for reduced setbacks for smaller lots		<u>21</u>
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of <20%			
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
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	17
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		18, 19
Minimum Open Space			
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

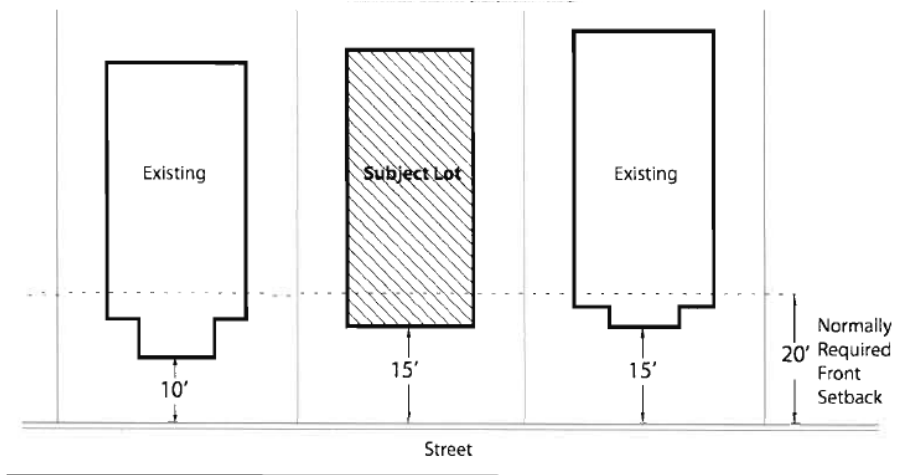
Additional Regulations for Table 17.15.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. See Subsection 16.16.170.F in the Subdivision regulations for additional regulations regarding minimum lot area.
3. 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.
5. A minimum lot size of six thousand (6,000) square feet is required in order to apply for a conditional use permit for a second primary dwelling unit in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) primary dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria:
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;

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- b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities, and especially of any portions thereof which exceed one (1) story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
 - d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to ensure privacy;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.15.03 [Additional Regulation 6], below).

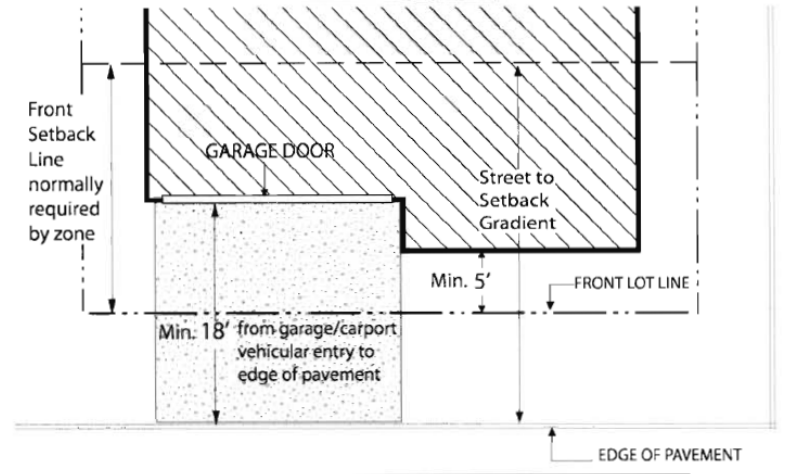
Illustration for Table 17.15.03 [Additional Regulation 6]
*for illustration purposes only



7. In all Detached Residential Zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.15.03 [Additional Regulation 7], below. See Section 17.108.130 for allowed projections into setbacks.

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Illustration for Table 17.15.03 [Additional Regulation 7]
*for illustration purposes only



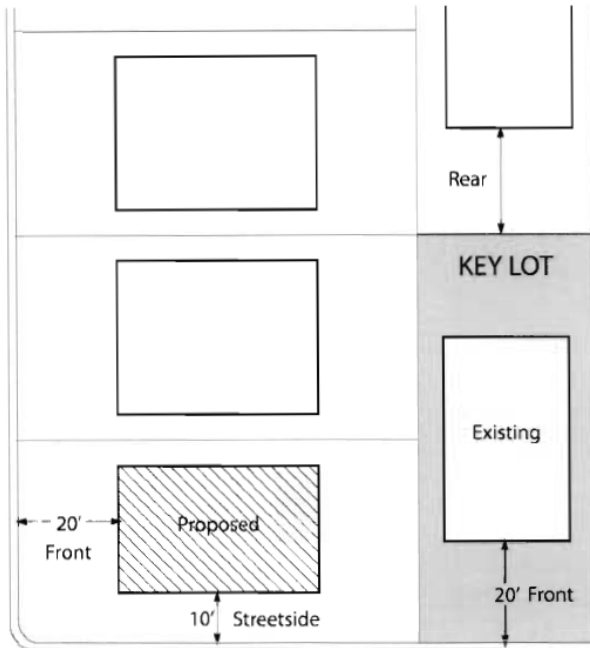
8. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
 - a. Roadway construction or widening;
 - b. Sidewalk construction or widening; and
 - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

9. See Table 17.15.04 for reduced setbacks for smaller lots. See Section 17.108.130 for allowed projections into setbacks.
10. See Section 17.108.080 for the required interior side and rear setback on a lot containing two (2) or more living units and opposite a legally-required living room window.
11. For the RD-1 Zone, the minimum interior side setback is the greater of the two (2) listed setbacks, either five (5) feet or ten percent (10%) of the lot width, whichever is greater.
12. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03 [Additional Regulation 12], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

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Illustration for Table 17.15.03 [Additional Regulation 12]
*for illustration purposes only



13. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) 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 depth 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.

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14. In the RD-1 Zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
15. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings~~ in certain situations.
16. If at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any ~~v~~Variance, ~~e~~Conditional ~~u~~Use ~~p~~Permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
17. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.
18. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapter 17.92 and Chapter 17.94.
20. 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 of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.
21. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- B. Reduced Setbacks for Smaller Lots. Table 17.15.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04 Reduced Setbacks for Smaller Lots

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf or < 40 feet wide	≤ 3,000 sf or < 35 feet wide	
Minimum Setbacks			
Minimum interior side	4 ft.	3 ft.	<u>1, 2</u>
Minimum street side	4 ft.	3 ft.	<u>1, 2</u>
Rear	15 ft.	15 ft.	<u>1, 2</u>

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

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2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	≥5,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥ 43,560	
Maximum FAR for Lots with a Footprint Slope > 20%	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

1. 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.
2. 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.

D. Height. Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

Table 17.15.06 Height Regulations for all Lots with a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and <40%	>40% and <60%	>60%	>20%	

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Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is greater) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

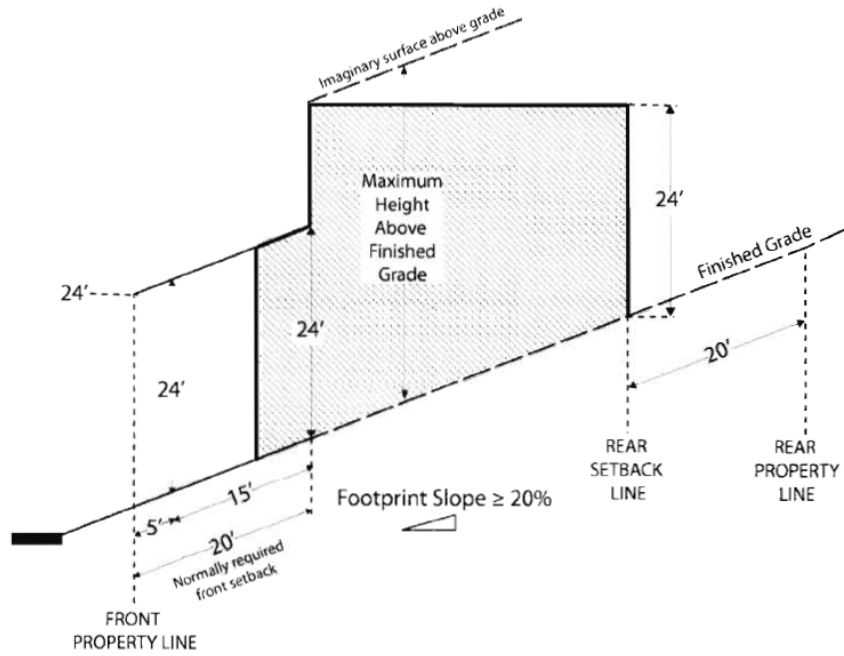
Additional Regulations for Table 17.15.06:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06 [Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

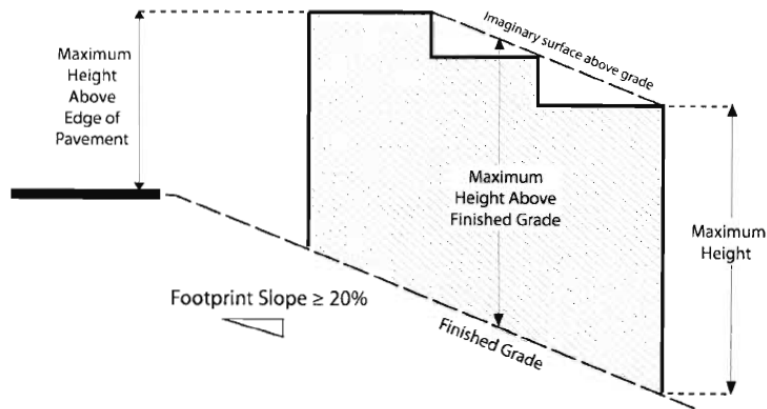
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Illustration for Table 17.15.06 [Additional Regulation 2]
*for illustration purposes only

Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

17.17.040 Permitted and conditionally permitted facilities.

Table 17.17.02 lists the permitted, conditionally permitted, and prohibited facilities in the RM Zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Facilities						
One-Family Dwelling	P	P	P	P	P	
Two-Family Dwelling	C(L1)	P	P	P	Same as underlying zone	
Multifamily Dwelling	—	C(L1)	C(L1)	P(L1)	Same as underlying zone	
Rooming House	—	—	—	—	—	
Mobile Home Vehicular	—P	—P	—P	—P	—P	<u>17.103.085</u>
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C(L5)	
Sidewalk Cafe	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128

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Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	—	—	—	—	—	17.104

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 Table 17.17.03, Property Development Standards, for additional regulations on this density.
- L2. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.
- L3. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.
- L4. Business Signs are allowed in the C Combining Zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square

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feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in 17.104.

- L5. For RM Zones with the C Combining Zone, no Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.050 Property development standards.

- A. Zone Specific Standards. Table 17.17.03 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. "N/A" designates the standard is not applicable to the specified zone.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Lot Dimensions					
Lot Width mean	45 ft.	25 ft. / 45 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	5,000 sf.	2,500 sf. / 4,000 sf. / 5,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Density					
Permitted density	1 primary unit per lot	1 primary unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater	1 primary unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater	1 primary unit on lots less than 4,000 sf.; For 1 — 4 units, 1 unit per 1,100 sf. of lot area; only on lots 4,000 sf. or greater	2
Conditionally permitted density (only for lots 4,000 sf or greater)	2 units	For 3 or more units, 1 unit per 2,500 sf of lot area	For 3 or more units, 1 unit per 1,500 sf of lot area	For 5 or more units, 1 unit per 1,100 sf of lot area;	2, 3
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, 7, <u>20</u>

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Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, <u>20</u>
Minimum interior side	5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 7, 8, 9, <u>20</u>
Minimum street side	5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10, <u>20</u>
Rear	15 ft.	15 ft.	15 ft.	15 ft.	11, <u>20</u>
Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)	See Table 17.17.04 for reduced setbacks for smaller lots				<u>20</u>
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	12
Height Regulations for all Lots with a Footprint Slope of > 20%	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of > 20%	40 ft.	40 ft.	40 ft.	40 ft.	15
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
Minimum Open Space					
Group open space per regular unit	300 sf.	300 sf.	200 sf.	175 sf.	19
Group open space per regular unit when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	19

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Courtyard Regulations	See Section 17.108.120	
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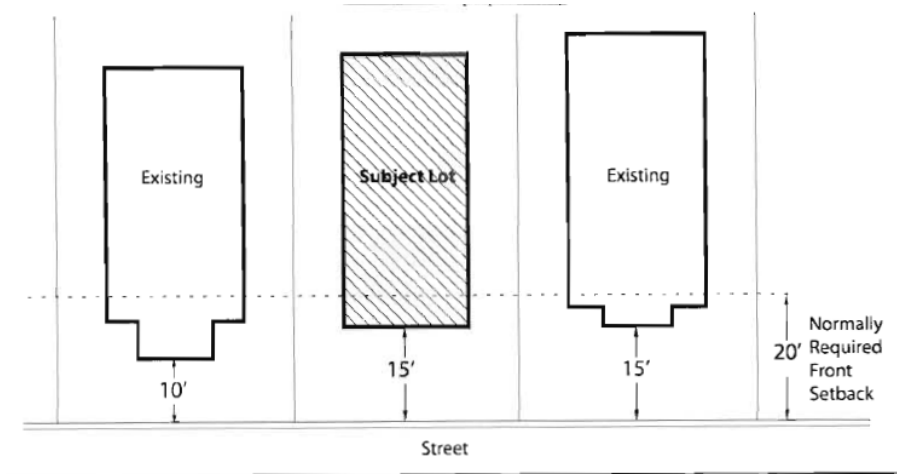
Additional Regulations for Table 17.17.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. 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 lot width mean shall be reduced to twenty-five (25) feet and the minimum lot area shall be reduced to four thousand (4,000) square feet.
 - a. Also for the RM-2 Zone in the West Oakland District only, a conditional use permit to further reduce the minimum lot area from four thousand (4,000) square feet (as specific above) to two thousand five hundred (2,500) square feet and the minimum interior side and street side setbacks from four (4) feet (as specified in additional regulation 8. below) to three (3) feet may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to the following additional criteria:
 - 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.
2. See Chapter 17.107 for affordable and senior housing incentives. 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.
3. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms to additional criteria a., d., and e.
 - a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
 - b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;
 - c. That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;
 - d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;
 - e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.
4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet

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respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03 [Additional Regulation 4]
*For illustration purposes only



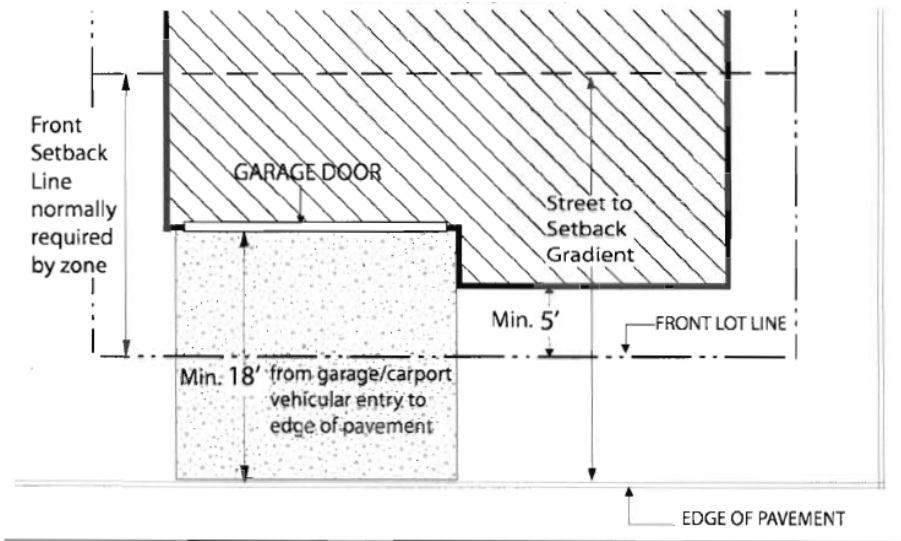
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
 - a. Roadway construction or widening;
 - b. Sidewalk construction or widening; and
 - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

6. In all Residential Zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03 [Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

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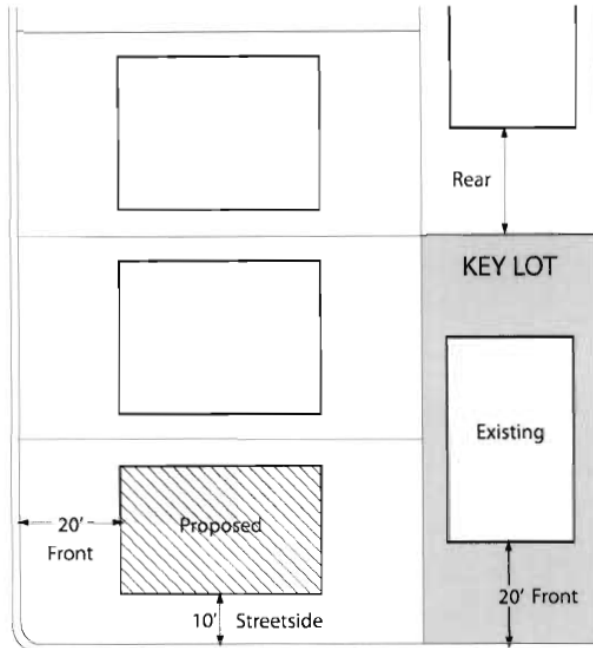
Illustration for Table 17.17.03 [Additional Regulation 6
*for illustration purposes only



7. No front or side setbacks are required for commercial facilities in the C Combining Zone except wherever an interior side lot line of any lot located in the C Combining Zone abuts an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.
8. 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 interior side and street side setbacks for lots equal to or greater than four thousand (4,000) square feet shall be reduced to four (4) feet. See additional regulation 1. above for further reduced interior side and street side setbacks for the RM-2 Zone in the West Oakland District only; and Table 17.17.04 for general reduced setbacks for smaller lots. See also Section 17.108.130 for allowed projections into setbacks.
9. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
10. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C Combining Zone (see Illustration for Table 17.17.03 [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03 [Additional Regulation 10]
*for illustration purposes only

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11. Wherever a rear lot line abuts an alley, one-half (½) 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 depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings in certain situations.
13. In the RM-1 and RM-2 Zones, if at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, eonditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.
14. In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this Section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in Section 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:
 - a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and
 - b. In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.

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15. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.
16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.
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.
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. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.
19. 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. All usable open space shall meet the standards contained in Chapter 17.126.
20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- B. Reduced Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf. or ≤ 40 feet wide	≤ 3,000 sf. or ≤ 35 feet wide	
Minimum Setbacks			
Minimum front (≤20% street-to-setback gradient)	15 ft.	15 ft.	<u>1, 2</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	<u>1, 2</u>
Minimum interior side	4 ft.	3 ft.	<u>1, 2</u>
Minimum street side	4 ft.	3 ft.	<u>1, 2</u>
Rear	15 ft.	15 ft.	<u>1, 2</u>

Additional Regulations for Table 17.17.04:

1. No front or side setbacks are required for Commercial Facilities in the C Combining Zone except wherever an interior side lot line of any lot located in the C Combining Zone abuts an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of four (4) feet for lots less than 4,000 sf. and a minimum width of three (3) feet for lots equal to or less

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than 3,000 sf. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- 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 associated with lot sizes. 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

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	≥5,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2, 3

Additional Regulations for Table 17.17.05:

1. 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.
2. Regulation does not apply in the C Combining Zone.
3. 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.

- D. Height. Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤60%	> 60%	> 20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2

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Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%	> 20%	
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

Additional Regulations for Table 17.17.06:

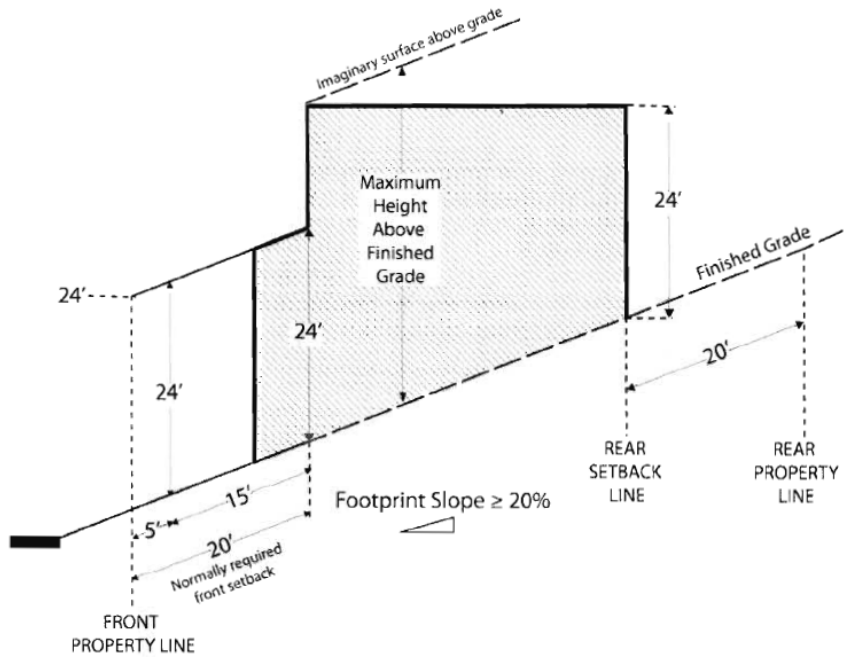
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06 [Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

Illustrations for Table 17.17.06 [Additional Regulation 2]

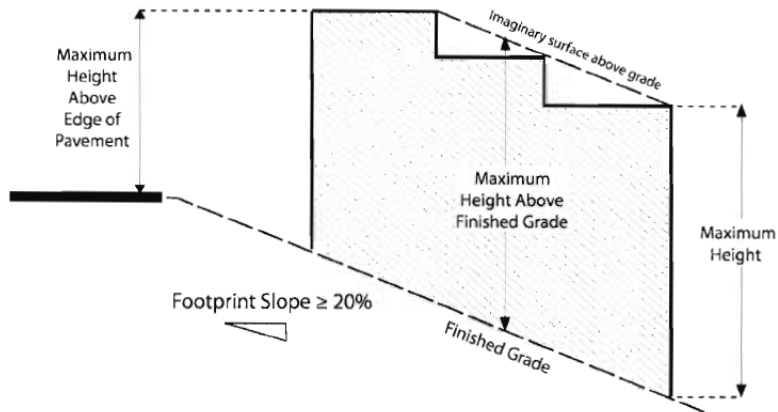
*for illustration purposes only

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Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU Zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Facilities						
One-Family Dwelling	P	P	P	—(L1)	—(L1)	
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	—	C	C	P	P	
Mobile Home Vehicular	—P	—P	—P	—P	—P	<u>17.103.085</u>
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	
Open Nonresidential	P	P	P	P	P	
Sidewalk Cafe	P(L4)	P(L4)	P(L4)	P	P	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128

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Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L5)	P(L5)	P(L5)	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations on Table 17.19.02:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. In the RU-4 and RU-5 Zones, 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 Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.
- L3. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.
- L4. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.
- L5. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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17.19.050 Property development standards.

- A. Zone Specific Standards. Table 17.19.03 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. "N/A" designates a standard is not applicable to the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Density						
Permitted density for #Regular #Dwelling #Units	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
Permitted density for #Rooming #Units	N/A	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	
<u>Permitted density for Efficiency Dwelling Units</u>	<u>N/A</u>	<u>1 unit per 800 sf. of lot area</u>	<u>1 unit per 450 sf. of lot area</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
Minimum Setbacks						
Minimum front (≤20% street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6, <u>20</u>
Minimum front (>20% street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6, <u>20</u>
Minimum front for Commercial Facilities	15 ft.	10 ft.	10 ft.	0 ft.	0 ft.	3, <u>20</u>
Minimum interior side	4 ft.	4 ft.	0 ft.	0 ft.	0 ft.	3, 7, 8, <u>20</u>
Minimum street side	4 ft.	4 ft.	4 ft.	0 ft.	0 ft.	3, 4, 7, 9, <u>20</u>
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10/15 ft.	10/15 ft.	3, 7, 10, 11, <u>20</u>
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10/15 ft.	0/10/15 ft.	3, 10, 11
Reduced Setbacks for Smaller Lots < 3,000 sf. or < 35 ft. wide						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8, <u>20</u>

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum street side	3 ft.	3 ft.	3 ft.	N/A	N/A	3, 4, 8, <u>20</u>
Height Regulations						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	12 ft.	12 ft.	12
Minimum separation between the grade and ground floor living space	N/A	N/A	N/A	2.5 ft.	2.5 ft.	13
Maximum height primary building	40 ft.	50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04	14, 15
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	See Table 17.19.04	See Table 17.19.04	
Parking Requirements	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements					16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
Minimum Usable Open Space						
Group usable open space per <u>Regular Dwelling Unit</u>	175 sf.	175 sf.	150 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Regular Dwelling Unit</u> when private open space is substituted	50 sf.	30 sf.	30 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Rooming Unit</u>	85 sf.	85 sf.	75 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Rooming Unit</u> when private open space substituted	15 sf.	15 sf.	15 sf.	See Table 17.19.04	See Table 17.19.04	19
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>85 sf.</u>	<u>85 sf.</u>	<u>75 sf.</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>19</u>

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<u>Group usable open space per Efficiency Dwelling Unit when private open space substituted</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>19</u>
Courtyard Regulations	See Section 17.108.120					

Additional Regulations for Table 17.19.03:

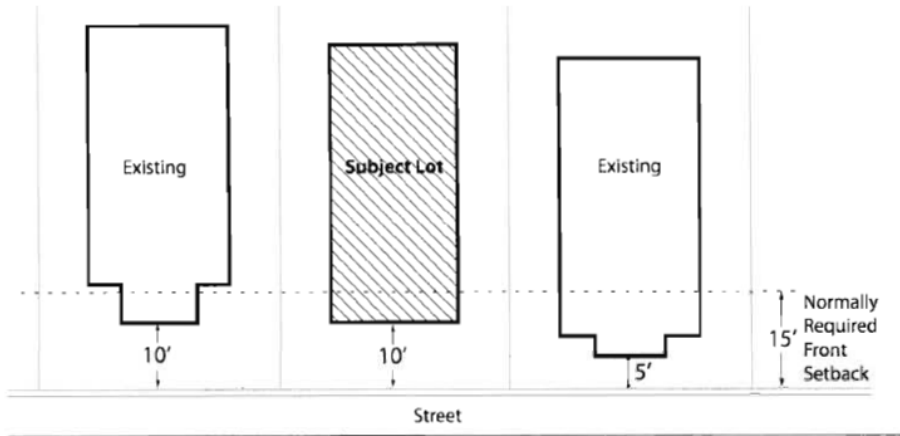
1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions 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.
3. See Section 17.108.130 for allowed projections into setbacks.
4. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
 - a. Roadway construction or widening;
 - b. Sidewalk construction or widening; and
 - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

5. In the RU-1 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

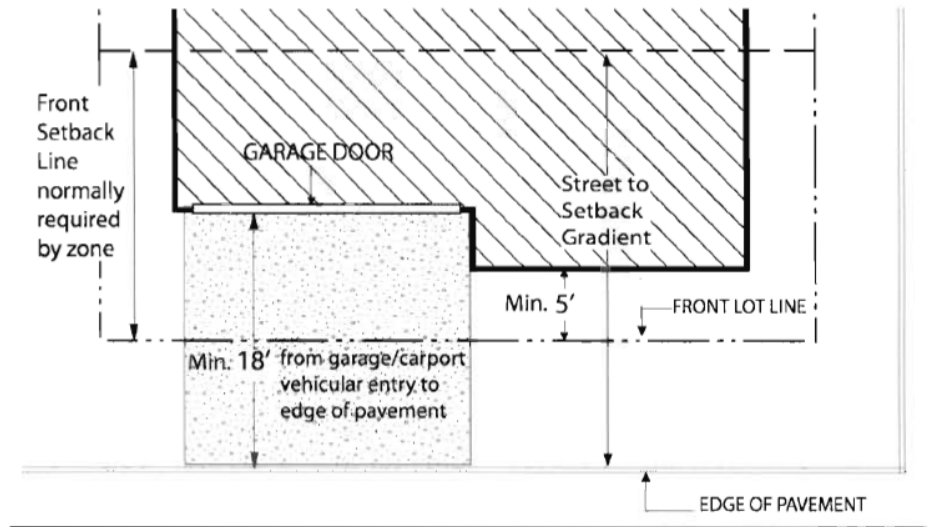
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Illustration for Table 17.19.03 [Additional Regulation 5]
*for illustration purposes only



6. In all Residential Zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03 [Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 6]
*for illustration purposes only



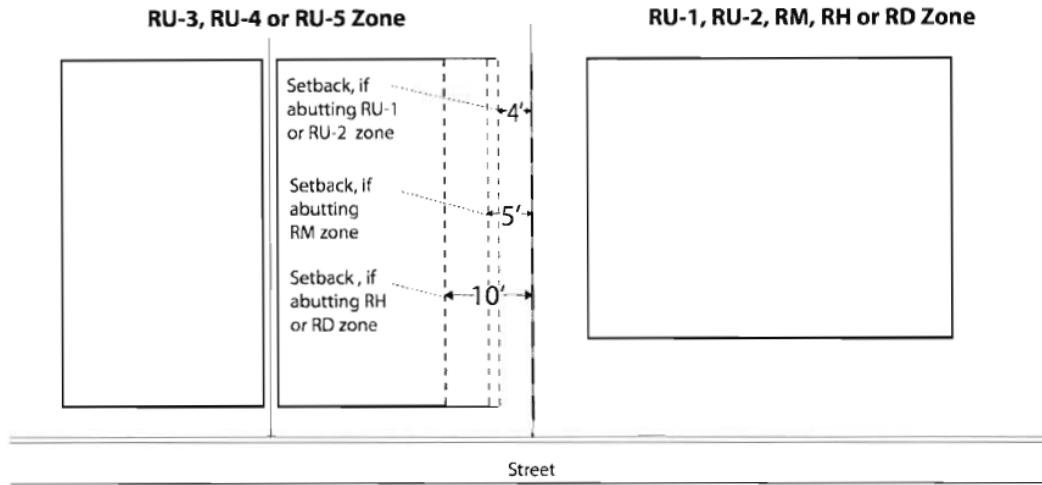
7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
8. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot

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abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03 [Additional Regulation 8] below).

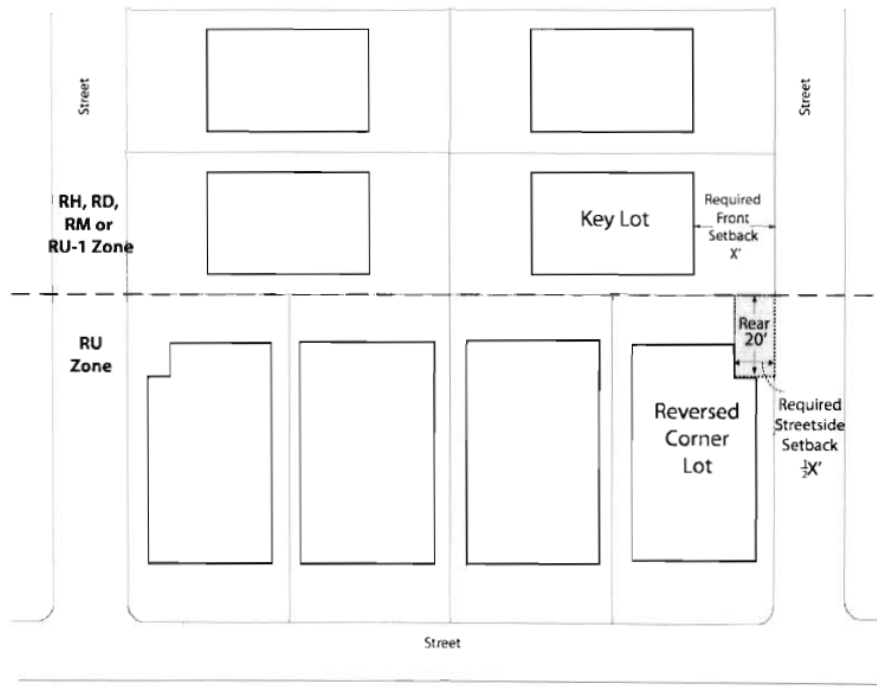
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Illustration for Table 17.19.03 [Additional Regulation 8]
*for illustration purposes only



- When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.19.03 [Additional Regulation 9], below).

Illustration for Table 17.19.03 [Additional Regulation 9]
*for illustration purposes only

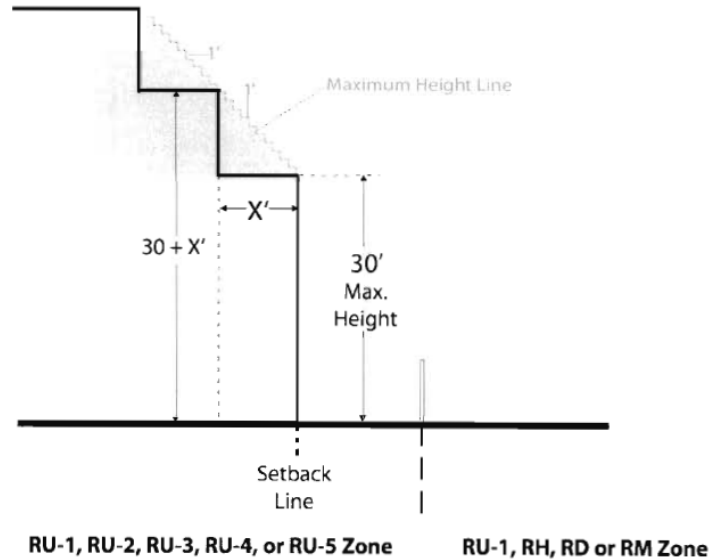


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10. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
11. When a rear lot line in the RU-4 or RU-5 Zones is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
12. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
13. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.
14. Buildings in the RU Zones 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 may increase one (1) foot for every foot of distance from this setback line (see Illustration for Table 17.19.03 [Additional Regulation 14], 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 in certain situations.

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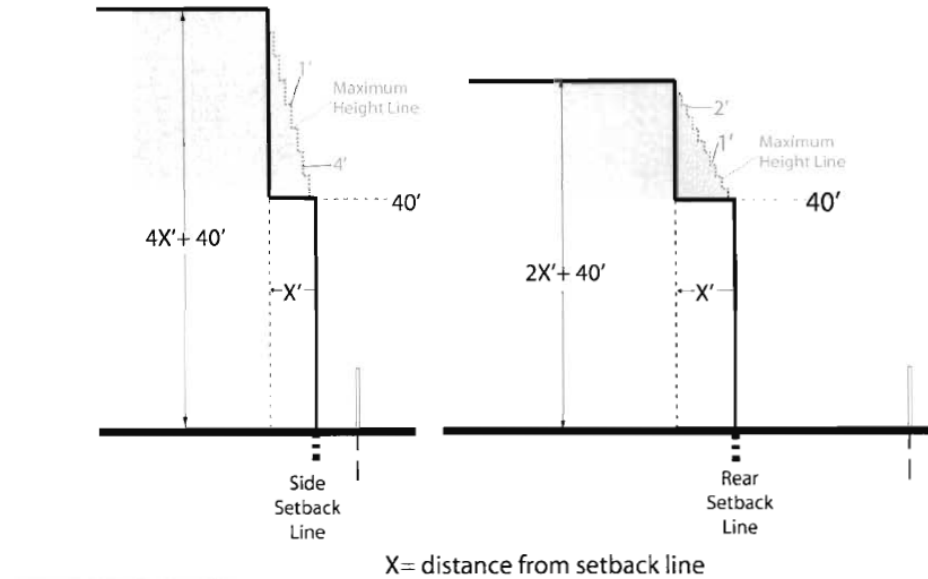
Illustration for Table 17.19.03 [Additional Regulation 14]
*for illustration purposes only



15. In the RU-2 and RU-3 Zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Subsection 17.28.150.C.1 a minimum horizontal distance equal to one (1) foot for each four (4) feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Subsection 17.28.150.D a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03 [Additional Regulation 15], below).

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Illustration for Table 17.19.03 [Additional Regulation 15]
*for illustration purposes only



16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.
 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 regulations that apply to Secondary Units are provided in Section 17.103.080.
 18. For the new construction of principal buildings in the RU-4 and RU-5 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
 19. 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. All usable open space shall meet the standards contained in Chapter 17.126.
 20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.
- B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only. Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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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	
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2
Height Minimum							
Permitted height minimum	N/A	N/A	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	
Minimum Usable Open Space							
Group usable open space per <u>Regular Dwelling Unit</u>	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per <u>Regular Dwelling Unit</u> when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per <u>Rooming Unit</u>	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per <u>Rooming Unit</u> when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>50 sf.</u>	<u>6</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>10 sf.</u>	<u>10 sf.</u>	<u>6</u>

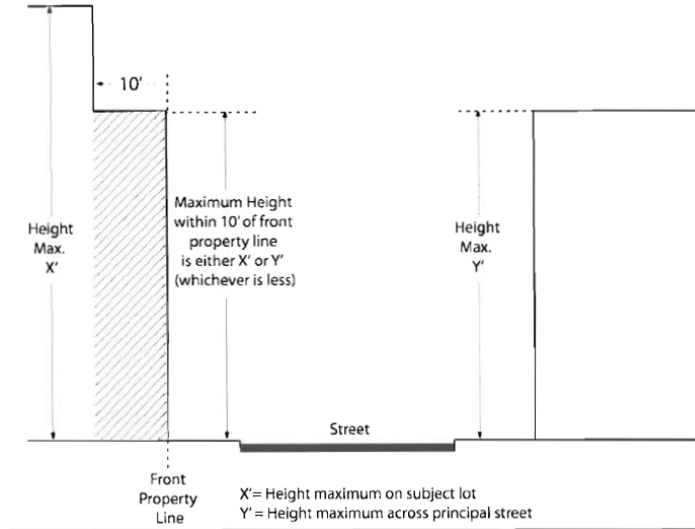
Additional Regulations for Table 17.19.04:

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

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across the principal street, whatever is less (see Illustration for Table 17.19.04 [Additional Regulation 1], below).

Illustration for Table 17.19.04 [Additional Regulation 1]
*for illustration purposes only



2. Buildings in the RU Zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, or RM Zone; this maximum height may increase one (1) foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings in certain situations.
3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. 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.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. 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. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS [13]

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

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

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 primary 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 Subsection 17.102.270.B and a Secondary Unit.

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 (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

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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.~~ 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.
 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.
- 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 ~~e~~Conditional ~~u~~Use ~~p~~Permit pursuant to the ~~e~~Conditional ~~u~~Use ~~p~~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.

17.30.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085.

- A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.
- B. Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:

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1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two (2) or more living units.
- C. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet.
- D. Courts. On each lot containing Residential Facilities with a total of two (2) or more living units, courts shall be provided when and as required by Section 17.108.120.

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

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit~~ plus ~~one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per ~~Rooming Unit or Efficiency Dwelling 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.

FOOTNOTE(S):

--- (13) ---

Editor's note— Prior to the reenactment of Chapter 17.30 by Ord. No. 13090, Ord. No. 13064, § 2(Exh. A), adopted March 15, 2011, repealed the former Chapter 17.30, §§ 17.30.010—17.30.210 in its entirety, which pertained to R-80 high-rise apartment residential zone regulations and derived from the prior planning code, §§ 3850, 3852.1, 3853—3856, 3858, 3860, 3861, 3863—3865, 3867, 3869—3874; Ord. No. 11807, § 3, adopted 1995; Ord. No. 11904, §§ 5.08, 5.09, 5.11, 5.21, 5.60, adopted 1996; Ord. No. 12138, § 5, adopted 1999; Ord. No. 12501, §§ 45, 46, adopted 2003; Ord. No. 12776, § 3(Exh. A), adopted 2006; Ord. No. 12872, § 4, adopted 2008; Ord. No. 12884, § 2, adopted 2008; Ord. No. 12899, § 4(Exh. A), adopted 2008; Ord. No. 12939, § 4(Exh. A), adopted June 16, 2009; Ord. No. 12999, § 4(Exh. A), adopted March 16, 2010, and Ord. No. 13028, § 2(Exh. A), adopted July 20, 2010. (Back)

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Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home <u>Vehicle</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C(L5)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Mini Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128

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Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Tower Telecommunications		—	—	—	17.128
Sign Facilities					
Residential Signs		P	P	P	17.104
Special Signs		P	P	P	17.104
Development Signs		P	P	P	17.104
Realty Signs		P	P	P	17.104
Civic Signs		P	P	P	17.104
Business Signs		P	P	P	17.104
Advertising Signs		—	—	—	17.104

Limitations on Table 17.33.02:

- L1. See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. 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 not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor Residential Facilities is not permitted on a corner lot.
- L4. In the CN-1 and CN-2 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events. In the CN-3 and CN-4 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L5. 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.
- L6. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.050 Property development standards.

- A. Zone Specific Standards. Table 17.33.03 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. "N/A" designates a standard is not applicable to the specified zone.

Table 17.33.03: Property Development Standards

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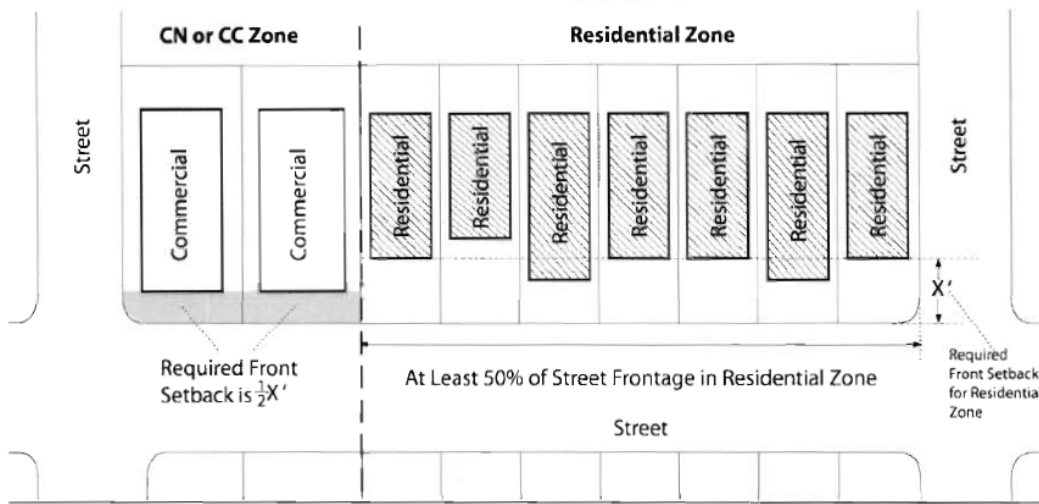
Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum Lot Dimensions					
Lot Width Mean	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 15</u>
Maximum front	10 ft.	10 ft.	10 ft.	N/A	<u>3, 15</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	<u>4, 5, 15</u>
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	<u>6, 15</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	<u>7, 8, 15</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations					
Minimum ground floor nonresidential facade transparency	65%	65%	65%	N/A	9
Minimum height of ground floor Nonresidential Facilities	12 ft.	12 ft.	12 ft.	12 ft.	10
Minimum separation between grade and ground floor living space	N/A	N/A	2.5 ft.	2.5 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.33.04				
Minimum required parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				14
Courtyard regulations	See Section 17.108.120				

Additional Regulations for Table 17.33.03:

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1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half (½) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (½) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.33.03 [Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03 [Additional Regulation 2]
*for illustration purposes only

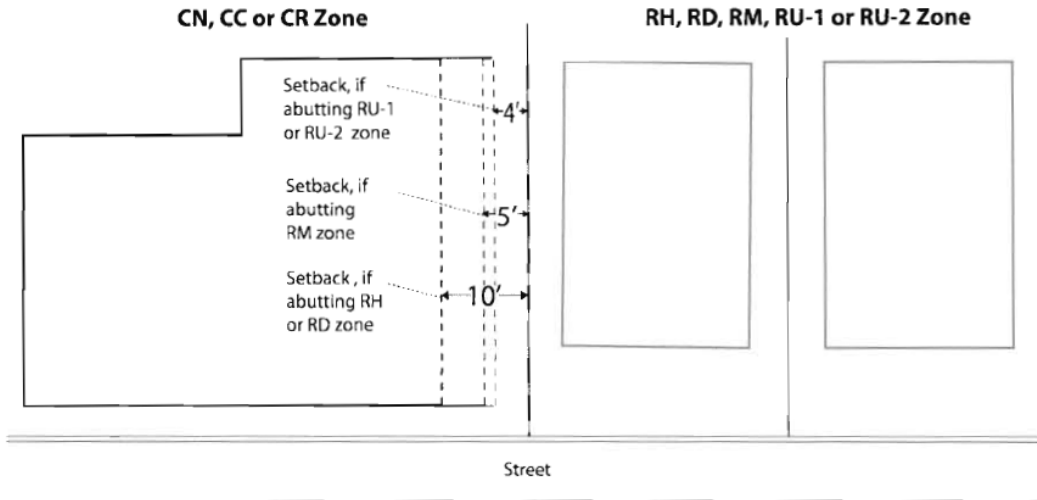


3. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of ~~Regular~~ ~~Design~~ ~~Review~~ approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal to reduce to fifty percent (50%) must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an

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RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

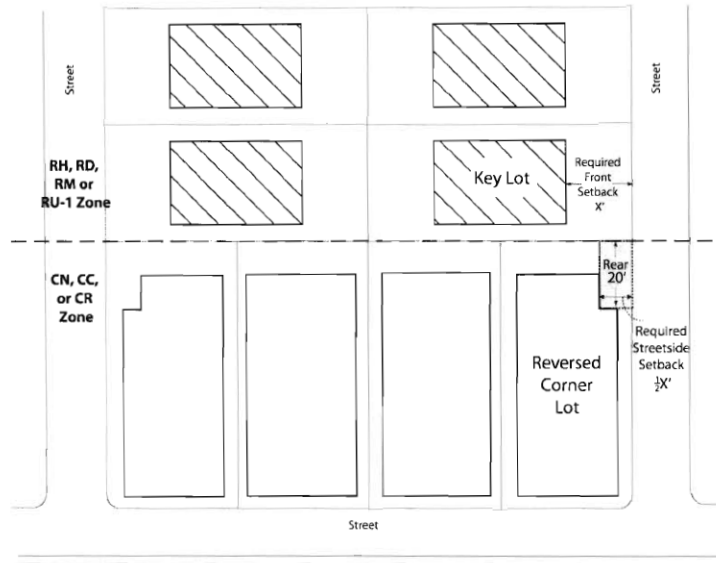
Illustration for Table 17.33.03 [Additional Regulation 4]
*for illustration purposes only



5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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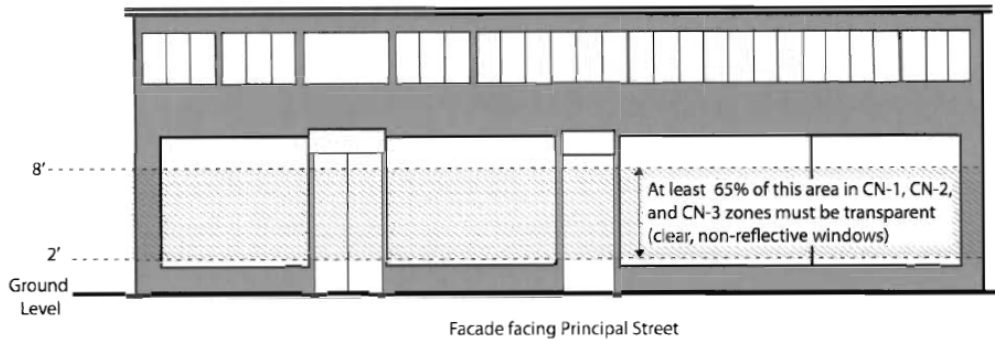
Illustration for Table 17.33.03 [Additional Regulation 6]
*for illustration purposes only



7. Wherever a rear lot line abuts an alley, one-half 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.
8. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
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 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 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.

Illustration for Table 17.33.03 [Additional Regulation 9]
*for illustration purposes only

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10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
11. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.
12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
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 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 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. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.
15. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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	
Maximum Height	35 ft.	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	1, 2
Height Minimum							

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Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
Permitted height minimum	N/A	N/A	N/A	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	N/A	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular <u>Dwelling</u> \pm Units	550	Same density regulations as abutting RH, RD, or RM Zone	450	375	275	225	4, 5, 6
Rooming \pm Units	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>Same density regulations as abutting RH, RD, or RM Zone</u>	<u>225</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>4, 5, 6</u>
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per \pm Regular <u>Dwelling</u> \pm Unit	150	Same open space regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per \pm Regular <u>Dwelling</u> \pm Unit when private open space substituted	30	Same open space regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming \pm Unit	75	Same open space regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per \pm Rooming \pm Unit when private open space is substituted	15	Same open space regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75</u>	<u>Same open space regulations as</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>6, 7</u>

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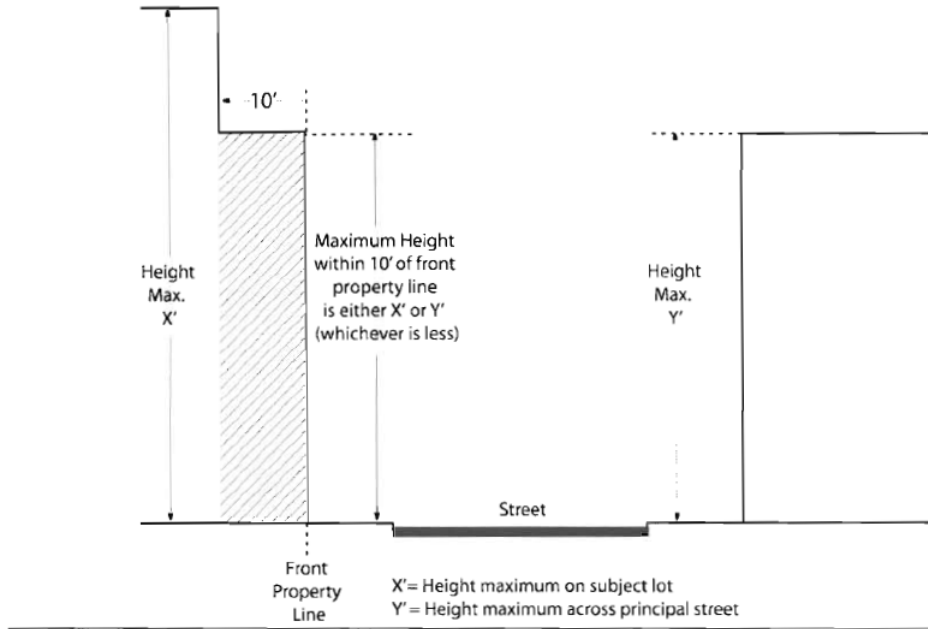
Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
		<u>abutting RH, RD, or RM Zone</u>					
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15</u>	<u>Same open space regulations as abutting RH, RD, or RM Zone</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>6, 7</u>

Additional Regulations for Table 17.33.04:

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 17.33.04 [Additional Regulation 1], below).

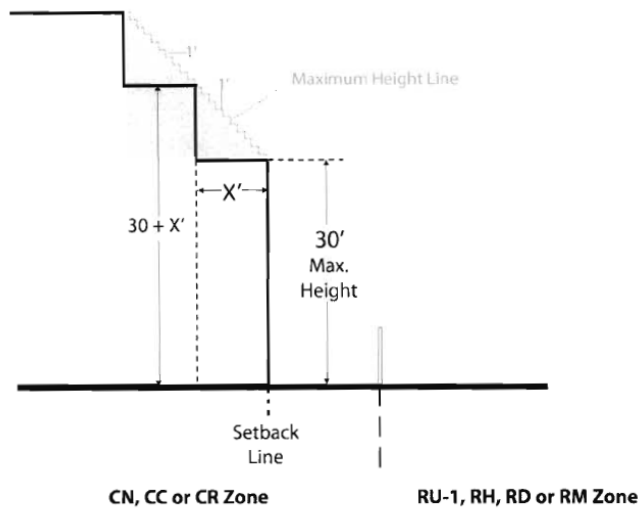
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Illustration for Table 17.33.04 [Additional Regulation 1]
*for illustration purposes only



- 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 17.33.04 [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 in certain situations.

Illustration for Table 17.33.04 [Additional Regulation 2]
*for illustration purposes only



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3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. 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.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential Floor Area Ratio (FAR) unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
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. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.
7. 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. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.040 Permitted and conditionally permitted facilities.

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

a. Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	
Two-Family Dwelling	P(L2)	P(L3)	—(L7)	
Multifamily Dwelling	P(L2)	P(L3)	—(L7)	
Rooming House	P(L2)	P(L3)	—(L7)	
Mobile Home <u>Vehicular</u>	— <u>P</u>	— <u>P</u>	—(L7)	<u>17.108.085</u>
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P(L6)	P(L6)	P(L6)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L4)	C(L4)	C(L4)	
Telecommunications Facilities				
Micro Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Mini Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	—	—	—	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104

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Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitations on Table 17.35.02:

L2. Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of floor area is devoted to commercial activities.

L3. Except as indicated in Subsection a. below, construction of new ground floor Residential Facilities is not permitted:

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

L4. 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.

L5. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

L6. For the CC Zones in the West Oakland District (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), Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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 serving a permitted or conditionally permitted Emergency Shelter Activity, as indicated in Table 17.35.01.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.50 Property development standards.

- A. Zone Specific Standards. Table 17.35.03 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. "N/A" designates a standard is not applicable to the specified zone.

Table 17.35.03: Property Development Standards

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Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Lot Width mean	50 ft.	25 ft.	25 ft.	1
Frontage	50 ft.	25 ft.	25 ft.	1
Lot area	7,500 sf.	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks				
Minimum front	0 ft.	0 ft.	0 ft.	<u>2, 14</u>
Maximum front	N/A	10 ft.	N/A	<u>3, 14</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	<u>4, 5, 14</u>
Minimum street side	0 ft.	0 ft.	0 ft.	<u>6, 14</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	<u>7, 8, 14</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	N/A	12 ft.	N/A	10
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements			13
Courtyard Regulations	See Section 17.108.120			

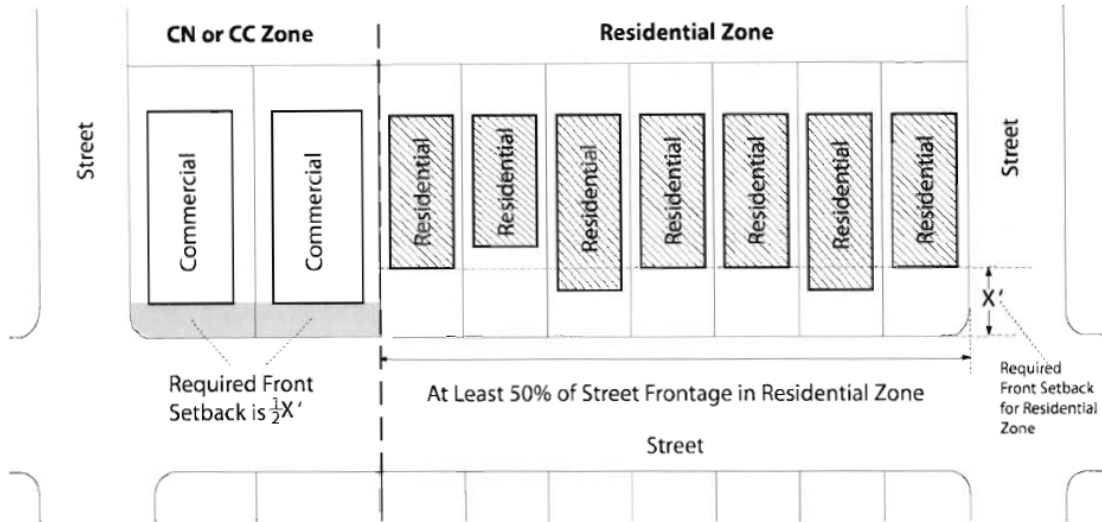
Additional Regulations for Table 17.35.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half (½) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback

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on the commercially or industrially zoned lots is one-half ($\frac{1}{2}$) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.35.03 [Additional Regulation 2], below).

Illustration for Table 17.35.03 [Additional Regulation 2]
*for illustration purposes only



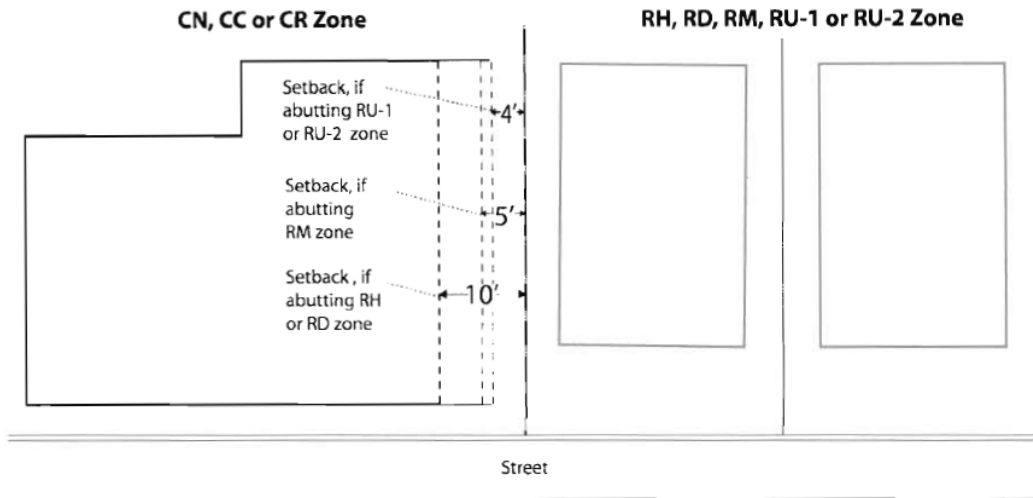
3. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings; and if multiple new principal buildings are to be constructed on a lot, the requirements only apply to the building(s) that can be reasonably sited along the street frontage(s).
 - b. The requirements do not apply to lots containing the following principal activities: Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, a proposal to reduce to fifty percent (50%) the amount of street frontage that maximum yards would apply to must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard

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of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

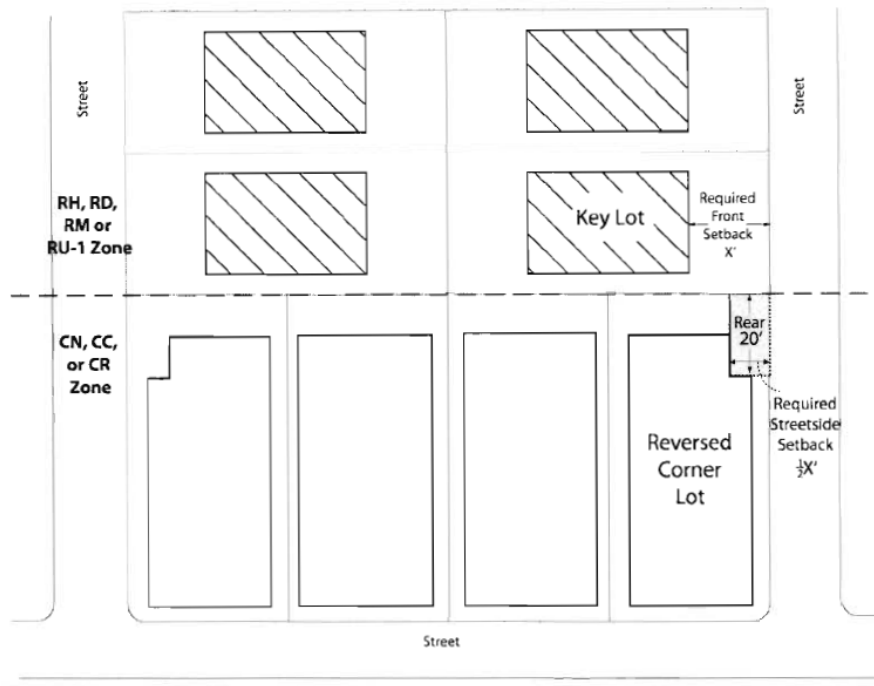
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Illustration for Table 17.35.03 [Additional Regulation 4]
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5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

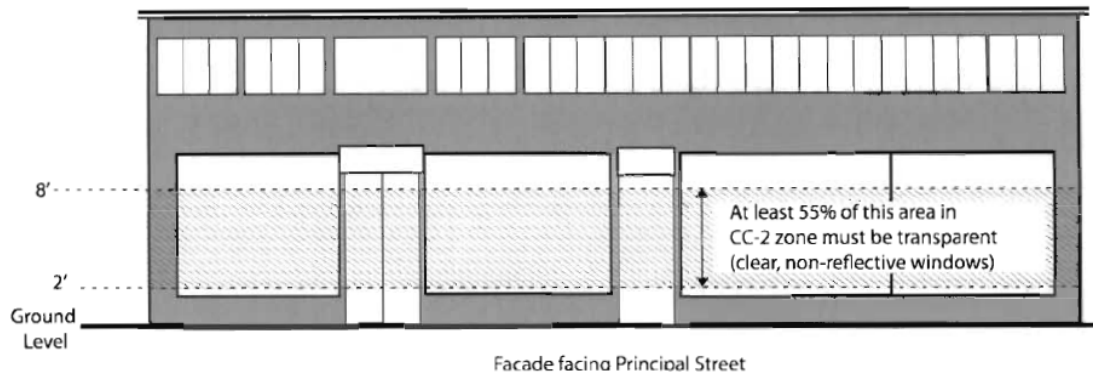
Illustration for Table 17.35.03 [Additional Regulation 6]
*for illustration purposes only



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7. Wherever a rear lot line abuts an alley, one-half (½) 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.
8. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
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 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 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.

Illustration for Table 17.35.03 [Additional Regulation 9]
*for illustration purposes only



10. This height is only required for new principal buildings located within twenty (20) feet of the principal street frontage and is measured from the sidewalk grade to the ground floor ceiling.
11. For the construction of new principal buildings in the CC-2 Zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
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 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 Note 11, above.

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14. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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

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

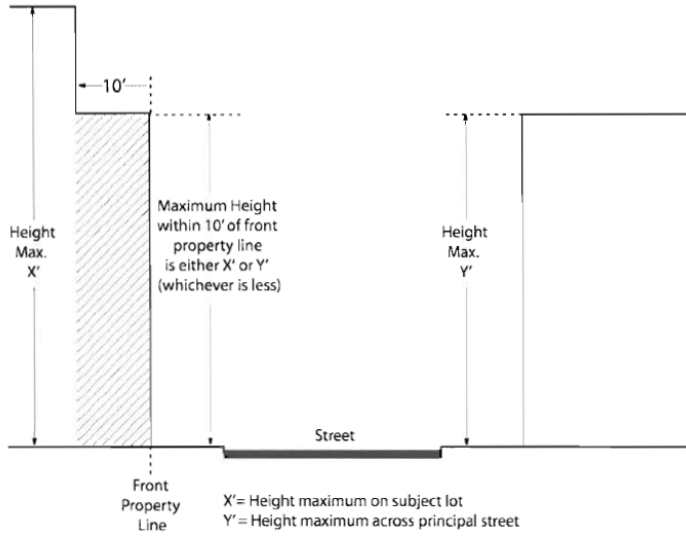
Additional Regulations for Table 17.35.04:

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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 17.35.04 [Additional Regulation 1], below).

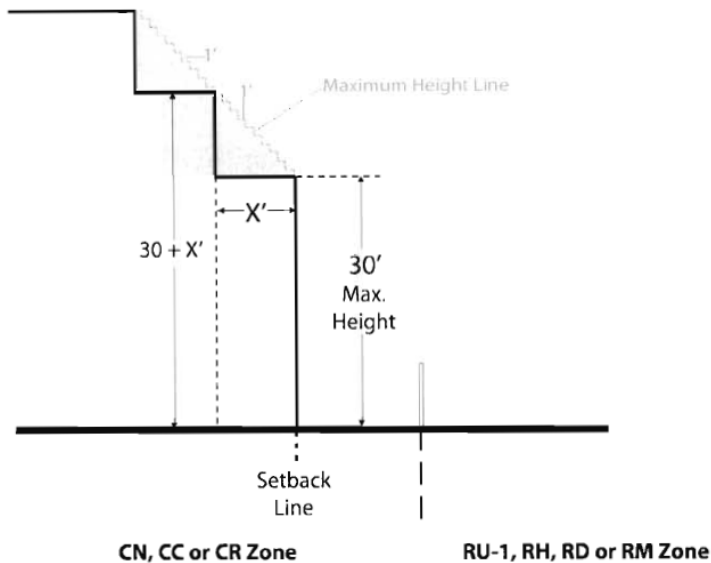
**ATTACHMENT A
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Illustration for Table 17.35.04 [Additional Regulation 1]
*for illustration purposes only



- 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 foot for every foot of distance away from this setback line (see Illustration for Table 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 in certain situations.

Illustration for Table 17.35.04 [Additional Regulation 2]
*for illustration purposes only



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3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings in the CC-1 Zone and buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. 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.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. 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. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	CR-1	
Residential Facilities		
One-Family Dwelling	—(L1)	
Two-Family Dwelling	—(L1)	
Multifamily Dwelling	—(L1)	
Rooming House	—(L1)	
Mobile Home-Vehicular	—(L1)	
Nonresidential Facilities		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Sidewalk Cafe	P	17.103.090
Drive-In	C	
Drive Through	C	
Telecommunications Facilities		
Micro Telecommunications	P(L2)	17.128
Mini Telecommunications	P(L2)	17.128
Macro Telecommunications	C	17.128
Monopole Telecommunications	C	17.128
Tower Telecommunications	—	17.128
Sign Facilities		

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Facilities	Zone	Additional Regulations
	CR-1	
Residential Signs	P	17.104
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104
Advertising Signs	—	17.104

Limitations for Table 17.37.02:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.37.050 Property development standards.

- A. Zone Specific Standards. Table 17.37.03 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.

Table 17.37.03: Property Development Standards

Development Standards	CR-1 Zone	Additional Regulations
Minimum Lot Dimensions		
Lot Width mean	50 ft.	1
Frontage	50 ft.	1
Lot area	7,500 sf.	1
Minimum/Maximum Setbacks		
Minimum front	20 feet on parcels facing a right-of-way of 100 ft. or more; 10 feet on parcels facing a right-of-way that is less than 100 feet wide.	2
Minimum interior side	0 ft.	3
Minimum street side	0 ft.	4

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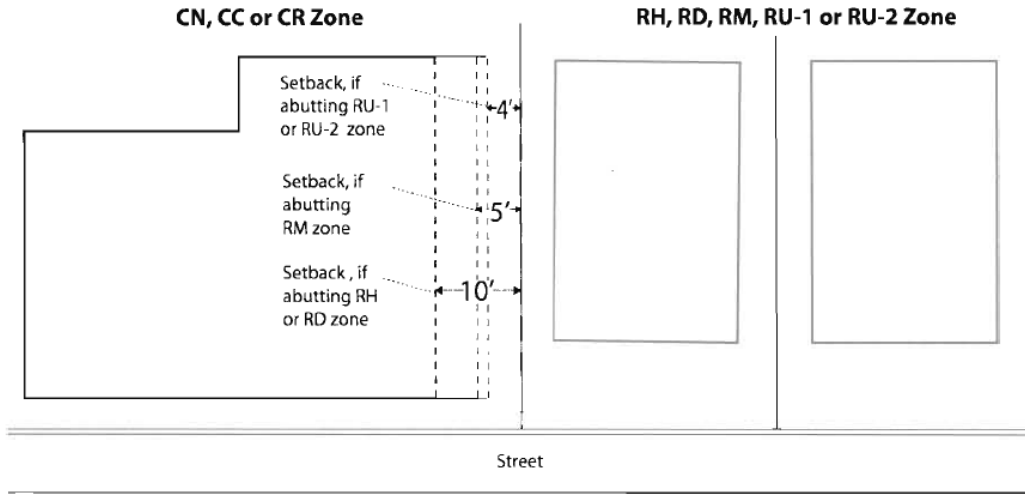
Rear	0/10/15 ft.	5
Height and Floor Area Ratio Regulations	See Table 17.37.04	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements	

Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half (½) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (½) of that required in the Residential Zone with the lesser front setback.
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

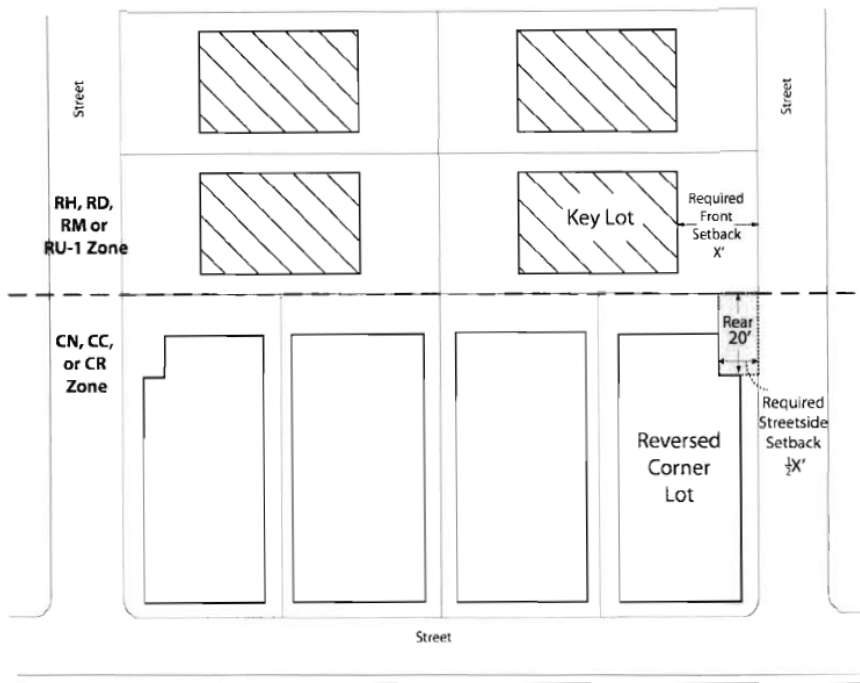
**ATTACHMENT A
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Illustration for Table 17.37.03 [Additional Regulation 3]
*for illustration purposes only



- When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot. (see Illustration for Table 17.37.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03 [Additional Regulation 4]
*for illustration purposes only



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5. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, there is no required setback.

B. Height and Floor Area Ratio (FAR). Table 17.37.04 below prescribes height and FAR standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations

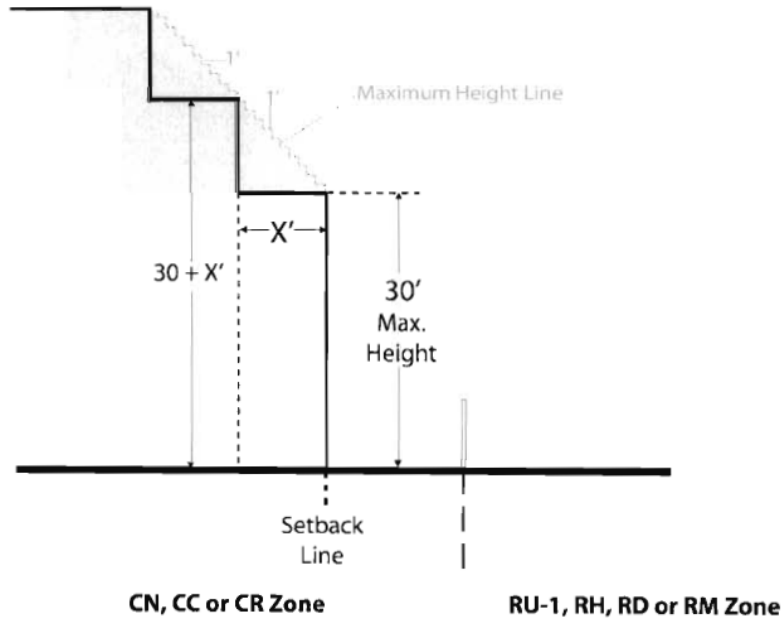
Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 feet	45 feet	60 feet	75 feet	90 feet	120 feet	160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	15	

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, 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 foot for every foot of distance away from this setback line (see Illustration for Table 17.37.04 [Additional Regulation 1], 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 in certain situations.~~

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Illustration for Table 17.37.04 [Additional Regulation 1]
*for illustration purposes only



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE

17.54.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open

Drive-In

Sidewalk Cafes, subject to the provisions of Section 17.103.090

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications Facilities:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 3, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4555)

**ATTACHMENT A
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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 primary 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.B and a Secondary Unit.

A. Basic Permitted Density.

1. Regular Dwelling Units. One (1) ~~Regular~~ Dwelling 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.
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.~~ 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.
3. Rooming Units. ~~The maximum number of rooming units shall be one~~ One (1) Rooming Unit is permitted 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.

B. ~~Density Bonuses.~~ Conditionally Permitted Density. 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~~ 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.

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17.54.150 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

17.54.160 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085:

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.
- B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.
- C. Side Yard—Interior Lot Line.
 - 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard.
 - 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
 - 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.
- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4570)

17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling 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~~

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~~per efficiency dwelling unit~~ plus fifteen (15) square feet per ~~Rooming Unit~~ or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

17.56.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only

Sidewalk Cafes, subject to the provisions of Section 17.103.090

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications Facilities:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 4, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4605)

**ATTACHMENT A
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17.56.140 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 (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.
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.~~ 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.
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.

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.

17.56.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

(Ord. 11904 § 5.55, 1996; prior planning code § 4619)

**ATTACHMENT A
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17.56.170 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Sections 17.108.130 and 17.103.085:

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.
- B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.
- C. Side Yard—Interior Lot Line.
 - 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard.
 - 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
 - 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.
- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

(Prior planning code § 4620)

17.56.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling 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.

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Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS ^[25]

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

"—" designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
Two-Family Dwelling	P	—	—	—	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
<u>Mobile Home Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L3)	C(L3)	C(L3)	C(L3)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	
Drive-Through Nonresidential	—	—	—	C(L2)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	P	P	P	17.128
Mini Telecommunications	C	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					

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Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitations:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. 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. 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.
- L3. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.060 Property development standards.

- A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

Table 17.58.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum Lot Dimensions					
Lot Width mean	25 ft.	25 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	1
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	<u>2,9</u>

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Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Maximum front and street side for the first story	N/A	5 ft.	5 ft.	10 ft.	<u>3, 9</u>
Maximum front and street side for the second and third stories or 35 ft., whatever is lower	N/A	5 ft.	5 ft.	N/A	<u>3, 9</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	<u>4, 9</u>
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Rear	10 ft.	0 ft.	0 ft.	0 ft.	<u>5, 9</u>
Design Regulations					
Ground floor commercial facade transparency	55%	65%	55%	55%	6
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground floor living space	2.5 ft.	N/A	N/A	2.5 ft.	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a Residential Zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. In the CBD-P, CBD-C, and CBD-X Zones, these maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular ~~d~~Design ~~r~~Review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet each of the following criteria:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;

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- iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
 - d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, the proposal must also meet each of the following criteria:
 - i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
 - ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
 - iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.
 - 4. In the CBD-R Zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every five (5) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. See Section 17.108.130 for allowed projections into required yards.
 - 5. In the CBD-R Zone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every five (5) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD Zones:
 - a. A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a Residential Zone; and
 - b. See Section 17.108.130 for allowed projections into required yards.
 - 6. 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 (½) 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 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.
 - 7. This height is required for new principal buildings and is measured from the sidewalk grade to the second story floor.
 - 8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.
 - 9. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.
- B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:
- 1. Entrance. Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination

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- of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for Nonresidential Facilities shall be at grade.
2. Ground Floor Treatment. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a newly constructed building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.
 3. Active Space Requirement. For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the ground floor of the principal building except for incidental entrances to such activities elsewhere in 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 Subsection (E4).
 4. Parking and Loading Location. For newly constructed principal buildings, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Open parking areas shall not be located between the sidewalk and a principal building.
 5. Massing. The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
 6. Upper Story Windows. An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the facade. Less window space is only permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.
 7. Building Terminus. The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.
 8. Utility Storage. For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.
- C. Height, Bulk, and Intensity. Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations

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Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
<u>Regular Dwelling Unit</u>	300	200	90	90	90	90	90	1, 2
Rooming Unit	150	100	45	45	45	45	45	1, 2
<u>Efficiency Dwelling Unit</u>	<u>150</u>	<u>100</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>1, 2</u>
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft.	85 ft.	55 ft.	85 ft.	85 ft.	85 ft.	120 ft.	3
Total	55 ft.	85 ft.	170 ft.	275 ft.	400 ft.	No height limit	No height limit	3
Minimum Height								
New principal buildings	N/A	N/A	N/A	45 ft.	45 ft.	45 ft.	45 ft.	4
Maximum Lot Coverage								
Building base (for each story)	N/A	N/A	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the building base	N/A	N/A	50% of site area or 7,500 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	85% of site area or 10,000 sf., whichever is greater	6
Tower Regulations								
Maximum average area of floor plates	N/A	N/A	10,000 sf.	15,000 sf.	20,000 sf.	25,000 sf.	No maximum	6

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Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum tower elevation length	N/A	N/A	115 ft.	150 ft.	175 ft.	195 ft.	No maximum	7
Maximum diagonal length	N/A	N/A	145 ft.	180 ft.	210 ft.	235 ft.	No maximum	
Minimum distance between towers on the same lot	N/A	N/A	40 ft.	40 ft.	40 ft.	40 ft.	No minimum	

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. For mixed use projects in the Central Business District (CBD) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right-of-way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right-of-way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
4. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:
 - a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is fifteen thousand (15,000) square feet and the 5th story of the other tower is twenty thousand (20,000) square feet, then the total floor area of the 5th story is thirty-five thousand (35,000) square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen percent (15%) greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:

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- a. The floor area of an individual tower floor plate cannot be more than fifteen percent (15%) greater than the maximum average tower floor plate.
 - b. An individual tower floor plate that is more than fifteen percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both: 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.070 Usable open space standards.

- A. General. This Section contains the usable open space standards and requirements for residential development in the CBD Zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of CBD usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 - 1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 - 2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 - 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 - 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- 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 living 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 or Efficiency Dwelling 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

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft.	

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Type of Usable Open Space	Minimum Dimension	Notes
Rooftop	15 ft.	a.
Courtyard	15 ft.	

Note:

- a. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

- 3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
- 4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
- 5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
- 6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

- D. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

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Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.040 Permitted and conditionally permitted facilities.

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

A. Definitions.

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

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

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

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

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

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Facilities					
One-Family Dwellings	P	P(L3)	P(L3)	C(L3)	
Two-Family Dwelling	P	P	P	C	
Multifamily Dwelling	P	P	P	C	
Rooming House	P	P	P	C	
Mobile Home Vehicular	—P	—P	—P	C	<u>17.103.085</u>
Live/Work	P	P	P	P	17.65.160
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L2)	C(L2)	C(L2)	C(L2)	
Work/Live	P	P	P	P	17.65.150

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Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitation:

- L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.
- L2. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L3. In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

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

17.65.050 Reserved.

Editor's note—

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

17.65.070 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
<u>Regular Dwelling Unit</u>	1,000 sf. of lot area per unit	930 sf. of lot area per unit	730 sf. of lot area per unit	800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	465 sf. of lot area per unit	365 sf. of lot area per unit	400 sf. of lot area per unit
<u>Efficiency Dwelling Unit</u>	<u>500 sf. of lot area per unit</u>	<u>465 sf. of lot area per unit</u>	<u>365 sf. of lot area per unit</u>	<u>400 sf. of lot area per unit</u>

Notes:

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

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

17.65.100 Maximum height.

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

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum height	35 ft.*	45 ft. when the lot abuts a street right-of-way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right-of-way that is 80 ft. wide or more.	55 ft.	55 ft.

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zone. This maximum height shall increase one (1) foot for every foot of distance from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.
3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see Chapter 17.134).

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17.65.110 Minimum yards and courts.

- A. Minimum yards shall be consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council.
- B. A minimum ten (10) foot rear yard depth is required when a rear lot line abuts any portion of a lot in a Residential Zone. Also, see Section 17.108.110 for reduced required rear yard depth next to an alley.
- C. See Section 17.108.080 for the required interior side yard width on a lot containing two (2) or more living units and opposite a legally required living room window.
- D. When the rear yard of a reversed corner lot abuts a key lot that is in a Residential Zone, the required street side yard width of the reversed corner lot is one-half (½) of the minimum front yard depth required on the key lot (see illustration 1-12a).
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120
- F. This section shall not apply to Vehicular Residential Facilities, which shall comply with the standards contained in Section 17.103.085.

(Ord. 12872 § 4 (part), 2008)

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Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS ^[32]

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02 lists the permitted, conditionally permitted, and prohibited facilities in the M-20, M-30, and M-40 Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	17.103.015
Two-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015
Rooming House	—	—(L4)	—	17.103.015
Mobile Home <u>Vehicular</u>	—	—(L4)	—	17.103.015
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C(L1)(L3)	P(L1)	P(L1)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	P	P	
Drive-Through	C	C	C	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	C	P	P	17.128
Tower Telecommunications	—	C	C	17.128

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Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitations on Table 17.72.02:

- L1. Off-street parking facilities serving fifty (50) or more vehicles are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L2. 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.
- L3. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L4. All new Residential Facilities are prohibited in the M Industrial Zones, except for those approved in conjunction with a permitted Emergency Shelter Activity, as indicated in Table 17.72.01, Limitation L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

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

FOOTNOTE(S):

-- (32) --

Editor's note— Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, repealed and reenacted Chapter 17.72 in its entirety to read as herein set out. Formerly, Chapter 17.72, §§ 17.72.010—17.72.140, pertained to M-40 heavy industrial zone regulations and derived from the prior planning code, §§ 5800, 5802—5804, 5806, 5808, 5809, 5813, 5814, 5819, 5820, 5822, 5824; Ord. No. 11807, § 4, adopted 1995; Ord. No. 11854, §§ 13, 14, adopted 1996; Ord. No. 11889, §§ 2, 3, adopted 1996; Ord. No. 11904, §§ 5.67, 5.72—5.74, 5.65, adopted 1996; Ord. No. 11956, §§ 7, 8, adopted 1996; Ord. No. 12021, § 10, adopted 1997; Ord. No. 12072, §§ 10, 11, adopted 1998; Ord. No. 12147, § 3, adopted

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1999; Ord. No. 12234, §§ 2, 3, adopted 2000; Ord. No. 12425, § 2, adopted 2002; Ord. No. 12450, § 17, adopted 2002; Ord. No. 12606, Att. A, adopted 2004; Ord. No. 12776, § 3(Exh. A), adopted 2006; Ord. No. 12884, § 2, adopted 2008; Ord. No. 12899, § 4(Exh. A), adopted 2008; Ord. No. 12939, § 4(Exh. A), adopted June 16, 2009; Ord. No. 12999, § 4(Exh. A), adopted March 16, 2010; Ord. No. 13028, § 2(Exh. A), adopted July 20, 2010, and Ord. No. 13064, § 2(Exh. A), adopted March 15, 2011.
(Back)

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Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

17.73.030 Property Development Standards.

Table 17.73.030 contains the property development standards for all zones within this Chapter.

Table 17.73.030: Property Development Standards

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	100	1
Minimum Lot Width Mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	100	1
Minimum Lot Area (square feet)	5,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	10,000 sf.	10,000 sf.	25,000 sf.	1
Floor-Area Ratio (FAR)									
FAR - Greater than 300 feet from a Residential Zone boundary	2.0	2.0	2.0/3.0	2.0/3.0	4.0	4.0	2.0	4.0	2
FAR - Within 300 feet of a Residential Zone boundary	2.0	2.0	2.0/3.0	2.0/3.0	2.0/4.0	2.0/4.0	1.0/2.0	2.0/4.0	2
Maximum Height	85 ft.	85 ft.	85 ft.	85 ft.	None	55 ft.	None	55 ft.	3, 4
Minimum Front Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	20 ft.	5

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Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Rear Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5
Minimum Interior Side Yard setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5
Minimum Street Side Yard Setback of a Corner Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	5
Site Landscaping (% of entire lot area)	5%	5%	5%	5%	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of parking lot area)	10%	10%	10%	10%	10%	10%	10%	10%	8
Street Trees	Required	Required	Required	Required	Required	Required	Required	Required	9, 10
Site and Driveway Access - Minimum Distance from any Residential or Open Space Zone boundary	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	11
Driveway Width Maximum	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	12
Pedestrian Walkway	Required	Required	Required	Required	Required	Required	Required	Required	13

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Development Standards	Zones								Additional Regulations	
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft.	12 ft.	12 ft.	12 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	14, 15

Additional Regulations Noted in Table 17.73.030

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.
2. A conditional use permit to exceed the maximum Floor Area Ratio (FAR) as shown in Table 17.73.030 may be granted for the CIX-1C, CIX-1D, CIX-1, CIX-2, IG, and IO Zones upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to all of the following additional criteria:
 - a. If in the CIX-1, CIX-2, IG, or IO Zones, the additional intensity will not exceed the maximum Floor Area Ratio (FAR) for sites greater than three hundred (300) feet from a Residential Zone boundary; or if in the CIX-1C or CIX-1D Zones, will not exceed a Floor Area Ratio (FAR) of 3.0. Any additional intensity in the CIX, IG or IO Zones will not subject residentially zoned areas within three hundred (300) feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;
 - b. If in the CIX-1, CIX-2, IG, or IO Zones, the site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume. If in the CIX-1C or CIX-1D Zones, the site is located within five hundred (500) feet of Mandela Parkway, or in or within five hundred (500) feet of the T overlay Zone;
 - c. If adjacent to a Residential or Open Space Zone boundary, the proposed development has a step back of one (1) foot to every one (1) foot of height, beginning with a maximum height of thirty (30) feet at all required yard setbacks; and

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- d. All new development activities meet the Performance Standards in Chapter 17.120.
3. For additional regulations regarding height, see Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), Section 17.108.010 for lots lying along a boundary of certain Residential Zones, ~~and~~ Section 17.104.020 for maximum height of Signs, and Section 17.108.020 for increased height limits in certain situations.
4. The height of materials stored in any outdoor yards shall be no higher than eight (8) feet within the required rear or side yard setback along the property line. However, materials may be stacked up to the height of the wall, and may be stacked within the required yard area if a solid wall at least eight (8) feet in height and buffer planting is installed. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the ten (10) foot yard requirement, shall be according to the Fire Code regulations. The wall design shall be approved by the Planning Director, or his or her designee. In addition, the following regulation shall apply in the West Oakland Specific Plan Area only:
 - a. Outdoor storage located within twenty-five (25) feet from any Residential or Open Space Zone shall be no higher than eight (8) feet, and shall be screened by a solid wall at least as tall as the height of the stored materials, with buffer planting installed along the exterior wall perimeter.
5. See Section 17.108.130 for minimum front, side, and rear yards in Commercial and Industrial Zones which may be across from, abut or be adjacent to a Residential Zone or alley. Accessory structures or other facilities allowed within the yards and setbacks are in Sections 17.108.130.
6. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this Chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.
7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable Signs, be developed as open landscaped areas with lawn, ground cover, shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.
8. Parking Lot Landscaping applies only to lots associated with new construction of more than ten thousand (10,000) square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the Design Review process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.
9. For all projects requiring a building permit, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City

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Planting, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

10. The street tree requirement noted above shall apply to all projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards).
11. Applies to new development; or expansion of industrial or commercial buildings by more than twenty percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line.
12. Driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process.
13. A clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation.
14. Applies to all property lines in Industrial Zones, except those fronting a public street, which directly abut a Residential or Open Space Zone. All buffering requirements apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater.
15. A reduced buffer requirement may be permitted if appropriate and approved by the Planning Director with the provision of a solid wall of at least eight (8) feet in height in combination with a reduced buffer width as well as fewer trees and shrubs at a standard appropriate for minimizing the incompatibility between uses. The wall design shall be approved by the Planning Director, or his or her designee.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2 (part), 2008)

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Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

17.74.050 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.79, 1996; prior planning code § 6105)

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17.74.120 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 primary 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.B and a 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 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.
 2. Efficiency Dwelling Units. One ~~(1)~~ Efficiency Dwelling Unit is permitted for each ~~two hundred (200)~~ one hundred fifty (150) square feet of lot area, ~~provided that one extra such unit is permitted plus one extra such unit if a remainder of one hundred fifty (150)~~ one hundred (100) square feet or more is obtained after division of the lot area by ~~two hundred (200) square feet.~~ one hundred fifty (150) 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.
- 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6115)

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17.74.140 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.74.100 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

(Ord. 11904 § 5.87, 1996; prior planning code § 6119)

17.74.150 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.
- B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten (10) feet.
- C. Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:
 - 1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.
- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6120)

17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling 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.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6121)

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Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

17.76.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

B. Nonresidential Facilities:

Enclosed

Open, accommodating Civic Activities, Limited Agriculture, seasonal sales, or special events only

C. Signs:

Residential

Special

Development

Realty

Civic

Business

D. Telecommunications:

Micro, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.80, 1996; prior planning code § 6155)

17.76.140 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

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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.B and a 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 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.
2. Efficiency Dwelling Units. One ~~(1) #Efficiency #Dwelling #Unit~~ is permitted for each ~~two hundred (200) square feet~~ one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of ~~one hundred fifty (150)~~ one hundred (100) square feet or more is obtained after division of the lot area by ~~two hundred (200)~~ one hundred fifty (150) 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.

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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6165)

17.76.160 Maximum height.

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.76.120 for maximum height of Signs, and Section

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17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

(Ord. 11904 § 5.88, 1996: prior planning code § 6169)

17.76.170 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.
- B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ten (10) feet.
- C. Side Yard—Interior lot line. No side yard is generally required along an interior side lot line except as follows:
 - 1. A side yard shall be provided, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet, except as a lesser depth is allowed by Section 17.108.110.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120
- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6170)

17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per ~~Rooming Unit or Efficiency Dwelling 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.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6171)

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Chapter 17.78 S-3 RESEARCH CENTER COMMERCIAL ZONE REGULATIONS

17.78.120 Maximum height.

Except for the projections allowed by Section 17.108.030, and except as provided in Chapter 17.128, no building shall exceed forty-five (45) feet in height unless the building, or that portion thereof which exceeds forty-five (45) feet in height, is set back from the inner line of each of the minimum side yards required by Section 17.78.130C a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it exceeds forty-five (45) feet in height. See Section 17.78.090 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 11904 § 5.89, 1996: prior planning code § 6219)

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Chapter ~~17.82 S-6~~ MOBILE HOME COMBINING ZONE REGULATIONS

Sections:

~~17.82.010 Title, purpose, and applicability.~~

~~17.82.020 Zones with which the S-6 Zone may be combined.~~

~~17.82.030 Additional permitted facilities.~~

~~17.82.040 Mobile Home park standards.~~

~~17.82.050 Mobile Home site standards.~~

~~17.82.010 Title, purpose, and applicability.~~

~~The provisions of this Chapter shall be known as the S-6 Mobile Home Combining Zone Regulations. The Mobile Home Combining (S-6) Zone is intended to create, preserve, and enhance areas containing attractive Mobile Home Parks, and is typically appropriate to a variety of living environments with good access to major thoroughfares. These regulations shall apply in the S-6 Zone, and are supplementary to the regulations applying in the zones with which the S-6 Zone is combined.~~

~~(Prior planning code § 6350)~~

~~17.82.020 Zones with which the S-6 Zone may be combined.~~

~~The S-6 Zone may be combined only with a Residential or Commercial Zone.~~

~~(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6351)~~

~~17.82.030 Additional permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, are permitted in addition to those permitted in the zones with which the S-6 Zone is combined:~~

~~A.—Residential Facilities:~~

~~1.—Mobile Home.~~

~~(Prior planning code § 6355)~~

~~17.82.040 Mobile Home park standards.~~

~~A.—Minimum Size. Mobile Home Residential Facilities shall not be located on any lot having a lot area of less than forty five thousand (45,000) square feet.~~

~~B.—Maximum Density. The maximum density in a Mobile Home Park shall be one (1) Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such park.~~

~~C.—Minimum Usable Open Space. Group usable open space shall be provided in the minimum amount of three hundred (300) square feet per Mobile Home. Private usable open space may be~~

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~~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 one hundred fifty (150) square feet per Mobile Home. All required space shall conform to the standards for required usable open space in Chapter 17.126.~~

~~D. Landscaping. All areas in a Mobile Home park which are not devoted to Mobile Home pads, walkways, driveways, parking or loading areas, patios, usable open space, or recreation or service facilities shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. Dense landscaping not less than five and one half (5½) feet high and not less than three (3) feet wide shall be provided along all lot lines, exclusive of necessary walkways and driveways, subject to the standards for required landscaping and screening and the exceptions stated therein.~~

~~E. Walkways. Walkways shall provide direct access between abutting streets and all individual Mobile Home sites.~~

~~(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6358)~~

~~17.82.050 Mobile Home site standards.~~

~~The site for each individual Mobile Home shall have a minimum area of two thousand (2,000) square feet and a minimum width mean of thirty (30) feet. No Mobile Home shall be closer than twenty (20) feet to any other Mobile Home or to any street line, nor closer than ten (10) feet to any lot line other than a street line.~~

~~(Prior planning code § 6359)~~

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

17.97.050 Permitted and conditionally permitted facilities.

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

Table 17.97.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Residential Facilities			
One-Family Dwelling	C	—(L2)	
Two-Family Dwelling	C	C	
Multifamily Dwelling	P	P	
Rooming House	—	C	
Mobile Home <u>Vehicular</u>	— <u>P</u>	— <u>P</u>	<u>17.103.085</u>
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	C(L1)	C(L1)	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128

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Facilities	Zones		Additional Regulations
	S-15	S-15W	
Mini Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P	P	17.104
Advertising Signs	—	—	17.104

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.
- L3. 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.

17.97.060 Property development standards.

- A. Zone Specific Standards. Table 17.97.03 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.

Table 17.97.03: Property Development Standards

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Activities	Zones		Additional Regulations
	S-15	S-15W	
Minimum Lot Dimensions			
Lot Width mean	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks			
Minimum front	0 ft.	0 ft.	<u>2, 8</u>
Minimum interior side	0 ft.	0 ft.	<u>3, 8</u>
Minimum street side	0 ft.	0 ft.	<u>4, 8</u>
Rear (Residential Facilities)	10 ft.	10 ft.	5, <u>6, 8</u>
Rear (Nonresidential Facilities)	0/10 ft.	0/10 ft.	5, 6
Parking Requirement	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking		14
Courtyard Regulations	See Section 17.108.120		
Height and Floor Area Ratio Regulations	See Table 17.97.04		
Ground Floor Parking and Loading Requirement	Yes		7

Additional Regulations for Table 17.97.03:

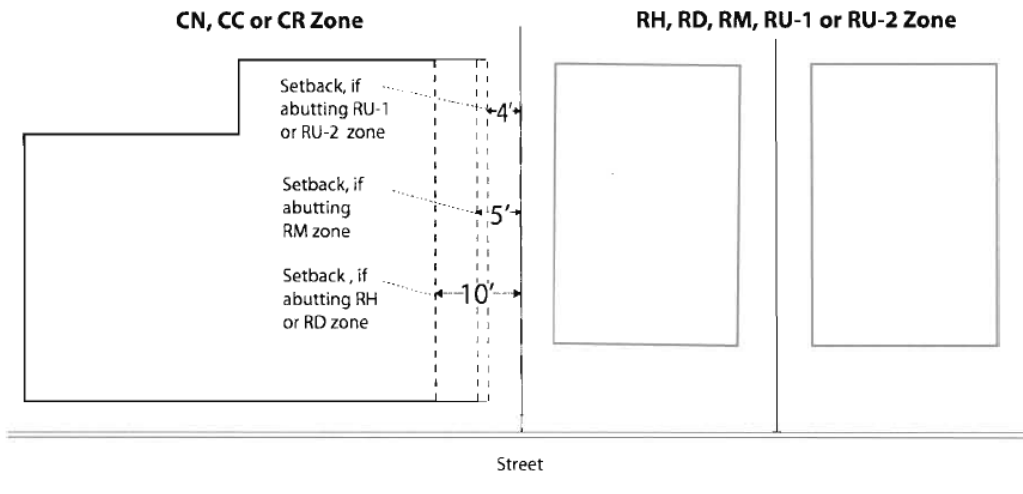
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half (½) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front

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setback on the commercially or industrially zoned lots is one-half (½) of that required in the Residential Zone with the lesser front setback.

3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.97.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

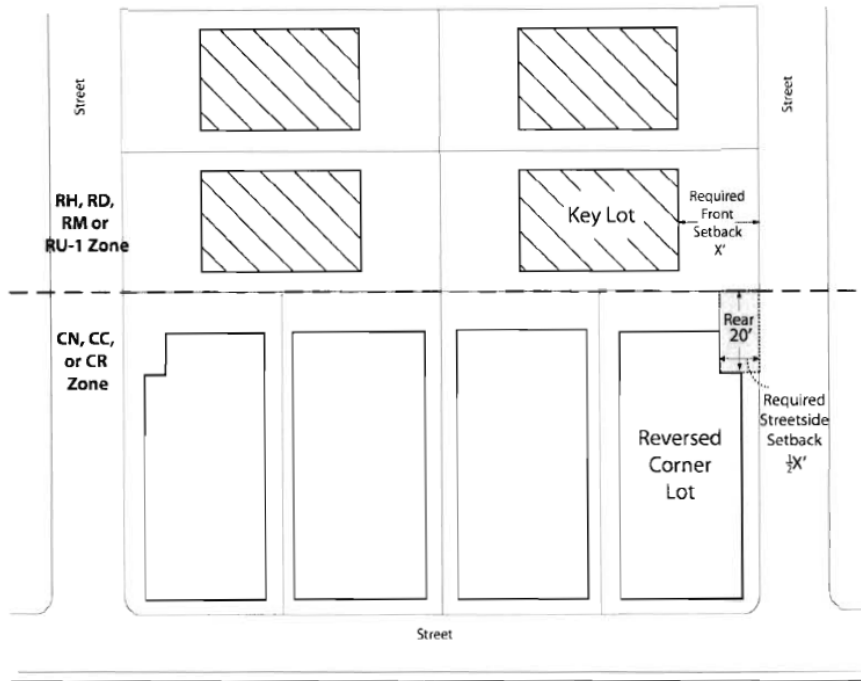
Illustration for Table 17.97.03 [Additional Regulation 3]
*for illustration purposes only



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot. (see Illustration for Table 17.97.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.97.03 [Additional Regulation 4]
*for illustration purposes only

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5. Wherever a rear lot line abuts an alley, one-half 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.
6. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
7. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and the use permit criteria in Section 17.97.025.
8. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

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

Table 17.97.01 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 17.97.01 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		

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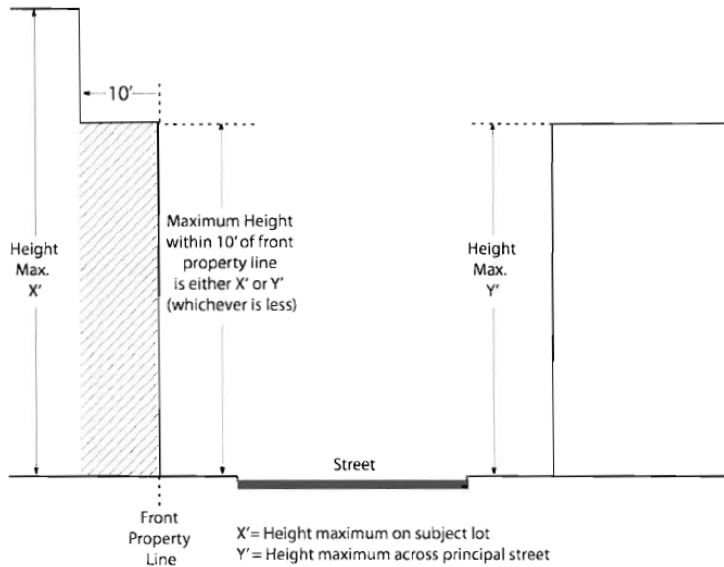
Maximum Height	35 ft.	45 ft.	55 ft.	60 ft.	75 ft.	90 ft.	100 ft.	120 ft.	140 ft.	160 ft.	1, 2
Height Minimum											
Permitted height minimum	N/A	N/A	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)											
Regular <u>Dwelling</u> <u>u</u> Units	550	450	375	375	275	225	225	225	225	225	4, 5
Rooming <u>u</u> Units	275	225	185	185	135	110	110	110	110	110	4, 5
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>225</u>	<u>185</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>4, 5</u>
Maximum Nonresidential FAR	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	5	7	8	9	11	13	15	
Minimum Usable Open Space											
Group usable open space per <u>Regular Dwelling</u> <u>u</u> Unit	150	150	150	150	100	100	75	75	75	75	6
Group usable open space per <u>Regular Dwelling</u> <u>u</u> Unit when private open space substituted	30	30	30	30	20	20	15	15	15	15	6
Group usable open space per <u>Rooming</u> <u>u</u> Unit	75	75	75	75	50	50	38	38	38	38	6
Group usable open space per <u>Rooming</u> <u>u</u> Unit when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>6</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>6</u>

Additional Regulations for Table 17.97.01:

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 17.97.01 [Additional Regulation 1], below).

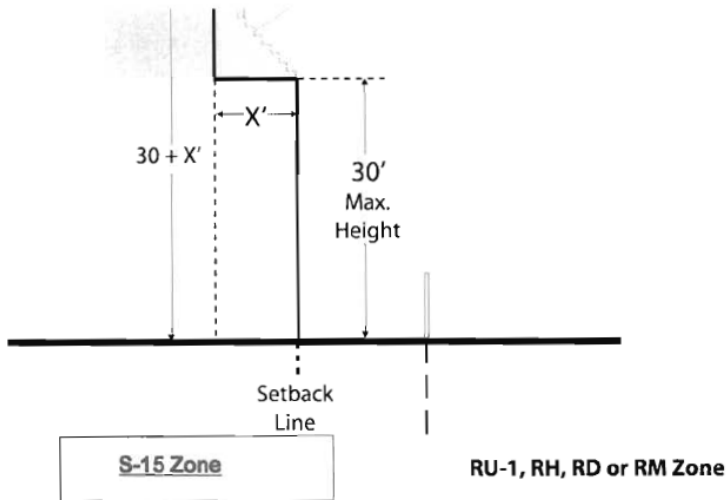
Illustration for Table 17.97.01 [Additional Regulation 1]
*for illustration purposes only

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- 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 17.35.04 [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 in certain situations.

Illustration Table 17.35.04 [Additional Regulation 2]
*for illustration purposes only



- This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular or Extensive Impact Civic Activities, or Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director.

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The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

4. See Chapter 17.107 for affordable and senior housing incentives. 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.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. 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. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONES REGULATIONS

17.101A.030 Property development standards.

- A. Zone Specific Standards. Table 17.101A.02 below prescribes development standards specific to individual D-WS Zones in the Wood Street Zoning District. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified D-WS Zone.

Table 17.101A.02 – Property Development Standards

Development Standards	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Maximum Residential Density (square feet of lot area required per dwelling unit)										
Maximum Permitted Density for Regular Dwelling Units	1 unit per 1,535 sf. of lot area	1 unit per 850 sf. of lot area	1 unit per 1,218 sf. of lot area	1 unit per 614 sf. of lot area	N/A	1 unit per 549 sf. of lot area	1 unit per 679 sf. of lot area	1 unit per 332 sf. of lot area	N/A	1
Maximum Number of Units	82	200	200	450	0	215	170	264	0	1
Minimum Residential Density (square feet of lot area required per dwelling unit)										
Minimum Permitted Density for	1 unit per 2,000	1 unit per 2,000	1 unit per 2,000	1 unit per 2,000	N/A	1 unit per 1,000	1 unit per 1,000	1 unit per 1,000	N/A	1

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Development Standards	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Regular Dwelling Units	sf. of lot area	sf. of lot area	sf. of lot area	sf. of lot area		sf. of lot area (44 Dwelling Units/Acre)	sf. of lot area	sf. of lot area		
Maximum Nonresidential Floor Area Ratio (FAR)										
Max. FAR for Nonresidential Uses	N/A	1.4	N/A	2.0	2.0	2.0	N/A	3.0	N/A	3, 6, 7
Maximum Floor Area for Nonresidential Uses										
Max. Floor Area for Nonresidential Uses (sq. ft.)	0 sf.	221,000 sf.	0 sf.	40,000 sf.	70,000 sf.	6,000 sf.	0 sf.	258,000 sf.	N/A	3, 6, 7
Maximum Height										
Max. Height	65 ft.	65 ft.	50 ft.	50 ft.		65 ft.	90 ft.	90 ft.	N/A	2
Minimum Street Setbacks										
Wood Street	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	<u>4, 8</u>
12th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Frontage Road	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
14th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Public Access Areas	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Minimum Interior Setbacks										
Min. Interior Setbacks	5 ft.	5 ft.	10 ft.	5 ft.	5 ft.	5 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Minimum Usable Open Space										

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Development Standards	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Group Usable Open Space per Dwelling Unit (DU)	100 sf.	75 sf.	100 sf.	100 sf.	N/A	75 sf.	75 sf.	50 sf.	N/A	5
Parking Requirements										
Required Parking for All Uses	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements									

Additional Regulations for Table 17.101A.02:

1. Density based on Regular Dwelling Units. For Efficiency Dwelling Units, the minimum allowable lot area per unit shall be the same as for Regular Dwelling Units. One additional unit is allowed if after division of the total lot area by the minimum lot area the remainder is equal to 2/3 or greater of the minimum lot area. For Rooming Units, there is no minimum density standard.
2. See Section 5.23 and Figure 5.23-1 in the separate Wood Street Zoning District document adopted by City Council for additional height restrictions applicable to the Wood Street Zoning District Development Areas and Overlay Areas. Projections above height limits are allowed as set forth in Section 17.108.030 of the Oakland Planning Code. See also Section 17.108.020 for increased height limits in certain situations.
3. See Section 5.80 in the separate Wood Street Zoning District document adopted by City Council for restrictions on additions to the 16th Street Train Station.
4. For Minimum Street Setbacks, see Figure 5.24-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
5. For additional Open Space Standards applicable to the Wood Street Zoning District, see Section 5.40 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
6. For Standards applicable to the D-WS-5 Zone (same area as Development Area 5), see Section 5.80 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
7. For Standards applicable to the D-WS-9 Zone (same area as Development Area 9), see Section 5.90 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
8. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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**Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES
REGULATIONS ^[39]**

17.101C.040 - Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

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

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Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Monopole Telecommunications	—	—	—	—	—	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

*In the N Combining Zone, the N regulations supersede the primary zone.

Limitations on Table 17.101C.02:

L2. When located in a Retail Priority Site, construction of new Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and when part of a larger project with a minimum square footage of retail area, in accordance with Section 17.101C.050C and Section 17.101C.050D.

L3. Construction of new ground-floor Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

L4. Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

L5. Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway is prohibited. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L6. In the D-BV-3 Zone, Micro Living Quarters may only be located southeast of Harrison Street and Bay Place.

L7. Micro Living Quarters may only be permitted upon the granting of a Conditional Use Permit (CUP) pursuant to the Conditional Use Permit procedure in Chapter 17.134. See Section 17.101C.055 for the definition and requirements of Micro Living Quarters.

L8. In the D-BV-1, D-BV-2, and D-BV-3 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate seasonal sales or special events. In the D-BV-4 Zone, no

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conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events.

L9. A Drive Through Nonresidential Facility is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and is not permitted to enter or exit onto Broadway, 27th Street, Harrison Street, or Piedmont Avenue. 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.

L10. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential or HBX Zones.

17.101C.050 - Property development standards.

A. Zone Specific Standards. Table 17.101C.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 17.101C.03: Property Development Standards

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum Lot Dimensions						
Lot Width mean	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.	1
Frontage	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.	1
Lot area	10,000 sf.	7,500 sf.	4,000 sf.	4,000	10,000 sf.	1
Minimum/Maximum Setbacks						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0-4 ft.	2, 3, <u>14</u>
Maximum front	5 ft.	5 ft.	10 ft.	N/A	5 ft.	4, <u>14</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5, 6, <u>14</u>
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	7, <u>14</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	8, 9, <u>14</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	9
Design Regulations						
Minimum ground floor nonresidential facade transparency	55%	55%	55%	N/A	55%	10

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Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	Yes	12
Ground floor active space requirement	Yes	Yes	Yes	No	Yes	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Tables 17.101C.05 and 17.101C.06	See Table 17.101C.04				
Minimum Required Parking	See Chapter 17.116 for automobile parking regulations; and Section and 17.116.110(l) for additional parking regulations for the D-BV Zones. See Chapter 17.117 for bicycle parking regulations.					
Courtyard Regulations	See Section 17.108.120					

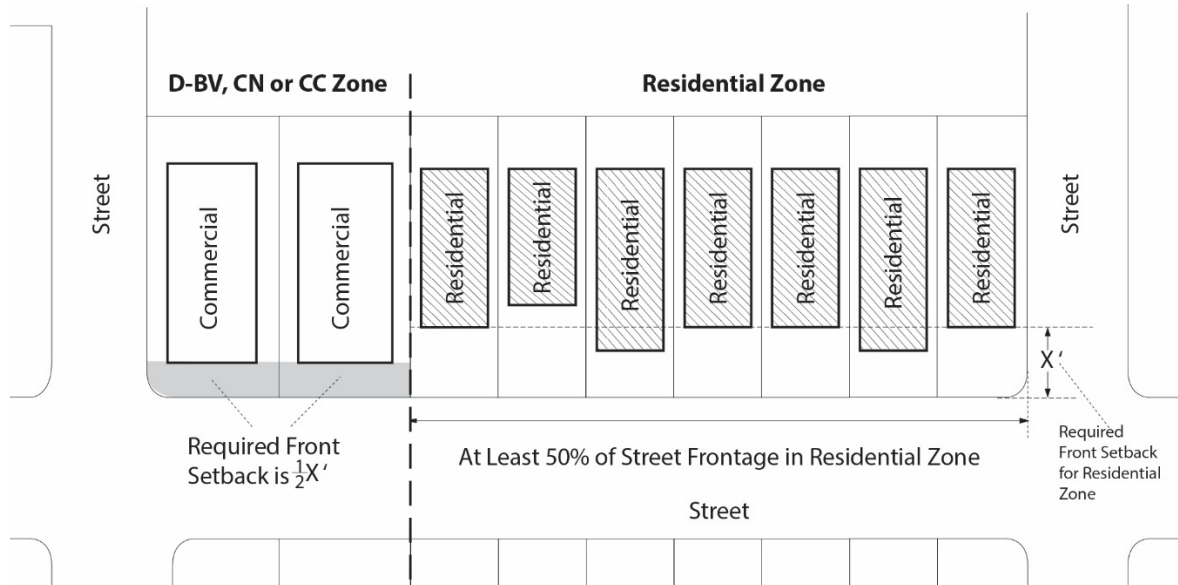
*In the N Combining Zone, the N regulations supersede the primary zone.

Additional Regulations for Table 17.101C.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (½) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.101C.03 [Additional Regulation 2], below).

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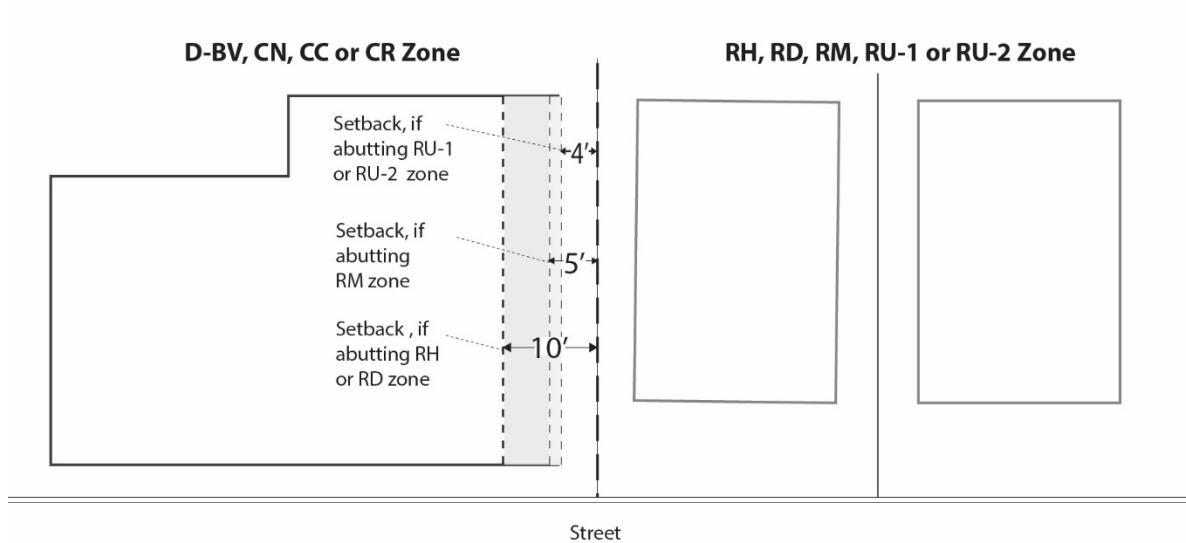
Illustration for Table 17.101C.03 [Additional Regulation 2]
*for illustration purposes only



3. The minimum front yard required in the N Combining Zone is four (4) feet from Broadway if the rest of the block fronting Broadway is either vacant or has at least a four (4) foot front setback. Otherwise the front setback shall equal the setback of the existing building on the adjacent lot.
4. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review approval (see Chapter 17.136 for the design review procedure). In addition to the Regular Design Review criteria contained in Section 17.136.035, the proposal to reduce to fifty percent (50%) must also meet each of the following additional criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
5. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.101C.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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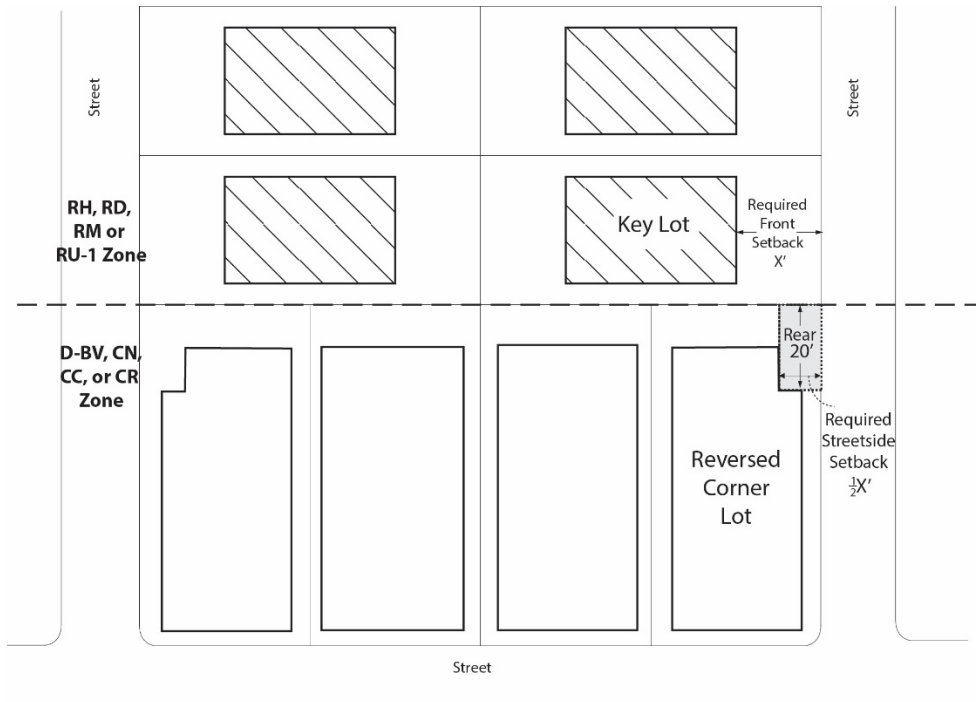
Illustration for Table 17.101C.03 [Additional Regulation 5]
*for illustration purposes only



6. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.
7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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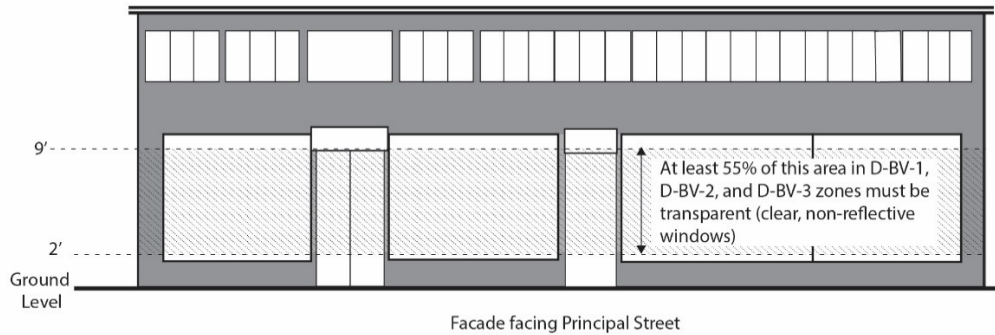
Illustration for Table 17.101C.03 [Additional Regulation 7]
*for illustration purposes only



8. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) 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. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
10. 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, non-reflective windows that allow views out of indoor activity space or lobbies (see Illustration for Table 17.101C.03 [Additional Regulation 10], below). Areas required for garage doors shall not be included in the calculation of facade area (see 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.

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Illustration for Table 17.101C.03 [Additional Regulation 10]
*for illustration purposes only



11. This height is required for new principal buildings and is measured from the sidewalk grade to the second story floor.
12. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zone, and N Combining Zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is available from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
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 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 Note 12, above.
14. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

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- B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.101C.04 below prescribes height, Floor Area Ratio (FAR), density, and open space standards associated with the 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 17.101C.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	
Maximum Height									
Building Base Max. Height	N/A	N/A	N/A	N/A	N/A /65 ft.	65 ft.	65/85 ft.	85 ft.	1, 2, 3
Maximum Height Total	45 ft.	45 ft.	65 ft.	85 ft.	85/135 ft.	135 ft.	135/200 ft.	250 ft.	1, 2, 3
Maximum number of stories (not including underground construction)	4	4	6	8	8/13	13	13/19	24	3
Minimum Height									
Minimum number of stories (not including underground construction)	2	N/A	2			3			2, 4
Conditionally permitted minimum number of stories (not including underground construction)	N/A	N/A	N/A			2			2
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular <u>Dwelling</u> <u>u</u> Units	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming <u>u</u> Units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6
Maximum Micro Living Quarters FAR	2.5	N/A	N/A	4.5	N/A	6.0	N/A	8.0	5, 6
Maximum Nonresidential FAR (excluding Micro Living Quarters)	2.5	2.5	3.5	4.5	4.5/6.0	6.0	6.0/8.0	10.0	3, 6
Minimum Usable Open Space									
Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such	100 sf.	N/A	100 sf.	75 sf.	75 sf.	75 sf.	75 sf.	75 sf.	7, 8, 9

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Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
facilities at a rate stated per dwelling unit									
Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	50 sf.	N/A	50 sf.	38 sf.	38 sf.	38 sf.	38 sf.	38 sf.	7, 8, 9
Area: on each lot containing senior or affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf.	N/A	30 sf.	30 sf.	30 sf.	30 sf.	30 sf.	30 sf.	7, 8, 9
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf.	N/A	0 sf.	0sf.	0 sf.	0 sf.	0 sf.	0 sf.	9, 9
Size and shape of open space: 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 below:									
Private Open Space: is accessible from a single unit	10 ft. for space on the ground floor and 4 ft. on other floors								7, 8, 9
Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants	15 ft.								7, 8, 9
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft.								7, 8, 9
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft. (1/3 of the required usable open space can be used for this type)								7, 8, 9
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level	10 ft.								7, 8, 9

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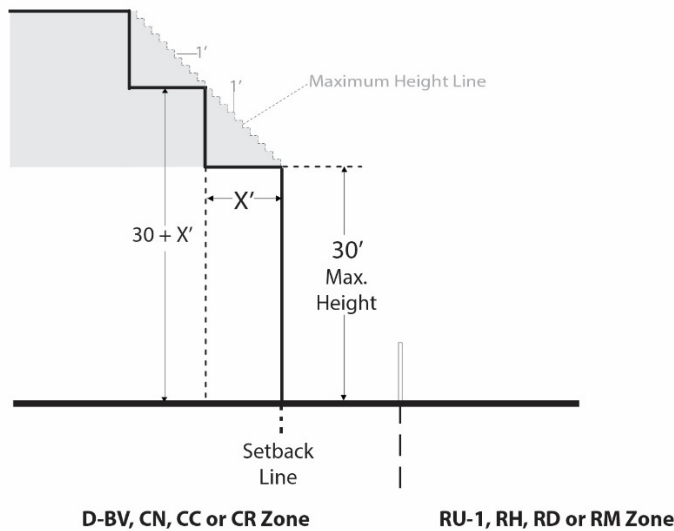
Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving									

See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller Non-residential Facilities in the Height Area 45 when part of a large project that involves major retail development.

Additional Regulations for Table 17.101C.04:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in 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 17.101C.04 [Additional Regulation 1], 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 in certain situations.

Illustration for Table 17.101C.04 [Additional Regulation 1]
*for illustration purposes only



2. See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller Nonresidential Facilities in the Height Area 45* when part of a large

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- project that involves major retail development. There are five (5) Retail Priority Sites that comprise Height Area 45*. Priority Sites 3 and 5 are further divided into subareas a, b, and c, and Priority Site 4 is divided into subareas a and b. Each Priority Site and subarea has a specified minimum square footage of retail required prior to Residential Activities and Facilities being permitted, as well as taller Nonresidential Facilities.
3. The numbers to the right of the slash (/) are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
 4. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
 5. See Chapter 17.107 for affordable and senior housing incentives. 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. For mixed use projects the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
 7. The following apply to open space standards:
 - a. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the listed dimension.
 - b. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
 - c. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
 - d. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - e. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of

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the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

8. In-Lieu Fee: The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
 9. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.
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**Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT
ZONES REGULATIONS**

17.101D.040 Permitted and conditionally permitted facilities.

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

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

Table 17.101D.02 Permitted and Conditionally Permitted Facilities

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Facilities				
One-Family Dwelling	P	P	P	
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>
Nonresidential Facilities				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C(L2)	C(L2)	C(L2)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L1)	(L1)	C(L1)	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	—	—	—	
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104

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Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitation:

- 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.110 Maximum height for new construction.

The maximum heights for new construction in the D-KP Zones shall be as follows, except as permitted in Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations:

- A. In the D-KP-1 Zone, the maximum building height for the Medical Office Building shall be eighty-five (85) feet. The maximum height of any freestanding parking structure shall be forty-one (41) feet (two (2) stories of parking above ground floor retail, with rooftop parking allowed).
- B. In the D-KP-2 Zone, the maximum height for the new hospital tower shall be two hundred ten (210) feet.
- C. In the D-KP-3 Zone, the maximum height of new buildings (not including parking structures) shall be seventy (70) feet (five (5) stories at fourteen (14) feet per story). Parking structures shall be limited to a maximum of fifty-three (53) feet. In the D-KP-3 Zone, all structures shall be set back from the adjacent RM-3 Zone on Cerrito Avenue, Howe Street, and 38th Street by a minimum of twelve (12) feet. No structure may exceed thirty (30) feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above thirty (30) feet, up to the maximum allowable height.
- D. Maximum height for D-KP-4 is equivalent to RU-3 requirements.

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Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

17.101E.040 Permitted and conditionally permitted facilities.

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in Table 17.101E.02 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

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

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

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.101E.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	
Residential Facilities							
One-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
Two-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
Multifamily Dwelling	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Rooming House	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Mobile Home Vehicular	<u>—(L1)</u>	<u>—(L1)</u>	<u>—P</u>	<u>—(L1)</u>	<u>—(L1)</u>	<u>—(L1)</u>	<u>17.103.085</u>
Live/Work	—	—	P	P	—	—	

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Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C(L4)	C(L4)	P	P	
Work/Live	—	—	P	P	C	—	
Sidewalk Cafe	P	P	P	P	C	—	17.103.090
Drive-In	C	C	—	C	—	—	
Drive-Through	C	C	—	C(L2)	C	C	17.103.100
Telecommunications Facilities							
Micro Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Mini Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	P(L3)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L3)	17.128
Tower Telecommunications	—	—	—	—	—	P(L3)	17.128
Sign Facilities							
Residential Signs	—	—	P	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	—	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

Limitations on Table 17.101E.02:

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L2. Drive through facilities are not allowed to locate between the front property line and the building.

L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or D-CE-3 and D-CE-4 Zones.

L4. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.050 Property development standards.

A. Zone Specific Standards. Table 17.101E.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. "N/A" designates the standard is not applicable to the specified zone.

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	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
See also "Design Guidelines for the Central Estuary" Section 3.3.							
Minimum front	0 ft.	0 ft.	10 ft.	10 ft.	5 ft.	5 ft.	<u>2, 20</u>
Minimum interior side	0 ft.	0 ft.	4 ft.	0 ft.	0 ft.	0 ft.	<u>2, 20</u>
Minimum street side of a corner lot	0 ft.	0 ft.	4 ft.	5 ft.	5 ft.	5 ft.	<u>2, 20</u>
Rear (residential facilities)	N/A	N/A	10 ft.	10 ft.	N/A	N/A	<u>3, 20</u>
Rear (nonresidential facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 20</u>
Reduced Setbacks for Smaller Lots	See Table 17.101E.04 for reduced setbacks for smaller lots						<u>20</u>
Height Regulations							
See also "Design Guidelines for the Central Estuary" Section 4.2.							
Maximum height	45 ft.	85 ft.	45/55 ft.	75 ft.	85 ft.	N/A	4, 5, 6, 7

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines for the Central Estuary Section 3.8.						
Minimum fence height in yards adjacent to open space zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and "Design Guidelines for the Central Estuary" Section 3.8.				8 ft.	8 ft.	8
Maximum fence height adjacent to Open Space Zones	8 ft.	N/A	8 ft.	8 ft.	12 ft.	12 ft.	8
Maximum Residential Density (square feet of lot area required per dwelling unit) See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular <u>Dwelling</u> Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
<u>Efficiency Dwelling</u> Units	<u>N/A</u>	<u>N/A</u>	<u>350</u>	<u>350</u>	<u>N/A</u>	<u>N/A</u>	<u>9, 10</u>
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per # <u>Regular Dwelling</u> # <u>Unit</u>	N/A	N/A	150 sf.	100 sf.	N/A	N/A	11
Group usable open space per # <u>Regular Dwelling</u> # <u>Unit</u> when private open space substituted	N/A	N/A	30 sf.	20 sf.	N/A	N/A	11
Group usable open space per # <u>Rooming</u> # <u>Unit</u>	N/A	N/A	75 sf.	50 sf.	N/A	N/A	11

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Group usable open space per R ooming U nit when private open space is substituted	N/A	N/A	15 sf.	10 sf.	N/A	N/A	11
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>N/A</u>	<u>N/A</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>	<u>11</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>N/A</u>	<u>N/A</u>	<u>15 sf.</u>	<u>10 sf.</u>	<u>N/A</u>	<u>N/A</u>	<u>11</u>
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. For Boat, and Marine Related Sales, Rental, Repair and Servicing Activities, see Section 17.101E.110						12, 19
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations See also "Design Guidelines for the Central Estuary" Section 3.8 and 5							
Site Landscaping (including parking lot)	See Chapters 17.110, and 17.124 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, and 17.124				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, and 17.124				10%	10%	14
Driveway and Site Access Regulations See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any Residential or Open Space Zone boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft.	50 ft.	16

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft.	35 ft.	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.						

Additional Regulations for Table 17.101E.03:

1. See Table 17.101E.04 for reduced setbacks for smaller lots, and Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. See also Section 17.108.130 for allowed projections into setbacks, and see the "Design Guidelines for the Central Estuary", Sections 3.3 and 4.1.
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 living units and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (½) 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.
4. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any lot line that directly abuts a lot with a residential building. This maximum height increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height resulting from construction away from a setback line shall not result in a height greater than the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
5. In the D-CE-3 Zone, the fifty-five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses. See the "Design Guidelines for the Central Estuary", Section 3 and 4.
6. In the D-CE-3 Zone, the maximum heights may be exceeded in the following situations: Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the ~~Regular~~ ~~Design~~ ~~Review~~ procedure (see Chapter 17.136). See also the "Design Guidelines for the Central Estuary", Section 3 and 4.
7. In the D-CE-3 Zone, the outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: (1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Activities and (2) the storage faces any windows of a Residential Facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Oakland Fire Code regulations. Sites with outdoor storage shall be screened

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- in conformance to the "Design Guidelines for the Central Estuary". In the D-CE-5 and D-CE-6 Zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.
8. In the D-CE-5 and D-CE-6 Zones, this regulation applies to all property lines which directly abut a Residential or Open Space Zone, except those fronting a public street. Buffering requirements also apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds thirty-five percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also "Design Guidelines for the Central Estuary", Section 3.8 and 4.1.
 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. 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. 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.
 10. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
 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) Residential or Live/Work 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").
 12. In the D-CE-5 Zone, parking for new development shall be located at the rear of the site or at the side of the building except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a Residential Zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.
 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 Secondary Units. The landscaping and buffering plan shall contain the following:
 - a. Landscaping and buffering that is consistent with the "Design Guidelines for the Central Estuary";
 - b. An automatic system of irrigation for all landscaping shown in the plan;
 - c. A minimum of one (1) 15-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On

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- streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.
- d. At least one (1) 15-gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
 - e. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required buffer area, the width of the required landscaping shall be increased by two (2) feet unless wheel stops are installed.
14. In the D-CE-5 and D-CE-6 Zones, the following landscape requirements apply:
 - a. Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet (see Section 17.124.025). A minimum of five percent (5%) of the lot area shall be landscaped. Landscaping and buffering must be consistent with guidelines in the "Design Guidelines for the Central Estuary", Section 3.8.
 - b. Required parking lot landscaping: For all lots associated with construction of more than twenty-five thousand (25,000) square feet of new floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the "Design Guidelines for the Central Estuary".
 15. For all Nonresidential projects over one thousand (1,000) square feet, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.
 16. In the D-CE-5 and D-CE-6 Zones, the site and driveway access requirement applies to new development; or expansion of industrial or commercial buildings by more than twenty percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line. Also applicable are the provisions of Chapter 17.116.
 17. In the D-CE-5 and D-CE-6 Zones, a driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process. Also applicable are the provisions of Chapter 17.116.
 18. In the D-CE-5 and D-CE-6 Zones, a clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation. See the "Design Guidelines for the Central Estuary", Section 3.4, 3.7 and 5.
 20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

17.101F.040 Permitted and conditionally permitted facilities.

Table 17.101F.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-GI Zone. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.101F.02: Permitted and Conditionally Permitted Facilities

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Facilities	Zone	Additional Regulations
	D-GI	
Residential Facilities		
One-Family Dwelling	—	
Two-Family Dwelling	—	
Multifamily Dwelling	—	
Rooming House	—	
Mobile Home <u>Vehicular</u>	—	
Nonresidential Facilities		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Drive-In	P	
Sidewalk Cafe	P	
Shopping Center	—	
Drive-Through	P/C(L1)	
Telecommunications Facilities		
Micro Telecommunications	P	17.128
Mini Telecommunications	P	17.128
Macro Telecommunications	P	17.128
Monopole Telecommunications	P	17.128
Tower Telecommunications	P	17.128
Sign Facilities		
Residential Signs	—	
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104
Advertising Signs	P(L2)	17.104

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Limitations for Table 17.101F.02:

- L1. Drive-Through Facilities associated with a Fast Food Restaurant are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure). All other Drive-Through Facilities are permitted.
- L2. Advertising Signs are limited to signs permitted pursuant to an agreement authorized by the Oakland City Council.

(Ord. No. 13182, § 3(Exh. A), 7-16-2013)

17.101F.050 - Property development standards.

Table 17.101F.03 below prescribes development standards specific to the D-GI Zone. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.101F.03: Property Development Standards

Development Standards	D-GI Zone	Additional Regulations
Minimum Lot Dimensions		
Width mean	25 ft	1
Frontage	25 ft	1
Lot area	5,000 sf	1
Maximum Building Height	65 ft	2, 3
Minimum Setbacks		
Minimum front	None	
Minimum interior side	None	
Minimum street side	None	
Rear	None	
Maximum Floor-Area Ratio (FAR)	5.0	4

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Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking	
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Additional Regulations for Table 17.101F.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.
3. The maximum permitted building height does not apply to equipment, storage areas, or Advertising Signs. The maximum permitted building height may be exceeded upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure).
4. The maximum permitted floor-area ratio may be exceeded upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit procedure).

(Ord. No. 13182, § 3(Exh. A), 7-16-2013)

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

17.101G.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

"—" designates facilities that are prohibited

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	
Residential Facilities						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
Two-Family Dwelling	P	P(L5)	P(L5)	P(L5)	P(L5)	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	P	P	P	P	P	
Mobile Home <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>
Nonresidential Facilities						
Enclosed Nonresidential	P(L3)	P(L3)	P(L3)	P(L3)	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	C	
Drive-Through Nonresidential	—	—	—	C(L2)	C(L2)	17.103.100
Telecommunications Facilities						
Micro Telecommunications	C	P	P	P	P	17.128
Mini Telecommunications	C	P	P	P	P	17.128

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Facilities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations:

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. 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.
- L3. New construction of a Nonresidential Facility shall be required to incorporate ground floor commercial space that conforms to the design standards in Table 17.101G.03 if:
 - a. The facility fronts onto a: (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or
 - b. The facility fronts onto a: (2) "Commercial Corridor", as identified in Section 17.101G.010.C, and is more than thirty-five (35) feet wide.
- L4. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

17.101G.050 Property development standards.

- A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

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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	
Minimum Lot Dimensions						
Width	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	7,500 sf.	1
Minimum/Maximum Setbacks						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 9</u>
Maximum front and street side for the first story	N/A	5 ft.	5 ft.	10 ft.	N/A	<u>3, 9</u>
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	N/A	5 ft.	5 ft.	N/A	N/A	<u>3, 9</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Rear	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Average minimum setback from the Lake Merritt Estuary Channel	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	<u>4, 9</u>
Design Regulations						
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	6

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Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Minimum width of storefronts	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground floor living space	2.5 ft.	N/A	N/A	2.5 ft.	N/A	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a Residential Zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. These maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of a Regular Design Review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.050, the proposal must also meet each of the following criteria:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
 - d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, the proposal must also meet each of the following criteria:

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- i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
 - ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
 - iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.
 - 4. This regulation is the average setback distance, measured from the mean high tide line, along the total length of channel frontage involved in a project, with a minimum setback at any point of forty (40) feet.
 - 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 (½) 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 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 and is measured from the sidewalk grade to the second story floor.
 - 7. This regulation only applies to new construction of ground floor storefronts as part of a mixed use development project. Also see Lake Merritt Station Area Plan Design Guidelines for further guidance.
 - 8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.
 - 9. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.
- B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

Table 17.101G.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Height					

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Building Base	45 ft.	45 ft.	45 ft. base; 85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	45 ft. base; 85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	1
Maximum Height Total	45 ft.	85 ft.	175 ft.	275 ft.	2
Height Area Exceptions Allowed With Conditional Use Permit (CUP)	N/A	LM-175 standards allowed for 5 bldgs. total (2 on east side and 3 on west side of Lake Merritt Channel); LM-275 standards allowed for 3 bldgs. total (1 on east side and 2 on west side of Lake Merritt Channel)	LM-275 standards allowed for 3 bldgs. total	Not applicable	2
Minimum Height					
New principal buildings	25 ft.	35 ft.	35 ft.	35 ft.	3
Maximum Residential Density (Square Feet of Lot Area Required Per Unit)					
<u>Regular</u> Dwelling Unit	450	225	110	110	2, 4
Rooming Unit	225	110	55	55	2, 4
<u>Efficiency Dwelling Unit</u>	<u>225</u>	<u>110</u>	<u>55</u>	<u>55</u>	<u>2, 4</u>
Maximum Nonresidential Intensity (Floor Area Ratio)					

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Nonresidential Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
Tower Regulations					
Setback of Tower from Building Base	N/A	0 ft., for buildings not exceeding 85 ft. in height 10 ft., along at least 50% of the perimeter length of base for buildings exceeding 85 ft. in height	20 ft., along at least 50% of the perimeter length of the building base; 10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	20 ft., along at least 50% of the perimeter length of the building base; 10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	See additional CUP findings in Note 2 below
Maximum average per story lot coverage above building base	N/A	N/A	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	N/A	N/A	150 ft.	150 ft.	2, 5
Maximum diagonal length	N/A	N/A	180 ft.	180 ft.	2, 5
Minimum distance between towers on the same lot	N/A	N/A	50 ft.	50 ft.	2

Notes:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
2. Height Area Exceptions. In Height/Bulk/Intensity Areas LM-85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or

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LM-275 upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;
- b. The proposal will promote implementation of the Lake Merritt Station Area Plan; and
- c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.

The following application process for a height area exception shall be followed:

- i. Applications for any of the limited number of allowed height area exceptions prescribed in Table 17.101G.04 shall be reviewed on a first come, first served basis.
 - ii. A project shall secure a position as one of the specified height area exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
 - iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.
3. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.
 4. For mixed use projects in the D-LM Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
 5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the building base may be increased by up to thirty percent (30%) upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:
 - a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities, including but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

17.101G.060 Usable open space standards.

- A. General. This Section contains the usable open space standards and requirements for residential development in the D-LM Zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-LM usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas shall be publicly accessible during daylight hours and are maintained by the property owner.

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Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.

3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
5. "Off-Site Open Space". Off-site open spaces are group usable open space at street-floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
6. "Community Room". Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.

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 (2) or more living units, usable open space shall be provided for such facilities at the following rates:

Table 17.101G.05: Required Amounts of Usable Open Space

Type of Living Unit	Minimum Open Space Area Required
Senior Housing Unit	Thirty-eight (38) square feet per unit
Affordable Housing Unit	Sixty (60) square feet per unit
Rooming Unit	Thirty-eight (38) square feet per unit
<u>Efficiency Dwelling Unit</u>	<u>Thirty-eight (38) square feet per unit</u>
Residential Unit within a Building on the Local Register of Historic Resources	Thirty-eight (38) square feet per unit
Other Residential Unit	Seventy-five (75) square feet per 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 17.101G.06: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension or Size	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft.	
Rooftop	15 ft.	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.

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Type of Usable Open Space	Minimum Dimension or Size	Notes
Courtyard	15 ft.	
Off-Site Open Space	10 ft.	
Community Room	250 square feet	

3. Openness. Except for indoor Community Rooms, there shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

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Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

17.101H.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.101H.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	
Residential Facilities							
One-Family Dwelling	—	—	—	—	—	—	
Two-Family Dwelling	P	P	—	C	—	—	
Multifamily Dwelling	P	P	—	C	—	—	
Rooming House	—	—	—	—	—	—	
Mobile Home Vehicular	<u>—P</u>	<u>—P</u>	—	<u>—C</u>	—	—	<u>17.103.085</u>
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	

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Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Open Nonresidential	C(L1)	P	P	C(L1)	P	P	
Sidewalk Cafe	P	P	P	P	C	C	17.103.090
Drive-In	—	C	C	—	—	—	
Drive-Through	—	C(L2)	C(L2)	—	—	—	17.103.100
Telecommunications Facilities							
Micro Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Mini Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	—	17.128
Sign Facilities							
Residential Signs	P	P	—	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104

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Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Development Signs	P	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

Limitations on Table 17.101H.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. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way; or 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.
- L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

17.101H.050 Property development standards.

- A. Zone Specific Standards. Table 17.101H.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. "N/A" designates the regulation is not applicable to the specified zone.

Table 17.101H.03 Property Development Standards

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
Minimum front	0 ft.	0 ft.	0/10 ft.	0 ft.	10 ft.	0/10 ft.	<u>2, 10</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 10</u>
Minimum street side of a corner lot	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	<u>2, 10</u>
Rear (Residential Facilities)	10 ft.	10 ft.	N/A	10 ft.	N/A	N/A	<u>2, 3, 10</u>
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>3, 10</u>
Height Regulations							
Maximum height	159 ft.	159 ft.	159 ft.	85 ft.	85 ft.	85 ft.	4, 5, 6 Exceptions to the maximum height of 159 feet may be allowed in D-CO-1, -2, and -3, pursuant

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
							to the additional regulations in this Table
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls.						
Maximum fence height adjacent to Open Space zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular <u>Dwelling</u> Units	130	130	N/A	260	N/A	N/A	
Rooming Units	65	65	N/A	130	N/A	N/A	
<u>Efficiency Dwelling Units</u>	<u>65</u>	<u>65</u>	<u>N/A</u>	<u>130</u>	<u>N/A</u>	<u>N/A</u>	
Maximum Nonresidential Intensity (Floor Area Ratio)							
Maximum Nonresidential Floor Area Ratio (FAR)	8.0	8.0	6.0	5.0	4.0	4.0	
Minimum Usable Open Space							
Usable Open Space per Regular Dwelling Unit	75 sf.	75 sf.	N/A	100 sf.	N/A	N/A	

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Usable open space per Rooming Unit	38 sf.	38 sf.	N/A	50 sf.	N/A	N/A	
<u>Usable open space per Efficiency Dwelling Unit</u>	<u>38 sf.</u>	<u>38 sf.</u>	<u>N/A</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>	
Minimum Parking and Loading Requirements	See Chapter 17.116 for automobile parking and loading regulations; and Chapter 17.117 for bicycle parking regulations						
Courtyard Regulations	See Sec. 17.108.1 20	See Sec. 17.108.120	N/A	See Sec. 17.108.120	N/A	N/A	
Landscaping Regulations							
Site landscaping (% of entire lot area)	See Chs.17.1 10 and 17.124	See Chs.17.110 and 17.124	5%	See Chs.17.110 and 17.124	5%	5%	7, 8, 9
Parking lot landscaping (% of parking lot area)	See Chs.17.1 10 and 17.124	See Chs.17.110 and 17.124	10%	See Chs.17.110 and 17.124	10%	10%	7, 8

Additional Regulations for Table 17.101H.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. In the D-CO-3 Zone, a minimum front yard setback area of ten (10) feet shall apply to frontages adjacent to the Hegenberger Road and Oakport Street right-of-way, except for retail and similar facilities oriented toward pedestrian activity. This minimum front yard in the D-CO-3 Zone, where applicable, shall be developed as open landscaped areas, including but not limited to lawn, ground

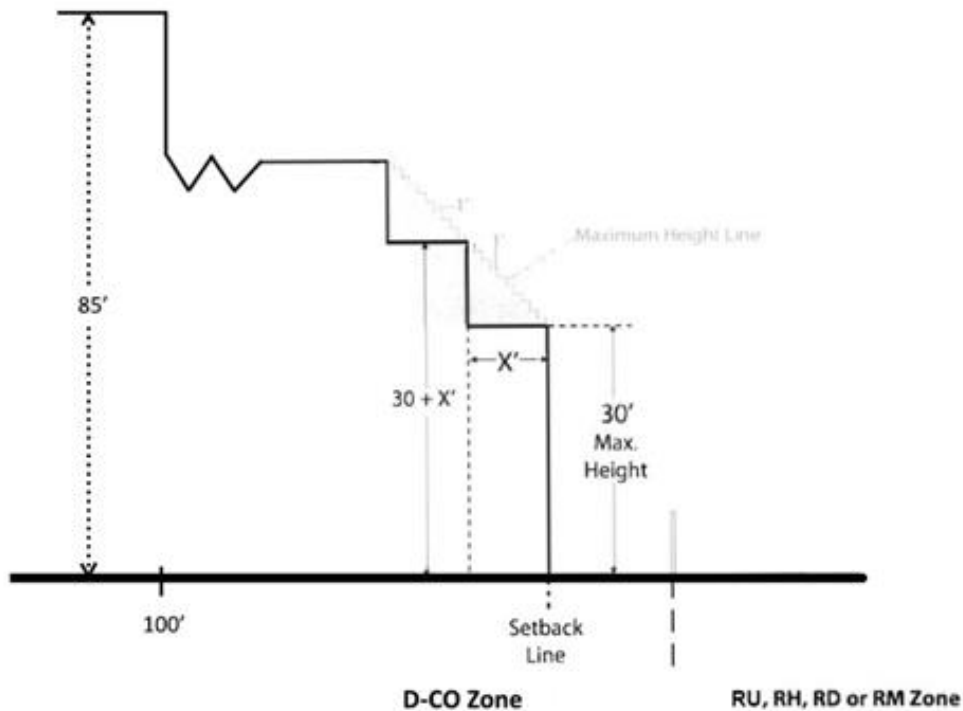
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cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

3. In the D-CO-1, D-CO-2, and D-CO-4 Zones, wherever a rear lot line abuts an alley, one-half (½) 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.
4. The height of all structures shall be subject to Federal Aviation Administration (FAA) regulations.
5. Exceptions to Height Standards. In D-CO-1, D-CO-2, and D-CO-3, buildings and structures may be allowed to exceed the maximum height of one hundred fifty nine (159) feet above mean sea level and the maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan in the following situation only:
 - a. The proposed structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives:
 - i. An FAA finding that the structure is “No Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an Alameda County Airport Land Use Commission (ALUC) determination that the proposed structure is consistent with the Oakland International Airport Land Use Compatibility Plan (ALUCP); and
 - ii. Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards; and
 - b. The additional height has received approval pursuant to the City’s conditional use permit procedure (see Chapter 17.134).
6. Buildings shall have an eighty-five (85) foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 Zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in a RH, RD, RM, or RU Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], 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 in certain situations.~~

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Illustration for Table 17.101H.03 [Additional Regulation 6]
*for illustration purposes only



7. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this Chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.
8. Parking Lot Landscaping applies only to lots associated with new construction of more than ten thousand (10,000) square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the ~~d~~Design ~~r~~Review process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.
9. For all projects involving the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, street trees are required (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards). In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six

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and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

10. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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

17.101J.040 – Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria).

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

"—" designates facilities that are prohibited.

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	
Residential Facilities								
One-Family Dwelling	P	P	C	—	—	—	—	
Two-Family Dwelling	—	—	P	—	—	—	—	
Multifamily Dwelling	—	—	P	—	—	—	—	
Rooming House	—	—	—	—	—	—	—	
<u>Mobile Home Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—C</u>	—	—	—	—	<u>17.103.085</u>
Nonresidential Facilities								
Enclosed Nonresidential	—	—	—	P	P	C	—	
Open Nonresidential	P	P	P	C	C	P	P	
Sidewalk Cafe	—	—	—	P(L1)	—	—	—	17.103.090
Drive-In	—	—	—	—	—	—	—	
Drive-Through	—	—	—	P(L2)	—	—	—	17.103.100
Telecommunications Facilities								
Micro Tele-communications	C	C	C	C	C	C	C	17.128

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Mini Tele-communications	C	C	C	C	C	C	C	17.128
Macro Tele-communications	C	C	C	C	C	C	C	17.128
Monopole Tele-communications	C	C	C	C	C	C	C	17.128
Tower Tele-communications	C	C	C	C	C	C	C	17.128
Sign Facilities								
Residential Signs	P(L3)	P(L3)	P(L3)	—	—	—	—	
Special Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	P(L3)	—	
Development Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	—	—	
Realty Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	—	—	
Civic Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	C(L3)	—	
Business Signs	—	—	—	P(L4)	P(L3)	—	—	
Advertising Signs	—	—	—	—	—	—	—	

- L1. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:30 p.m. See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.
- L2. Drive-through facilities are permitted for pharmacy and retail banking uses only. Drive-through facilities are prohibited for all other uses.
- L3. All signs other than monument signs, which are defined in the OKPUD, shall comply with the regulations in Section 17.104.010. Monument signs shall comply with the regulations in Section 17.101J.020 and the OKPUD.
- L4. Signs shall comply with the regulations in Section 17.101J.020, 17.104.020, or 17.104.070, as applicable.

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

	Zones	Additional
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Development Standards	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	Regulations
Minimum Lot Dimensions								
Width mean	42 ft.	40 ft.	20 ft.	25 ft.	25 ft.	20 ft.	N/A	1
Frontage	25 ft.	25 ft.	20 ft.	25 ft.	25 ft.	20 ft.	N/A	2
Lot area	3,750 sf.	2,000 sf.	5,000 sf.	4,000 sf.	4,000 sf.	2,000 sf.	N/A	
Minimum/Maximum Setbacks								
Minimum Front	15 ft./5 ft.	8 ft.	8 ft.	0 ft.	20 ft.	8 ft.	N/A	3, 4, 5, 6, 10, <u>19</u>
Minimum Interior Side	4 ft./5 ft.	3 ft. per side or a total of 5 ft.	4 ft.	0 ft./5 ft.	20 ft.	4 ft.	N/A	7, 8, 10, <u>19</u>
Minimum Street Side	5 ft.	5 ft.	5 ft.	0 ft.	20 ft.	0 ft.	N/A	10, <u>19</u>
Rear	15 ft.	12 ft.	N/A	0 ft./5 ft.	20 ft.	0ft.	N/A	9, 10, <u>19</u>
Maximum Density								
Permitted Density	1 primary unit per lot	1 primary unit per lot	1 unit per 1,600 sf. of lot area on lots 5,000 sf. or greater	0.50 FAR	0.50 FAR	0.15 FAR	N/A	11
Maximum FAR for Lots with a Footprint Slope >20%	0.65	N/A	N/A	N/A	N/A	N/A	N/A	11
Maximum Lot Coverage (%)	50%	55%	55%	N/A	N/A	N/A	N/A	11
Heights								
Maximum wall height primary building	30 ft. and 2 stories	35 ft. and 3 stories	35 ft.	30 ft.	42 ft.	15 ft.	N/A	12
Maximum pitched roof height primary building	32 ft. and 2 stories	35 ft. and 3 stories	40 ft.	30 ft.	46 ft.	20 ft.	N/A	12

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Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	12
Height Regulations for all Lots with a Footprint Slope of > 20% or that are terraced or split	See Table 17.101J.04	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum Open Space								
Group Open Space	N/A	N/A	170 sf. per unit	N/A	N/A	N/A	N/A	13
Courtyard Regulations	N/A	N/A	See Section 17.108.120	N/A	N/A	N/A	N/A	
Other Development Standards								
Parking and driveway location requirements	Yes	Yes	Yes	Yes	No	No	N/A	14
Ground floor active space requirement	N/A	N/A	N/A	Yes	N/A	N/A	N/A	15
Minimum ground floor façade glazing	N/A	N/A	N/A	40 to 70%	N/A	N/A	N/A	16
Minimum height of ground floor facilities	N/A	N/A	N/A	12 ft.	N/A	N/A	N/A	17
Minimum Required Parking	Yes	Yes	Yes	Yes	No	No	N/A	18

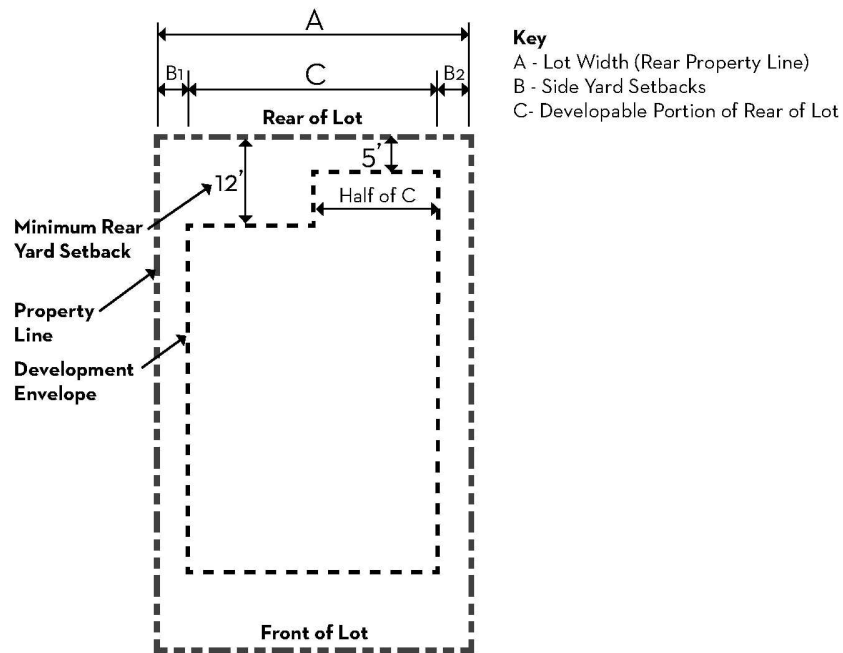
Additional Regulations for Table 17.101J.03:

1. No additional subdivisions other than what was approved in the OKPUD are permitted unless a new planned unit development (PUD) application is submitted pursuant to the procedures in Chapter 17.140.

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2. The minimum frontage requirement does not apply to flag lots created as part of the original OKPUD.
3. For lots in the D-OK-1 Zone with a footprint slope of less than twenty (20) percent, the minimum front setback is fifteen (15) feet. For lots in the D-OK-1 Zone with a footprint slope equal to or greater than twenty (20) percent, the minimum front setback is five (5) feet.
4. For residences in the D-OK-2 Zone located off of a shared access facility, the minimum front setback is measured from the edge of the pavement of the common access drive.
5. The minimum front setback for a garage is eighteen (18) feet for lots in the D-OK-1 Zone with a footprint slope equal to or less than twenty (20) percent, and lots in the D-OK-3 Zone. In the D-OK-2 Zone, the minimum front setback for a garage is fifteen (15) feet. The minimum front setback for a garage is five (5) feet for lots in the D-OK-1 Zone with a footprint slope greater than twenty (20) percent.
6. In the D-OK-1, D-OK-2, and D-OK-3 Zones, covered porches are permitted in the front setback; in these zones, covered porches not exceeding one story and structures under 30 inches in height shall have a minimum front setback of three (3) feet. Stairs in these zones are permitted up to the front property line.
7. In the D-OK-2 Zone, the minimum interior side yard is three (3) feet except, for a single-family dwelling unit on a lot with two interior side yards, one of the two interior side yards can be reduced to zero (0) feet without a variance if the other interior side yard is at least five (5) feet. On the ground-floor, only a garage of a maximum length of twenty-four (24) feet is allowed on the interior side without a side yard. Habitable rooms are permitted over such a garage. On the interior side without a side yard, no windows, doors or upper floor balconies or decks are permitted less than three (3) feet of the property line.
8. In the D-OK-1 Zone, the minimum interior side yard is four (4) feet on lots less than six thousand (6,000) square feet. The minimum interior side yard is five (5) feet on all other lots in the D-OK-1 Zone. In the D-OK-4 Zone, there is no minimum interior side yard setback unless the interior side lot line is adjacent to a Residential Zone, in which case the minimum side yard setback is five (5) feet.
9. In the D-OK-2 Zone, the minimum rear setback can be reduced to five (5) feet over a maximum of one-half (1/2) the width of the developable portion of the lot (i.e., the width not including the applicable side yard setbacks), as shown in the following figure. In the D-OK-4 Zone, there is no minimum rear setback unless the rear lot line is adjacent to a Residential Zone, in which case the rear setback is five (5) feet.

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10. If there is any ambiguity regarding the required setbacks, the setbacks in the Oak Knoll Design Guidelines shall control.
11. 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.
12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings in certain situations. See Table 17.101J.04 for height regulations for all lots with a footprint slope exceeding twenty (20) percent, or that are terraced or split. In the D-OK-5 Zone, the maximum height is measured from the ground level of the building, and the tower of Club Knoll is an allowed projection above the height limit. Also in the D-OK-5 Zone, for any building other than Club Knoll or a replica of Club Knoll, the height limit is the same as in the D-OK-4 Zone.
13. The per unit Group Open Space requirement can be replaced by 70 square feet of dedicated Private Open Space per unit. All usable Group Open Space shall meet the requirements in Sections 17.126.030.A through 17.126.030.E. Usable Private Open Space shall meet the following requirements:
 - a. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than the minimum height required by the Oakland Building Code.
 - b. Location. The space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.
 - c. Size and Shape. An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ten (10) feet. An area of above-ground-level space shall be of such size and shape that a rectangle inscribed

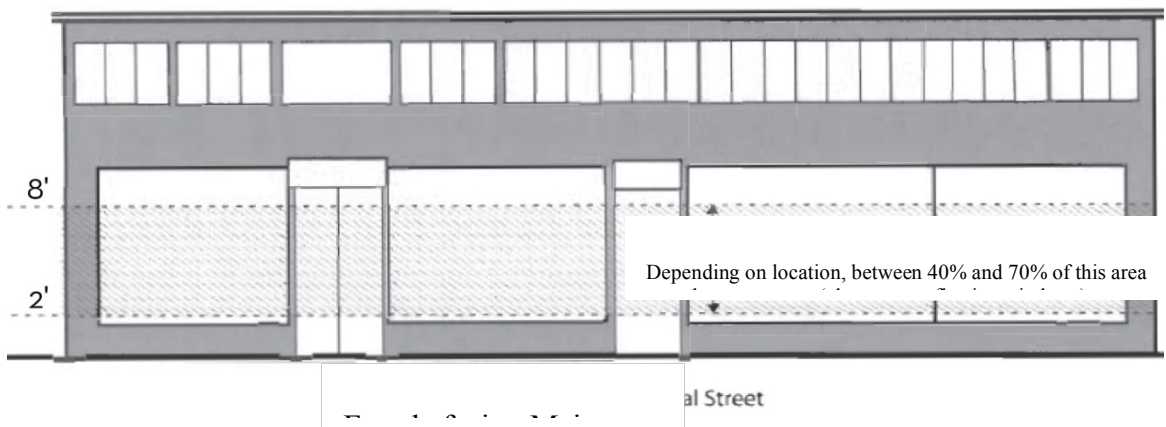
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within it shall have no dimension less than five (5) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

- d. Accessibility. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- e. Openness. There shall be no obstructions over ground-level space except for devices to enhance its usability and except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

Enclosures and landscaping for both usable Group and Private Open Spaces must be consistent with the requirements in the Oak Knoll Design Guidelines.

- 14. In the D-OK District Residential Zones, Section 2.6 of the Oak Knoll Design Guidelines applies. Parking and loading requirements in the D-OK-4 Zone are the same as in the CN-4 Zone, subject to the exceptions stated in Note 15 below.
- 15. Locker areas, storage areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet 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 in front of the principal building, as regulated by Note 12 to Table 17.33.03 in Planning Code Section 17.33.050.A. "Street" parking is allowed along either the principal street or principal private driveway in front of the principal building. (An example of "street" parking is shown in Figure 1.5 in Chapter 2.3 of the Oak Knoll Design Guidelines.) Parking lots are not allowed in the front of the principal building.
- 16. The minimum percent transparency for the band between two (2) feet and eight (8) feet in height of any side of a commercial building facing a Principal Drive is forty (40) percent. The minimum percent transparency for the band between two (2) feet and eight (8) feet in height of any side of a commercial building facing a retail plaza is seventy (70) percent. An example of glazing treatment that meets these requirements is illustrated in the figure below.



- 17. The minimum height requirement applies only for new principal buildings and the height is measured from the sidewalk grade to the ground floor ceiling.
- 18. In the D-OK-1, D-OK-2, and D-OK-3 Zones, the regulations in Sections 17.116.050, 17.116.060 and 17.116.070 for the RH and/or RD Zones apply. In the D-OK-4 Zone, the regulations in Sections

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- 17.116.050, 17.116.070, 17.116.080, 17.116.090, and 17.116.140 for the CN Zone apply. In the D-OK-5 Zone, the regulations in Sections 17.116.050, 17.116.070, 17.116.080, and 17.116.090, and 17.116.130 for “any other zone” apply. In the D-OK-6 and D-OK-7 Zones, the regulations in Section 17.116.050 through 17.116.100 for the OS Zone apply.
19. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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

17.103.085 Vehicular Residential Facilities.

The following regulations shall apply to the construction, establishment, or alteration of Vehicular Residential Facilities wherever permitted, as specified in each individual zone:

- A. Classification. A Vehicular Residential Facility shall be considered a living unit, and will be categorized as a Regular Dwelling Unit, Efficiency Dwelling Unit, or Rooming Unit pursuant to the definitions contained in Section 17.09.040. A Vehicular Residential Facility may be considered an Accessory Dwelling Unit if it complies with all of the applicable standards contained in Section 17.103.080 and State law, including containing complete independent living facilities. Subsections 17.103.080(A)(10), 17.103.080(B), and 17.103.080(C) shall not apply to a Vehicular Residential Facility considered an Accessory Dwelling Unit, except that the standard pertaining to the maximum number allowed shall apply.
- B. Density. Each Vehicular Residential Facility shall equal one (1) living unit. The allowable density shall be established according to the applicable individual zone regulations.
- C. Setbacks. No yard setbacks are required. Vehicular Residential Facilities located within the required front yard setback specified in the applicable individual zone regulations shall be located on an existing driveway and not extend beyond the lot line or adjacent sidewalk.
- D. Minimum Separation. A minimum of six (6) feet of separation shall be required between a Vehicular Residential Facility and another Vehicular Residential Facility or a building on the same or adjacent lot.
- E. Maximum Height. The height limit for Vehicular Residential Facilities shall be as prescribed in the applicable individual zone regulations.
- F. Parking. Except as specified in Subsections 1 and 2 below, the minimum parking requirements for Vehicular Residential Facilities shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. If an existing parking space is removed to establish a Vehicular Residential Facility, no replacement parking is required for the removed space. Tandem parking may be permitted according to the regulations in Section 17.116.240.
 - 1. Vehicular Residential Facilities that are located on sites within: (i) one-half (½) mile of a public Transit Stop; (ii) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the Historic Preservation Element of the General Plan; or (iii) one (1) block of a dedicated car share parking space shall have no parking requirement.
 - 2. Vehicular Residential Facilities that are self-propelled shall have no parking requirement.
- G. Ground Surface. Vehicular Residential Facilities shall be located on an all-weather surface, such as asphalt, concrete, pavers, decomposed granite, or gravel. Vehicular Residential Facilities shall comply with the limitation on paved surfaces within street-fronting yards contained in the individual zone regulations.
- H. Habitability. Vehicular Residential Facilities shall be designed and operated to comply with the following:

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1. Comply with all applicable State and local habitability and tenantability standards related to dwelling units;
 2. Be structurally sound and protect its occupants against the weather;
 3. Include within each unit permanent provisions for living and sleeping, including adequate heating and lighting; and
 4. Provide occupants with 24-hour access to potable water, a kitchen, and clean, lighted code compliant toilet, bathing facilities, and lavatory sink under the occupants' control that can be secured from the inside. For Vehicular Residential Facilities not containing in-unit toilets, bathing facilities, or lavatory sinks, a minimum of one (1) toilet, one (1) bathing facility, and one (1) lavatory sink is required for every five (5) Vehicular Residential Facilities.
- I. Utility Connections. Vehicular Residential Facilities shall be connected to the municipal water, power, and sewer systems with the issuance of required permits. For a lot with no more than one (1) Vehicular Residential Facility, the requirement for connection to municipal water, power, and sewer systems may be waived if the applicant demonstrates to the satisfaction of the Director of City Planning that there is adequate access to on-site alternatives. On-site power alternatives include, but are not limited to, wind, solar, and propane sources. Fuel-powered generators are not allowed. On-site water and sewer alternatives include, but are not limited to, access to plumbing facilities elsewhere on the lot that are connected to the municipal water and sewer system.
- J. Health and Safety Standards. Vehicular Residential Facilities shall comply with Health and Safety Code Section 18027.3, and shall at all times bear a label or insignia certifying compliance with either the American National Standards Institute (ANSI) A119.2 or A119.5 standards, or the National Fire Prevention Association (NFPA) 1192 standards, as applicable, in accordance with Health and Safety Code Section 18027.3.
- K. Fire Safety. Heating systems and liquid propane gas storage and delivery systems shall be maintained in accordance with the manufacturer's requirements. Every sleeping area and hallway providing access to the sleeping area shall be provided with operable smoke detectors. Street numbers visible from the street shall be posted to identify the property address.
- L. Refuse, Trash, and Debris Maintenance. The lot and immediate area surrounding each Vehicular Residential Facility shall be maintained in a safe and clean manner at all times, and comply with Oakland Municipal Code Chapter 8.24. An occupant of a Vehicular Residential Facility shall not throw, deposit, discharge, leave, or permit to be thrown, deposited, discharged, or left, any oil, grease, refuse, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, gutter, storm drain, inlet, catch basin, conduit or other drainage system, or upon any public or private parcel of land in the City. Adequate refuse collection service is required.
- M. Parks. An area or tract of land containing two (2) or more Vehicular Residential Facilities that are held out for rent or lease shall comply with the applicable requirements of State law, including the Special Occupancy Parks Act, Health and Safety Code Section 18200, et seq., the Special Occupancy Park Regulations, California Code of Regulations, Title 25, Section 2000 et seq., and the Recreational Vehicle Park Occupancy Law, California Civil Code Section 799.20 et seq. If no monetary rent or other consideration will be charged to occupy the space or the Vehicular Residential Facilities, the applicant shall record a notice of limitation with the Alameda County Recorder stating that these State law requirements will apply in the event rent is later charged.

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Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

17.108.020 Different maximum height in certain situations.

- A. **General Height for Civic Facilities with Increased Yards.** On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, M-20, S-15, OS, D-CO, and D-CE Zones that have a height limit of less than seventy-five (75) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one (1) foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this Subsection may be exceeded by the projections allowed by Section 17.108.030.
- B. General Height Provisions for Volumetric Modular Projects. Volumetric modular construction is defined as construction that involves building six-sided modules constructed of floors, walls, and ceiling off-site, designing to the same codes and standards as conventionally built structures, and then transporting the modules to the construction site for installation.

The maximum allowed height of Residential and Nonresidential Facilities constructed using volumetric modular construction shall be increased above the height limit prescribed in the applicable individual zone regulations by one (1) foot for each building story. For example, if the individual zone regulations limit height to a maximum of sixty (60) feet, eligible facilities with six (6) stories would be allowed a maximum height of sixty-six (66) feet.

For facilities utilizing this provision, prior to the issuance of building permits the proposed volumetric modular construction methods must be confirmed to implement the height increase. If modular methods are not confirmed, the project shall be built according to the applicable individual zone height regulations.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12078 § 5 (part), 1998; Ord. 11892 § 6, 1996; prior planning code § 7071)

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Chapter 17.116 OFF-STREET PARKING AND LOADING 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.	RH Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for 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.
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 (3/4) 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.
Rooming House.	CBD, S-2 and D-LM Zones.	No spaces required.
	CBD, S-2, D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units.

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Residential Facility Type	Zone	Total Required Parking
	All other zones.	One (1) space for each two (2) Rooming Units.
Micro-Living Quarters	D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)	No spaces required.
Mobile Home. <u>Vehicular.</u>	CBD, S-2, and D-LM Zones	No spaces required.
	All zones.	One (1) space for each dwelling unit plus one (1) additional space for each four (4) dwelling units. See Section 17.103.085.
Bed and Breakfast.	CBD, S-2 and D-LM Zones.	No spaces required.
	All other zones.	One (1) space for each two (2) guest rooms, plus the required parking for a One-Family Dwelling in the underlying zone.

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. Two-Family Dwelling. Multifamily Dwelling.	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per dwelling unit.
Mobile Home.	All other zones.	No maximum parking requirement.
Rooming House.	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per each two R Rooming U Units.
	All other zones.	No maximum parking requirement.
<u>Vehicular.</u>	<u>All zones.</u>	<u>See Section 17.103.085.</u>
Bed and Breakfast.	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per each two guest rooms, plus the maximum allowed parking for a One-Family Dwelling in the underlying zone.
	All other zones.	No maximum parking requirement.

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Chapter 17.136 DESIGN REVIEW PROCEDURE

17.136.025 Exemptions from design review.

- A. Applicability. A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:
1. The proposal is limited to one or more of the types of work listed as exempt from design review in Section 17.136.025B;
 2. The proposal does not require ~~d~~Design ~~r~~Review, ~~e~~Conditional ~~u~~Use ~~p~~Permit or ~~v~~Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA);
 4. All exterior treatments visually match the existing or historical design of the building; and
 5. The proposal will not have a significant effect on the structure's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a structure as representative of its period and contribute to its visual distinction or historical significance.
- 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.
 - a. Projects not requiring a building permit, except if otherwise specified below;
 - b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
 - c. After notice to the Director of City Planning, demolition or removal of either:
 - i. Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
 - ii. Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.
 - e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;
 - f. Except as otherwise specified in Subsection B.1.g for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
 - g. For Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period that are outside the existing building

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envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;

- h. For Commercial, Civic, or Industrial Facilities and the Nonresidential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
 - i. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.
2. Signs.
- a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
 - b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;
 - c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.
3. Other Projects.
- a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right-of-way, pursuant to Section 17.103.090;
 - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district;
 - c. Projects involving no more than four (4) Vehicular Residential Facilities pursuant to Section 17.103.085, and projects involving any number of Vehicular Residential Facilities when occupied by an Emergency Shelter Residential Activity and located in an area where Emergency Shelter Residential Activities are permitted by-right pursuant to Section 17.103.015.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12417 § 1, 2002)

17.136.040 Regular ~~d~~Design ~~r~~Review.

- A. Applicability. "Regular ~~d~~Design ~~r~~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 ~~p~~Project-~~d~~Design ~~r~~Review as set forth in

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Section 17.136.030, or Special ~~p~~Project-~~d~~Design ~~r~~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 ~~d~~Design ~~r~~Review include, but are not limited to, the following types of work:

1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, ~~s~~Small ~~p~~Project-~~d~~Design ~~r~~Review as set forth in Section 17.136.030, or ~~s~~Special ~~p~~Project-~~d~~Design ~~r~~Review as set forth in Section 17.136.038;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 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;
 5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX Work/Live unit or HBX Live/Work unit (see Sections 17.65.160 and 17.65.170); any new D-CE Work/Live unit or D-CE Live/Work unit (see Sections 17.101E.070 and 17.101E.080); or any new CIX, IG, or IO Work/Live unit (see Section 17.73.040). This requirement shall apply for both: a) conversions of existing facilities to contain any of these unit types, and b) the construction of new buildings that contain any of these unit types;
 7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.075;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or ~~s~~Small ~~p~~Project-~~d~~Design ~~r~~Review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
 12. Demolition or removal of any Designated Historic Property (DHP), Potential Designated Historic Property (PDHP), or structure in the CIX-1A Zone pursuant to Section 17.136.075.
 13. Proposals involving five (5) or more Vehicular Residential Facilities.
- B. Pre-Application Review—Regular Design Review. Prior to application for ~~r~~Regular ~~d~~Design ~~r~~Review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the City representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
1. Decision by the Director of City Planning. An application for ~~r~~Regular ~~d~~Design ~~r~~Review that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning.

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2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for decision on the application by the Director. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Director or the applicant may seek the advice of outside design professionals. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. A decision by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. In the event that the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 shall be final immediately and are not ultimately appealable to the City Council.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for Regular ~~d~~Design ~~r~~Review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, D-LM, D-CO, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.

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3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- E. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections C. and D. of this Section.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995; prior planning code § 9305)