

Exhibit 1: Missing Middle Code Package

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is proposed to be amended as follows. Additions are shown in underline and deletions are shown in ~~strike through~~. Note that only the relevant code subsections being amended are included and unamended portions of tables are omitted.

Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS

17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zone.

The following table shall apply to those activities that are permitted and conditionally permitted within the OS Zone. The specified activities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a ~~minor conditional use permit~~ Minor Conditional Use Permit are indicated with a star. Uses requiring a ~~major conditional use permit~~ Major Conditional Use Permit are indicated with a ~~solid circle and star~~ [solid diamond]. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
<p><i>Legend:</i></p> <p>◆ = Major Conditional Use Permit Required</p> <p>* = Minor Conditional Use Permit Required</p> <p>P = Permitted</p> <p>No symbol=Not Permitted</p> <p><i>RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)</i></p>									
ESSENTIAL SERVICE CIVIC ACTIVITIES									
Park, recreational, and civic uses, consistent with a Master Plan adopted by the City Council (pursuant to Section 17.135.050), whether or not they are listed in this table.	*	*	*	*	*	*	*	*	*
Park, recreational, and civic uses on land owned by the East Bay Regional Park District (EBRPD), consistent	P					P	P	P	

with a Master Plan adopted by EBRPD Board (pursuant to Section 17.135.050), whether or not they are listed in this table.									
ACCESSORY ACTIVITIES									
Rest Room Building	*	*	*	* —	* —	*	*	◆	*
<u>Commercial Kitchen Use in existing Recreation Center buildings</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>		
PARK USES CONSISTENT WITH AN ADOPTED MASTER PLAN									
<u>Park uses consistent with a Master Plan adopted by the City Council (pursuant to Section 17.135.050), whether or not they are listed in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Park uses on land owned by the East Bay Regional Park District (EBRPD), consistent with a Master Plan adopted by the EBRPD Board (pursuant to Section 17.135.050), whether or not they are listed in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

17.13.010 Title, intent, and description.

A. Title and Intent. The provisions of this Chapter shall be known as the RH Hillside Residential Zones Regulations. The intent of the Hillside Residential (RH) Zones is to create, maintain, and enhance residential areas that are primarily characterized by detached, ~~single-unit~~ structures on hillside lots.

17.13.030 Permitted and conditionally permitted activities.

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.13.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Activities					
Emergency Shelter	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>17.103.010</u> <u>17.103.015</u>
Agriculture and Extractive Activities					
Limited Agriculture	P(L2)	P(L2)	P(L2)	P(L2)	

Limitations on Table 17.13.01:

~~L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are~~

permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; prohibited elsewhere in the zone.

L2. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

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 activities 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 or notes 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(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	—(L1)	—(L1)	—(L1)	<u>P</u> (L1)	17.103.080
Multifamily Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Rooming House	—	—	—	—	
Vehicular	P	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.13.01:

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.13.03, Property Development Standards, for additional regulations in the RH-4 Zone.

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
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
Maximum Permitted Residential Density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	1 primary dwelling unit per lot	1 primary dwelling unit per lot; 2 dwelling units on lots 8,000 sf. or greater	4, 18
Minimum Setbacks					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	4, 5, 6, 17
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, 17

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	4, 8, 9, 17
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	4, 8, 9, 17
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	4, 5, 10, 17
Rear	35 ft.	35 ft. <u>30 ft.</u>	25 ft.	20 ft.	4, 7, 10, 11, 17
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of ≤20%					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	4, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	4, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	4, 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%				<u>4, 15</u>
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	40 ft.	40 ft.	4, 15
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				4, 16

Additional Regulations for Table 17.13.03:

6. 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~~ shall 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 one or more vacant parcels next to it, this same principle ~~may~~ shall apply if the ~~two (2) nearest non-vacant lots adjacent to each side of the corner lot, or to each side of a lot that has one or more vacant parcels next to it, has 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.

10. In all ~~Residential~~ RH 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 only apply to the rear twenty (20) feet of the corner lot, and 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 ~~and~~. See Section 17.108.130 for allowed projections into setbacks.

14. In all RH Zones, ~~if~~ 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.

18. A second primary unit may only be granted in the RH-4 Zone upon determination that:

- i) The project is not located within the S-9 Fire Safety Protection Combining Zone;
and
- ii) The minimum pavement width along the entire length of the adjoining street is at least twenty-six (26) feet, and all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty-six (26) feet.

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.010 Title, intent, and description.

A.—Title and Intent. The provisions of this Chapter shall be known as the RD Detached Unit Residential Zone Regulations. The intent of the Detached Unit Residential (RD) Zones is to create, maintain, and enhance residential areas primarily characterized by ~~detached, single-unit structures~~ a mix of single-unit structures, small multi-unit buildings, and neighborhood businesses where appropriate.

B.—Description of Zones. ~~This Chapter establishes land use regulations for the following two (2) zones:~~

1.—~~**RD-1 Detached Unit Residential – 1 Zone.**~~ The intent of the ~~RD-1 Zone~~ is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing Nonresidential Facilities.

2.—~~**RD-2 Detached Unit Residential – 2 Zone.**~~ The intent of the ~~RD-2 Zone~~ is to create, maintain, and enhance areas ,with detached, single unit structures, with allowances for Two-Family structures on lots larger than six thousand (6,000) square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing Nonresidential Facilities.

17.15.030 Permitted and conditionally permitted activities.

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.15.01: Permitted and Conditionally Permitted Activities

Activities	Base Zones		Additional Regulations
	<u>RD</u> RD-1	<u>RD</u> -2	
Residential Activities			
Permanent	P	P	

Activities	Base Zones		Additional Regulations
	<u>RD</u> RD-1	RD-2	
Residential Care	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	
Transitional Housing	P	P	
Emergency Shelter	— <u>P(L1)</u>	—	<u>17.103.010</u> <u>17.103.015</u>
Semi-Transient	—	—	
Bed and Breakfast	C	C	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	—	—	
Special Health Care	—	—	
Utility and Vehicular	C	C	
Extensive Impact	C	C	<u>17.102.440</u>
Commercial Activities			
General Food Sales	C(L2)(L3)	C(L2)(L3)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	

Activities	<u>Base Zones</u>		Additional Regulations
	<u>RD</u> RD-1	RD-2	
Limited Service Restaurant and Cafe	C(L2)(L3)	C(L2)(L3)	
Fast-Food Restaurant	—	—	
Convenience Market	—	—	
Alcoholic Beverage Sales	—(L4)	—(L4)	
Mechanical or Electronic Games	—	—	
Medical Service	—	—	
General Retail Sales	C P(L2)(L3)	C(L2)(L3)	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	—	—	
Consultative and Financial Service	—	—	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	—	—	
Consumer Dry Cleaning Plant	—	—	
Group Assembly	—	—	
Personal Instruction and Improvement Services	—	—	
Administrative	P(L2)(L3)(L5)	P(L3)(L5)	
Business, Communication, and Media Services	—	—	

Activities	<u>Base Zones</u>		Additional Regulations
	<u>RD</u> RD-1	RD-2	
Broadcasting and Recording Services Commercial Activities	—	—	
Research Service	—	—	
General Wholesale Sales	—	—	
Transient Habitation	—	—	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	—	—	
Animal Boarding	—	—	
Animal Care	—	—	
Undertaking Service	—	—	
Industrial Activities (all)	—		
Agriculture and Extractive Activities			
Limited Agriculture	P(L6)	P(L6)	
Extensive Agriculture	C(L7)	C(L7)	
Plant Nursery	C	C	

Activities	Base Zones		Additional Regulations
	<u>RD</u> RD-1	RD-2	
Mining and Quarrying	—	—	
Accessory off-street parking serving prohibited activities	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	17.102.110

Limitations on Table 17.15.01:

L1. ~~Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; prohibited elsewhere in the zone.~~

L2. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was both built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered built existing 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.

L3. The overall outside dimensions of an existing Nonresidential Facility built prior to ~~the effective date of this Chapter (April 14, 2011)~~ devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built existing if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L5. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility or on the ground floor of a new 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 existing 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~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

17.15.040 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 17.15.02: Permitted and Conditionally Permitted Facilities

Facilities	Base Zones		Additional Regulations
	<u>RD</u> RD-1	RD-2	
One-Family Dwelling	P(L1)	P(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	— P(L1)	C(L1)	17.103.080
Multifamily Dwelling	— (L1)	— (L1)	17.103.080
Rooming House	—	—	
Vehicular	P	P	<u>17.103.080</u> 17.103.085
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	
Sidewalk Cafe	P(L2)	P(L2)	17.103.090

Facilities	<u>Base Zones</u>		Additional Regulations
	<u>RD RD-1</u>	<u>RD-2</u>	
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Micro Telecommunications	C	€	17.128
Mini Telecommunications	C	€	17.128
Macro Telecommunications	C	€	17.128
Monopole Telecommunications	C	€	17.128
Tower Telecommunications	—	—	17.128
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(L3)	P(L3)	17.104
Advertising Signs	—	—	17.104

Limitations on Table 17.15.02:

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.15.03, Property Development Standards, for additional regulations on the ~~conditionally~~ permitted density in the RD-2 Zone.

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.

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
	<u>RD</u> RD-1	RD-2	
Minimum Lot Dimensions			
Lot Width mean	45 ft. <u>20 ft.</u>	45 ft.	1
Frontage	25 ft. <u>20 ft.</u>	25 ft.	1
Lot area	5,000 sf. <u>2,000 sf.</u>	5,000 sf.	1, 2
Maximum Density			
<u>Maximum Permitted Residential Density</u> Permitted density	<u>1-2 units on any legal lot;</u> <u>3 units on minimum 3,000 sf. lots;</u> <u>4 units on minimum 4,000 sf. lots</u> <u>1 primary dwelling unit per lot</u>	1 primary dwelling unit per lot	3, 4, <u>5</u>
Conditionally permitted density	N/A	2 units on lots 6,000 sf or greater	3
<u>Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet in Size</u>			
Minimum front (<u>≤</u> 20% street-to-setback gradient)	20 ft. <u>15 ft.</u>	20 ft.	6, <u>18</u> , 20

Development Standards	Zones		Additional Regulations
	<u>RD RD-1</u>	<u>RD-2</u>	
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8, <u>18</u> , 20
Minimum interior side <20% footprint slope	5 ft. <u>4 ft.</u>	5 ft.	9, 10, <u>18</u> , 20
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11, 20
Minimum street side	5 ft. <u>4 ft.</u>	5 ft.	8, 9, <u>11</u> , <u>18</u> , 42 , 20
Rear	20 ft. <u>10 ft.</u>	15 ft.	9, <u>12</u> , 13, <u>18</u> 44 , 20
Reduced Setbacks for Smaller Lots	See Table 17.15.04 for reduced setbacks for smaller lots <u>less than 3,000 square feet in size</u>		
<u>Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units</u>	See Table 17.15.05 <u>for maximum FAR and lot coverage for 1 and 2 residential units, excluding any permitted Accessory Dwelling Units</u>		<u>19</u>
<u>Maximum Lot Coverage for 3 or More Units</u>	<u>60%</u>		<u>19</u>
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$			
Maximum wall height primary buildings	25 ft. <u>30 ft.</u>	25 ft.	<u>13</u> , 14, 15 , 46
Maximum pitched roof height primary buildings	30 ft. <u>35 ft.</u>	30 ft.	<u>13</u> , 14, 15 , 46
Maximum height for accessory structures	15 ft.	15 ft.	<u>13</u> , 14, 15 , 46
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%		<u>15</u>
<u>Maximum Wall Length Before Articulation Required</u>	40 ft.	40 ft.	

Development Standards	Zones		Additional Regulations
	<u>RD RD-1</u>	<u>RD-2</u>	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		3, <u>16</u> 48
Minimum Open Space			
Group open space per Primary Unit	<u>N/A 100 sf.</u>	300 sf	<u>17</u> 49
Group open space per Primary Unit when private open space substituted	<u>N/A 25 sf.</u>	400 sf	<u>17</u> 49

Additional Regulations for Table 17.15.03:

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: In the RD Zone, proposals requiring Regular Design Review approval may only be granted upon determination that the proposal conforms to the Regular Design Review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional design review 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;

~~a~~**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;

~~b~~**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 required in this Chapter, the minimum front setback ~~may~~ shall 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 one or more vacant parcels next to it, this same principal ~~may~~ shall apply if the ~~two (2) nearest non-vacant lots adjacent to the each side of a corner lot, or to each side of a lot that has one or more vacant parcels next to it, lot along its front lot line~~ have less than a ~~twenty (20) foot front setback~~ the minimum required front setback in this Chapter (see Illustration for Table 17.15.03 [Additional Regulation 6], below).

7. ~~In all Detached Residential Zones~~ In the RD Zone, 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 to the edge of the street or sidewalk pavement, whichever is closer,~~ 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.

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.~~

1112. ~~In all Residential Zones~~ In the RD Zone, 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 only apply to the rear ten (10) feet of the corner lot, and not be required to exceed ~~five (5)~~ four (4) 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.

1213. 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.

1314. In the RD-4 Zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ($\frac{1}{2}$) 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)~~ twenty (20) feet.

1415. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits 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 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.~~

~~1517. 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 standards and guidelines for more specific bulk regulations and context standards.~~

~~1618. 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.~~

~~1719. Usable open space is only required on lots with two (2) or more primary living units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.~~

~~1820. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

~~19. Lots less than four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of maximum lot coverage percentage (%) listed.~~

~~20. Except as stated below in this limitation, the minimum front setback shall be reduced to five (5) feet for the following facilities:~~

~~a. New principal buildings that include ground floor Commercial Facilities; and~~

~~b. New Commercial Facilities located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), but only if the height of the new Commercial Facility in the area between the front property line and the front building elevation of the existing historic structure does not exceed fifteen (15) feet.~~

~~No front or side setback is required for existing Commercial Facilities. Also, no front yard setback is required for new Commercial Facilities if there is an existing context within the adjoining block face of no front yard setback. For the purposes of this limitation, an "existing context" of no front yard setback means that at least fifty percent (50%) of the existing buildings from street corner to street corner on the same side of the street have no front yard setback.~~

B. Reduced Setbacks for Smaller Lots. Table 17.15.04 below prescribes reduced setback standards for lots less than ~~four thousand (4,000)~~ three thousand (3,000) square feet in size. 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 Less than 3,000 Square Feet

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf or < 40 feet wide	< 3,000 sf. or < 35 feet wide	
Minimum Setbacks			
Minimum interior side	4 ft.	3 ft.	1, 2
Minimum street side	4 ft.	3 ft.	1, 2
Rear	15 ft.	15 ft. <u>10 ft.</u>	1, 2

Additional Regulations for Table 17.15.04:

1. 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. Maximum Floor Area Ratio (FAR) and Lot Coverage for One and Two Residential Units Only. Table 17.15.05 below prescribes FAR and lot coverage standards ~~associated with lot sizes for lots of varying sizes with one and two residential units, excluding any permitted Accessory Dwelling Units~~. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.05 Maximum Floor Area Ratio (FAR) and Lot Coverage for One and Two Residential Units Only

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000 <u>6,000</u>	≥5,000 <u>6,000</u> 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 <u>55</u>	40 <u>45</u>	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

1. Maximum Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than ~~five thousand (5,000)~~ four thousand (4,000) 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)~~ four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

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

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

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

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

17.17.010 Title, intent, and description.

A. Title and Intent. The provisions of this Chapter shall be known as the RM Mixed Housing Type Residential Zones Regulations. The intent of the Mixed Housing Type Residential (RM) Zones is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.

17.17.030 Permitted and conditionally permitted activities.

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary <u>Base</u> Zones					Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C ₋		
Residential Activities							
Emergency Shelter	<u>P(L1)</u>	P(L2)	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>17.103.010</u> <u>17.103.015</u>	
Bed and Breakfast	C	C	C	GP	P	17.10.125	
Civic Activities							

Activities	Primary <u>Base Zones</u>				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Extensive Impact	C	C	C	C	C	<u>17.102.440</u>
Commercial Activities						
General Food Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Full Service Restaurants	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Limited Service Restaurant and Cafe	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Medical Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5) (L7)	
General Retail Sales	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	P(L4)(L5)	
Consumer Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5) (L7)	
Consultative and Financial Service	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Consumer Cleaning and Repair Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Administrative	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L5)	

Limitations on Table 17.17.01:

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

L1. ~~Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; prohibited elsewhere in the zone.~~

L2. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship s approved for Community Assembly Civic Activities; and within that portion of the Martin Luther King Jr. Way corridor described in Section 17.103.015(A)(1) and subject to the development standards in Section 17.103.015(B); prohibited elsewhere in the zone.

L3. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was both built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered ~~built existing~~ if it received its certificate of occupancy or passed its final building inspection on its building permit prior the effective date of this amended Section. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m. General Food Sales, Full Service Restaurants, Limited Service Restaurants and Cafes, and General Retail Sales are permitted and therefore do not require a Conditional Use Permit (CUP) if the total floor area is six hundred (600) square feet or less in a food desert as defined in 17.09.040.

L4. The overall outside dimensions of an existing Nonresidential Facility built prior to ~~the effective date of this Chapter (April 14, 2011)~~ devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be ~~relocated or~~ increased in size. For the purposes of this limitation, a facility is considered ~~built existing~~ if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section. This regulation supersedes the applicable provisions in Chapter 17.114.

L5. These activities may only be located in an existing Nonresidential Facility or on the ground floor of an existing or a new Nonresidential Facility, and 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 facility total floor area devoted to these activities on any single lot exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure). For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section.

L7. These activities may only be located in an existing Nonresidential Facility or on the ground floor of an existing or a new Nonresidential Facility, and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section.

L9. 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 15, 2011).~~ For the purposes of this limitation, a facility is considered ~~built-existing~~ if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section. 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 total floor area devoted to these activities on any single lot ~~ground floor Nonresidential Facility~~ exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L10. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

17.17.040 Permitted and conditionally permitted facilities.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Base Zones				Combining Zone	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Facilities						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Two- to Four-Family Dwelling	CP (L1)	P(L1)	P(L1)	P(L1)	Same as underlying zone P(L1)	17.103.080
Multifamily Dwelling	P(L1)	CP (L1)	CP (L1)	P(L1)	Same as underlying zone P(L1)	17.103.080
Rooming House	P	P	P	P	P	
Vehicular	P	P	P	P	P	17.103.080 17.103.085

Limitations on Table 17.17.02:

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

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.

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. <u>20 ft.</u>	25 ft./45 ft. <u>20 ft.</u>	25 ft. <u>20 ft.</u>	25 ft. <u>20 ft.</u>	1
Frontage	25 ft. <u>20 ft.</u>	25 ft. <u>20 ft.</u>	25 ft. <u>20 ft.</u>	25 ft. <u>20 ft.</u>	1
Lot area	5,000 sf. <u>2,000 sf.</u>	2,500 sf. / 4,000 sf. / 5,000 sf. <u>2,000 sf.</u>	4,000 sf. <u>2,000 sf.</u>	4,000 sf. <u>2,000 sf.</u>	1
Maximum <u>Residential</u> Density					
Permitted density	1 primary unit per lot <u>1-2 units on any legal lot;</u> <u>3 units on minimum 3,000 sf. lots;</u>	1 primary unit on lots less than 4,000 sf.; <u>1-2 units on any legal lot;</u> <u>3 units on minimum 3,000 sf. lots;</u>	1 primary unit on lots less than 4,000 sf.; <u>1-2 units on any legal lot;</u> <u>3 units on minimum 3,000 sf. lots;</u>	1 primary unit on lots less than 4,000 sf.; <u>1-2 units on any legal lot;</u> <u>3 units on minimum 3,000 sf. lots;</u>	2, <u>3</u>

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
	<u>4 units on minimum 4,000 sf. lots;</u> <u>For 5 or more units –</u> <u>1 unit per 1,750 sf. of lot area</u>	<u>4 units on minimum 4,000 sf. lots;</u> <u>For 5 or more units –</u> <u>1 unit per 1,500 sf. of lot area</u> 2 units on lots 4,000 sf. or greater	<u>4 units on minimum 4,000 sf. lots;</u> <u>For 5 or more units –</u> <u>1 unit per 1,250 sf. of lot area</u> 2 units on lots 4,000 sf. or greater	<u>4 units on minimum 4,000 sf. lots;</u> <u>For 5 or more units –</u> <u>1 unit per 1,000 sf. of lot area</u> For 1 — 4 units, 1 unit per 1,100 sf. of lot area; only on lots 4,000 sf. or greater	
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 2 or more units, 1 unit per 1,100 sf of lot area;	2, 3
Minimum Setbacks for Lots Equal to or Greater than 4,000 <u>3,000</u> Square Feet					
Minimum front (≤20% street-to-setback gradient)	20 ft. <u>15 ft.</u>	20 ft. <u>15 ft.</u>	15 ft.	15 ft.	4, 5, 7, <u>18</u> 20
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, <u>18</u> 20
Minimum interior side	<u>5 ft.</u> <u>4 ft.</u>	<u>3 ft.</u> / 4 ft. / <u>5 ft.</u>	4 ft.	4 ft.	1, 7, 8, 9, <u>18</u> 20

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum street side	5 ft. <u>4 ft.</u>	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10, <u>18</u> 20
Rear	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	11, <u>18</u> 20
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>less than 3,000 square feet in size</u>				
<u>Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 or and 2 Units</u>	See Table 17.17.05 for maximum FAR and lot coverage for one or <u>and</u> two dwelling residential units, excluding any permitted Accessory Dwelling Units				<u>17, 19, 21</u>
Maximum Lot Coverage for 3 or More Units	N/A <u>60%</u>	40% <u>60%</u>	50% <u>60%</u>	N/A	<u>17, 19, 21</u>
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$					
Maximum wall height primary building	25 ft. <u>35 ft.</u>	25 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	35 ft.	12, 13, 14
Maximum height for	15 ft.	15 ft.	15 ft.	15 ft.	12

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
accessory structures					
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	<u>2022</u>
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				<u>14, 15 46, 47</u>
Minimum Open Space					
Group open space per Regular Unit or Rooming Unit	300 sf. <u>75 sf.</u>	300 sf. <u>75 sf.</u>	200 sf. <u>75 sf.</u>	175 sf. <u>75 sf.</u>	<u>16 48</u>
Group open space per Regular Unit or Rooming Unit when private open space substituted	400 sf. <u>25 sf.</u>	400 sf. <u>25 sf.</u>	85 sf. <u>25 sf.</u>	70 sf. <u>25 sf.</u>	<u>16 49</u>

Additional Regulations for Table 17.17.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot 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, 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; and Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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.

3. See Chapter 17.136 for the applicable design review procedure. 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 respectively, the minimum required in this Chapter, the minimum front setback may shall 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 one or more vacant parcels next to it, this same principal may shall apply if the two (2) lots adjacent to nearest non-vacant lot to each side of a corner lot, or lot along its front lot line to each side of a lot that has one or more vacant parcels next to it, have less than a twenty (20) feet or fifteen (15) feet, respectively, the minimum front setback required in this Chapter (see Illustration for Table 17.17.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.~~

~~6. In all RM 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 to the edge of the street or sidewalk pavement, whichever is closer, 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.~~

~~7. Except as stated below in this limitation, no No-front or side setbacks are required for commercial the following facilities in the C Combining Zone:~~

~~a. Existing Commercial Facilities;~~

~~b. New principal buildings that include ground floor Commercial Facilities; and~~

~~c. New Commercial Facilities located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), but only if the height of the new Commercial Facility in the area between the front property line and the front building elevation of the existing historic structure does not exceed fifteen (15) feet.~~

~~A side yard of the normally required minimum width in Table 17.17.03 shall be required for new construction or addition along any side lot line abutting 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 side 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 See Table 17.17.04 for general reduced setbacks for smaller lots, and See also Section 17.108.130 for allowed projections into setbacks.~~

10. In all ~~Residential~~ RM 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 only apply to the rear ten (10) feet of the corner lot, and not be required to exceed ~~five (5)~~ four (4) 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 regulation 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.

~~**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, 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.~~

~~**1314.** 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.~~

~~**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.~~

~~**1416.** 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.~~

1517. See Section 17.103.080 for additional parking regulations that apply to Accessory Dwelling Units.

1618. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

1719. This regulation does not apply in the C Combining Zone.

1820. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

1921. Lots less than ~~five thousand (5,000)~~ four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

2022. This height is only required for new principal buildings that include ground floor Nonresidential Facilities and is measured from the sidewalk grade to the second story floor. If the Nonresidential Facility is to be located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), this height shall also be the maximum allowed for a Nonresidential Facility in the area between the front property line and the front building elevation of the existing historic structure.

B. **Reduced Setbacks for Smaller Lots.** Table 17.17.04 below prescribes reduced setback standards for lots less than ~~four thousand (4,000)~~ three thousand (3,000) 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)~~ 3,000 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.	1, 2
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	1, 2
Minimum interior side	4 ft.	3 ft.	1, 2

Minimum street side	4 ft.	3 ft.	1, 2
Rear	15 ft.	15 ft. 10 ft.	1, 2

Additional Regulations for Table 17.17.04:

1. Except as stated below in this limitation, no front or side setbacks are required for the following facilities in the C Combining Zone:

a. New principal buildings that include ground floor Nonresidential Facilities; and

b. New Nonresidential Commercial Facilities associated with a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), but only if there is an existing context within the adjoining block face of no front and/or side yard setback. For the purposes of this limitation, an "existing context" of no front or side yard setback means that at least sixty percent (60%) of the existing buildings from street corner to street corner on the same side of the street have no front or side yard setback. If the Commercial Facility is to be located to the front of a PDHP or DHP, the maximum height allowed for the portion of the Commercial Facility between the sidewalk and the existing structure shall be fifteen (15) feet.

A side yard of the normally required minimum width in Table 17.17.04 shall be required for new construction or addition along any side lot line abutting an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone. (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.

~~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 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.~~

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

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

Regulation	Lot Size in Square Feet	
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	<5,000 <u>6,000</u>	≥5,000 <u>6,000</u> and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	Additional Regulations
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% <u>55%</u>	40% <u>45%</u>	30%	20%	15%	2, 3

Additional Regulations for Table 17.17.05:

1. Maximum Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than ~~five thousand (5,000)~~ four thousand (4,000) square feet may have 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)~~ four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

17.17.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

17.19.010 Title, intent, and description.

A. Title and Intent. The provisions of this Chapter shall be known as the RU Urban Residential Zones Regulations. The intent of the Urban Residential (RU) Zones is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.

17.19.030 Permitted and conditionally permitted activities.

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P	P	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Emergency Shelter	<u>P(L1)</u>	C(L1) <u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	17.103.010 <u>17.103.015</u>
Semi-Transient	—	—	—	C(L1) <u>P</u>	C(L1) <u>P</u>	
Bed and Breakfast	C	C	C	C <u>P</u>	C <u>P</u>	17.10.125
Commercial Activities						
General Food Sales	C(L6)(L7)	C(L6)(L7)	C(L6)(L7) <u>P(L7)(L9)</u>	P(L3)(L4)	P(L3)(L5)	
Full Service Restaurants	C(L6)(L7)	C(L6)(L7)	C(L6)(L7) <u>P(L6)(L7)</u>	P(L3)(L4)	P(L3)(L5)	

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Limited Service Restaurant and Cafe	C(L6)(L7)	C(L6)(L7)	C(L6)(L7) P(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Convenience Market	—	—	—	<u>C(L4)</u>	C(L5)	<u>17.103.030</u>
Administrative	P(L7)(L12)	P(L7)(L12)	P(L7)(L9)(L12)	P(L3)(L4)	P(L3)(L5)	
Business, Communication, and Media Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L2)(L4)	P(L3)(L5)	
Research Service	<u>P(L7)(L12)</u>	<u>P(L7)(L12)</u>	<u>P(L7)(L9)</u>	P(L3)(L4)	P(L3)(L5)	

Limitations on Table 17.19.01:

L1. ~~Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; also permitted by-right as specified in Limitation L2 below and upon the granting of a Conditional Use Permit in the RU-1 Zone subject to this Limitation L1.~~

L2. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(4)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L3. The total ground floor area devoted to these activities ~~on the ground floor~~ by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. In the RU-4 Zone, these activities may only be located ~~either in an existing Nonresidential Facility or on the ground floor of a new Nonresidential Facility on a corner parcel or in an~~

~~existing 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-existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section.~~

L5. In the RU-5 Zone, these activities may only be located either ~~on the ground floor of a facility constructed after the effective date of this Chapter (April 14, 2011) or in an existing Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011) or~~ on the ground floor of a new Nonresidential Facility. For the purposes of this limitation, a facility is considered built-existing if it received its certificate of occupancy or passed its final building inspection on its building permit.

L6. In the RU-1, RU-2, and RU-3 Zones, 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-existing 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.

L7. In the RU-1, RU-2, and RU-3 Zones, the overall outside dimensions of an existing Nonresidential Facility built prior to ~~the effective date of this Chapter (April 14, 2011)~~ devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be ~~relocated or~~ increased in size. For the purposes of this limitation, a facility is considered built-existing if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L9. 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-existing if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; ~~a~~ A Conditional Use Permit (CUP) is required if the facility total floor area devoted to these activities on any single lot exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L10. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L12. 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 existing if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; ~~a~~ Conditional Use Permit is required if the facility total floor area devoted to these activities on any single lot exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L13. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable

structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Facilities						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	—(L1)	—(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Rooming House	<u>P</u>	Ⓒ <u>P</u>	Ⓒ <u>P</u>	P	P	
Vehicular	P	P	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.19.02:

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that in the RU-4 and RU-5 Zones, Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

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, 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.

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. 2,500 sf.	4,000 sf. 2,500 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Residential Density						
Permitted density for Regular Dwelling Units	1 unit per 1,100 sf. 1,000 sf. of lot area	1 unit per 800 sf. 750 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 1,000 sf. of lot area	1 unit per 800 sf. 750 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Permitted density for Efficiency Dwelling Units	N/A 1 unit per 1,000 sf. of lot area	1 unit per 800 sf. 750 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet						
Minimum front (≤20% street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6, 20
Minimum front (>20% street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6, 20
Minimum front for Commercial Facilities	15 ft. 10 ft.	10 ft.	40 ft. 5 ft.	0 ft.	0 ft.	3, 20

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum interior side	4 ft.	4 ft.	0 ft. <u>3 ft.</u>	0 ft.	0 ft.	3, 7, 8, 20
Minimum street side	4 ft.	4 ft.	4 ft. <u>3 ft.</u>	0 ft.	0 ft.	3, 4, 7, 9, 20
Rear (Residential Facilities)	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	10 / 15 ft.	10 / 15 ft.	3, 7, 10, 11, 20
Rear (Nonresidential Facilities)	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	0/10/ 15 ft.	0/10/ 15 ft.	3, 10, 11
Reduced Setbacks for Smaller Lots (<u>Less than 3,000 Square Feet</u>) < 3,000 sf. or < 35 ft. wide						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8, 20
Minimum street side	3 ft.	3 ft.	3 ft. <u>N/A</u>	N/A	N/A	3, 4, 8, 20
Height Regulations						
Minimum height of ground floor Nonresidential Facilities	N/A <u>15 ft.</u>	N/A <u>15 ft.</u>	N/A <u>15 ft.</u>	15 ft.	15 ft.	12
Minimum separation between the grade and ground floor living space	N/A	N/A	N/A	N/A 2-5 ft.	2.5 ft.	13
Maximum height primary building	40 ft. <u>45 ft.</u>	50 ft. <u>55 ft.</u>	60 ft. <u>65 ft.</u>	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	
Minimum Usable Open Space						

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Group usable open space per Regular Dwelling Unit	175 sf. <u>75 sf.</u>	175 sf. <u>75 sf.</u>	150 sf. <u>75 sf.</u>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per Regular Dwelling Unit when private open space is substituted	50 sf. <u>20 sf.</u>	30 sf. <u>20 sf.</u>	30 sf. <u>20 sf.</u>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per Rooming Unit	85 sf. <u>38 sf.</u>	85 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per Rooming Unit when private open space substituted	15 sf. <u>10 sf.</u>	15 sf. <u>10 sf.</u>	15 sf. <u>10 sf.</u>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per Efficiency Dwelling Unit	85 sf. <u>38 sf.</u>	85 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per Efficiency Dwelling Unit when private open space substituted	15 sf. <u>10 sf.</u>	15 sf. <u>10 sf.</u>	15 sf. <u>10 sf.</u>	See Table 17.19.04	See Table 17.19.04	19

Additional Regulations for Table 17.19.03:

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 required in this Chapter, the minimum front setback ~~may~~ shall 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~~ one or more vacant parcels next to it, this same principal ~~may~~ shall apply if the ~~two (2) lots adjacent to the corner lot~~ nearest non-vacant lot to each side of a corner lot, or lot along its front line to each side of a lot that has one or more vacant parcels next to it, have less than ~~a fifteen (15) foot~~ the minimum front setback required in this Chapter (see

Illustration for Table 17.19.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

6 In all ~~Residential~~ RU 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~~ minimum length of any driveway or parking pad accommodating one or more parking spaces between the front property line and the front building elevation 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.

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~~ a side setback of six (6) feet is required. 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 or RU-1 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 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).~~

9. 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)~~ ten (10) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.19.03 [Additional Regulation 9], below).

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 with ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the ~~ground floor ceiling~~ second story floor.

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; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height may shall increase one (1) foot for every foot of distance from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable 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.

15. In the RU-2 and RU-3 Zone, a building may only exceed ~~forty (40)~~ forty-five (45) feet in height up to the maximum height if each portion above ~~forty (40)~~ forty-five (45) feet is: ~~S~~ set back from the inner line of ~~each of the~~ any minimum side setback, ~~s, if any, required by Subsection 17.28.150.C.4~~ a minimum horizontal distance equal to one (1) foot for each four (4) feet by which it extends above the height of ~~forty (40)~~ forty-five (45) feet; and set back from the inner line of ~~the~~ any 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)~~ forty-five (45) feet, provided, however, that such setback from the inner line of ~~the~~ any minimum rear yard need not exceed ~~forty (40)~~ twenty (20) feet (see Illustration for Table 17.19.03 [Additional Regulation 15], below).

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.

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 <u>65</u>	75	90 <u>95</u>	120 <u>125</u>	
Maximum Height	35 ft.	45 ft.	60 ft. <u>65 ft.</u>	75 ft.	90 ft. <u>95 ft.</u>	120 ft. <u>125 ft.</u>	1, 2
Height Minimum							
Permitted height minimum	N/A	N/A	35 ft.	35 ft.	35 ft. <u>45 ft.</u>	35 ft. <u>55 ft.</u>	3
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft. <u>35 ft.</u>	25 ft. <u>45 ft.</u>	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Dwelling Units	550 sf. <u>500 sf.</u>	450 sf. <u>400 sf.</u>	375 sf.	275 sf.	225 sf.	225 sf.	4, <u>5</u>

Regulation	Height Area						Additional Regulations
	35	45	60 65	75	90 95	120 125	
			<u>300 sf.</u>		<u>200 sf.</u>	<u>200 sf.</u>	
Rooming Units	550 sf. <u>250 sf.</u>	450 sf. <u>200 sf.</u>	375 sf. <u>150 sf.</u>	275 sf.	225 sf. <u>100 sf.</u>	225 sf. <u>100 sf.</u>	4, <u>5</u>
<u>Efficiency Dwelling Units</u>	<u>250 sf.</u>	<u>200 sf.</u>	<u>150 sf.</u>		<u>100 sf.</u>	<u>100 sf.</u>	4, <u>5</u>
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4, <u>5</u>
Maximum Number of Stories (not including underground construction)	3	4	5 <u>6</u>	7	8	11 <u>12</u>	
Minimum Usable Open Space							
Group usable open space per Regular Dwelling Unit	150 sf. <u>75 sf.</u>	150 sf. <u>75 sf.</u>	150 sf. <u>75 sf.</u>	150 sf.	100 sf. <u>75 sf.</u>	100 sf. <u>75 sf.</u>	6
Group usable open space per Regular Dwelling Unit when private open space substituted	30 sf. <u>20 sf.</u>	30 sf. <u>20 sf.</u>	30 sf. <u>20 sf.</u>	30 sf.	20 sf.	20 sf.	6
Group usable open space per Rooming Unit	75 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	75 sf.	50 sf. <u>38 sf.</u>	50 sf. <u>38 sf.</u>	6
Group usable open space per Rooming Unit when private open space is substituted	45 sf. <u>10 sf.</u>	45 sf. <u>10 sf.</u>	45 sf. <u>10 sf.</u>	45 sf.	10 sf.	10 sf.	6
Group usable open space per Efficiency Dwelling Unit	75 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	75 sf. <u>38 sf.</u>	75 sf.	50 sf. <u>38 sf.</u>	50 sf. <u>38 sf.</u>	6
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	45 sf. <u>10 sf.</u>	45 sf. <u>10 sf.</u>	45 sf. <u>10 sf.</u>	45 sf.	10 sf.	10 sf.	6

Additional Regulations for Table 17.19.04:

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; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height may increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

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. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

17.19.060 Special regulations for Planned Unit Developments.

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

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

17.19.070 Other zoning provisions.

A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~

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

17.30.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the R-80 High-Rise Apartment Residential Zones Regulations. The intent of the High-Rise Apartment Residential (R-80) Zone is to create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations. These regulations shall apply in the R-80 Zone.

17.30.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care ~~occupying a One-Family Dwelling Residential Facility~~

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; permitted upon the granting of a Conditional Use Permit elsewhere in the zone)

B. Civic Activities:

Administrative, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Telecommunications

C. Commercial Activities:

Full Service Restaurant

Limited Service Restaurant and Cafe

Administrative, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)

Personal Instruction and Improvement Services

Consumer Service (see Section 17.102.170 for special regulations relating to massage services)

Consultative and Financial Service, but only if the total floor area devoted to these activities by any single establishment does not exceed five thousand (5,000) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure)

DG. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure)

17.30.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a ~~conditional use permit~~ Conditional Use Permit pursuant to the ~~conditional use permit~~ Conditional Use Permit procedure in Chapter 17.134:

A. Residential Activities:

~~Residential Care, except when occupying a One-Family Dwelling Residential Facility~~
~~Emergency Shelter~~

AB. Civic Activities:

Administrative
Health Care
Utility and Vehicular
Extensive Impact

BG. Commercial Activities:

General Food Sales
Full Service Restaurant
~~Limited Service Restaurant and Cafe~~
Convenience Market
Alcoholic Beverage Sales
Medical Service

~~Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)~~

~~Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~

CD. Agricultural and Extractive Activities:

Extensive Agriculture, with additional use permit criteria that 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

DE. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.116.075.

EF. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone subject to the conditions set forth in Section 17.102.110.

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- ~~to Four~~-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

~~17.30.090 Special regulations applying to certain commercial activities.~~

~~All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. No Business Signs or display windows shall be provided for such activities. See also Section 17.103.030.~~

~~17.30.110 Use permit criteria for commercial activities.~~

~~A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service~~

~~Restaurant and Cafe, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only 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 that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.103.030.~~

~~B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only 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 both of the following additional criteria:~~

~~1. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~2. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises.~~

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 Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure.

A. Permitted Density.

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

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

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

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

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~one hundred fifty (150)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy-five (75)~~ thirty-eight (38) 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.

17.30.200 Special regulations for Planned Unit Developments and Large-Scale Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the R-80 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

BG. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid Planned Unit Development permit is in effect.

Chapter 17.94 S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

17.94.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-12 Residential Parking Combining Zone Regulations. The Residential Parking Combining (S-12) Zone is intended to create, preserve, and enhance areas with high concentrations of Residential Facilities, ~~to ensure that adequate off-street parking is provided for those facilities, and to maximize the general availability of on-street parking,~~ and is typically appropriate in high density residential neighborhoods, adjacent to commercial areas, ~~and other neighborhoods where high concentrations of Residential Facilities may contribute to on-street parking congestion.~~ These regulations shall apply in the S-12 Zone, and are supplemental to the regulations applying in the zones with which the S-12 Zone is combined.

17.94.030 Activities to which S-12 Zone regulations apply.

The driveway regulations set forth in Section 17.94.080, ~~the on-street parking regulations set forth in Section 17.94.100,~~ and the related review and approval by the City Traffic Engineer set forth in Section 17.94.120, shall apply to all activities located in the S-12 Zone. All other provisions of the S-12 Zone shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two- ~~to Four-Family Dwelling,~~ or Multifamily Dwelling Residential Facility. The off-street parking requirements of all other activities located in the S-12 Zone shall be as set forth in Chapter 17.116.

~~17.94.040 Off-street parking regulations—Residential Activities.~~

~~Except as otherwise provided in Sections 17.116.020 and 17.116.030, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facility. Such required parking shall be developed and maintained pursuant to the provisions of Section 17.94.050 through 17.94.090, unless an alternate parking layout is approved pursuant to Section 17.94.110. The special exceptions to parking requirements set forth in Section 17.116.110 shall not apply in the S-12 Zone.~~

~~A.——Basic Requirement. One (1) off-street parking space shall be provided for each three (3) habitable rooms in the facility, as determined by the definition of "habitable rooms, number of in Section 17.09.040 and rounded to a whole number in accordance with the rules of Section 17.116.050, or the same number of spaces as required by the underlying base zone pursuant to Section 17.116.060 without regard to the provisions of the S-12 regulations, whichever is greater. Such parking shall be designated and permanently maintained for the use of residents of the facility.~~

~~B.——Visitor Parking. Where the basic requirement of Subsection A. of this Section is five (5) spaces or more, an additional 0.2 spaces shall be provided for each dwelling unit in the facility, rounded to a whole number in accordance with the rules of Section 17.116.050. Such parking spaces shall be designated and permanently maintained for the use of visitors of the facility.~~

~~C.——Handicapped Parking. Handicapped parking spaces shall be provided pursuant to the provisions of the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title~~

~~24 of the California Administrative Code. Such spaces shall count towards the requirements of Subsections A. and B. of this Section, and shall not be in addition to those requirements.~~

17.94.050 Standards for provided required parking facilities.

The standards for provided ~~required~~ parking and loading facilities set forth in ~~Article IV of Chapter 17.116 of the Oakland Planning Code, and the provisions of Chapters 12.04, 12.08, and 12.52 of the Oakland Municipal Code,~~ shall apply in the S-12 Zone, except as specified in Sections 17.94.060 through ~~17.94.100~~ 17.94.090. All provided ~~required~~ parking spaces and associated maneuvering aisles, driveways, and other related features shall be of such design and arrangement as to provide motor vehicles with adequate ingress to and egress from all ~~required~~ parking spaces, and to provide pedestrians with adequate access to parked vehicles.

17.94.060 Parking spaces.

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two- ~~to Four~~-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the parking space dimensions set forth in Section 17.116.200 and the tandem space requirements set forth in Section 17.116.240.

B. Mixture of Parking Space Types. Up to fifty percent (50%) of the provided ~~required~~ parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five (5) or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces. The requirements of this Subsection shall apply separately to the parking spaces required by ~~Section 17.94.040A and to the parking spaces required by Section 17.94.040B~~ Chapter 17.116.

C. Location of Parking Spaces. On any lot located in the S-12 Zone and containing a One-Family Dwelling, Two- ~~to Four~~-Family Dwelling, or Multifamily Dwelling Residential Facility, no parking spaces shall be located between the front lot line and the front wall of the facility or its projection across the lot, except upon the granting of a ~~conditional use permit~~ Conditional Use Permit pursuant to the ~~conditional use permit~~ Conditional Use Permit procedure in Chapter 17.134 and upon determination that:

~~1. The parking spaces are required by Section 17.94.040; and~~

12. There is no other feasible way to provide the required parking; and

23. The applicable requirements of the buffering regulations in Chapter 17.110 are met; ~~and~~

~~4. If the facility contains three (3) or more dwelling units, criteria 11 through 16 of the design review criteria for high density housing, pertaining to pedestrian entries, auto entries, landscaping, and accessories, are fully satisfied.~~

D. Tandem Spaces. Parking spaces ~~required by Section 17.94.040.A~~ may be tandem spaces provided that:

1. At least one (1) independent parking space shall be permanently assigned to each dwelling unit in the facility; and

2. For each pair of tandem spaces, both the independent space and the dependent space shall be permanently assigned to the same dwelling unit; and

3. At least one (1) space in each pair shall be a regular parking space.

17.94.070 Maneuvering aisles.

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two- to Four-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the requirements for Maneuvering Aisles set forth in Section 17.116.210.

17.94.080 Driveways.

The requirements of this Section shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway width set forth in Section 17.116.210 of the ~~zoning regulations~~ and the requirements for driveway openings set forth in Subsections A. and B. of Section 12.04.270 of the ~~Oakland Municipal Code~~ Oakland Planning Code.

C. Requirement for Wider Driveway ~~et al~~ at Discretion of City Traffic Engineer. At his or her discretion, pursuant to Section 17.94.120, the City Traffic Engineer may require a two-lane driveway for off-street parking facilities which would ordinarily require a one-lane driveway; and may require a wider driveway and driveway opening for a Nonresidential Facility located in the S-12 Zone if such driveway and driveway opening serve vehicular activities other than, or in addition to, the parking of automobiles. The width of such nonresidential driveway and driveway opening shall not exceed thirty-five (35) feet, ~~as specified in Section 17.09.270A of the Oakland Municipal Code.~~

17.94.090 Other dimensional requirements.

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two- to Four-Family Dwelling, or Multifamily Dwelling Residential Facility.

17.94.100 ~~On-street parking regulations.~~

~~The requirements of this Section shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway separations set forth in Subsections C. and D. of Section 12.04.270 of the Oakland Municipal Code.~~

~~A. Requirement to Maximize On-Street Parking Spaces. The placement of driveway openings, fire hydrants, street trees, lampposts, signs, and any other potential obstacles to the usability of on-street parking shall be arranged so as to maximize the number of usable on-street parking spaces immediately in front of, and adjacent to, the lot containing the activity. Where the lot containing the activity has frontage on more than one street, the number of usable on-street parking spaces shall be maximized along all frontages. The method for calculating the number of required usable on-street parking spaces shall be as set forth in Subsection B. of this Section.~~

~~B. Calculation Rules for Required On-Street Parking Spaces. The number of usable on-street parking spaces required by Subsection A. of this Section shall be determined as set forth in steps 1 through 4 below. All measurements shall be in feet.~~

~~1. Measure the distance between the nearest parking obstructions on either side of the lot containing the activity.~~

2. ~~Subtract the width of the driveway opening or openings provided pursuant to Section 17.94.080, plus one and one-half (1½) feet on either side of each driveway opening.~~

3. ~~Subtract the width of any other parking obstructions immediately in front of the lot that presently exists or that would be constructed, located, or moved in conjunction with construction of the proposed driveway opening or openings.~~

4. ~~Divide the number obtained in step 3 by twenty (20) feet.~~

~~The number thus obtained, disregarding any fractional part thereof, shall be the number of usable on-street parking spaces required by Subsection A. of this Section.~~

C. ~~Definition of Parking Obstructions. For purposes of this Section, parking obstructions are any features, other than posted time limitations, which preclude or restrict the parallel on-street parking of an automobile, including but not limited to, the following:~~

1. ~~Any existing driveway opening plus one and one-half (1½) feet on either side;~~

2. ~~Any existing or required fire hydrant plus five (5) feet on either side;~~

3. ~~Any marked or unmarked crosswalk, plus a distance on either side to be determined by the City Traffic Engineer;~~

4. ~~Any red, yellow, green, white, blue, or other colored curb established by the City Traffic Engineer;~~

5. ~~Any area posted by the City Traffic Engineer for "No Parking Any Time";~~

6. ~~Any posted bus stop, the length of which shall be determined by the City Traffic Engineer if the curb is not marked;~~

7. ~~Any handicapped curb cut, plus a distance on either side to be determined by the City Traffic Engineer;~~

8. ~~Any metered parking space established by the City Traffic Engineer;~~

9. ~~Any parking space signed or marked by the City Traffic Engineer for angle parking;~~

10. ~~At approximate right-angle intersections, the curb return plus the area between the curb return and a point the following distance from the intersection of the curb lines projected: twenty (20) feet on the near side of the intersection, or ten (10) feet on the far side of the intersection, measured in the normal direction of vehicular travel. If no curb exists, the edge of the roadway where such curb return and the area specified above would be located;~~

11. ~~Any section of curb or roadway edge located between any two parking obstructions as defined in Subsections (C)(1) through (C)(10) of this Section, that is currently, and that will remain, too short to be a usable on-street parking space as defined in Subsection D. of this Section;~~

12. ~~Any section of curb or roadway edge along which the City Traffic Engineer determines that it is unsafe to park an automobile.~~

D. ~~Definition of Usable On-Street Parking Space. For purposes of this Section, a usable on-street parking space is a section of unmarked curb or roadway edge twenty (20) feet in length which does not contain any of the parking obstructions defined in Subsection C. of this Section.~~

~~E. Determination by City Traffic Engineer in Special Circumstances. Where the street frontage of the lot containing the activity is in a parking meter zone or an area signed or marked for angle parking, or where the special characteristics of the proposed activity would preclude maximizing the number of usable on-street parking spaces, or in other special circumstances where the rules of Subsection B. of this Section cannot reasonably be applied, the number of required usable on-street parking spaces, and the required placement of driveway openings and other potential obstacles to usable on-street parking shall be determined by the City Traffic Engineer.~~

17.94.110 Alternate parking layouts.

Layouts of off-street parking spaces, maneuvering aisles, driveways, driveway openings, and other related features different from those prescribed in Sections 17.94.060 through 17.94.090 may be approved with a ~~conditional use permit~~ Conditional Use Permit granted pursuant to the ~~conditional use permit~~ Conditional Use Permit procedure in Chapter 17.134 and upon determination that:

- A. ~~The number of off-street parking spaces required by Section 17.94.040 are provided in the mixture of types set forth in Section 17.94.060_B; and~~
- B. ~~The alternate parking layout is approved by the City Traffic Engineer pursuant to Section 17.94.120.~~

17.94.120 Review and approval by City Traffic Engineer.

~~The design and layout of all on-street parking spaces and off-street parking facilities subject to required by the S-12 Zone regulations, including maneuvering aisles, driveways, driveway openings, and other related features, shall be subject to review and approval by the City Traffic Engineer. He or she shall ensure that the maximum feasible number of on-street parking spaces has been provided, that adequate ingress to and egress from each required off-street parking space is provided is for a vehicle of the appropriate size, and that ingress to and egress from the off-street parking facility is possible with minimal disruption of traffic on the adjacent street. In his or her review, he or she shall consider the structural requirements of the facility; the length of the driveway and distance from parking spaces to the adjacent street; any loading berths or other vehicular activities served by the driveway; the average daily traffic, lane widths, and other pertinent characteristics of the adjacent street; and any other relevant factors. Notwithstanding the requirements of Sections 17.94.060 through 17.94.100 17.94.090, he or she may require such modifications to the design and layout of such on-street parking spaces and off-street parking facilities as in his or her judgment are necessary to ensure the safe and efficient operation of such spaces and facilities.~~

17.94.130 Exceptions, variances, and appeals.

- A. ~~Exceptions Within Street Right-of-Way. Exceptions from the provisions of the S-12 Zone regulations pertaining to required on-street parking, driveways, driveway openings, and any other features located within the street right-of-way shall be considered by the City Traffic Engineer. The decision of the City Traffic Engineer may be appealed to the Driveway Appeals Board. The decision of the Driveway Appeals Board may be appealed to the Planning Commission, whose decision shall be final, pursuant to the procedures set forth in Sections 12.04.300 and 12.04.310 of the Oakland Municipal Code~~

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

17.99.030 Definitions.

As used in this Chapter, the following words will have the meaning set forth unless the context clearly indicates otherwise:

Usable open space categories shall be defined as follows:

B. **Public Ground-Floor-Level Plaza.** Public ground-floor-level plazas (plazas) are group usable open space 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.

F. **Off-site Open Space.** Privately owned and maintained group usable or public open space at ground-floor-level or podium level within one thousand (1,000) feet of a residential development, intended to fulfill the usable open space requirement of said residential development, only.

17.99.040 Permitted categories of usable open space.

Residential development in the S-17 Downtown Residential Open Space Combining Zone shall provide a combination of the following usable open space categories, as defined in Section 17.99.030, in order to satisfy the standards established in Section 17.99.050:

- A. Private usable open space;
- B. Public ground-floor-level plaza;
- C. Widened sidewalk;
- D. Rooftop open space;
- E. Courtyard; and
- F. Off-site open space.

17.99.050 Usable open space standards for residential development.

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

A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of ~~seventy-five (75)~~ sixty (60) square feet per Regular Dwelling Unit, ~~fifty (50) square feet per Efficiency Dwelling Unit~~, and ~~thirty-eight (38)~~ thirty (30) square feet per Rooming Unit or Efficiency Dwelling Unit.

C. **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:

Private Usable Open Space	10' (ground floor)
Public Ground-Floor-Level Plaza	10'
Widened Sidewalk	10*
Rooftop	15'
Courtyard	15'
Off-Site Open Space	5,000 square feet

* Measurement does not include width of existing sidewalk; and is additive to existing sidewalk.

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.

F. **Accessibility.** Usable open space, other than private usable open space and off-site 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.

G. **Enclosure.** ~~Ground-level usable open space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above-prescribed height may be reduced to three and one-half (3½) feet. Fences and walls shall not be constructed as to interfere with the access required by applicable fire prevention regulations.~~

17.99.060 Landscaping requirements.

At least ten percent (10%) of usable open space area (with the exception of private usable open space) shall include landscaping enhancement ~~as well as user amenities.~~ Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers and coverings (mulch, gravel), fountains, boulders or artwork (sculptures, murals). ~~User amenities shall include seating, decorative paving or playground structures. The~~

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

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

17.101A.020 Permitted and conditionally permitted activities.

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the D-WS Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding D-WS Zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding D-WS Zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.101A.01: Permitted and Conditionally Permitted Activities

Activities	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	
Residential Activities										
Emergency Shelter	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	—	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	—	17.103.010 <u>17.103.015</u>
Industrial Activities										
Custom Manufacturing	—	<u>P(L16)</u>	—	C	C	C	—	<u>P(L16)</u>	—	

Limitations on Table 17.101A.01:

~~L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code,~~

Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; prohibited elsewhere in the zone.

L16. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.020 Effect on new and existing uses.

A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** The off-street parking and loading requirements of this Chapter shall only ~~be provided for~~ apply to activities occupying any portion of new facilities and new additions to existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement, and any minimum size for which parking or loading is required in Articles II and IV of this Chapter.

B. **Changes in Activity within an Existing Facility.** ~~Except as otherwise provided for new dwelling units described in Subsection C, no~~ No additional parking and loading spaces are required for a change of activity within an existing facility. However, if the number of existing parking spaces on the lot equals or is less than required, then these parking spaces must be preserved with the change of activity. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required.

C. **~~New Parking and Loading Provided for New Dwelling-Living Units in Existing Facilities.~~** ~~Except as provided for Accessory Dwelling Units in Section 17.103.080 and Chapter 17.88, no additional parking and loading spaces are required for newly established living units located entirely within an existing facility and outside of the S-9 Fire Safety Protection Combining Zone. However, if the number of existing parking spaces on the lot equals or is less than required, then these parking spaces must be preserved with the establishment of new living units. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required., the conversion of historic facilities in Section 17.116.110(F), additions to historic facilities in Section 17.116.110(G), and the conversion of a building into Residentially Oriented Joint Living and Working Quarters in Section 17.102.195, the parking and loading requirements of this Chapter apply to newly established dwelling units. However, additional parking only needs to be provided to the extent that the existing parking does not meet the new total parking requirement.~~

17.116.060 Off-street parking—Residential Activities.

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

1. **Minimum Parking for Permanent and Semi-Transient Residential Activities.** 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 <u>S-9 or S-11</u> Zone.	Two (2) spaces for each dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u> ; 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.
	<u>RH Zones combined with the S-9 or S-11 Zone.</u>	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, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	CBD, S-2, S-15, D-CO-1, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO-2 and D-CO-4 Zones, except when combined with the S-12 Zone.	One-half (½)-space for <u>each</u> dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	Any zone combined with the S-12 Zone.	See Section 17.94.040.

Residential Facility Type	Zone	Total Required Parking
Accessory Dwelling Unit (in conjunction with One-Family, Two- to Four-Family, or Multifamily Dwelling).	CBD, S-2, S-15, <u>D-CO-1</u> , and D-LM Zones, except when combined with the <u>S-9 or S-11</u> or S-12 Zone.	No additional spaces required for the Accessory Dwelling Unit.
	Any other zone <u>All other zones</u> (including any zone combined with the <u>S-9 or S-11</u> or S-12 Zone).	One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.
Two- to Four-Family Dwelling. Multifamily Dwelling.	CBD, S-2, <u>S-15</u> , D-CO-1, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	All other zones. 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, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	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, <u>S-15</u> , <u>D-CO-1</u> , D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units.

Residential Facility Type	Zone	Total Required Parking
	All other zones.	One (1) space for each two (2) Rooming Units. <u>One-half (½) space for each Rooming Unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
Micro-Living Quarters	D-BV-1 and D-BV-2 Zones. (Micro-Living Quarters are not permitted in any other zone.)	No spaces required.
Vehicular.	All zones.	See Section 17.103.085.
Bed and Breakfast.	CBD, S-2, <u>S-15, D-CO-1,</u> 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, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>

2. **Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Maximum Number of Parking Spaces
One-Family Dwelling.	<u>S-15 and D-CO-1 Zones.</u>	<u>One-half (½) space for each dwelling unit.</u>
Two- to Four -Family Dwelling.	CBD, S-2, S-15, and D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces <u>Three-quarters (¾) space per dwelling unit.</u>

Residential Facility Type	Zone	Maximum Number of Parking Spaces
Multifamily Dwelling.	All other zones.	No maximum parking requirement.
Rooming House.	CBD, S-2 , S-15, D-LM, and D-CO-1 Zones.	One and one-quarter (1¼) parking spaces per each two Rooming Units. <u>One-half (½) space for each Rooming Unit.</u>
	All other zones.	No maximum parking requirement.
Vehicular.	All zones.	See Section 17.103.085.
Bed and Breakfast.	CBD, S-2 , S-15, D-LM, and D-CO-1 Zones.	One and one-quarter (1¼) parking spaces <u>One (1) space per each two (2) guest rooms, plus the maximum allowed parking for a One-Family Dwelling in the underlying zone.</u>
	All other zones.	No maximum parking requirement.

B. **Minimum Parking for Residential Care, Supportive Housing, Transitional Housing, and Emergency Shelter Residential Activities.** Except as otherwise provided in Article III and this Title, the following amounts of off-street parking are required for all Residential Care, Supportive Housing, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles.

Residential Activity	Total Required Parking
Residential Care.	One (1) space for each three (3) employees on site during the shift that has maximum staffing, and one (1) space for each facility vehicle. Where more than two (2) spaces are required, additional spaces beyond two (2) may be provided in tandem, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
<u>Supportive Housing.</u>	<u>No spaces required if all services are offsite.</u> <u>If onsite services are provided, one (1) space for each three (3) employees, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>

<u>Transitional Housing.</u>	<u>No spaces required.</u>
Emergency Shelter.	<u>No spaces required.</u> One (1) space for each three (3) employees on site during the shift that has maximum staffing, plus one (1) space for each facility vehicle.

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Article III and elsewhere in this Title, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
A. Essential Service and Limited Childcare.	All zones.	—	No spaces required.
B. Community Assembly and Recreational Assembly: • Playgrounds and playing fields; • Concessions located in public parks; • Temporary nonprofit festivals; • Private non-profit clubs and lodges.	All zones.	—	No spaces required.
Churches and all other.	CBD-P, CBD-C, CBD-X, S-2, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	S-15 and D-CO Zones.	—	<u>No spaces required.</u> A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code. One space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.</u>
C. Community Education: high schools.	CBD-P, CBD-C, CBD-X, S-2 and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	No minimum.	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
All others.	CBD-P, CBD-C, CBD-X, S-2 and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	S-15 and D-CO Zones.	—	<u>No spaces required. A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	Any other zone.	No minimum.	<u>One-half (1/2) space for each classroom, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
D. Nonassembly Cultural. Administrative.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area. in the D-BV Zones and five thousand (5,000) square feet for all other zones.	One space per six hundred (600) square feet of floor area on the ground floor and One (1) space per one thousand (1,000) square feet of floor area, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u> on other floors.
E. Health Care: hospitals.	CBD-C, CBD-X, S-2 and D-LM-2 through D-LM-5.	No minimum.	No spaces required.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
Clinics.	C-45, CBD-P, CBD-C, CBD-X, S-2 and D-LM-2 through D-LM-5.	—	No spaces required.
	S-15 and D-CO Zones.	—	No spaces required. A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
All other.	C-45, CBD-P, CBD-C, CBD-X, S-2, and D-LM-2 through D-LM-5 Zones.	No minimum.	No spaces required.
	S-15 and D-CO Zones.	—	No spaces required. A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six (6) beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
F. Utility and Vehicular.	CDB-P, CBD-C, CBD-X, S-2, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	S-15 and D-CO Zones.	—	No spaces required. A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	Any other zone.	Five thousand (5,000) square feet of floor area.	One (1) space for each three (3) employees plus one space for each vehicle used in connection with the activities, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, CBD-X, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
All other.	All zones.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>

17.116.080 Off-street parking—Commercial Activities.

A. Minimum Parking for Commercial Activities.

Except as otherwise provided in Article III and elsewhere in this Title, the following table contains the amounts of off-street parking that are required in the indicated location for all Commercial Activities.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
Group Assembly – only theaters, cabarets, nightclubs with performance and/or dance space, and temporary and permanent carnivals, fairs, and circuses. Go to “All other activities,” below for other Group Assembly Activities.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area.	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040. One (1) space for each fifteen (15) fixed seats in indoor places of assembly, plus one space for each one hundred (100) square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.</u>
General Wholesale. Building Material Sales. Automobile and Other Light Vehicle Sales and Rental. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area.	<u>One (1) space for each one thousand (1,000) square feet of floor area, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
Taxi and Light Fleet-Based Service.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Ten thousand (10,000) square feet of floor area and outdoor storage.	<u>One (1) space for each one thousand (1,000) square feet of floor area, plus one space for each vehicle used in connection with the activities, except that no parking shall be required if located within one-half (1/2) mile of a</u>

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
			<u>major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
Automobile and Other Light Vehicle Repair and Cleaning.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	No minimum.	One (1) space for each one thousand (1,000) square feet of floor area, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
Automotive Fee Parking.	All zones.	—	No spaces required.
Animal Boarding.	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.
	All other zones.	Five thousand (5,000) square feet.	One (1) space for each 1,000 square feet of floor area, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
All other activities	CBD-P, CBD-C, CBD-X, S-2, D-LM-2 through D-LM-5, D-CO, and S-15 Zones.	—	No spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
	All other zones.	Ten thousand (10,000) square feet in the D-BV Zones and <u>five thousand (5,000) three thousand (3,000)</u> square feet for all other zones.	One (1) space for each six hundred (600) square feet of floor area on the ground floor of a building; One (1) space for each one thousand (1,000) square feet of floor area, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u> not on the ground floor of a building

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in this Title, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-P, CBD-C, CBD-X, D-CO, <u>D-LM</u> , S-2, and S-15 Zones.	—	No spaces required.
All other zones.	25,000 square feet of floor area.	One (1) space for each <u>five thousand (5,000) three-thousand five hundred (3,500)</u> square feet of floor area, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in this Title, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Zone	Minimum Total Size for Which Parking Required	Total Required Parking
CBD-P, CBD-C, CBD-X, S-2, <u>S-15</u> , D-CO, and D-LM Zones.	—	No spaces required.
All other zones.	Ten thousand (10,000) square feet of floor area and outdoor sales area.	<u>A number of spaces to be prescribed by the Planning Director, pursuant to Section 17.116.040, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code. One (1) space for each one thousand (1,000) square feet of floor area and outdoor sales area.</u>

17.116.105 Special regulations in the ~~Downtown~~ CBD and D-LM Zones.

The following regulations shall apply to new Multifamily Residential Facilities of five (5) or more dwelling units in the CBD and D-LM Zones.

A. Car-Share Parking Spaces.

2. Required car-share space(s) shall be made available through one of the following two means:

b. At no cost, providing a parking space to a public car-share organization for purposes of providing car-share services for its car-share service subscribers. The car-share spaces may be provided on the building site or on another site within six hundred (600) feet of the building site. All car-share vehicles shall be accessible to both non-resident and resident subscribers.

17.116.110 Special parking exemptions and reductions.

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

A. **Reduction for Senior Citizen Housing.** The number of parking spaces prescribed in Section 17.116.060 ~~may shall~~ be reduced by ~~not to exceed~~ seventy-five percent (75%) for each dwelling unit that is regularly occupied by at least one individual who is at least fifty-five (55) years of age or older or is physically handicapped regardless of age. ~~This reduction cannot be increased according to any other exemption in this Section.~~

B. **Affordable Housing.** ~~For zones that have a base parking minimum in Section 17.116.060(A) of three quarter (3/4) space per dwelling unit or more, the parking requirement for a~~ Affordable housing units restricted for extremely low, very low, low, and moderate income households, (as defined in California Government Code Section 50052.5 and in Oakland

Planning Code Section 17.107.020) ~~is the following:~~ shall have no minimum parking requirement.

- ~~1. One-half (1/2) space per affordable housing unit if within a Transit Accessible Area; and~~
- ~~2. Three-quarters (3/4) space per affordable housing unit if not within a Transit Accessible Area.~~

C. **Parking Reduction through Demand Management Measures.** The following are the percentages that parking requirements are reduced for Two- to Four-Family and Multifamily Dwelling Residential Facilities located outside of the S-9 Fire Safety Protection Combining Zone of five (5) or more dwelling units through implementation of the listed parking demand management measures. The parking reduction percentages for the demand management measures described below can be added together to create a greater parking reduction, ~~but cannot create more than a fifty percent (50%) reduction. These reductions cannot be combined with the parking reductions described in other Subsections of Article III, except for the reduction described in Subsection B, above.~~ A notice describing the demand management measure(s) required shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.

~~1. Transit Accessible Areas. A project that is within a Transit Accessible Area receives a thirty percent (30%) reduction in the parking requirement. This reduction cannot be applied to the parking ratio for affordable housing that already receives a reduction under B(1), above.~~

12. On-site public or private car share spaces.

a. The provision of on-site car-share spaces at the level and standards described in the table below reduces the parking requirement by ~~twenty percent (20%)~~ twenty-five percent (25%).

Number of Dwelling Units	Number of Required Car Share Parking Spaces	Notes
5—100 units. <u>2—100 units.</u>	One (1) space.	1, 2, 3
101—300 units.	Two (2) spaces.	1, 2, 3
Each additional 200 units.	One (1) additional space.	1, 2, 3

23. Off-site public or private car share spaces. The provision of off-site car-share spaces at the minimum level and standards described in Subsections 17.116.105(A) reduces the parking requirement by ~~ten percent (10%)~~ twenty-five percent (25%).

34. Transit passes. The provision of transit passes at the level and standards described in Subsection 17.116.105(B) reduces the parking requirement by ~~ten percent (10%)~~ fifty percent (50%).

D. **~~Discretionary Reduction of Total Requirements with Shared Parking Area.~~** For a joint off-street parking area that serves more than one activity (either on the same or different lots) and meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities ~~may shall~~ be reduced by ~~not to exceed~~ fifty percent (50%) upon the submittal of evidence sufficient to determine ~~determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.~~ ~~proposal conforms to the general use permit criteria set forth in the Conditional Use Permit (See Chapter 17.134 for the CUP criteria), and to the following additional use permit criterion:~~

1. ~~—— The typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.~~

H. **Parking reduction for parking on narrow lots in certain Commercial Zones.**

1. In the D-BV, CN and CC Zones, lots with a mean width of ~~forty (40)~~ fifty (50) feet or less are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a side street, a shared access driveway on an adjoining parcel, or an alley.

2. ~~—— In the D-BV Zones, lots with a mean width of fifty (50) feet or less and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a side street, a shared access driveway from an adjoining parcel or an alley.~~

I. **Parking Reduction through the payment of in lieu fees in the D-BV Zones.** Both of the following provisions shall apply in the D-BV Zones only:

1. The parking requirements for the D-BV Zones 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. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

2. 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 required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the means of reducing or eliminating such parking, except as provisions in state and local law requiring regulatory concessions and waivers for certain types of affordable and senior housing projects may apply.

17.116.130 Off-street loading—Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet. 150,000 square feet or more.	Two (2) berths.*
—300,000 square feet or more.	Three (3) berths.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Commercial Activity and Floor Area of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service,	

Commercial Activity and Floor Area of Facilities Occupied	Requirement
General Retail Sales, Large-Scale Combined Retail and Grocery Sales, Consumer Cleaning and Repair Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive Fee Parking, or Undertaking Service – occupying facilities with the following floor area:	
Less than 25,000 square feet.	No berths required.*
25,000—59,999 square feet. <u>25,000—149,999 square feet.</u>	One (1) berth.*
60,000—159,999 square feet. <u>150,000 square feet or more.</u>	Two (2) berths.*
160,000 square feet or more.	Three (3) berths.*
B. Mechanical or Electronic Games, Medical Service, Consultative and Financial Service, Administrative, Transient Habitation, Check Cashier and Check Cashing, Consumer Dry Cleaning Plant, Group Assembly, Personal Instruction and Improvement Services, Business, Communication, and Media Service,	

Commercial Activity and Floor Area of Facilities Occupied	Requirement
Broadcasting and Recording Service, Automobile and Other Light Vehicle Sales and Rental, Automotive and Other Light Vehicle Repair and Cleaning, Taxi and Light Fleet-Based Service, Animal Care, or Animal Boarding - occupying facilities with the following floor area:	
Less than 40,000 <u>50,000</u> square feet.	No berths required.*
40,000—59,999 square feet. <u>50,000—199,999 square feet.</u>	One (1) berth.*
60,000—159,999 square feet. <u>200,000 square feet or more.</u>	Two (2) berths.*
160,000 square feet or more.	Three (3) berths.*

*Off-street loading is not required in the CBD-P ~~zone~~ Zone when combined with the S-7 Zone.

17.116.150 Off-street loading—Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article V of this Chapter:

Industrial Activity and Total Floor Area of Facilities Occupied	Requirement
Less than 25,000 square feet.	No berths required.*
25,000— 49,999 <u>99,999</u> square feet.	One (1) berth.*
50,000—99,999 square feet. <u>100,000—199,999 square feet.</u>	Two (2) berths.*
Each additional 150,000 square feet or fraction of one-half <u>two-thirds</u> or more thereof.	One (1) additional berth.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 Zone.

17.116.170 Property on which parking and loading is ~~must be~~ provided.

A. Parking Spaces and Loading. ~~Required~~ Off-street parking spaces and loading berths shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290_B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area. Required parking provided on a lot other than the Facility or Activity it serves shall not count toward any of the required parking serving the Facility or Activity on the off-site lot.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential or Commercial Activity.	RU-4, RU-5, CN, CC, <u>CR</u> , <u>C-40</u> , <u>C-45</u> , <u>CBD</u> , <u>S-1</u> , <u>S-2</u> , <u>S-3</u> , <u>S-15</u> , <u>D-BV</u> , <u>D-CE</u> , <u>D-LM</u> , and <u>D-CO</u> , Zones.	On the same lot as the activity served; or either, subject to the provisions of Section 17.116.180: <ol style="list-style-type: none"> 1. On another lot that both is located within six hundred (600) feet and contains an enclosed principal facility containing a principal activity; or 2. Upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) on another lot that both is located within six hundred (600) feet and does not contain an enclosed principal facility containing a principal activity.
	All other zones.	On the same lot as the activity served, but for One-Family and Two- <u>to Four</u> -Family Dwelling Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards:
		<u>1. The minimum pavement width along the entire length of the adjoining street is at least twenty (20) feet;</u>
		<u>24. The required parking stalls shall be located perpendicular to and the edge of the <u>street pavement</u>, curb, pavement, or sidewalk;</u>
		<u>32. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement <u>resulting from the project</u>, including any curbs or sidewalks; and</u>

Required Facility and Activity it Serves	Zone	Location
		43. The <u>number of</u> parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required -residential parking <u>spaces</u> .
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot, except that an off-street loading facility for Nonresidential Activities in any zone, or for Residential Activities in the <u>S-1, S-2, S-3, S-15, D-CE, D-CO, D-LM, D-BV, CBD, CN, CC, C-40, and C-45</u> Zones, may, upon the granting of a conditional use permit <u>Conditional Use Permit</u> pursuant to the conditional use permit <u>Conditional Use Permit</u> procedure in <u>Chapter 17.134</u> , and subject to the provisions of <u>Section 17.116.180</u> , be located on a lot which does not abut all the lots containing the activities served.

17.116.180 Conditions for off-street parking or loading.

Whenever, pursuant to Section 17.116.170, any ~~required~~-off-street parking or loading facilities are located, in whole or in part, on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.

17.116.200 Parking space dimensions.

The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-to Four-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All provided ~~required~~-parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210.

17.116.220 Loading berth dimensions.

All ~~required~~-loading berths shall have the minimum dimensions set forth below when serving the indicated activities; provided that where one or both of the long sides of a berth which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other similar obstruction, each of the widths specified below shall be increased

by three (3) feet. However, the minimum height or length of a ~~required~~ berth for Civic, Commercial, and Industrial Activities may be reduced ~~upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)~~ and upon determination based on sufficient evidence that such smaller dimensions are ample for the size and type of trucks or goods which foreseeably will be involved in the loading operations of the activity served.

B. For all Industrial Activities and for General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, and Automobile and Other Light Vehicle Gas Station and Servicing: forty-five (45) feet long, twelve (12) feet wide, and fourteen (14) feet high;

17.116.240 Tandem spaces and berths.

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

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

B. In the S-11 Zone, tandem parking may be permitted for fifty percent (50%) of the ~~required~~ parking spaces provided for a One-Family Dwelling Residential Facility.

C. In the S-12 Zone, tandem parking may be permitted for One-Family Dwelling, Two- to Four-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.

D. In any zone, tandem parking may be permitted for Nonresidential Activities upon the granting of a ~~conditional use permit~~ Conditional Use Permit pursuant to the ~~conditional use permit~~ Conditional Use Permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;
2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

17.116.290 - Special requirements applying in some zones.

A. Whenever ~~required~~ off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a ~~conditional use permit~~ Conditional Use Permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for ~~required~~ parking and loading.

B. In the S-15 and D-CO-1 Zones:

1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.

~~2. ——— Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.~~

~~23. 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~~ Conditional Use Permit ~~pursuant to the conditional use permit~~ Conditional Use Permit ~~procedures in Chapter 17.134 and Section 17.100.100.~~

~~34. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.~~

~~45. Exceptions to Parking Requirement. The number of parking spaces provided may only exceed the number normally required upon the granting of a conditional use permit~~ Conditional Use Permit ~~pursuant to Section 17.100.100 and the conditional use permit~~ Conditional Use Permit ~~procedure in Chapter 17.134.~~

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

The provisions of this Section apply to lots containing One-Family Dwelling and Two- to Four-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the ~~Design Review~~ design review procedure in Chapter 17.136.

17.116.310 Unbundled Parking.

With the exception of affordable housing as defined by Section 17.107.020, the following rules shall apply to new Multifamily Dwelling Residential Facilities of ~~ten (10)~~ five (5) or more units:

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

17.117.090 Required bicycle parking—Residential Activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this Chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Permanent and Semi-Transient Residential Activities occupying the specified facilities:		
2) Two- to Four- Family Dwelling.	No spaces required.	No spaces required.
<u>Residential Care, Supportive Housing, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:</u>		
6) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
7) <u>Supportive Housing.</u>	<u>1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.</u>	<u>2 spaces.</u>
8) <u>Transitional Housing.</u>	<u>1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.</u>	<u>2 spaces.</u>
7 10) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.

17.117.150 Automobile parking credit.

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six (6) bicycle spaces provided in excess of the requirements in this Chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term

requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than ~~five percent (5%)~~ ten percent (10%).