

## **Chapter 17.101K – D-DT DOWNTOWN DISTRICT ZONES REGULATIONS**

### **Articles:**

Article I – Title, Intent and Applicability of the D-DT Zones

Article II – Special Permit Requirements

Article III – Use Requirements

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### **Article I – Title, Intent and Applicability of the D-DT Zones**

Section 17.101K.010 – Title, Intent, and applicability

#### **17.101K.010 – Title, intent, and applicability.**

- A. Title, intent, and applicability. The provisions of this Chapter shall be known as the D-DT Downtown District Zones Regulations. These regulations shall apply to the corresponding D-DT Zones on the Zoning Map. The intent of the D-DT Zones is to implement the Downtown Oakland Specific Plan (DOSP). These zones are consistent with the following goals of the DOSP:
1. Create opportunities for economic growth and security for all Oaklanders;
  2. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents;
  3. Make downtown's streets comfortable, safe, and inviting and improve connections throughout the city so that everyone has efficient and reliable access to downtown's jobs and services;
  4. Encourage diverse voices and forms of expression to flourish;
  5. Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come; and
  6. Develop downtown in a way that meets community needs and preserves Oakland's unique character.
- B. **Intent of primary zones.** This Chapter establishes land use regulations for the following ten (10) primary zones established on the Zoning Map:
1. **D-DT-P Downtown District Pedestrian Commercial Zone.** The intent of the D-DT-P Zone is to create, maintain, and enhance the downtown core for pedestrian-oriented and active uses on the ground floor. Upper stories are intended for a wide range of commercial and residential activities.
  2. **D-DT-C Downtown District General Commercial Zone.** The intent of the D-DT-C Zone is to create, maintain, and enhance areas of Downtown appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended for a wide range of commercial and residential activities.
  3. **D-DT-CX Downtown District Mixed Commercial Zone.** The intent of the D-DT-CX Zone is to designate areas of downtown appropriate for a wide range of residential, commercial, and compatible service and production activities.

4. **D-DT-R Downtown District Residential Zone.** The intent of the D-DT-R Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential development with small-scaled compatible ground-level commercial uses.
  5. **D-DT-RX Downtown District Mixed Residential Zone.** The intent of the D-DT-RX Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential and mixed-use buildings.
  6. **D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone.** The intent of the D-DT-CPW Zone is to encourage and facilitate comprehensively planned public space, streets and residential and commercial developments that contribute to the Estuary and Lake Merritt Channel waterfronts and help connect Brooklyn Basin to Downtown.
  7. **D-DT-CW Downtown District Estuary Waterfront Commercial Zone.** The D-DT-CW Zone is intended to create, maintain, and enhance areas of the Estuary Waterfront District to have a mix of marine, office, and other commercial uses.
  8. **D-DT-AG Downtown District Art and Garage Commercial Zone.** The intent of the D-DT-AG Zone is to create, preserve, and enhance commercial areas in downtown's Art and Garage District that are appropriate for specific service and production activities and provide adaptable space for artisans and craftspeople.
  9. **D-DT-PM Downtown District Produce Market Commercial Zone.** The intent of the D-DT-PM Zone is to create, preserve, and enhance mixed industrial/commercial areas in Jack London's historic Produce Market District that are appropriate for a wide range of retail, work/live, and commercial and wholesale establishments.
  10. **D-DT-JLI Downtown District Jack London Industrial Zone.** The intent of the D-DT-JLI Zone is to create, maintain, and enhance mixed industrial/commercial areas along the western edge of the Jack London District that will act as a transition between the more intensive West Oakland industrial area south of I-880 and the Jack London commercial area extending to the east. This transitional industrial area requires enhanced design and site plan review to ensure that future development does not adversely impact adjoining zones.
- B. **Intent of Combining Zones.** This Chapter establishes land use regulations for the following combining zones as established on the Zoning Map. All land located in a combining zone is subject to regulations of the primary zone unless specifically modified by provisions of regulations in this Chapter.
1. **Employment Priority Combining Zone.** The intent of the Employment Combining Zone is to require office and other employment creating activities in certain areas of the Downtown District.
  2. **BAMBD Arts and Culture Combining Zone.** The intent of the BAMBD Arts and Culture Combining Zone is to celebrate and support Oakland's Black and African-American community, culture and heritage. In doing this, the zone fosters a sense of belonging for all Oaklanders; highlights Oakland's rich history and diverse cultures, celebrates and strengthens an ethnic enclave; supports a community

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harmed by racial inequities; and increases access to cultural expression. In particular, the intent of the Zone is to:

- a. Support a critical mass of arts and entertainment establishments, which are essential to nurture and retain all residents including the creative workforce essential to recruiting and retaining employers in the modern economy;
  - b. Animate the public space, rejuvenate the streetscape, improve local business viability, improve public safety, and bring diverse people together to inspire and be inspired by the legacies and contemporary manifestations of Black-owned businesses and arts rooted in the Black cultural experience;
  - c. Support a healthy and flourishing arts community, driving civic engagement, community involvement and public health;
  - d. Serve and strengthen ethnic and racial communities harmed by racial disparities; and
  - e. Accomplish the General Plan's historic preservation goal to preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.
3. **The Green Loop Combining Zone.** The intent of the Green Loop Combining Zone is to:
- a. Provide inviting landscaped pedestrian links between Downtown's Lake Merritt, Channel and Estuary waterfronts;
  - b. Connect surrounding neighborhoods to Downtown's open space, cultural and entertainment areas; and
  - c. Create an enhanced pedestrian experience with distinctive storefront and landscaping enhancements.
4. **Sea Level Rise Combining Zone.** The Sea Level Rise Combining Zone is intended to ensure that new development accounts for scientifically accepted future rises in sea level to ensure the health and safety of future occupants and the long-term viability of new construction and associated infrastructure.

### **Article II – Special Permit Requirements**

17.101K.020 – Special regulations for Large-Scale Developments.

17.101K.030 – Required Design Review process.

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

#### **17.101K.020 – Special regulations for Large-Scale Developments.**

No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred seventy-five (275) feet in height, shall be permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units, other than manager's units, or that have been approved according to the Planned Unit Development (PUD) procedure (see Chapter 17.140 for the PUD procedure).

**17.101K.030 – Required Design Review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

**17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.**

No new building development in the D-DT-CPW Zone shall be permitted except upon the granting of a Planned Unit Development Permit (see Chapter 17.140 for the Planned Unit Development (PUD) Procedure and Chapter 17.142 for the PUD Requirements). In addition to the general PUD criteria contained in Section 17.140.080, these proposals must also meet the following criterion:

- A. The proposal is consistent with planned street and other infrastructure improvements in the Downtown Oakland Specific Plan, particularly those that create an enhanced connection to the rest of the Jack London District to the west and adapt to and protect the public from sea level rise.

**Article III – Use Requirements**

17.101K.050 – Permitted and conditionally permitted activities.

17.101K.060 – Permitted and conditionally permitted facilities.

17.101K.070 – Special Regulations for D-DT-Work/Live Nonresidential Facilities.

**17.101K.050 – Permitted and Conditionally Permitted Activities.**

A. The following activity classification are added for the purposes of this Chapter only. The descriptions of the other activity classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

- 1. Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities.

Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

B. Permitted and Conditionally Permitted Activities

Table 17.101K.01 lists the permitted, conditionally permitted, and prohibited activities in the D-DT Zones. The descriptions of these activities are contained in Chapter 17.10 and in Subsection A, above.

"P" designates permitted activities in the corresponding zone.

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

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"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 17.101K.01: Permitted and Conditionally Permitted Activities**

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
<b>Residential Activities</b>												
Permanent	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Residential Care	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	17.103.010
Supportive Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Transitional Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Emergency Shelter	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.103.01017.103.015
Semi-Transient	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L4)	--(L4)	--(L4)	P(L1)(L27)	
Bed and Breakfast	P	P	P	P	P	--	--(L4)	--(L4)	--(L4)	--(L4)	--	17.103.125
<b>Civic Activities</b>												
Essential Service	P	P	P	P	P	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	P(L2)	P	--	--	--	P	
Community Assembly	C(L7)	C	C	C	C	C(L2)	C	--	--	C	C	
Recreational Assembly	P	P	P	P	P	P(L2)	P	--	C	C	P	
Community Education	P(L16)(L18)	P(L18)	P(L18)	P(L5)(L18)	P(L18)	P(L2)(L18)	--	--	--	--	--	

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Nonassembly Cultural	P	P	P	P(L5)(L8)	P	P(L2)	P	P	C	P	P	
Administrative	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P(L22)	P(L22)	P	P	
Health Care	P(L5)(L16)(L17)	P(L5)(L17)	P(L5)(L17)	P(L5)(L8)(L17)	P(L5)(L17)	P(L5)(L2)(L17)	--	P(L5)(L17)(L22)	--	C(L17)	C	
Special Health Care	C(L7)(L16)(L9)(L17)	C(L9)(L17)	C(L9)(L17)	--	C(L9)(L17)	C(L2)(L9)(L17)	--	--	--	C(L9)(L17)	--	17.103.020
Utility and Vehicular	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	
Extensive Impact	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	
<b>Commercial Activities</b>												
General Food Sales	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P(L5)	P	
Full-Service Restaurants	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	P(L5)	P	
Limited Service Restaurant and Café	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	P(L5)	P	
Fast-Food Restaurant	C	C	C	--	C	C(L2)	C	--	--	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	C(L8)	C	C(L2)	C	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L29)	C(L29)	C(L29)	C(L8)	C	C(L2)(L29)	C(L29)	C(L29)	C(L29)	C(L29)	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	C(L8)	P	P(L2)	P	P	P	--	P	
Medical Service	P(L16)(L17)	P(L17)	P(L17)	P(L5)	P(L17)	P(L2)(L17)	P(L17)	--	--	C(L17)	P	

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
				(L8)(L17)								
General Retail Sales	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	--	--	--	--	--	--	
Consumer Service	P(L10)	P(L10)	P(L10)	P(L5)(L8)(L10)	P(L10)	P(L2)(L10)	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	
Consultative and Financial Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P(L5)(L22)	P(L5)(L22)	--	P	
Check Cashier and Check Cashing	C(L11)	C(L11)	C(L11)	--	--	C(L2)(L11)	--	--	--	--	--	17.103.040
Consumer Cleaning and Repair Service	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L5)	P(L5)	P	P	
Consumer Dry Cleaning Plant	P(L20)	P(L20)	P(L20)	P(L5)(L8)(L20)	P(L20)	P(L2)(L20)	P(L20)	--	--	P(L20)	P(L20)	
Artisan Production	P(L28)	P(L28)	P(L28)	P(L5)(L8)(L28)	P(L28)	P(L2)(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	
Group Assembly	P(L5)(L12)	P(L12)	P(L12)	P(L5)(L6)(L8)(L12)	P(L5)(L6)(L12)	P(L2)(L12)	P(L12)	P(L12)	C(L12)	P(L12)	P(L12)	
Personal Instruction and Improvement Services	P	P	P	P(L8)	P	P(L2)	P	P	C	P	P	

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Administrative	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5)(L22)	P(L5)	P	P	
Business, Communication, and Media Services	P	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5)	P(L5)	P	P	
Broadcasting and Recording Services Commercial Activities	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P	P(L5)	P	P	
Research Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P(L21)	P(L5)(L22)	P(L5)	P	P	
General Wholesale Sales	--	--	C	--	--	C(L2)	--	--	P	P	C	
Transient Habitation	C(L7)	C	C	C	C	C(L2)	C	--	--	--	--	17.103.050
Building Materials Sales	--	--	--	--	--	--	--	--	--	--	--	
Boat and Marine-Related Sales, Rental, Repair and Servicing	--	--	C(L13)	--	--	C(L2)	P	--	--	P(L13)	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	C(L13)	--	--	--	--	P(L13)	--	C(L13)	--	
Automobile and Other Light Vehicle Gas Station	--	C(L13)	C(L13)	--	--	--	--	P(L13)	--	P(L13)	--	



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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
and Servicing												
Automobile and other light Vehicle Repair and Cleaning	--	--	--	--	--	--	--	P	--	P(L13)	--	
Taxi and Light Fleet-Based Services	--	C(L13)	C(L13)	--	--	C(L2)(L13)	--	C(L13)	--	C	--	
Automotive Fee Parking	C(L7)(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L2)(L14)	--	--	--	C	--	
Animal Boarding	--	--	--	--	--	P(L2)(L24)	--	--	--	C	--	
Animal Care	P(L16)	P	P	P	P	P(L2)	P	--	P(L5)	P	P	
Undertaking Service	--	C	C	--	--	--	--	--	--	C	--	
<b>Industrial Activities</b>												
Custom Manufacturing	C(L7)(L13)(L25)	C(L13)	C(L13)	--	C(L13)	C(L2)(L13)	C(L13)	C(L13)	C(L13)	C	C(L13)	
Light Manufacturing	C(L7)(L13)(L25)	C(L13)(L25)	C(L13)	--	--	C(L2)(L13)	--	C(L13)	C(L13)	C	--	
General Manufacturing	--	--	--	--	--	--	--	--	--	C	--	
Heavy/High Impact	--	--	--	--	--	--	--	--	--	--	--	
Research and Development	--	C(L13)	C(L13)	--	--	P(L2)(L13)(L26)	--	--	C(L13)(L22)	P	--	
Construction Operations	--	--	--	--	--	--	--	--	--	--	--	

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Warehousing, Storage, and Distribution-Related												
A. General Warehousing, Storage and Distribution	--	--	C(L13)	--	--	P(L2)(L13)(L26)	--	--	P	P(L30)	--	
B. General Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	
C. Self- or Mini-Storage	--	--	--	--	--	--	--	--	--	--	--	
D. Container Storage	--	--	--	--	--	--	--	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	--	--	--	--	--	--	--	
Regional Freight Transportation	--	--	--	--	--	--	--	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	--	--	--	--	--	--	--	
Recycling and Waste-Related												
A. Satellite Recycling Collection Centers	--	C	C	--	--	C(L2)	C	--	--	C	C	
B. Primary Recycling Collection Centers	--	--	--	--	--	--	--	--	--	--	--	
Hazardous Materials Production, Storage, and Waste	--	--	--	--	--	--	--	--	--	--	--	

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Management												
<b>Agriculture and Extractive Activities</b>												
Limited Agriculture	--	P(L15)	P(L15)	P(L15)	P(L15)	P(L2)(L15)	--	--	--	P(L15)	--	
Extensive Agriculture	--	--	--	--	--	--	--	--	--	--	--	
Plant Nursery	--	--	--	--	--	C(L2)	--	--	--	P	--	
Mining and Quarrying	--	--	--	--	--	--	--	--	--	--	--	
<b>Accessory off-street parking serving prohibited activities</b>	C(L7)	C	C	C	C	C(L2)	C	C	C	C	--	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C(L7)	C	C	C	C	C(L2)	C	C	C	C	C	17.102.110

**Limitations on Table 17.101K.01:**

\* The Employment Priority Combining Zone activity regulations supersede the regulations of the base zone.

**L1.** See Table 17.101K.02 for limitations on the construction of new ground-floor Residential Facilities and new Residential Facilities.

**L2.** See Table 17.101K.02 for requirements and limitations regarding the construction of Residential Facilities, principal buildings, D-DT-Work/Live Nonresidential Facilities, additions, and accessory

structures in the D-DT-CPW Zone.

**L3.** 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; and within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B). Emergency Shelter Residential Activities are permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the standards in Section 17.103.010.

**L4.** These activities are only permitted in existing Residential Facilities. 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 the effective date of this Chapter.

**L5.** With the exception of parcels facing Broadway, San Pablo Avenue, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). However, the total floor area devoted to Consumer Cleaning and Repair on the ground floor may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L6.** With the exception of seasonal sales and special events, a Group Assembly Commercial Activity in conjunction with an Open Nonresidential Facility is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L7.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located both on the ground floor of a building and within thirty (30) feet of the principal street facade (with the exception of incidental pedestrian entrances that lead to one (1) of these activities elsewhere in the building), these conditionally permitted ground floor proposals must also meet both of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades; and
- b. The proposal will not weaken the concentration and continuity of ground-floor commercial and will not impair the retention or creation of an important shopping frontage.

**L8.** These activities shall only be located on or below the ground floor of a building with the following two (2) exceptions:

- a. An activity is permitted anywhere above the ground floor if the floor area devoted to the activity is three thousand (3,000) square feet or less; and
- b. An activity located on the ground floor may extend to the second floor of a building if both: 1) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 2) there is a direct internal connection between the ground floor and the second story activities.

**L9.** No new or expanded Special Health Care Civic Activity shall be located closer than two-thousand five-hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L10.** See Section 17.102.170 for special regulations relating to massage services and Section

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17.102.450 for special regulations regarding laundromats.

**L11.** No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

**L12.** No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

**L13.** These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling. Gas stations as a principal activity are prohibited.

**L14.** Automotive fee parking is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and must be either a parking structure or in a below-grade parking lot. Automotive fee parking is otherwise prohibited.

**L15.** Limited Agriculture is permitted if it occupies less than twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet. The activity is conditionally permitted if larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

**L16.** With the exception of retail bank branches, these activities are not permitted when they are located both on the ground floor of a building and within thirty (30) feet of the principal street facade. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

**L17.** See Table 17.101K.04 for regulations regarding special ground floor transparency requirements for Health Care Civic and Special Health Care Civic Activities and Medical Services Commercial Activities.

**L18.** Daycare facilities, preschools, and elementary schools with more than fifty (50) enrollees require a pickup and drop-off management plan approved by the Bureau of Planning that prevents double parking and assures the safe pickup and drop-off of students.

**L19.** These activities must be in a space shared by an art gallery, performance space, auto garage, Artisan Production Commercial Activity, or Light or Custom Manufacturing Industrial Activity. At least fifty (50) percent of floor area shall be solely devoted to one (1) or more of these three (3) activities.

**L20.** These activities are only permitted as accessory to Consumer Cleaning and Repair Service facilities.

**L21.** These activities shall only be located on the ground floor of a principal building if they are open to the public and provide services to customers on-site.

**L22.** With the exception of coworking spaces, these activities are not permitted on the ground floor of a building.

**L23.** Administrative activities accessory to an Industrial Activity are limited to twenty percent (20%) of floor area in the D-DT-JLI Zone.

**L24.** These activities are only permitted as accessory to an Animal Care Commercial Activity.

**L25.** These activities are only permitted if they have ground floor space dedicated to General Retail Sales, General Food Sales, Limited Service Restaurant and Café, or Full-Service Restaurant Commercial Activities within thirty (30) feet of the principal street facade.

**L26.** These activities are only permitted in existing buildings. 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 Chapter.

**L27.** Residential Activities are only permitted in the Employment Priority Combining Zone if the project meets the nonresidential floor area requirements contained in Table 17.101K.02, note L4.

**L28.** During operating hours, ground floor Artisan Production Commercial Activities shall be open to the public to purchase and view items produced on site. On other floors, these activities shall either be open to the public during operating hours or available by appointment to view and purchase items produced on site.

**L29.** Any on-sale and/or off-sale of alcoholic beverages in conjunction with an approved arts, entertainment, or cultural use in these zones does not require a Conditional Use Permit (CUP), but instead shall obtain a Central District Entertainment Venue Permit as described in Oakland Municipal Code Chapter 5.12. Arts, entertainment, and cultural uses include, but are not limited to: bars, cabarets, night clubs, pool halls, bowling alleys, mini-golf, mechanical or electronic games, museums, art galleries, barber shop or salon, nail salon, performing arts centers, auditoriums, theaters, and other similar venues. Any alcoholic beverages sales in conjunction with an approved arts, entertainment, or cultural use must conform to all applicable regulations, including but not limited to, Oakland Municipal Code Chapter 5.12.

**L30.** The total floor area devoted to these activities shall not exceed twenty-five thousand (25,000) square feet unless it is within an existing nonresidential building. 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 the effective date of this Chapter.

**17.101K.060 – Permitted and Conditionally Permitted Facilities.**

A. The following facility classification is added for the purposes of this Chapter only. The descriptions of the other facility classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

1. D-DT Work/Live Nonresidential Facilities.

D-DT Work/Live Nonresidential Facilities include permanently fixed buildings, or those portions thereof, that accommodate or are intended to accommodate D-DT Work/Live Units as defined in Section 17.101K.070. This classification also includes certain facilities accessory to the above, as specified in Section 17.10.070.

B. Table 17.101K.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-DT Zones. The descriptions of these facilities are contained in Chapter 17.10 and in Subsection A, above.

“P” designates permitted facilities in the corresponding zone.

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

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

“—” designates facilities that are prohibited.

**Table 17.101K.02: Permitted, Conditionally Permitted, and Prohibited Facilities**

Activities	Primary Zones										Combining Zone*	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority	
<b>Residential Facilities</b>												
One-Family Dwelling	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--	
Two- to Four-Family Dwelling	--(L1)	--(L1)	--(L1)	P(L2)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--	17.103.080
Multifamily Dwelling	P(L2)(L3)	P(L2)(L3)	P(L2)	P(L2)	P(L2)	P(L9)	--(L1)	--(L1)	--(L1)	--(L1)	P(L4)	17.103.080
Rooming House	P(L3)	P(L3)	P	P	P	P(L9)	--(L1)	--(L1)	--(L1)	--(L1)	P(L4)	
Vehicular	--	--	--	--	--	--	--	--	--	--	--	17.103.080 17.103.085
<b>Nonresidential Facilities</b>												
Enclosed Nonresidential	P	P	P	P	P	P(L9)	P	P(L8)	P(L8)	P	P	
Open Nonresidential	P	P(L10)	P(L10)	C(L5)	C(L5)	P(L9)(L10)	P	P	P	P	P(L10)	
Sidewalk Café Nonresidential	P	P	P	P	P	P(L9)	--	P	P	P	P	17.103.090
Drive-In Nonresidential	--	--	--	--	--	--	--	--	--	--	--	
Drive-Through	--	--	--	--	--	--	--	--	--	--	--	17.103.100

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Activities	Primary Zones										Combining Zone*	Additional Regulations	
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority		
Nonresidential													
D-DT Work/Live Nonresidential	P(L3)(L6)	P(L6)	P(L6)	P(L6)(L7)	P(L6)	P(L6)(L9)	P(L6)	P(L6)(L8)	P(L6)(L8)	--	--	17.101K.070	
<b>Telecommunications Facilities</b>													
Micro Telecommunications	P	P	P	P	P	P	P	P	P	P	P	17.128	
Mini Telecommunications	P	P	P	C	C	P	P	P	P	P	P	17.128	
Macro Telecommunications	C	C	C	C	C	C	C	C	C	C	C	17.128	
Monopole Telecommunications	C	C	C	--	--	--	--	--	--	C	C	17.128	
Tower Telecommunications	--	--	--	--	--	--	--	--	--	--	--	17.128	
<b>Sign Facilities</b>													
Residential Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Special Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Development Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Realty Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Civic Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Business Signs	P	P	P	P	P	P	P	P	P	P	P	17.104	
Advertising Signs	--	--	--	--	--	--	--	--	--	--	--	17.104	

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

\* If a D-DT Primary Zone also has the Employment Priority Combining Zone, the Employment Priority



regulations supersede the Primary Zone.

- L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities; provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.
- L2. See Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units.
- L3. Except as indicated in a. below, construction of new ground-floor Residential Facilities and D-DT Work/Live Nonresidential Facilities is not permitted within thirty (30) feet of the principal street facade:
  - a. Incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement. See Section 17.101K.080 for how to identify the principal street.
- L4. These facilities may only be established if forty percent (40%) or more of the maximum base Floor Area Ratio (FAR) is developed with Enclosed Nonresidential Facilities.
- L5. No Conditional Use Permit (CUP) is required to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L6. See Section 17.101K.070 for special regulations for D-DT Work/Live Units.
- L7. These facilities are only permitted on the ground floor.
- L8. New Enclosed Nonresidential Facilities and D-DT Work-Live Nonresidential Facilities are only permitted above existing buildings and the addition must be stepped back at least fifteen (15) feet from any street fronting facade.
- L9. With the exception of public utility facilities, no new buildings or additions to existing buildings (including accessory structures) shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height is measured to the floor of the top story.
- L10. With the exception of seasonal sales and special events, an Open Nonresidential Facility accommodating a Group Assembly Commercial Activity is only permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.**

- A. Definition of a D-DT Work/Live Unit. D-DT Work/Live Units are units contained within D-DT Work/Live Nonresidential Facilities that are designed to contain working space with accessory living space, are used for living and working, and meet the requirements of this Section.
- B. A D-DT Work/Live Nonresidential Facility must meet all applicable regulations contained in this Section. Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into Joint Living and Working Quarters (JLWQs) does not apply to the D-DT Zones.
- C. D-DT Work/Live Units are Nonresidential Facilities and counted towards the nonresidential Floor Area Ratio, not the residential density.

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- D. All D-DT Work/Live Units shall be designed under the Building Code to accommodate customers and employees. In the D-DT-AG and D-DT-PM Zones, D-DT Work/Live Units shall be designed under the Building Code to allow Manufacturing Activities.
- E. At least two-thirds of each unit shall be designated for working activities. Working and living activities shall be designated according to the following requirements:
  - 1. In unpartitioned kitchens or work areas that include kitchen fixtures and appliances, the following areas are considered living space: the counters, cabinets, eating space, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front these items.
  - 2. If there is only one bathroom, half the bathroom shall be counted as living space and half shall be counted as workspace. Otherwise, bathrooms are counted as living space if their access is through living space. For instance, a bathroom in a loft is considered living space if the loft is a sleeping area. If the bathroom is accessed directly from the workspace, the bathroom shall be counted as workspace. If accessed directly from both, half the bathroom is considered living space and the other half commercial.
  - 3. Interior hallways and closets shall be counted as part of the space to which they are adjacent.
  - 4. Living and working spaces shall be within the same Work/Live Unit and be directly connected.
  - 5. To accommodate flexible work activities, working areas shall be open and with as few interior walls as possible. "Offices" enclosed by four walls are considered living space because they are indistinguishable from bedrooms and cannot be used flexibly for different working activities.
  - 6. All ground-floor units adjacent to the front façade shall have a street entrance directly into the working area. For these units, the working area shall be adjacent to the street right-of-way.
- F. Regular Design Review required. Establishment of a D-DT Work/Live Unit are only permitted 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 each of the following additional criteria:
  - 1. Units on the ground-floor level of a building have a business presence on the street, including signage. For units in Commercial Zones, this includes a storefront-style façade as described in 17.101K.130(d). For units in Industrial Zones, this includes extra wide entrances and, if feasible, roll-up doors. For units in Residential Zones, this includes a business door that is oriented towards the street.
  - 2. The layout of nonresidential floor areas within a Work/Live Unit provides a functional open area for working activities.
  - 3. The floor and site plan for the project includes an adequate provision for the delivery of items required for a variety of businesses, including artist's work. This may include, but is not necessarily limited to, the following:
    - a. Service elevators designed to carry and move oversized items;
    - b. Extra-large slop sinks;
    - c. Doors, corridors, and stairwells wide and/or straight enough to deliver large items; and
    - d. Loading areas located near stairs and/or elevators;
- G. Activity, auto parking, bicycle parking, loading, open space, and unit size standards. Table 17.101K.03 below prescribes special regulations for D-DT Work/Live Units in applicable D-DT zones.

**Table 17.101K.03 Special Regulations for D-DT Work/Live Units**

Standard	Requirement	Notes
<b>Activities allowed in a Work/Live Unit</b>	Same permitted and conditionally permitted activities as described in Section 17.101K.050 for the applicable primary zone. For Residential Zones, activities permitted	

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Standard	Requirement	Notes
	as Home Occupations are also permitted. Chapter 17.112 contains the Home Occupation regulations.	
<b>Minimum size of a Work/Live Unit</b>	800 square feet	
<b>Required auto parking</b>	No auto parking spaces required	
<b>Required bicycle parking</b>	One long-term space for each unit; minimum requirement is four long-term spaces. Five short-term spaces for each 20 units; minimum requirement is four short-term spaces.	1
<b>Required usable open space</b>	For new D-DT Work/Live Units that are completely or partially outside the envelope of an existing building, the usable open space requirements for regular dwelling units are applied (see Section 17.101K.150 for these open space requirements). No additional usable open space is required for D-DT Work/Live Units that are completely within the envelope of an existing building. For these conversions, maintaining existing usable open space to at least the minimum standards for regular dwelling units is required.	
<b>Required loading</b>		1, 2
Less than 50,000 sf.	No berth	
50,000—199,999 sf.	One berth	
200,000 sf. or more	Two berths	

**Notes:**

1. See Chapter 17.117 for bicycle parking standards.
2. Loading requirements apply to new construction only. For conversion of existing buildings, maintaining existing loading to at least three minimum number of berths is required. Also, see Chapter 17.116 for loading standards.

**Article IV – Development and Design Standards**

17.101K.080 – Determination of Principal and Secondary Streets

17.101K.090 – Lot, Setback, and Ground Floor Requirements

17.101K.100 – Base Height and Intensity Standards

17.101K.110 – Zoning Incentive Program

17.101K.120 – Increased Density and Floor Area Ratio Through the Development of Transfer Rights in the D-DT Zones

17.101K.130 – General Design Standards

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17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

17.101K.150 – Usable Open Space Standards

**17.101K.080 – Determination of Principal and Secondary Streets.**

- A. This section describes how to determine the principal street abutting a lot.
- B. The number of principal and secondary streets shall be determined in the following manner:
  - 1. For lots with one abutting street, the abutting street is the principal street;
  - 2. For lots with two frontages, one (1) abutting street shall be the principal street and the other the secondary street;
  - 3. For lots with three (3) or four (4) frontages, two (2) streets shall be principal streets and the remaining shall be secondary street(s);
  - 4. For lots with five (5) or more frontages, three (3) streets shall be principal streets and the remaining shall be secondary street(s).
- C. The street(s) abutting a site with the highest priority as described in Subsection (D) shall be designated as the principal street(s). When streets have the same priority, the Planning Director or their designee shall determine the principal street(s). In this case, streets intended to have a high volume of pedestrian traffic and/or ground-floor commercial activity and streets with the most intact pattern of pedestrian entrances shall be identified as the principal street(s).
- D. In order of priority, the following shall be principal streets when they abut a development site:
  - 1. Broadway, Telegraph Avenue, and San Pablo Avenue;
  - 2. Streets in the D-DT-P Zone;
  - 3. Thomas Berkley Way, 20<sup>th</sup> Street, and Oak Street;
  - 4. Streets in the Arts and Cultural Combining Zone;
  - 5. Streets in the Green Loop Combining Zone;
  - 6. Streets in the D-DT-C Zone; and
  - 7. All other streets.

**17.101K.090 – Lot, Setback, and Ground Floor Requirements**

Table 17.101K.04 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. “N/A” designates the standard is not applicable to the specified zone.

**Table 17.101K.04 Development Standards for Downtown District Zones**

	Base Zones										Combining Zone	Notes
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
<b>Minimum Parcel Requirements</b>												
Lot Width Mean	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Frontage	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Lot Area	7,500 sf.	7,500 sf.	7,500 sf.	3,000 sf.	3,000 sf.	20,000 sf.	7,500 sf.	3,000 sf.	7,500 sf.	7,500 sf.	30,000 sf.	1

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	Base Zones										Combining Zone	Notes	
<b>Minimum and Maximum Setbacks</b>													
Minimum front setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 3, 4, 5
Maximum front and street side setback for the ground floor	5 ft.	5 ft.	5/10 ft.	N/A	5/10 ft.	5/10 ft.	5 ft.	5 ft.	5 ft.	N/A	10 ft.		6
Minimum interior side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Minimum street side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 4, 5
Rear setback	0 ft.	0 ft.	0 ft.	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0/10 ft.	0 ft.		2, 4, 5, 7
<b>Ground Floor Requirements</b>													
Minimum façade transparency for ground floor Nonresidential Facilities	65%	55%	55%	55%	55%	55%	65%	55%	55%	N/A	65%		8, 9
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	N/A	15 ft.		10

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

\*If a D-DT Base Zone also has the Employment Priority Combining Zone, the Employment Priority regulations supersede the Base Zone.

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel. See Section 17.101K for other requirements for development adjacent to the Channel.
3. There is no front setback required, except as described in note 2; and there is a six (6) foot front setback required for new construction when the ground floor contains residential units adjacent to the principal street.

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4. In the D-DT-PM and D-DT-AG Zones, any upper-story addition shall be stepped back at least fifteen (15) feet from any street fronting facade.
5. See Section 17.108.130 for allowed projections into setbacks and Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
6. The following notes apply to the maximum yard requirements:
  - a. In the D-DT-RX, D-DT-CX, and D-DT-CPW Zones, the maximum front and street side setback for the first story is five (5) feet for Commercial Facilities and ten (10) feet for Residential Facilities.
  - b. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street (see Section 17.101K.080 for how to identify the principal street).
  - c. The requirements do not apply to new construction of facilities containing Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
  - d. These maximum setbacks apply to seventy-five percent (75%) of the principal street facade and fifty percent (50%) on secondary streets, if any (see Section 17.101K.080 for how to identify the principal and secondary streets). All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the Design Review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet the following criterion:
    - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants, or to transition to the front setback of a neighboring Designated Historic Property or Potentially Designated Historic Property (see Section 17.101K.080 for how to identify the principal street).
7. The rear setback in the D-DT-JLI zone is zero (0) feet for properties that do not abut parcels with Residential Facilities and ten (10) feet for properties that abut parcels with Residential Facilities.
8. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the principal street facade. On all secondary street facades, the requirement is one-half ( $\frac{1}{2}$ ) the standard for the principal street facade (see Section 17.101K.080 for how to identify the principal and secondary streets). The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Director of the Planning Bureau, or his/her designee, for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
9. For ground floor Health Care and Special Health Care Civic Activities and Medical Services Commercial Activities this level of transparency can be reduced using fogged or otherwise opaque windows. However, windows adjacent to reception, lobby, and waiting areas shall remain transparent.
10. This height is required for new principal buildings that include ground floor Nonresidential Facilities and is measured from the sidewalk grade to the second story floor.

### **17.101K.100 – Base Height and Intensity Standards**

Base Height and Intensity Standards. Table 17.101K.05 below prescribes height and intensity standards in the D-DT Zones for projects not participating in the Zoning Incentive Program (ZIP), which

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is described in Section 17.101K.110. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height and Intensity Area.

The base height and intensity standards may be exceeded through the ZIP and/or through State Density Bonus Law (CA Gov't Code Section 65915 et seq.). Refer to Section 17.101K.110 for the D-DT Zoning ZIP Height and Intensity Regulations, which specify the maximum amount of development if a project participates in the ZIP. Refer to Section 17.107.040 for the City's Density Bonus regulations.

**Table 17.101K.05 Base Height and Intensity Regulations, Height and Intensity Areas 1-11**

Regulation	Base Height and Intensity Area (HIA)											Notes
	1	2	3	4	5	6	7	8	9	10	11	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>												
Regular Dwelling units	1,000	900	450	300	1,000	450	260	250	250	225	110	1, 2
Rooming Units	500	450	225	150	500	225	130	125	125	110	55	1, 2
Efficiency Dwelling Units	500	450	225	150	500	225	130	125	125	110	55	1, 2
<b>Maximum Nonresidential Floor Area Ratio</b>	1.0	2.0	2.5	2.0	3.5	5.0	7.0	5.0	5.0	5.0	7.5	2
<b>Maximum Height</b>	45 ft.	45 ft.	45 ft.	45 ft.	55 ft.	65 ft.	65 ft.	65 ft.	75 ft.	95 ft.	95 ft.	3, 4
<b>Minimum Height</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	45 ft.	45 ft.	
<b>Building Base Regulations</b>												
Minimum Base Height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum Base Height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum front and street side setback for each story	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>Tower Regulations</b>												
Average per story lot coverage for nonresidential buildings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Average per story lot coverage for	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

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Regulation	Base Height and Intensity Area (HIA)											Notes
	1	2	3	4	5	6	7	8	9	10	11	
residential buildings												
Maximum elevation length for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum diagonal length for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum distance between towers on the same lot for residential towers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum front and street side stepback from the façade of the base	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**Table 17.101K.05 (continued), Height and Intensity Areas 12-19**

Regulation	Base Height and Intensity Area									Notes
	12	13	14	15	16	17	18	19		
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>										
Regular Dwelling units	N/A	250	110	110	100	90	90	90	90	1, 2
Rooming Units	N/A	125	55	55	50	45	45	45	45	1, 2
Efficiency Dwelling Units	N/A	125	55	55	50	45	45	45	45	1, 2
<b>Maximum Nonresidential Floor Area Ratio</b>	7.5	5.0	8.0	12.0	14.0	17.0	20.0	20.0	20.0	2
<b>Maximum Height</b>	95 ft.	135 ft.	175 ft.	175 ft.	275 ft.	275 ft.	450 ft.	No Limit	No Limit	3, 4
<b>Minimum Height</b>	N/A	110 ft.	65 ft.	65 ft.	65 ft.	65 ft.	110 ft.	110 ft.	110 ft.	4, 5, 6, 7
<b>Building Base Regulations</b>										



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Regulation	Base Height and Intensity Area								Notes
	12	13	14	15	16	17	18	19	
Minimum Base Height	N/A	45 ft.	45 ft.	45 ft.	55 ft.	55 ft.	65 ft.	65 ft.	7, 8
Maximum Base Height	N/A	65 ft.	95 ft.	95 ft.	95 ft.	95 ft.	95 ft.	95 ft.	
Maximum front and street side setback for each story	N/A	Same as maximum ground floor front and street side setbacks in Table 17.101K.04							9
<b>Tower Regulations</b>									
Average per story lot coverage for nonresidential buildings	N/A	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	85% of site area or 40,000 sf., whichever is greater	10, 11, 12, 13
Average per story lot coverage for residential buildings	N/A	70% of site area or 15,000 sf., whichever is greater	70% of site area or 15,000 sf., whichever is greater	70% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000 sf., whichever is greater	75% of site area or 20,000 sf., whichever is greater	85% of site area or 25,000 sf., whichever is greater	10, 11, 12, 13
Maximum elevation length for residential towers	N/A	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	175 ft.	200 ft.	
Maximum diagonal length for residential towers	N/A	180 ft.	180 ft.	180 ft.	200 ft.	200 ft.	210 ft.	235 ft.	
Minimum distance between towers on the same lot for residential towers	N/A	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	
Minimum stepback from base on two facades for	N/A	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10, 12, 14, 15

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Regulation	Base Height and Intensity Area								Notes
	12	13	14	15	16	17	18	19	
residential towers									

**Notes:**

1. See Chapter 17.107 for affordable and senior housing density incentives and Section 17.101K.120 for the transfer of development rights from other parcels in the Downtown District (D-DT) Zones.
2. For mixed use projects in the D-DT Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height to the floor of the top story. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction and additions.
5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
6. The minimum height limit of properties within the Employment Priority Combining Zone is one hundred seventy five (175) feet.
7. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities as principal activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
8. The minimum height of the base can be reduced to allow transition to a lower-scale neighboring Potentially Designated Historic Property (PDHP) or Designated Historic Property.
9. These required setbacks are in Table 17.101K.04 and include Note 3 of that table. Also, see Section 17.108.030 for allowed projections above height limits.
10. See 17.101K.130(A)(1)(b) and 17.101K.130(A)(1)(c) for more tower and base requirements.
11. The average floor plate area of the stories above the base cannot exceed this percentage of lot area, with the following two qualifications:
  - a. The floor plate area of an individual story cannot be more than fifteen percent (15%) greater than the maximum average per story floor area above base.
  - b. A story that is more than fifteen percent (15%) less than the maximum average floor plate area is not included in the average per story floor area above the base.
12. This regulation does not apply in the Employment Priority Combining Zone.
13. For the purpose of this regulation, a “nonresidential building” means a building with more than one-third (1/3) floor area devoted to Nonresidential Activities.
14. For the purpose of this regulation, a “residential building” means a building with at least two-thirds (2/3) floor area designated for Residential Activities.
15. The following additional regulations apply to the tower stepback:
  - a. Unenclosed recreational, landscaping, and open space facilities are permitted within this stepback area.
  - b. A lesser stepback is permitted if it precludes the construction of the maximum average per story lot coverage.

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- c. For nonresidential towers, a stepback is only required on sites adjacent to a right-of-way that is less than eighty (80) feet.

**17.101K.110 – Zoning Incentive Program (ZIP)**

Zoning Incentives in Exchange for Community Benefits. Under the Zoning Incentive Program (ZIP), projects may exceed the base height and intensity standards in Section 17.101K.100 up to the standards described in Subsection A., provided they contribute the benefits described in Subsection B. Projects may only participate in the ZIP if they are in one of the ZIP areas designated in the Zoning Map.

- A. Maximum Height, Density, Tower, and Building Base regulations under the ZIP. Table 17.101K.06 shows the maximum permitted height and intensity in each ZIP Height and Intensity Area for projects participating in the ZIP. These ZIP Height and Intensity Areas are designated on the Zoning Map. ZIP Height and Intensity Area maximums may only be exceeded if the applicant utilizes the State Density Bonus Law or the City’s Density Bonus regulations. If an applicant chooses to utilize both the ZIP and the State Density Bonus Law, the State Density Bonus is calculated from the density established through the ZIP.

**Table 17.101K.06: Maximum Height and Intensity in the ZIP Areas**

Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 11)	C	D (same as Base HIA 15)	E (same as Base HIA 16)	F (same as Base HIA 17)	G (same as Base HIA 18)	H	I	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>										
Regular Dwelling Units	250	110	200	110	100	90	90	80	60	1,2
Rooming Units	125	55	100	55	50	45	45	40	30	1,2
Efficiency Dwelling Units	125	55	100	55	50	45	45	40	30	1,2
<b>Maximum Non-Residential FAR</b>	5.0	7.5	7.5	12.0	14.0	17.0	20.0	22.0	30.0	2
<b>Maximum Height</b>	65 ft.	95 ft.	95 ft.	175 ft.	275 ft.	275 ft.	450 ft.	No height limit	No height limit	3
<b>Minimum Height (ft)</b>	N/A	45 ft.	45 ft.	65 ft.	65 ft.	65 ft.	110 ft.	110 ft.	110 ft.	4, 5, 6, 7
<b>Building Base Regulations</b>										
Minimum Base Height	N/A	N/A	N/A	45 ft.	55 ft.	55 ft.	65 ft.	65 ft.	65 ft.	7, 8
Maximum Base Height	N/A	N/A	N/A	95 ft.	95 ft.	95ft.	95 ft.	95 ft.	95 ft.	

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Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 11)	C	D (same as Base HIA 15)	E (same as Base HIA 16)	F (same as Base HIA 17)	G (same as Base HIA 18)	H	I	
Maximum front and street side setback for each story	N/A	N/A	N/A	Same as maximum ground floor front and street side setbacks in Table 17.101K.04						9
<b>Tower Regulations</b>										
Average per story lot coverage for non-residential buildings	N/A	N/A	N/A	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	80% of site area or 30,000 sf., whichever is greater	85% of site area or 40,000 sf., whichever is greater	85% of site area or 40,000 sf., whichever is greater	10, 11, 12, 13
Average per story lot coverage for residential buildings	N/A	N/A	N/A	70% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000 sf., whichever is greater	75% of site area or 15,000sf., whichever is greater	75% of site area or 20,000 sf., whichever is greater	85% of site area or 25,000 sf., whichever is greater	85% of site area or 25,000 sf., whichever is greater	10, 11, 12, 13
Maximum elevation length for residential towers	N/A	N/A	N/A	150 ft.	150 ft.	150 ft.	175 ft.	175 ft.	200 ft.	
Maximum diagonal length for residential towers	N/A	N/A	N/A	180 ft.	200 ft.	200 ft.	210 ft.	210 ft.	225 ft.	
Minimum distance between towers on the same lot for residential towers	N/A	N/A	N/A	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	
Minimum stepback from base on two facades	N/A	N/A	N/A	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10, 12, 14, 15

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### Notes:

1. See Chapter 17.107 for additional affordable and senior housing density incentives and Section 17.101K.120 for the transfer of development rights from other parcels in the Downtown District (D-DT) Zones.
2. For mixed use projects the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction.
5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
6. The minimum height limit of properties within the Employment Priority Combining Zone is one hundred seventy-five (175) feet.
7. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities as principal activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
8. The minimum height of the base can be reduced to allow transition to a lower scale neighboring Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP).
9. These required setbacks are in Table 17.101K.04 and include Note 3 of that table. Also, see Section 17.108.030 for allowed projections above height limits.
10. See 17.101K.130(A)(1)(b) and 17.101K.130(A)(1)(c) for more tower and base requirements.
11. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following two qualifications:
  - a. The floor area of an individual story cannot be more than fifteen percent (15%) greater than the maximum average per story floor area above base.
  - b. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.
12. This regulation does not apply in the Employment Priority Combining Zone.

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13. For the purpose of this regulation, a “residential building” means a building with at least two-thirds (2/3) floor area designated for Residential Activities.
14. For the purpose of this regulation, a “nonresidential building” means a building with more than one-third (1/3) floor area devoted to Nonresidential Activities.
15. The following additional regulations apply to the tower stepback:
  - a. Unenclosed recreational, landscaping, and open space facilities are permitted within this stepback area.
  - b. A lesser stepback is permitted if it precludes the construction of the maximum average per story lot coverage.
  - c. For nonresidential towers, a stepback is only required on sites adjacent to a right of way that is less than eighty (80) feet.

### B. Community Benefit Contributions.

1. In order to qualify for the ZIP to exceed the normally required base maximum height and intensity requirements contained in Table 17.101K.05, applicants must provide the community benefits and comply with the requirements of this Subsection. An applicant may provide any combination of the benefits identified in this Subsection.
2. The amount of community benefits and/or fees required per incentive depends on in which ZIP Benefit Area the project is located and whether the project is receiving a residential incentive (increase in maximum permitted dwelling units) or a commercial incentive (increase in maximum permitted nonresidential floor area). The Residential and Commercial ZIP Benefit Areas are designated on the Zoning Maps.
3. The increase in the maximum permitted dwelling units and/or nonresidential floor area depends on the amount of community benefits and/or ZIP fees provided, as shown in Tables 17.101K.07 and 17.101K.08. Regardless of the community benefit contribution, the number of dwelling units or amount of nonresidential floor area cannot exceed the maximums prescribed in Subsection A (Table 17.101K.06).
4. The applicant shall provide one or more of the community benefits described in Subsections a(i-iv) to participate in the ZIP. The additional development potential earned by providing these community benefits is in Tables 17.101K.07 and 17.101K.08.
  - a. Types of Community Benefits
    - i. Funding for Affordable Housing, Infrastructure Improvements, and Employment Training. Fees charged to a developer placed as allocated below in the following funds for the following purposes:
      1. Fifty percent (50%) of the contribution goes into the Affordable Housing Trust Fund as described in OMC Chapter 15.72;
      2. Twenty-five percent (25%) of the contribution goes into the Economic and Workforce Development Miscellaneous Fee Revenue Account to provide employment training and services, prioritizing residents harmed by racial income and unemployment disparities. Fifty percent (50%) of these funds are dedicated for construction training and apprenticeships programs.
      3. Twenty-five percent (25%) of the contribution goes into the Economic and Workforce Development Miscellaneous Fee Revenue Account to provide the Downtown improvements. This funding shall be used to implement public streetscape, open space, and/or flood control improvements that are consistent with the Downtown Oakland Specific Plan.

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- ii. **Below-Market Commercial Space.** On site, ground floor space provided at fifty (50) percent of market rental rate for qualified retail, commercial, arts, and non-profit tenants that meet the City's tenaning priorities for tenants that achieve the City's goals to reduce racial inequities. In the BAMBD Arts and Culture Combining Zone (see Section 17.101K.010), such tenants should also meet the intent of the district. A development requires a minimum of five hundred (500) square feet of commercial space to qualify for this incentive. In all such cases the applicant shall execute a written agreement with the City setting forth the square footage of all such affordable commercial space, restricting the occupancy and rent or sale price of such space, and setting forth other terms and conditions as required for ensuring compliance with this Section. Commercial space shall remain affordable for fifty-five (55) years or for the life of the development project, whichever is greater. Said agreement shall be recorded against the commercial space as covenants running with the land, senior in priority to any private liens or encumbrances, and shall be enforceable by the City against the applicant or the applicant's successors-in-interest to the property for the full affordability term. Additional restrictions, deeds of trust, rights of first refusal, or other instruments may be required by the City Administrator as reasonably needed to enforce these restrictions.
  - iii. **Public Restrooms.** On-site, ground floor, gender-neutral restroom facilities that are open to the public at least between 8:30am and 6:00pm each day of the week.
  - iv. **Streetscape, Open Space, and Flood Control Improvements.** Public streetscape and/or open space improvements, provided by the developer, that are consistent with improvements called for in the Downtown Oakland Specific Plan. These improvements shall not include those generally required as part of a project approval in the D-DT Zone. The benefit may include pedestrian right-of-way and open space improvements such as plaza construction, landscaping, tree planting, and public art installation, plazas, street furniture, and other items that create an inviting public realm and, where applicable, support the development of cultural districts. Improvements may also include the implementation of flood control improvements in the Sea Level Rise Combining Zone that serve areas beyond the project site.
- b. Tables 17.101K.07 and 17.101K.08, below, contain the residential and nonresidential development potential, respectively, earned beyond the base amount (i.e., additional dwelling units and/or nonresidential floor area) by providing community benefits. The stated amount of benefit earns either the additional residential units described in Table 17.101K.07 or the additional nonresidential floor area described in Table 17.101K.08, or a combination of these. However, the stated amount of benefit-cannot be "double counted" to earn the full amount of both residential and commercial benefits. For instance, providing 100 square feet of Below-Market Commercial Space can earn 1.3 additional dwelling units over the base permitted in Area R-A or 1,318 square feet of additional nonresidential floor area over the base permitted in Area C-A, but not both.

**Table 17.101K.07 Residential ZIP Benefits: Community Benefits Required to Earn Additional Residential Units, by ZIP Benefit Area**

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Benefit Increment Provided	Number of Dwelling Units Permitted Above the Base		
Benefit Increment Provided	Benefit Area R-A	Benefit Area R-B	Area R-C
<b>\$15,000 Funding for Affordable Housing, Infrastructure Improvements and Employment Training</b> (See Notes 1., 2., 3., and 8)	0.7 additional market-rate dwelling units above the base maximum	1.0 additional market-rate dwelling units above the base maximum	1.25 additional market-rate dwelling units above the base maximum
<b>100 Square Feet of Below-Market Commercial Space</b> (See Notes 2., 3., 4., and 8)	1.3 dwelling units	1.9 dwelling units	2.4 dwelling units
<b>Two or More Public Restrooms</b> (See Notes 5, 6., and 8)	41 dwelling units	60 dwelling units	75 dwelling units
<b>\$150,000 in Streetscape, Open Space, and Flood Control Improvements</b> (See Notes 2, 3, 7., and 8)	7 dwelling units	10 dwelling units	12.5 dwelling units

**Notes:**

1. Additional dwelling units are only permitted for each increment of \$15,000 spent on Affordable Housing, Infrastructure Improvements and Employment Training. For instance, \$20,000 worth of Affordable Housing, Infrastructure Improvements and Employment Training in a project does not provide any more dwelling units above the base than \$15,000. Providing an additional benefit would require an increment of at least \$15,000 worth of additional funding.
2. Every July 1<sup>st</sup> beginning on July 1, 2024, the amount of benefit for these items shall be adjusted upward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
3. When the amount of Funding for Affordable Housing, Infrastructure Improvements and Employment Training, Below-Market Commercial Space, or Streetscape, Open Space, and Floor Control Improvements results in a fractional number of additional dwelling units permitted above the base, the number of units permitted above the base is rounded up to the nearest whole number.
4. Additional dwelling units are only permitted for each increment of 100 Square Feet of Below-Market Commercial Space. For instance, 150 square feet of Below-Market Commercial Space in a project does not allow any more dwelling units above the base than 100 square feet. Additional benefits would require an increment of at least 100 more square feet.
5. The additional dwelling units above the base shown in this row of the table is the maximum permitted for providing public restrooms, regardless of the number of public restrooms provided.
6. Every July 1<sup>st</sup> beginning on July 1, 2024, the number of additional units permitted through providing two public restrooms shall be adjusted downward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost



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index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.

7. Additional dwelling units are only permitted for each increment of \$150,000 of investment in Streetscape, Open Space, and Flood Control Improvements. For instance, \$200,000 worth of improvements does not allow any more dwelling units above the base than \$150,000. Additional benefits would require an additional increment of at least \$150,000.
8. See Section 15.72.100(B)5 for Affordable Housing Impact Fees requirements when using the Zoning Incentive Program.

**Table 17.101K.08 Non-Residential ZIP Benefits: Community Benefits Required to Earn Additional Nonresidential Floor Area, by ZIP Benefit Area**

Benefit Increment Provided	Square Feet of Nonresidential Floor Area Earned Above the Base Maximum		
	Benefit Area C-A	Benefit Area C-B	Benefit Area C-C
<b>\$15,000 of Funding for Affordable Housing, Infrastructure Improvements, and Employment Training</b> (See Note 1., 2.)	682 sf. of nonresidential floor area above the base maximum	1,000 sf. of nonresidential floor area above the base maximum	1,250 sf. of nonresidential floor area above the base maximum
<b>100 Square Feet of Below-Market Commercial Space</b> (See Notes 2., 3.)	1,318 sf.	1,933 sf.	2,417 sf.
<b>Two or More Public Restrooms</b> (See Notes 2., 4., 5.)	40,909 sf.	60,000 sf.	75,000 sf.
<b>\$150,000 in Streetscape, Open Space, and Flood Control Improvements</b> (See Notes 2, 6)	6,820 sf.	10,000 sf.	12,500 sf

**Notes**

1. Additional nonresidential floor area above the base is only permitted for each increment of \$15,000 of Funding for Affordable Housing, Infrastructure Improvements and Employment Training.
2. Every July 1<sup>st</sup> beginning on July 1, 2024, the amount of additional floor area for these community benefits (not including restroom community benefit) shall be adjusted upward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
3. At least 1,000 square feet of Below-Market Commercial Space must be provided to qualify for additional nonresidential floor area above the base. Additional nonresidential floor area above the base is only permitted for each increment of 100 Square Feet of Below-Market Commercial Space. For instance, 150 square feet of Below-Market

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Commercial Space in a project does not provide any more nonresidential floor area above the base than 100 square feet. An additional benefit would require an additional increment of at least 100 more square feet.

4. The additional nonresidential floor area above the base shown in this row of the table is the maximum permitted for providing public restrooms, regardless of the number of public restrooms provided.
5. Every July 1<sup>st</sup> beginning on July 1, 2024, the amount of additional floor area permitted through providing two public restrooms shall be adjusted downward annually at the rate of inflation in accordance with the percentage increase from January to January in the building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs, as necessary. The adjustment shall be automatically effective regardless of whether the Master Fee Schedule has been amended to reflect the adjustment.
6. Additional nonresidential floor area above the base only permitted for each increment of \$150,000 of investment in Streetscape, Open Space, and Flood Control Improvements. For instance, \$200,000 worth of improvements does not allow any more floor area above the base than \$150,000. Additional benefits would require an additional increment of at least \$150,000.

### **17.101K.120 – Increased density and floor area ratio through the transfer of development rights in the D-DT Zones.**

A. Definitions. The following definitions shall apply to this Section:

1. “Development Rights” means the maximum allowed dwelling units and floor area established in the zoning regulations for a specific lot.
2. “Net Development Rights” means the difference between: 1) the development rights on a lot, and 2) the existing floor area and number of dwelling units on the same lot. For example, if the underlying zoning permits a maximum of fifty (50) dwelling units on a lot, and the same lot contains forty (40) dwelling units, then the net development rights for density available for transfer is ten (10) dwelling units.
3. “Transfer of Development Rights (TDR)” means the transfer of some or all of the net development rights from a sending site to a designated receiving site, resulting in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. For example, a transfer of development rights for number of dwelling units has occurred if the sending site described in definition (2), above, transfers all its net development rights to allow a receiving site to construct ten (10) dwelling units more than normally permitted in the zoning regulations. In this case, the sending site would not be permitted to contain more than the existing forty (40) dwelling units, because it transferred the site’s net development rights to the receiving site.
4. Receiving Site. A development site that receives net development rights from a sending site.
5. Sending Site. A lot that sends some or all its net development rights to another proposed development site.

B. A transfer of development rights from a sending site to a receiving site in a D-DT Zone is only permitted if it meets the requirements of this section. This section shall supersede the regulations contained in Section 17.106.050.

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- C. Development rights from a single sending site may be transferred as a group to a single receiving site or in separate increments to several receiving sites. Development rights may be transferred from the original owner of the development rights to either: 1) the owner of a receiving site, or 2) to an entity(s) that holds them for subsequent transfer to the owner(s) of a receiving site(s).
- D. Prior to the transfer of development rights, the owner of the sending site shall submit for approval by the Bureau of Planning, in consultation with the Office of Cultural Heritage Survey, a maintenance plan. The plan shall describe any proposed preservation work that guarantees the maintenance and upkeep of the sending site. This plan shall include:
  - 1. A plan for the ongoing maintenance for the sending site, including clearing any outstanding Notices of Violation;
  - 2. Information regarding the nature and cost of any preservation work to be conducted on the sending site, including information about any required seismic, life safety, or disability access work; and
  - 3. Any other information that the Bureau of Planning requires to determine compliance to this subsection.
- E. For any transfers of development rights, the owners of the sending site shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder under the addresses of both the receiving and sending sites, incorporating the restricted development rights at the sending site, the plan described in Subsection D, and the expanded development rights at the receiving site.
- F. After the transfer of development rights, the principal building(s) on the sending site shall not be demolished unless there is an imminent danger to health and safety as determined by the Building Official.
- G. Characteristics of the sending and receiving sites.
  - 1. Both the receiving and sending sites must be within a D-DT Zone.
  - 2. The sending site shall be at least one of the following: 1) a Designated Historic Property (DHP); 2) a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); or 3) a property rated "A" or "B" by the Office of the Cultural Heritage Survey.
  - 3. The receiving site shall be neither: 1) a Designated Historic Property (DHP); 2) a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); nor 3) a property rated "A" or "B" by the Office of the Cultural Heritage Survey.
  - 4. A receiving site being granted additional density over the base must be in a location that permits Residential Facilities, and a receiving site being granted additional nonresidential floor area over the base must be at a location that permits Enclosed Nonresidential Facilities.
- H. Relationship to the Zoning Incentive Program and the State Density Bonus Law.
  - 1. The number of units and/or floor area greater than what is permitted under the base density at a receiving site achieved through a transfer of development rights shall not be more than half of the maximum of what could be achieved through the D-DT Zoning Incentive Program (see Section 17.101K.110 for the ZIP regulations) . For example, if the ZIP allows twenty (20) more units and fifty thousand (50,000) more square feet than what is normally allowed by the base intensity regulations at a site, then the maximum a transfer of development rights can achieve is ten (10) units and twenty-five thousand (25,000) square feet over what is allowed under the base intensity at the site.
  - 2. The intensity achieved through the TDR program plus the intensity achieved under the ZIP shall not exceed the maximum permitted under the ZIP.

3. If an applicant chooses to utilize both the TDR program and the State Density Bonus Law, the State Density Bonus is calculated from the new base density established through the TDR, plus any additional development generated under the Zoning Incentive Program.
- I. Construction at a receiving site above the maximum height that is permitted in the applicable base zone are only permitted upon the granting of Regular Design Review Approval. This increase over the maximum height shall meet both of the following requirements:
  - a. The additional height shall be limited to only that required to physically accommodate the transferred net development rights. The additional height required to accommodate the transferred development rights shall be based on the average size of the dwelling units (including common hallways) at the sending site and the nonresidential floor area transferred to the receiving site.

**17.101K.130 – General Design Standards**

- A. The following regulations apply to newly constructed principal buildings, with the exception of new industrial buildings.
  1. Ground Floor Treatment
    - a. Entrance. Buildings shall have at least one prominent pedestrian entrance on the ground floor facing and oriented toward the street on the principal street façade (see Section 17.101K.080 for how to identify the principal street). Entrances at building corners facing both the principal street and a secondary street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of change in material, an awning above a door, additional detailing and transparency surrounding the entrance, stairs leading to the door, and other features. The entrance for Nonresidential Facilities shall be at grade. Entrances shall be recessed at least three (3) feet from the façade of all buildings.
    - b. Ground Floor Materials. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include stone, poured concrete, tile, brick, metal panel systems, glass, and/or other similar materials.
    - c. Distinguishing Ground Floor. The ground level of the building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This shall be achieved by designing a ground floor facade that is distinct from the rest of the building through some combination of two or more of the following: change of material, enhanced detailing, cornices, awnings, canopies, and/or other elements.
    - d. Ground Floor Commercial Façade Elements. For buildings with ground floor commercial space, the ground floor shall be modulated into a regular cadence of storefront-sized windows and entrances and contain a window base or kickplate, and transom windows. The design of these elements shall be consistent with the style of the building. Ground floor commercial facades shall be within five (5) feet of the front property line.
    - e. Active Space Requirement. Parking spaces; locker areas; utility, storage, and trash rooms; and similar non-active spaces shall not be located within thirty (30) feet from the principal ground floor street facade, except for incidental entrances to such activities elsewhere in the building. Exceptions to this requirement can be made through the Design Review Procedure (See Chapter 17.136). Proposals requiring Regular Design Review approval may only be granted upon determination that the proposal conforms to the criteria contained in Section 17.136.050, and to both of the following additional criteria:

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- i. There is no other feasible location for the non-active space and the amount of non-active space in the front thirty (30) feet of the building is minimized to the maximum amount practically achievable; and
    - ii. When feasible, active space is placed between the non-active space and the street.
  - f. **Trash and Storage.** Trash and storage shall be in the garage, underground, or be otherwise concealed from view of the public right-of-way. Trash and storage shall not be placed adjacent to the principal street facade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street).
  - g. **Utilities.** Backflow prevention devices and utility meters shall not be placed on the principal street façade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street). These elements shall be placed in a building alcove, underground, landscaped area, or utility room, and completely screened from view from the public right-of-way unless required otherwise by a department of the City. Whenever feasible, transformers shall be placed out of public view and not on the principal street facade. If this is infeasible, transformers shall be screened by landscaping. Transformers shall never be placed above ground in the right-of-way.
  - h. **Parking and Loading Access Location.** Access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from a secondary street facade or an alley (see Section 17.101K.080 for how to identify the principal street). Open parking areas shall not be located between the sidewalk and a principal building.
2. **Base Design.**
  - a. **Transition to Historic Buildings.** The design of the building base shall create a transition to adjacent lower scale Designated Historic Properties (DHPs) and Potentially Designated Historic Properties (PDHPs). This shall be accomplished through matching cornice lines, floor heights and other building elements, and creating volumes at the façade of the base that relate to the scale of the historic building.
  - b. **Building Base Articulation.** The façade(s) of the base that are more than seventy-five (75) feet in width and visible from the street shall use both vertical and horizontal plane offsets, articulations, and material changes that create shadow and relief.
  - c. For buildings with a clear pattern of individual ground floor residential unit entrances: wherever feasible, articulate and modulate the principal facade of the building base to correspond to the entrances.
  - d. **Windows and Façade Treatment.** Each building base façade facing a street shall contain windows. Expanses of solid walls without windows on these facades shall not exceed ten (10) feet in width. However, wider solid walls required by the Building Code for structural purposes are permitted.
  - e. For corner buildings, design the building base to emphasize the intersection of two streets right-of-ways that are both eighty (80) feet or wider in width through a combination of building corner architectural detailing such as added transparency, particularly floor to ceiling windows, a corner entrances, articulation, and high-quality materials, and chamfering the corner.
  - f. Parking, loading, or circulation located above the ground floor shall be lined by habitable floor area along all street frontages. If the applicant demonstrates that this is not feasible, parking, loading or circulation located above the ground floor shall be screened from the street with a façade treatment that is integrated into the design of the building façade(s).
3. **Tower Design.** The following standards apply to towers, which is defined as construction above the base of a building.

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- a. Each façade shall include some combination of fenestration, sculpting, volumes, articulation, and/or material patterns to reduce the perception of building mass and avoid the appearance of repeated identical floors.
  - b. For tower facades over one-hundred and fifty (150) feet in width, provide a change in massing by providing one or more articulations, stepbacks, or notches greater than twenty (20) feet wide and ten (10) feet deep to reduce apparent building bulk.
  - c. Design Integration with Base. Vertically integrate with and/or extend design elements of a tower to building the base façade facing the street. This technique shall be used to avoid the appearance of towers being isolated from the street and the base.
  - d. Windows. Each visible tower facade shall contain windows, including façades facing interior and rear property lines. Expanses of solid walls without windows that are visible from the street shall not exceed twenty (20) feet in width.
  - e. Building Terminus. The top of buildings shall include elements that provide a distinct visual terminus. The visual terminus shall be integrated into the overall architectural design concept of the building as seen in the skyline. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, symmetric volumes toward the middle of the roof, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to also screen all rooftop mechanical equipment from view.
4. General building design requirements.
- a. Massing. The mass of buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this section shall be applied on all visible facades and achieved through a coordinated combination of two or more of the following: changes in plane, sculpting, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
  - b. Heavily tinted bronze, black, or gray glass shall not predominate on or be a signature feature of facades.

### **17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel**

- A. The regulations of this section apply to the new construction of principal buildings on parcels that are adjacent to the Lake Merritt Channel or its adjacent open space.
- B. The following definition only applies to this Section:
  1. Lake Merritt Channel Facade - Lake Merritt Channel Facade refers to the façade and private and public space that abuts either: 1) the Lake Merritt Channel; or 2) existing and/or planned parks and open spaces that border the Lake Merritt Channel.
- C. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel.
- D. In addition to the findings required in Chapter 17.136, the following Regular Design Review findings are required to be met for all development projects that include the construction of a new principal building on a lot that is adjacent to the Lake Merritt Channel open space area:
  1. The project contributes to and protects the unique environmental resources at the Channel and coordinates with ongoing and proposed capital improvements and restoration projects associated with the Lake Merritt Channel.

2. The project landscaping integrates with and visually transitions to existing or planned adjacent natural and open spaces.
  3. The Lake Merritt Channel façade provides visual interest for pedestrians at the Lake Merritt Channel.
- E. New development shall comply with the following building orientation, facade, and landscape requirements:
1. Whenever feasible, no Lake Merritt Channel Facade shall include utility meters, utility boxes, or vehicle entryways. If it is unavoidable to place utility meters and/or boxes on the Lake Merritt Channel Façade, they shall be screened by dense landscaping. No garages shall face the channel, and at least one prominent entrance shall face the channel.
  2. Developments shall include open spaces in the form of walkways, landscaped passive recreation areas or terraced plazas between the Lake Merritt Channel Facades and the Channel.

**17.101K.150 – Usable Open Space Standards**

- A. General. This Section contains the usable open space standards and requirements for residential development in the D-DT Zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-DT usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
  2. "Public Ground-Level Plaza". Public ground-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.
  3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
  4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of at least sixty (60) square feet per Regular Dwelling Unit, and thirty (30) square feet per Rooming Unit and Efficiency Dwelling Unit. No additional open space is required for newly established living units located entirely within an existing facility. However, if the amount of open space on the lot equals or is less than required, then that existing amount must be preserved with the establishment of new living units. If there is more open space on the lot than required, then the amount of open space can be reduced to the minimum required.
  2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

**Table 17.101K.12: Required Dimensions of Usable Open Space**

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft	

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Type of Usable Open Space	Minimum Dimension	Notes
Public Ground-Level Plaza	10 ft	
Courtyard	15 ft	
Rooftop	15 ft	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof but shall not be more than the minimum height required by the Oakland Building Code.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. 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.
7. Landscaping requirements. At least ten percent (10%) of rooftop, courtyard, or public ground-level plaza usable open space area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

**Article V – D-DT Combining Zones**

17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

17.101K.170 – Green Loop Combining Zone

17.101K.180 – Sea Level Rise Combining Zone.



### **17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations**

- A. The regulations of this section only apply to areas designated to be within the Black Arts Movement and Business District Arts and Culture Combining Zone (D-DT-BA Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Definition of BAMBD Arts and Culture Activities.
1. BAMBD Arts and Culture Activities. BAMBD Arts and Culture Activities produce, display, sell, foster, support or disseminate artistic and cultural expression representative of the multi-ethnic character of the BAMBD. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. All BAMBD Arts and Culture Activities are categorized in one of the following two subclassifications:
    - a. BAMBD Administrative Arts and Culture Activities. These types of activities support the intent of this combining zone through general administrative functions. These include, but are not limited to, administrative support for art- and culture-related non-profit educational organizations, institutions, and businesses. These activities also include organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities represented by the BAMBD and/or harmed by racial disparities.
    - b. BAMBD Active Arts and Culture Activities. These types of activities provide pedestrian-oriented, accessible, active and/or high visibility functions. These uses include, but are not limited to, the following:
      - i. Public and private performance spaces, including dance, theater and spoken-word venues;
      - ii. Schools focusing on arts and/or cultural education;
      - iii. Artisan Production Commercial Activities, as described in Section 17.101K.050;
      - iv. Art studios;
      - v. Libraries;
      - vi. Museums and galleries; and
      - vii. Retail stores, bookstores, consumer services such as barber shops and salons, cafes, restaurants and bars that display rotating visual art, host performances and/or are oriented toward the specific cultures or ethnicities identified in the intent of this Combining Zone.
- C. Determination of a BAMBD Arts and Culture Activity. The determination of whether a proposal is a BAMBD Arts and Culture Activity shall be made by the Planning Director, or his or her designee. Such determination shall be subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- D. Ground floor non-BAMBD Arts and Culture Activities that are permitted or conditionally permitted in the primary zone are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). Any approval shall meet the findings contained in Section 17.134.050 and the following additional findings:
  - a. The proposal will enhance the character of the D-DT-BA Combining Zone;
  - b. For projects within both the D-DT-P Zone and D-DT-BA Combining Zone, the proposal will bring customers to the area and will not weaken the concentration and continuity of BAMBD Active Arts and Culture Activities at ground level;
  - c. For proposals within the D-DT-BA Combining Zone but outside the D-DT-P Zone, the proposal will not weaken the concentration and continuity of BAMBD Arts and Culture Activities at the ground level.

**17.101K.170 – Green Loop Combining Zone**

- A. The regulations of this section apply to areas designated to be within the Green Loop Combining Zone (D-DT-GL Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Green Loop Frontage Regulations. The following regulations are required for developments that include the construction of a new principal building:
1. Buildings that include ground-floor commercial storefronts shall be designed to accommodate at least one (1) form of outdoor seating and/or tables for patrons. Examples include parts of a building frontage setback for full-service tables, built-in benches, and plazas.
  2. Building entrances and/or storefronts shall include awnings or canopies at the ground floor to provide weather protection and sense of enclosure for pedestrians.
  3. A six (6) foot space shall be provided between any ground floor residential façade and the sidewalk for the placement of landscaping.
  4. Ground floors shall be illuminated by building-mounted hooded decorative lights.
  5. New development of a principal building that is three (3) stories or more shall incorporate at least one (1) of the following ground-floor facade treatment(s):
    - a. Vining plant supports which contain vertical or hanging gardens; or
    - b. Landscaped trellises or other structural additions.
- C. Green Loop Landscape Standards. Development that includes the new construction of a principal building shall be landscaped according to the following standards:
1. At least seventy-five percent (75%) of any ground floor open area between the principal building and the sidewalk shall be improved with features such as decorative paving, stepped planter formations, decorative planting containers, and in-ground landscaping.
  2. At least fifteen percent (15%) of any courtyard usable open space between the principal building and the sidewalk shall include planting, as described in Section 17.101K.150.
  3. Landscaping shall be composed of a combination of trees, plants, vines, and shrubbery that is suited to the Oakland climate.
  4. Fencing or other screening feature shall not create a significant visual barrier between the public right-of-way and any publicly accessible ground floor open space area.

**17.101K.180 – Sea Level Rise Combining Zone.**

- A. The regulations of this section apply to areas designated to be within the Sea Level Rise Combining Zone (D-DT-SLR Combining Zone) on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Developments that include the construction of any new principal building within the Sea Level Rise Combining Zone shall be required to submit a Sea Level Rise Adaptation Plan (SLRAP) for: 1) the review and approval of the Director of Planning or their designee, and 2) implementation by the applicant.
- C. The SLRAP shall be written by a licensed civil engineer or architect approved and managed by the Director of Planning or their designee.
- D. The SLRAP shall describe required site-specific measures to adapt to changes in rising sea level and related groundwater intrusion through 2050, including methods to protect human life and health; protect property; minimize the need for rescue and relief efforts associated with flooding; minimize prolonged evacuations and business interruptions due to flooding; and minimize damage to surrounding public utilities and infrastructure. All structures and infrastructure elements must be designed to be resilient to flood impacts.
- E. The SLRAP shall consider site-predicted base flood elevations, inundation levels, storm surge, and groundwater table changes, and any other relevant items.

Where physically feasible, the minimum height of the finished floor of the bottom story of new buildings shall be at least twenty-four (24) inches higher than the future potential inundation level. Only nonhabitable spaces, including but not limited to parking and

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storage are permitted below this finished floor; and this under-floor area shall include openings that easily allow water to flow into and out of the space. Other resiliency measures may include anchoring the building, siting the building in areas least vulnerable to flooding, and locating utilities outside predicted inundation areas.